Community Development Department

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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: June 17, 2021 **Application #s:** Z 20-04, AS 20-14, TM 20-03

APN: 841-66-014 and 814-66-015

Project Title: Chestnut & Tenth Street Commercial Project

Project Location: 401 & 405 East Tenth Street, City of Gilroy, CA

Project Applicant: Alex Gonzales, Director of Development, Evergreen Devco, Inc.

Project Description: The proposed project proposes to rezone the site from C3 and CM to C3-Planned Unit Development (PUD) overlay district in order to demolish and remove all improvements on-site and construct a 120-room hotel, a carwash, and four commercial buildings (one of which would include a gasoline service station and convenience store and the remaining three which would include drive-through service). The four commercial buildings and carwash would total approximately 19,649 square feet. The site would be subdivided into six separate parcels.

I. DETERMINATION

In accordance with the City of Gilroy procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and therefore, this MITIGATED NEGATIVE DECLARATION (MND) has been prepared.

II. CONDITIONS (Mitigation Measures)

A. Air Quality

Impact AIR-1: The project's construction and operational air pollutant emissions would result in a significant community health risk (i.e., cancer risk) to nearby sensitive receptors.

MM AQ-1.1: The project shall implement the following measures during all phases of construction to control exhaust at the project site:

- The project applicant shall ensure that construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet or exceed at least U.S. EPA Tier 2 emission standards for PM (PM_{10} and $PM_{2.5}$) with CARB Level 3 verifiable diesel emission control devices (VDECS), if one is available for the equipment being used. Alternatively, use of equipment with Tier 4 engine standards would also be acceptable and would not require VDECS.

B. Biological Resources

Impact BIO-1: Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction.

MM BIO-1.1: 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 shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall 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 shall be conducted no more than one week prior to initiation of disturbance and/or construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the City of Gilroy Community Development Director or his or her designee 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 is detected during the survey, then a plan for active bird nest avoidance shall be completed to identify 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.

To ensure that no inadvertent impacts to an active bird nest would occur, no disturbance and/or construction activities shall 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.

C. Cultural Resources

Impact CUL-1: While unlikely, the project could impact paleontological resources during construction.

MM CUL-1.1: If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Community Development Department shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Community Development Department.

D. Greenhouse Gas

Impact GHG-1: Project operations would result in significant GHG emissions.

MM GHG-1.1: The applicant shall mitigate the project's GHG impact to a less than significant level as outlined below.

- Threshold: The applicant shall mitigate the project's operational GHG emissions to the target year threshold for the life of the project[1] to achieve the applicable year-specific quantitative threshold[2] up to the year 2030 threshold of 2.72 MT/CO2e/year/service population by purchasing and retiring carbon offset credits, based upon the amount of GHG emissions set forth in Table 4.8-1 of this Initial Study.

- Demonstration of Reduction: The applicant shall demonstrate its reduction of GHG emissions through the retirement of carbon offset credits provided that the following conditions are satisfied:

[1] The life of the project is assumed to be 30 years since building systems are generally substantially upgraded by year 30 (https://www.rdh.com/blog/long-buildings-last/; https://abgrealty.com/blog/life-span-commercial-building-components/; https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf.). California anticipates a significant increase in electric vehicles within the next 14 years (Executive Order N-79-20; https://www.experian.com/blogs/insights/2020/11/new-california-mandate-rekindles-electric-vehicle-buzz/). Treating a building's and its associated automobile GHG lifespan as 30 years appears conservative and is consistent
with the methodology employed by the South Coast Air Quality Management District.

[2] The year-specific quantitative threshold in MT/CO2e/year/service population from 2023 to 2030 are as follows:
2023: 4.08
2024: 3.85
2025: 3.63
2026: 3.42
2027: 3.23
2028: 3.05
2029: 2.88
2030: 2.72

- Registry Performance Standards: The applicant shall provide proof to the City's Community Development Director or his or her designee that the carbon offset credits were issued by a registry meeting the following requirements:
  - The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting;
  - The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Community Development Director or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure.
- Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.[3]

[3] The following terms in this mitigation are defined as follows: "Additional" means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. "Real" means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. "Verifiable" means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. "Permanent" means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure

To demonstrate compliance with such requirements, the developer shall provide the following to the City's Community Development Director or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Community Development Director or his or her designee shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Community Development Director or his or her designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used.

- Geographic Limitations: The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.

- Timing: The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent. A conservative estimate of the offset credits that need to be

permanence, reductions from purchased credits must have already occurred. "Quantifiable" means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. "Enforceable" means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

purchased by the project applicant for the lifetime of the project is 21,193 MT.[4]

- Enforcement: The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with the requirements of MM GHG-1, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.

- Adjustment: The required amount of carbon offset credits may be adjusted to account for changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows:

    - The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, cool roofs, charging for parking, providing free transit passes,

[4] This was estimated by: 1) calculating the amount of offset credits needed for year 2023 (680.48 MT) and assuming that amount is required for each year from 2023 to 2029 (680.48 MT x 7 years = 4,763.36 MT); 2) calculating the amount of offset credits needed for year 2030 (714.32 MT) and assuming that amount is required for each year from 2030 to 2053 (714.32 MT x 23 years = 16,429.36); and then adding the sum of the MT for those 30 years together (4,763.36 MT + 16,429.36 MT) to arrive at a conservative estimate of offset credits needing to be purchased to cover the lifetime of the project. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1.1

etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the City's Community Development Director or his or her designee for review and approval.

OR

- If the City has adopted a qualified GHG reduction strategy that covers the project, the project applicant can demonstrate that the project is consistent with the applicable mandatory measures in the GHG reduction strategy by submitting written proof documenting the project's consistency to the City's Community Development Director or his or her designee for review and approval. If the project is consistent with the applicable mandatory measures in the GHG reduction strategy, it is concluded that it would result in a less than significant GHG impact and no further mitigation is required.

E. Hazards and Hazardous Materials

Impact HAZ-1: Due to historic and existing hazardous materials storage and/or use, soils on-site may be contaminated with hazardous materials.

MM HAZ-1.1: A Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials, if encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate and current risk-based screening levels for the proposed use. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate remediation measures.

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (or equivalent oversight agency) for review and approval. A copy of the approved SMP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;

- Identification of proper remediation as needed (i.e., removal of ACMs and LBP) for demolition of existing structures;
- Requirements for periodic observations and field screening of exposed/ excavated soil for indications of contamination including remedial soil segregation during excavation;
- Procedures for proper management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Procedures for proper management of underground structures encountered, including utilities and/ or underground storage tanks;
- Procedures to follow if evidence of any unknown historic release of hazardous materials (e.g., underground storage tanks polychlorinated biphenyls [PCBs], Total Petroleum Hydrocarbon (TPH), VOCs, asbestos containing materials, lead-based paint, etc.) are discovered.

A Health and Safety Plan (HSP) for each contractor working at the site shall be completed by a qualified professional that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. The HSP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits.

III. FINDING

The City of Gilroy herby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the Initial Study are included in the project.

IV. LEAD AGENCY REPRESENTATIVE

Karen Garner — Date
Community Development Director

I. CONTACT INFORMATION

For additional information, please contact Kraig Tamborini, Senior Planner at the City of Gilroy Planning Division at (408) 846-0214. Written comments may be sent to Kraig Tamborini via email at Kraig.Tamborini@CityofGilroy.org or via mail at City of Gilroy Planning Division, 7351 Rosanna Street, Gilroy, CA 95020.

Initial Study

Chestnut & Tenth Street Commercial Project

File Numbers: AS 20-14 (20070017),
TM 20-03 (20070020), and Z 20-04 (20070021)

Prepared by

CITY OF GILROY

INCORPORATED MARCH 12, 1870

CALIFORNIA

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.

ENVIRONMENTAL CONSULTANTS & PLANNERS

June 2021

TABLE OF CONTENTS

Figures

TABLE OF CONTENTS

Tables

Appendices

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Gilroy, as the Lead Agency, has prepared this Initial Study for the Chestnut & Tenth Street Commercial project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City Gilroy, California.

The project proposes to construct a 120-room hotel, a carwash, and four commercial buildings (one of which would be a gasoline service station). This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Kraig Tambornini, Senior Planner
Community Development Department, Planning Division
7351 Rosanna Street
Gilroy, CA 95020
Kraig.tambornini@cityofgilroy.org

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Chestnut & Tenth Street Commercial Project

2.2 LEAD AGENCY CONTACT

Kraig Tambornini, Senior Planner
City of Gilroy
Community Development Department
7351 Rosanna Street
Gilroy, CA 95020
(408) 846-0214
Kraig.tambornini@cityofgilroy.org

2.3 PROJECT APPLICANT

Alex Gonzalez, Director of Development
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016
(602) 808-8600
agonzalez@evgre.com

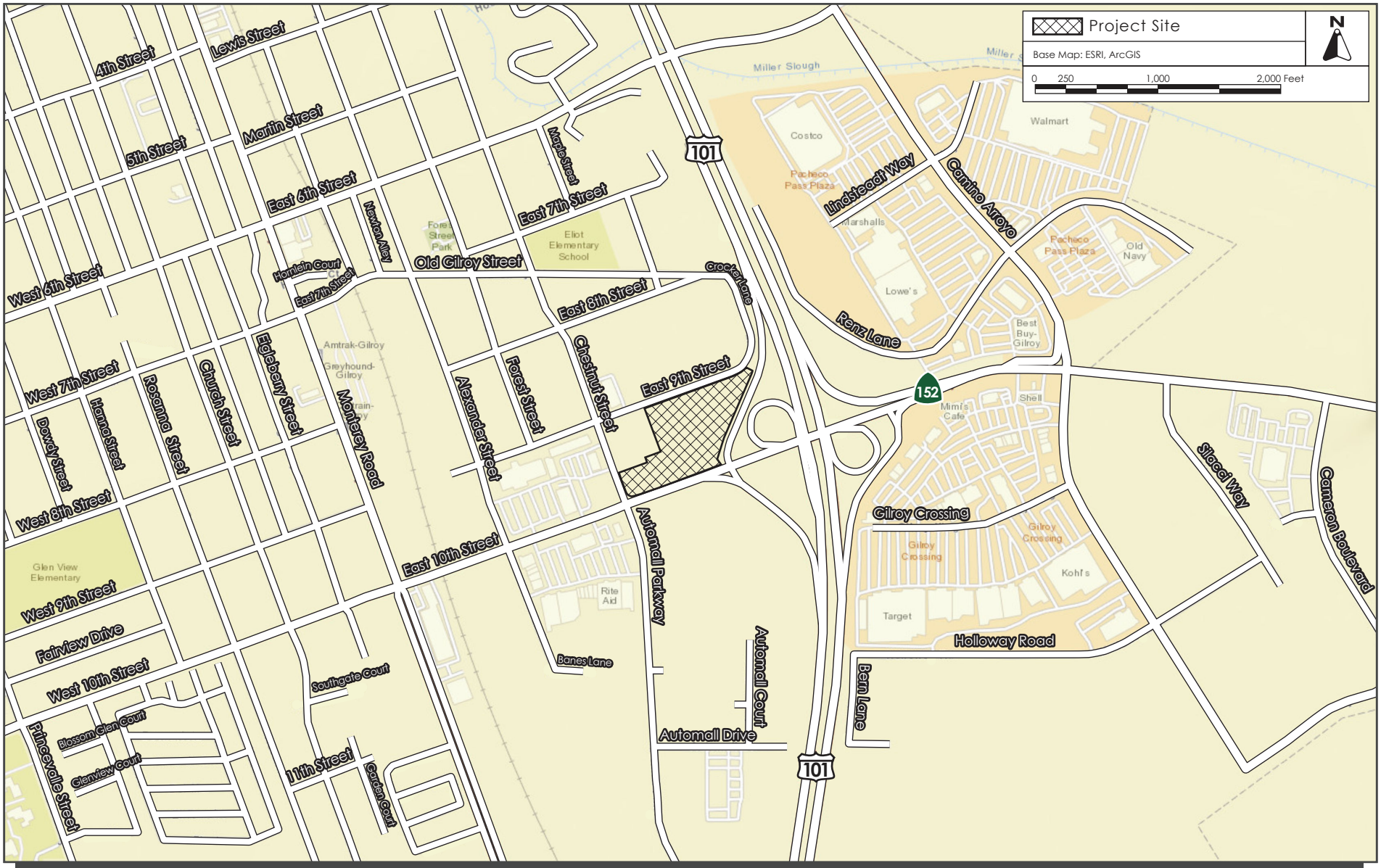
2.4 PROJECT LOCATION AND BRIEF EXISTING CONDITION DESCRIPTION

The approximately 6.8-acre project site is located at the northeast corner of East Tenth and Chestnut Streets, in the eastern portion of the City of Gilroy (Assessor Parcel Numbers [APNs] 841-66-010, -011, -014, and -015). The project site is bounded by East Ninth Street to the north, East Tenth Street to the south, Highway 101 off-ramp to the east, and Chestnut Street to the west. The project site includes the following addresses: 401 and 505 East Tenth Street, and 450 East Ninth Street.

The project site is currently developed with three buildings: 1) an approximately 10,850-square foot, single-story, multi-tenant L-shaped commercial building; 2) an approximately 10,200-square foot, single-story, rectangle-shaped industrial building occupied by a trucking company; and 3) an approximately 1,500-square foot, single-story, rectangle-shaped office building. Existing landscaping on the project site is limited to the perimeter of the site. There are 29 trees located on and adjacent to the project site, including 11 on-site trees, 13 street trees, and five off-site trees along the Highway 101 Southbound off-ramp (refer to Section 4.4 Biological Resources for details on existing trees).

Uses surrounding the project site include commercial and industrial uses to the north (across Ninth Street) and west (across Chestnut Street), and commercial uses to the south (across Tenth Street) and east (across Highway 101). The Gilroy Fire Department Chestnut Station is adjacent to the west of the site. A regional map, vicinity map, and aerial photograph with surrounding land uses are shown on Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3, respectively.

REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.5 ASSESSOR'S PARCEL NUMBERS

The assessor's parcel numbers (APN) for the project site are 841-66-010, -011, -014, and -015

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated as General Services Commercial in the General Plan and zoned Shopping Center Commercial (C3) (APNs 841-66-010 and -011) and Commercial Industrial (CM) (APNs 841-66-014 and -015).

2.7 HABITAT PLAN DESIGNATION

Private Development Area:	Area 4: Urban Development Equal to or Greater than Two Acres Covered
Land Cover:	Urban-Suburban
Land Cover Fee Zone:	Urban Areas (No Land Cover Fee)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require discretionary approvals including, but not limited to, the following:

- Rezone from C3 and CM to C3-Planned Unit Development (PUD) (file number Z 20-04)
- Architectural/Site Review Permit (file number AS 20-14)
- Tentative Map (file number TM 20-03)
- Habitat Plan Permit – Private Development Project
- City Encroachment Permit
- Caltrans encroachment permit

2.9 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

No other agency approval is required for the proposed project.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The project proposes to rezone the site from C3 and CM to C3-Planned Unit Development (PUD) overlay district in order to demolish and remove all improvements on-site and construct a 120-room hotel, a carwash, and four commercial buildings (one of which would include a gasoline service station and convenience store and the remaining three which would include drive-through service). The four commercial buildings and carwash would total approximately 19,649 square feet. The site would be subdivided into six separate parcels. Figure 3.1-1 shows the proposed conceptual site plan.

3.1.1 Proposed Uses

3.1.1.1 *Hotel*

The project would develop a five-story hotel building in the northwest corner of the project site. The hotel building would have a maximum height of 66 feet and four inches to the top of the parapet and would include up to 120 guest rooms. The hotel would include an outdoor pool to the west of the hotel building, and outdoor seating areas by the northwest and southwest corners of the hotel building.

The hotel would have one diesel generator of sufficient capacity to run essential equipment in the event of a power outage.

The hotel would operate 24 hours a day, seven days a week, and year-round. The most active times are check-in and check-out times (which are 4:00 p.m. to 7:00 p.m. and 8:00 a.m. to 10:00 a.m., respectively).

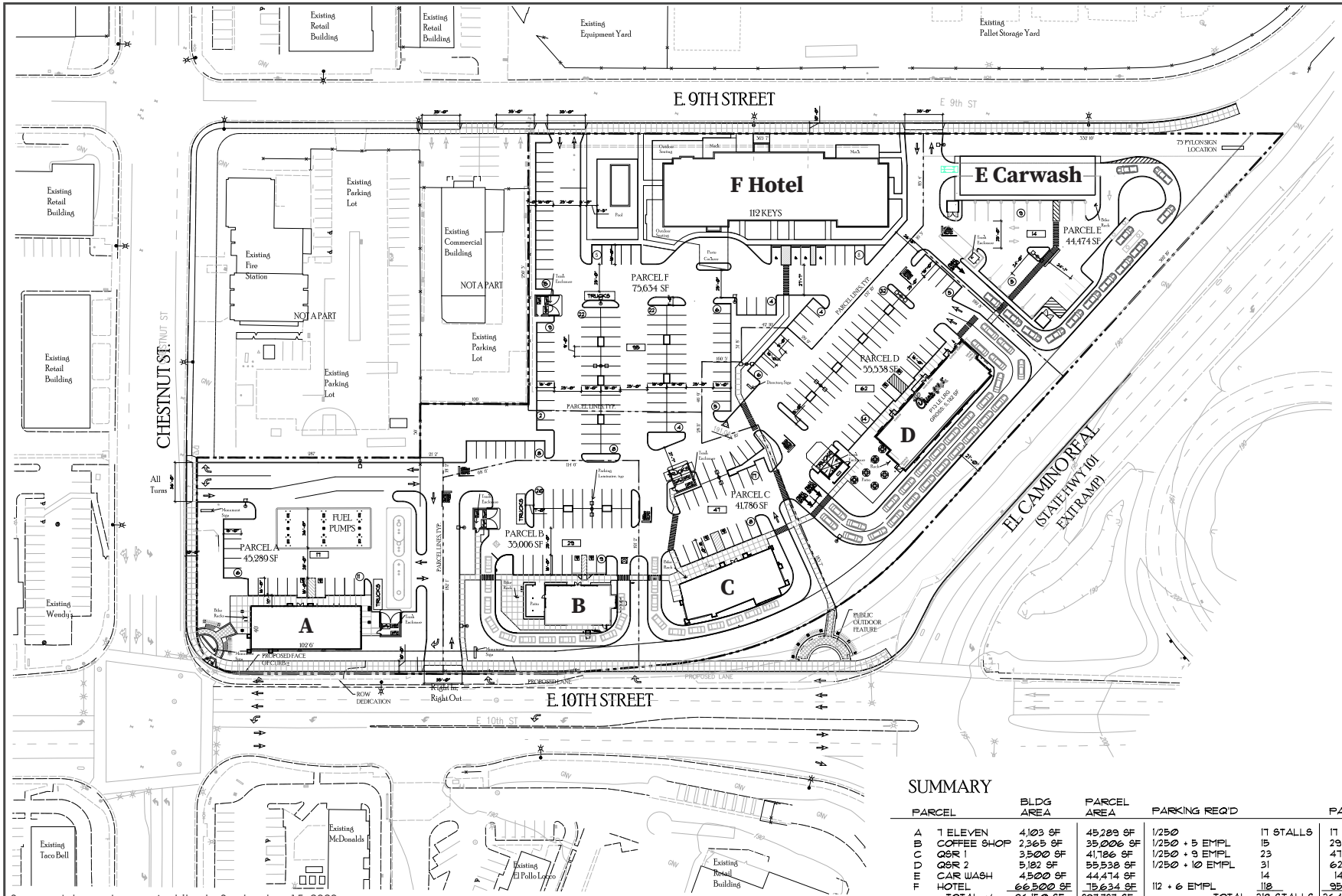
The hotel is expected to be staffed as follows:

- 4:00 a.m. to 12:00 p.m.: 14 employees
- 12:00 p.m. to 8:00 p.m.: eight employees
- 8:00 p.m. to 4:00 a.m.: four employees

A conceptual cross-section of the hotel is shown on Figure 3.1-1.

3.1.1.2 *Carwash*

The project would develop a one-story, up to 125-foot long, 4,500 square foot tunnel carwash building in the southeast corner of the project site. The carwash building would be 25 feet in height (including mechanical screening). The carwash would have 27 vacuum spaces. The carwash tunnel and vacuums would operate between the hours of 7:00 a.m. to 8:00 p.m., seven days a week. This operation would staff two to four employees per shift, with two shifts per day.



SUMMARY

PARCEL		BLDG AREA	PARCEL AREA	PARKING REQ'D		PARKING PROVIDED
A	7 ELEVEN	4,103 SF	45,289 SF	1/250	17 STALLS	17 STALLS
B	COFFEE SHOP	2,365 SF	35,006 SF	1/250 + 5 EMPL	15	29
C	QSR 1	3,500 SF	41,786 SF	1/250 + 9 EMPL	23	47
D	QSR 2	5,182 SF	55,538 SF	1/250 + 10 EMPL	31	62
E	CAR WASH	4,500 SF	44,474 SF		14	14
F	HOTEL	66,500 SF	75,634 SF	112 + 6 EMPL	118	95
	TOTAL +/-	86,150 SF	297,727 SF		TOTAL 218 STALLS	264 STALLS

Source: Johnson Lyman Architects, September 15, 2020.

CONCEPTUAL SITE PLAN

FIGURE 3.1-1

Source: SERA, September 3, 2020.

CONCEPTUAL HOTEL ELEVATION

FIGURE 3.1-2

3.1.1.3 *Other Commercial Buildings*

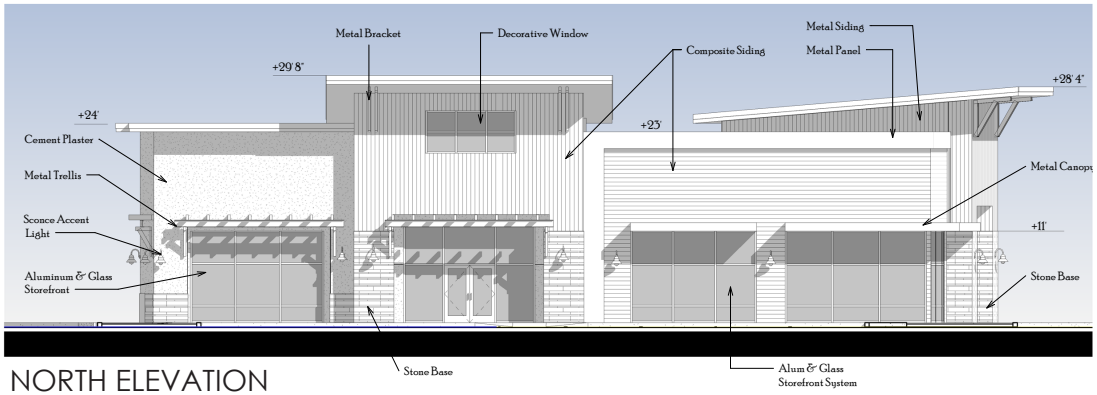
In addition to the hotel and car wash, the project would develop four, single-story commercial buildings. The commercial buildings would total approximately 17,000 square feet. A summary of the proposed buildings, square footages, and height are provided below.

Table 3.1-1: Summary of Commercial Buildings Proposed

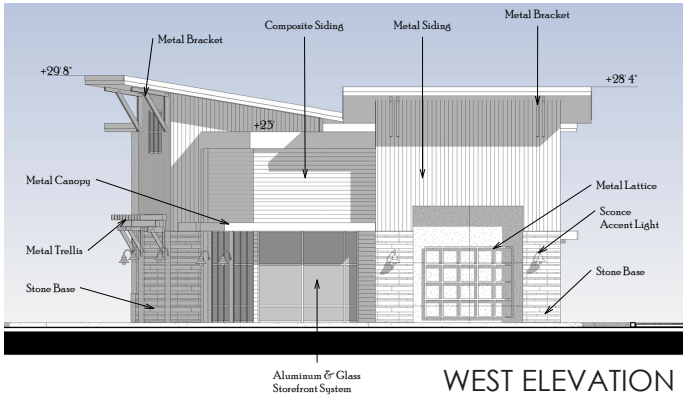
Commercial Building	Proposed Use	Building Square Footage	Maximum Height		Use Description
			To Top of Parapet	To Top of Highest Architectural Element	
A	Gasoline Service Station and Convenience Store	4,103	20	25	Six pumps (or 12 fueling positions) that would operate 24-hours a day and be staffed by two to four employees per shift, with two shifts per day.
B	Coffee shop with drive-through service and an outdoor patio	2,365	18	23	Three to six employees on any given shift, with two shifts per day. The hours of operation is expected to be from 4 a.m. to 10 p.m. Monday through Saturday and 5:30 a.m. to 9 p.m. on Sunday.
C	Restaurant with drive-through service and an outdoor patio.	3,500	20	35	16 to 20 employees on any given shift, with two shifts per day. The hours of operation is expected to be from 10 a.m. to 10 p.m. (and possibly midnight depending on demand)
D	Restaurant with drive-through service and an outdoor patio.	5,181	20	35	16 to 20 employees on any given shift, with two shifts per day. The hours of operation is expected to be from 10 a.m. to 10 p.m. (and possibly midnight depending on demand)

Conceptual cross-sections of the restaurant drive-throughs and convenience store are shown on Figure 3.1-3 and Figure 3.1-4.

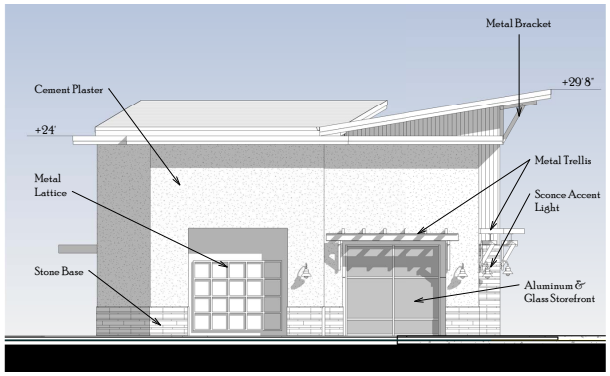
The entire commercial development proposed would generate approximately 104 to 134 employees on-site.



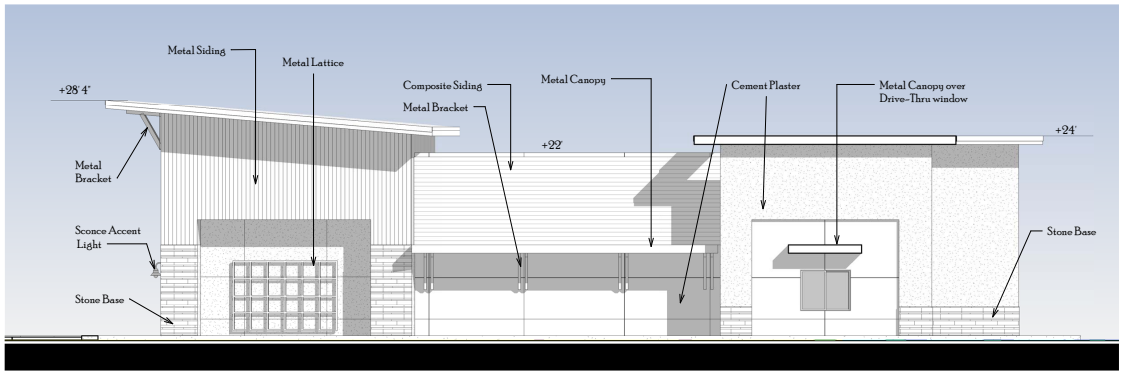
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

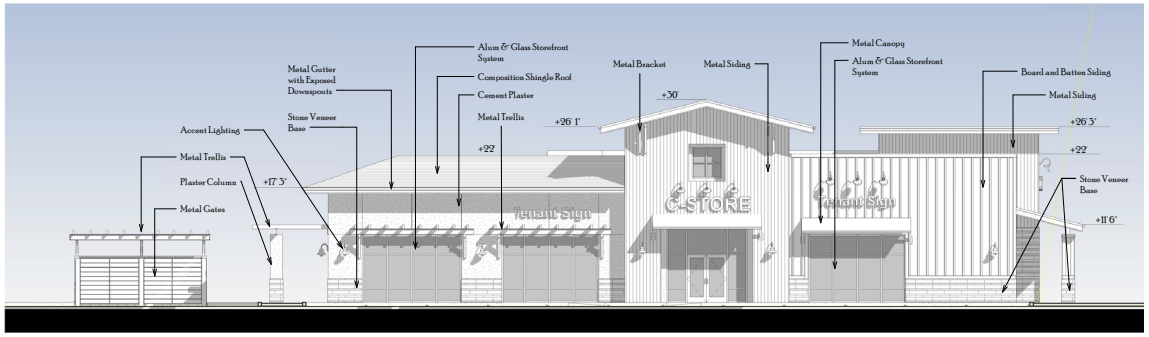


SOUTH ELEVATION

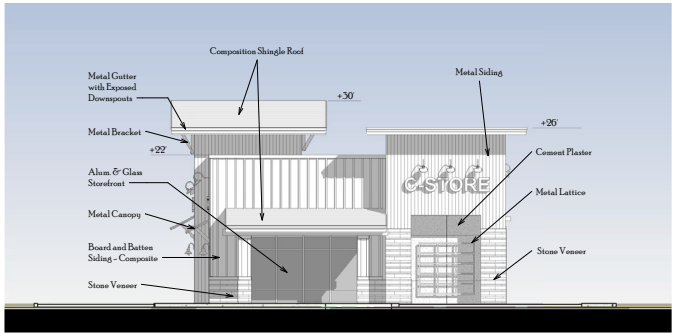
Source: Johnson Lyman Architects, July 15, 2020.

CONCEPTUAL QUICK SERVE RESTAURANT ELEVATIONS

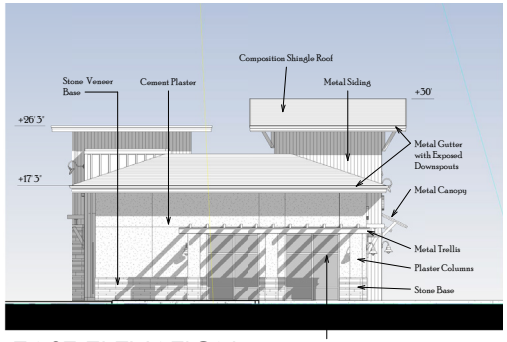
FIGURE 3.1-3



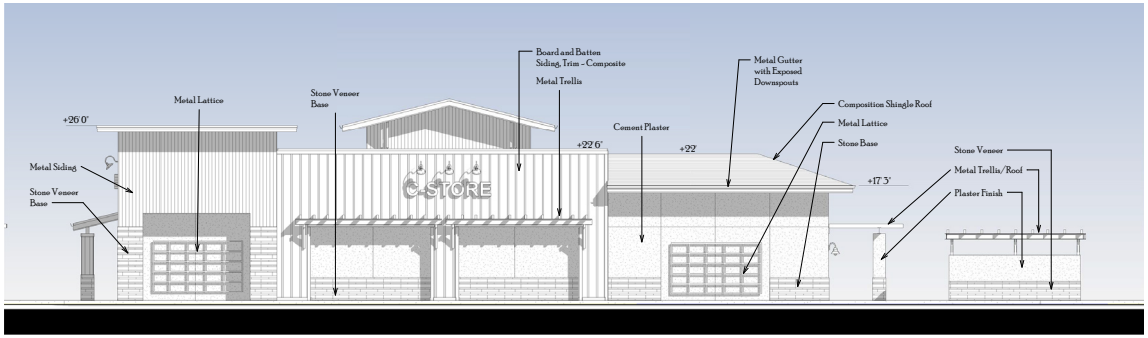
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

Source: Johnson Lyman Architects, July 15, 2020.

CONCEPTUAL CONVENIENCE STORE ELEVATIONS | FIGURE 3.1-4

3.1.2 Site Access and Parking

Vehicular access to the project site is currently provided via three driveways, one on East Tenth Street, one on Chestnut Street, and one on East Ninth Street. Under the proposed project, vehicular access would remain the same as under existing conditions with the addition of a second access driveway on East Ninth Street, approximately 315 feet east of the existing driveway.

Pedestrian access to the site is currently provided via a sidewalk on Chestnut Street and a sidewalk on East Tenth Street that terminates in the middle of the project frontage. The project proposes sidewalk improvements on the project site frontages on East Tenth Street, Chestnut Street, and East Ninth Street.

Bicycle access to the site is currently provided via a bike lane on Chestnut Street along the western project frontage.

Under the proposed project, 274 surface parking spaces would be provided for the uses on-site. A minimum of 14 bicycle parking spaces would be provided.

3.1.3 Landscaping

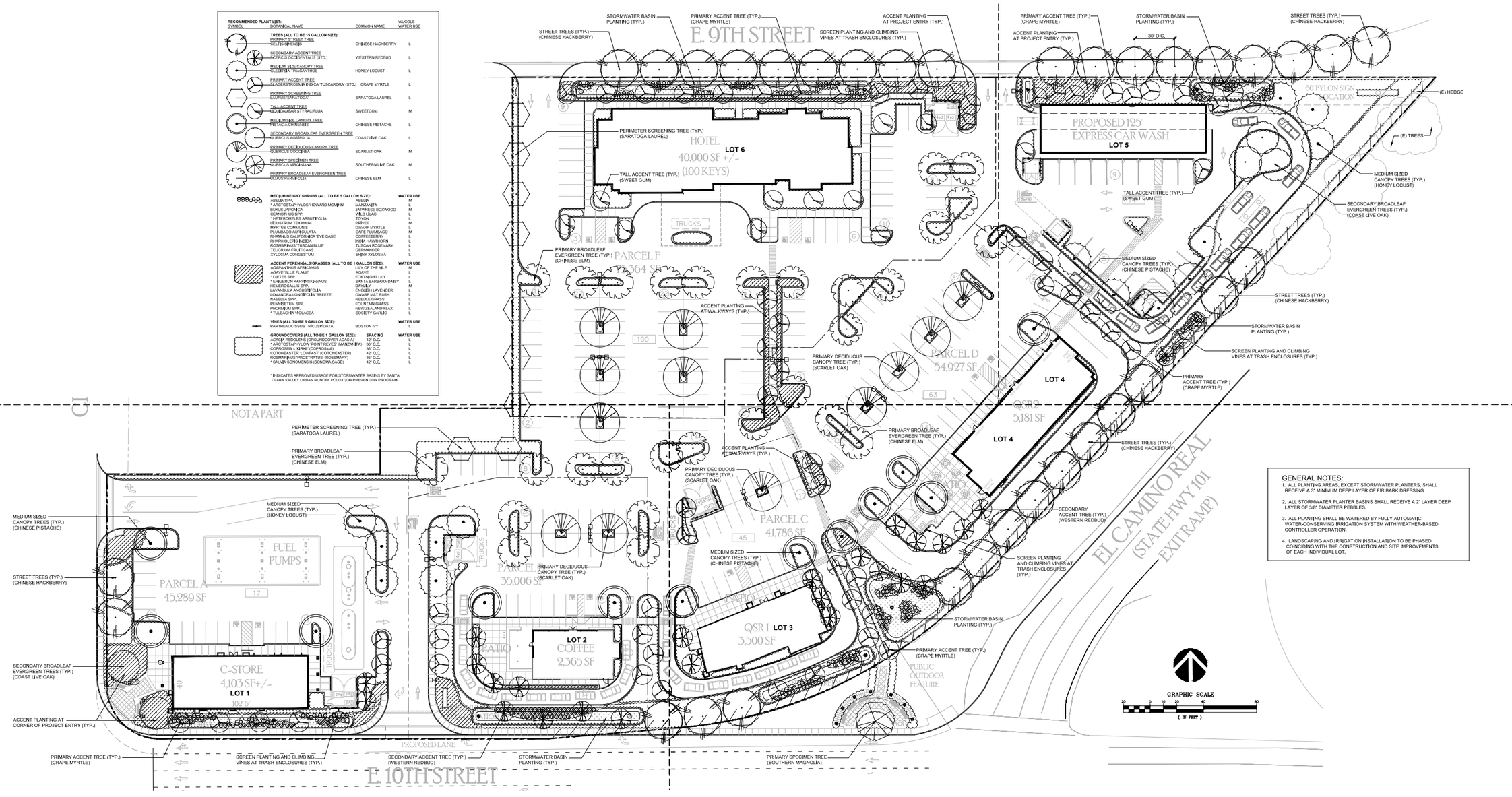
The project would remove a total of 15 existing trees, including 13 trees located on and adjacent to the projects site and two street trees in order to make the proposed improvements. The project would plant a total of 220 new trees (201 on and 19 adjacent to the project site).

A conceptual landscaping plan is shown in Figure 3.1-5.

RECOMMENDED PLANT LIST:

SYMBOL	BOTANICAL NAME	COMMON NAME	WUCOLS WATER USE
	TREES (ALL TO BE 15 GALLON SIZE):		
	PRIMARY STREET TREE CELTIS SINENSIS	CHINESE HACKBERRY	L
	SECONDARY ACCENT TREE CERCIS OCCIDENTALIS (STD.)	WESTERN REDBUD	L
	MEDIUM SIZE CANOPY TREE GLEDITSIA TRIACANTHOS	HONEY LOCUST	L
	PRIMARY ACCENT TREE LAGERSTROEMIA INDICA 'TUSCARORA' (STD.)	CRAPE MYRTLE	L
	PRIMARY SCREENING TREE LAURUS 'SARATOGA'	SARATOGA LAUREL	L
	TALL ACCENT TREE LIQUIDAMBAR STYRACIFLUA	SWEETGUM	M
	MEDIUM SIZE CANOPY TREE PISTACIA CHINENSIS	CHINESE PISTACHE	L
	SECONDARY BROADLEAF EVERGREEN TREE QUERCUS AGRIFOLIA	COAST LIVE OAK	L
	PRIMARY DECIDUOUS CANOPY TREE QUERCUS COCCINEA	SCARLET OAK	M
	PRIMARY SPECIMEN TREE QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	M
	PRIMARY BROADLEAF EVERGREEN TREE ULMUS PARVIFOLIA	CHINESE ELM	L
	MEDIUM HEIGHT SHRUBS (ALL TO BE 5 GALLON SIZE):		**WATER USE**
	ABELIA SPP.	ABELIA	M
	* ARCTOSTAPHYLOS 'HOWARD MCMINN'	MANZANITA	L
	BUXUS JAPONICA	JAPANESE BOXWOOD	M
	CEANOTHUS SPP.	WILD LILAC	L
	* HETEROMELES ARBUTIFOLIA	TOYON	L
	LIGUSTRUM TEXANUM	PRIVET	M
	MYRTUS COMMUNIS	DWARF MYRTLE	L
	PLUMBAGO AURICULATA	CAPE PLUMBAGO	M
	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	L
	RHAPHIOLEPIS INDICA	INDIA HAWTHORN	L
	ROSMARINUS 'TUSCAN BLUE'	TUSCAN ROSEMARY	L
	TEUCRIUM FRUTICANS	GERMANDER	L
	XYLOSMA CONGESTUM	SHINY XYLOSMA	L
	ACCENT PERENNIALS/GRASSES (ALL TO BE 1 GALLON SIZE):		**WATER USE**
	AGAPANTHUS AFRICANUS	LILY OF THE NILE	M
	AGAVE 'BLUE FLAME'	AGAVE	L
	* DIETES SPP.	FORTNIGHT LILY	L
	* ERIGERON KARVINSKIANNUS	SANTA BARBARA DAISY	L
	HEMEROCALLIS SPP.	DAYLILY	M
	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVENDER	L
	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	L
	NASELLA SPP.	NEEDLE GRASS	L
	PENNISETUM SPP.	FOUNTAIN GRASS	L
	PHORMIUM SPP.	NEW ZEALAND FLAX	L
	* TULBAGHIA VIOLACEA	SOCIETY GARLIC	L
	VINES (ALL TO BE 5 GALLON SIZE):		**WATER USE**
	PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	L
	GROUNDCOVERS (ALL TO BE 1 GALLON SIZE):	**SPACING**	L
	ACACIA REDOLENS (GROUNDCOVER ACACIA)	42" O.C.	L
	* ARCTOSTAPHYLOS 'POINT REYES' (MANZANITA)	36" O.C.	L
	COPROSMA x 'KIRKII' (COPROSMA)	36" O.C.	L
	COTONEASTER 'LOWFAST' (COTONEASTER)	42" O.C.	L
	ROSMARINUS 'PROSTRATUS' (ROSEMARY)	36" O.C.	L
	* SALVIA SONOMENSIS (SONOMA SAGE)	42" O.C.	L

* INDICATES APPROVED USAGE FOR STORMWATER BASINS BY SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM.



GENERAL NOTES:

1. ALL PLANTING AREAS, EXCEPT STORMWATER PLANTERS, SHALL RECEIVE A 3" MINIMUM DEEP LAYER OF FIR BARK DRESSING.
2. ALL STORMWATER PLANTER BASINS SHALL RECEIVE A 2" LAYER DEEP LAYER OF 3/8" DIAMETER PEBBLES.
3. ALL PLANTING SHALL BE WATERED BY FULLY AUTOMATIC, WATER-CONSERVING IRRIGATION SYSTEM WITH WEATHER-BASED CONTROLLER OPERATION.
4. LANDSCAPING AND IRRIGATION INSTALLATION TO BE PHASED COINCIDING WITH THE CONSTRUCTION AND SITE IMPROVEMENTS OF EACH INDIVIDUAL LOT.

Source: RW Stover & Associates, Inc., July 16, 2020.

PROPOSED LANDSCAPING PLAN

FIGURE 3.1-5

3.1.4 Pedestrian Plazas

Consistent with the City's Tenth Street Policy, the project would include two pedestrian plazas on-site near the East Tenth Street/Chestnut Street intersection and near the East Tenth Street/Highway 101 southbound off-ramp intersection. The pedestrian plazas would be publicly accessible and include benches, landscaping and trellises.

3.1.5 Green Building Measures

Per City Code Chapter 6.1, the proposed project would be built to the California Green Building Standards Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed project would include green building features, including the following:

1. Low flow plumbing fixtures (toilets, lavatories, urinals, etc.)
2. Compliance with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO)
3. Construction waste management program
4. Compliance with state Volatile Organic Compounds (VOC) requirements on building materials, refrigerant piping
5. Stormwater pollution prevention plan
6. On-site bicycle parking: a minimum of 14 (or five percent of vehicle parking spaces) short-term bike parking locations and five long-term bike parking locations
7. Clean air vehicle parking 22 stalls (or eight percent minimum of vehicle parking spaces) and 17 (or six percent minimum of vehicle parking spaces) Electric Vehicle (EV) charging stations
8. Compliance with outdoor lighting requirements to reduce light pollution
9. Compliance with landscaping shade tree requirements
10. Compliance with California Energy Code (2019)
    a. Minimum insulation levels of building envelope
    b. Glazing performance requirements
    c. Roof reflectance requirement
    d. Energy efficiency for lighting (indoor and outdoor)
    e. Energy efficiency for mechanical systems

3.1.6 Right-of-Way Improvements

3.1.6.1 *Roadway Improvements*

In order to address operational deficiencies resulting from the proposed project, the City is requiring the project to:

- Dedicate three feet of Right-of-Way (ROW) along the project site's East Tenth Street frontage

This ROW dedication would be utilized by the City for the City-planned widening of East Tenth Street to install a second westbound left turn lane on East Tenth Street onto Chestnut Street.

The project is also required to fund the following roadway improvements to provide adequate queuing lengths:

- Future, planned westbound left-turn pocket extension improvements at the intersection of Monterey Road and Tenth Street;
- Future, planned eastbound left-turn pocket extension improvements at the intersection of Chestnut Street and Tenth Street.

In addition, the City is requiring the project to make the following improvements as conditions of approval to enhance pedestrian facilities:

- Install ADA-compliant curb ramps at the intersection of East Ninth Street and Chestnut Street
- Install crosswalks at the intersection of East Ninth Street and Chestnut Street

3.1.6.2 *Utility Improvements*

The project would require lateral storm drain, sewer, and water connections from the project site to the existing utility systems in East Tenth Street (storm drain and sewer) and East Ninth Street (water).

3.1.7 Project Construction

Construction of the project would include:

- Demolition and removal of existing improvements,
- Excavation for site preparation and installation of utility connections,
- Construction of ROW improvements, and
- Construction of the proposed structures, parking, and landscaping.

Construction of the proposed project would be completed in either one phase, or in multiple phases, depending on the timing of building permit issuance. If constructed in one phase, the project would take approximately 27 months. If phased, the project could be constructed in up to six phases, ranging from six to up to 15 months per phase, with the hotel being the longest phase. The site is expected to be balanced without the need for substantial import/export of fill.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines and/or City of Gilroy adopted checklist questions to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. The City of Gilroy also has adopted thresholds for select checklist questions.[1] For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Additionally, "Standard Conditions of Approval" and "Conditions of Approval" are also identified. "Standard Conditions of Approval" are identified and are conditions the City typically requires of all development projects to comply with existing laws and regulations and "Conditions of Approval" are measures the City requires to address non-CEQA issues.

[1] City of Gilroy. *Thresholds of Significance*. May 3, 2004.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State Route 152 is the only state-designated scenic highways in Gilroy.[2]

Local

City of Gilroy 2040 General Plan

The City of Gilroy 2040 General Plan (General Plan) is a statement of community values and priorities. The General Plan helps guide the City's long-term development. It establishes the overall policy framework for development decision making and defines the desired location, character, and quality of future development, as well as the process by which development should proceed. The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics and are applicable to proposed project.

Policy	Description
LU 1.1	**Pattern of Development.** Ensure an orderly, contiguous pattern of development that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.
LU 8.2	**Community Gateway.** Require new development at "gateways" to the city (i.e., including Monterey Road, Pacheco Pass, Hecker Pass, and U.S. 101 interchanges) to incorporate high-quality, site and architectural design, distinctive landscaping, public art and/or other improvements that enhance the visual integrity of such areas.
LU 8.6	**Utility Undergrounding.** Proceed with the undergrounding of existing overhead utility lines throughout the city, as funding allows, and require undergrounding of utilities in all new developments.
LU 4.1	**Clustering Commercial Uses.** Encourage new commercial uses to group into clustered areas or centers containing professional offices, retail sales and services. Clustered development shall locate at the intersections of major throughfares, and exclude "strip" commercial development (shallow depth, linear form, parking in front of building).
LU 4.3	**Noise Mitigation Design.** When requiring noise impact mitigation of new and/or expanded development, promote the use of techniques less visually intrusive than sound walls,

[2] California Department of Transportation. "Scenic Highways." Accessed April 26, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Policy	Description
	including but not limited to earth berms, sound attenuation fencing with wood or other more compatible materials, and site design techniques.
LU 4.4	**Commercial Design Standards and Review Procedures.** Require commercial centers to incorporate high standards of construction, design, buffering, and screening to ensure their combability and opportunity to enhance their compatibility and opportunity to enhance residential neighborhoods.
LU 4.5	**Landscaping in Commercial Areas.** Require that landscaping on commercial properties be well maintained. The City shall encourage those properties currently without landscaping to provide landscaping.
LU 4.6	**Existing Strip Commercial Uses.** Existing strip uses that undergo upgrades or expansion, as well as new commercial centers, shall be of a high-quality design, have limited access to minimize circulation conflicts, and ensure adequate screening from adjacent uses.
LU 8.3	**Landscaping along U.S. 101.** Coordinate with Caltrans and the County to enhance the landscaping along U.S. 101, and encourage new development facing U.S. 101 to provide landscape screening and to protect and enhance views of farmland and the surrounding hills.
LU 8.12	**Outdoor Lighting Energy Efficiency.** Select outdoor lighting fixtures to provide maximum energy efficiency as well as effective lighting.
LU 8.13	**Limit Light Pollution.** Encourage measures to limit light pollution from outdoor sources, and direct outdoor lighting downward and away from sensitive receptors.

City of Gilroy Tenth Street Policy

Gilroy City Council adopted the Tenth Street Policy on October 5, 1981 to encourage commercial uses on the south and north side of Tenth Street and to require new developments to contribute to beautification efforts in this Gateway area. The Tenth Street Policy requires all commercial and industrial development projects within the Tenth Street policy area to conform to specific requirements related to architecture, landscaping, street and circulation improvements, and utilities. Future development proposals will be reviewed for compliance with the Tenth Street policy by the City's Architecture and Site approval Committee prior to project approval.

City Code Section 30.34 Fences and Obstruction

This ordinance regulates the location, height and materials of fences and other visual or physical obstructions so that they do not adversely affect adjacent properties or obstruct vision along public streets. Fences and hedges in residential, commercial, and industrial districts are permitted up to seven feet in height with some exceptions. Commercial and industrial development abutting any residential zone is required to install a sound wall six feet high, such that it does not extend into the front yard area of any adjacent residential zone. However, in accordance with section 30.34.20 (a), fences or sound walls required to meet sound attenuation standards pursuant to California Administrative Code Title 24 or the CEQA will supersede the standards set forth in this section.

City Code Section 30.50.44(c) Exterior Lighting

Prohibits light splay beyond property lines: "No unobstructed beams of exterior lighting shall be directed outward from the site toward any residential use or public right-of-way."

City Code Section 30.50.40 Architectural and Site Review

This ordinance establishes requirements for Architectural and Site Review. Architectural and Site Review is applicable to commercial and industrial development, hillside residential development, residential development with two or more units on one parcel, and residential development in subdivisions of four or more lots. The Planning Manager has authority to decide Architecture and Site Review applications in most cases. The Architectural and Site Review considers the suitability of designs in terms of safety, aesthetics, and provision of utilities and services.

4.1.1.2 *Existing Conditions*

The project site is currently developed and located in an urban area of Gilroy adjacent to Highway 101 and surrounded by existing urban development.

Project Site

The project site is located in an urban area adjacent to Highway 101 and is currently developed with three, single-story buildings including one multi-tenant commercial building, one warehouse building, and one office building, associated paved and gravel surface parking areas used for vehicle storage. The visual quality of the site is moderate with limited landscaping and cyclone fencing across the majority of the site along East Tenth Street. Access to the site is currently provided by three driveways from East Tenth Street, Chestnut Street, and East Ninth Street.
Views from the project site consist of commercial development surrounding the site, and partially obscured views of the Santa Cruz Mountains to the west and Diablo Range to the east. Views of the Santa Cruz Mountains and Diablo Range are partially obscured by surrounding buildings, trees, and infrastructure (e.g., utility lines). The project area is developed and no natural scenic resources are present on the site.

Surrounding Area

The project site is located southeast of historic downtown Gilroy, in a portion of the city characterized by recent commercial and industrial development. Modern commercial shopping centers line East Tenth Street in the project vicinity with older industrial buildings concentrated on East Ninth Street, to the north of the project site. The site is bordered by one-story commercial and industrial buildings on all sides, and by a one-story fire station to the west. Commercial and industrial buildings in the surrounding area are primarily utilitarian in design and lacking design features indicative of any particular architectural style. The fire station adjacent to the west of the project site, however, is designed in mid-century modern style.

Designated Scenic Resources

The City's General Plan identifies gateways and scenic highways where preservation and enhancement of views of the natural and man-made environment are crucial. The City of Gilroy General Plan identifies the Highway 101 interchanges at Tenth Street as a designated Gateway. According to the General Plan, Gateway areas create entry points to the City and should be well-designed with landscaped medians to reflect a concern for civic beauty. Given the large, open, paved and parking areas on-site, views of the Santa Cruz Mountains are currently afforded through the

project site from Highway 101, however, these views are partially obstructed by existing structures on-site and in the background, and a stand of mature trees (adjacent to the project site along the eastern property line).

The nearest state-designated scenic highway is State Route (SR) 152 from the SR 156 interchange near San Felipe to the Interstate 5 interchange. The project site is approximately 8.25-miles northwest of this segment of SR 152.

Light and Glare

The project site is located within an urbanized area of Gilroy which has existing sources of light and/or glare from the development and vehicle traffic.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
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 area?	☐	☐	☐	☒
b) Substantially damage scenic resources viewed from Hecker Pass Highway or Pacheco Pass Highway?,	☐	☐	☒	☐
c) Substantially damage scenic resources viewed from Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road?	☐	☐	☐	☒
d) Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101?	☐	☐	☒	☐
e) Result in unattractive entrances at the principal gateways to the City (north and south Monterey Street, Highway 152/ Pacheco Pass, north and south Santa Teresa Boulevard, and at the Highway 101 interchanges at Masten, Buena Vista, Leavesley, and Tenth Street)?	☐	☐	☒	☐
f) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
g) Include or require a wall or fence higher than seven feet above the existing grade at the property line?	☐	☐	☒	☐

a) Would the project have a substantial adverse effect on a scenic vista or degrade the existing visual character in the Hecker Pass Specific Plan Area or the hillside area?

The project site is located northwest of the Highway 101/Tenth Street interchange and is not located in the Hecker Pass Specific Plan area or in a hillside area. Because the project is not located within Hecker Pass Specific Plan area or a hillside area, development of the proposed project would not result in substantial adverse effects on scenic vistas in these areas or degrade the visual character of these areas. For these reasons, there would be no impact.

(No Impact)

b) Would the project substantially damage scenic resources viewed from Hecker Pass Highway or Pacheco Pass Highway?

The project site is two miles southeast of Hecker Pass Highway and is not visible from Hecker Pass Highway. Pacheco Pass Highway becomes Tenth Street at Highway 101. The project site is located on Tenth Street, adjacent to the Highway 101 interchange. Views of scenic resources from Pacheco Pass Highway nearest the project site include partially obscured views of the Santa Cruz Mountains to the west and Diablo Range to the east. The views of these scenic resources are currently obscured by existing development (including one- to two-story buildings and shopping mall signage) and mature landscaping.

The project would develop four, one-story commercial buildings, a carwash, and a five-story hotel building at the project site, which would contribute to the already obstructed views of the mountains from Pacheco Pass Highway. The additional development by the project would not substantially damage views from Pacheco Pass given the existing development and currently obscured views.

(Less than Significant Impact)

c) Would the project substantially damage scenic resources viewed from Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road?

The project site is not located on or near Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road and is not visible from any of these roadways. For this reason, the project would not result in substantial damage to scenic resources viewed from Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road.

(No Impact)

d) Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101?

Per the City's established a CEQA Significant Impact Threshold, a project is considered to substantially damage scenic resources viewed from Highway 101 if it lacks sufficient landscape screening and protection of existing views.

The proposed project would replace the existing one-story commercial buildings on-site (up to approximately 20 feet tall) with four, one-story commercial buildings and a carwash (23-35 feet tall) along the eastern property line and a five-story hotel building (approximately 66 feet tall) in the northwest corner of the project site. Figure 4.1-1 and Figure 4.1-2 show existing views of the project site with and without the mass of the proposed buildings.

Existing mature trees along the eastern property line would be retained with the proposed project. In addition, as shown in Figure 3.1-5, the proposed project would also plant 11 new trees and shrubs on-site along the eastern property line to further shield views of the proposed commercial buildings from Highway 101. Thus, providing sufficient landscape screening.

As discussed under Section 4.1.1.2 Existing Conditions, views of the Santa Cruz Mountains are currently obscured with existing development, infrastructure, and mature landscaping (including trees). The construction of the project would contribute to the already obscured views of the Santa Cruz Mountains from Highway 101. The proposed buildings, however, would not protrude beyond the ridgeline of the Santa Cruz Mountains. The project would undergo architectural and site review as part of the PUD process to ensure the project is compatible with the general purpose and intent of the review process, which is to maintain or improve the character and integrity of a neighborhood or area by encouraging the most appropriate development and use of land in harmony with the surrounding environment. The project would also set back the hotel building from the property line nearest Highway 101 to reduce the apparent height of the building as viewed from Highway 101. For these reasons, the project and its design would sufficiently protect existing views of the Santa Cruz Mountains from Highway 101.

Based on the above discussion, the proposed project would not substantially damage scenic views viewed from Highway 101.

(Less than Significant Impact)

EXISTING

PROPOSED

Source: Google and Johnson Lyman Architects, LLP 2020.

EXISTING AND PROPOSED VIEWS OF SITE LOOKING WEST FROM US 101 NORTHBOUND | FIGURE 4.1-1

EXISTING

PROPOSED

Source: Google and Johnson Lyman Architects, LLP 2020.

EXISTING AND PROPOSED VIEWS OF SITE LOOKING SOUTHWEST FROM US 101 SOUTHBOUND | FIGURE 4.1-2

e) Would the project result in unattractive entrances at the principal gateways to the City (north and south Monterey Street, Highway 152/Pacheco Pass, north and south Santa Teresa Boulevard, and at the Highway 101 interchanges at Masten, Buena Vista, Leavsley, and Tenth Street)?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project has the potential to have a lack of sufficient landscape entrances with landscaped medians, indicating civic pride and a concern for civic beauty.

Development of the project would result in the removal of 16 existing trees to accommodate the proposed buildings and roadway improvements identified in Section 3.1.5 Right-of-Way Improvements. Final design of the project (as well as the roadway improvements on Tenth Street) shall be reviewed by the City's Architecture and Site approval Committee to ensure compliance with the City's Tenth Street Policy prior to project approval. As discussed in Section 4.1.1.1 Regulatory Framework, compliance with the City's Tenth Street Policy ensures new developments contribute to beautification efforts in the Gateway area.

The proposed project would include a landscape palette of low water use ornamental trees and shrubs and result in 201 new trees planted on-site and 19 new street trees planted on East Tenth Street, Chestnut Street, and East Ninth Street. Overall, the project would plant 220 new trees, result in a net increase of 191 trees. The remaining existing street trees and proposed street trees would screen views of the proposed commercial buildings from adjacent roadways including East Tenth Street and Highway 101 southbound off-ramp. Street tree varieties would be selected from the City's Downtown Street Tree Program to mimic and build on the community character established on Monterey Road into the Tenth Street Gateway area.

Additionally, consistent with the Tenth Street Policy, the project would develop two publicly accessible landscaped pedestrian seating areas along East Tenth Street to provide additional visual interest and enhance the visual quality of the site and gateway area.

For these reasons, the project would provide sufficient landscape entrances with landscaped medians, indicating civic pride and a concern for civic beauty and not result in unattractive entrances at the principal gateways to the City.

(Less than Significant Impact)

f) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The nearest residence to the project site is 330 feet north of the project site on East eighth Street. The City has established a CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project lacks compliance with General Plan Policies 19.13, 19.14 , and 19.15. With the adoption of the 2040 General Plan, 2020 General Plan Policies 19.13, 19.14, and 19.15 have been replaced with 2040 General Plan Policies LU 8.12 and LU 8.13. These policies, which are listed in Section 4.1.1.1 Regulatory Framework, call for appropriate lighting on sidewalks and pathways, the use of energy efficient outdoor lighting, and the reduction of glare and light

pollution.

The proposed project includes nighttime security lighting for the proposed uses, pathways, and parking areas. The design of the exterior lighting for the project would minimize and/or reduce significant impacts from light or glare by directing lighting downwards, consistent with City Code Section 30.50.44. All new exterior lighting will also comply with the state's energy efficiency requirements. In addition, the proposed buildings would consist of cement plaster, wood siding, and stone, and would not include highly reflective materials such as mirrored glass and large uninterrupted expanses of glass that would cause glare. For these reasons, the project would comply with General Plan Policies LU 8.12 and LU 8.13. In addition, given the existing light and glare conditions in the project area, the development of the project and its addition of nighttime security lighting would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

(Less than Significant Impact)

g) Would the project include or require a wall or fence higher than seven feet above the existing grade at the property line?

The proposed project would install a six-foot tall steel fencing with masonry pier around the hotel building. The fencing would not be higher than seven feet above grade at the property line. No other wall or fencing would be constructed.

(Less than Significant Impact)

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[3] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[4]

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to agricultural resources and are applicable to the proposed project.

Policy	Description

[3] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[4] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed April 26, 2019. http://frap.fire.ca.gov/.

LU 1.1	**Pattern of Development**. Ensure an orderly, contiguous pattern of development that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.

4.2.1.2 *Existing Conditions*

The project site is designated as Urban and Built-Up land in the Santa Clara County Important Farmland 2016 map.[5] Urban and Built-Up land contain man-made structures or buildings under construction, and the infrastructure required for development (e.g., paved roads, sewers, water, electricity, drainage, or flood control facilities) that are specifically designed to serve that land. Common examples of Urban Built-Up Land include residential, industrial, and commercial uses; golf courses; landfills; airports, sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[6]

The project site is not zoned for forest land or timberland. The project site is currently zoned C3 and CM. The project site is not used for agricultural or timberland purposes and developed with urban uses. The project site is located within an existing developed area of Santa Clara County and no land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique 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.)?	☐	☐	☐	☒
b) Conflict with a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

[5] California Department of Conservation. *Santa Clara County Important Farmland 2016.* September 2016.
[6] California Department of Conservation *Santa Clara County Williamson Act FY 2015/ 2016.* 2016

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a) Would the project convert Prime Farmland, Unique 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.

As described in Section 4.2.1 Environmental Setting, the project site is not designated as or zoned for farmland. For these reasons, the project would not convert land designated as or zoned for farmland.

(No Impact)

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is not zoned for agriculture, the site is zoned C3 and CM. In addition, the project site is not the subject of a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agriculture or a Williamson Act contract.

(No Impact)

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is zoned for urban uses and is not zoned for forest land or timberland. The project, therefore, would not conflict with existing zoning for forest land, timberland production.

(No Impact)

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

Neither the project site, nor any of the properties adjacent to the project site, are used for forest land or timberland. The proposed project would, therefore, not result in the loss of forest land or timberland.

(No Impact)

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

As described above, the project site is not located adjacent to land used for agricultural or forestry uses. The development of the project, therefore, would not result in the conversion of forest or farmlands to other uses.

(No Impact)

4.3 AIR QUALITY

This discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared by Illingworth & Rodkin, Inc. in June 2021. A copy of this report is included in Appendix A to this Initial Study.

4.3.1 Environmental Setting

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[7] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

[7] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[8] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.1 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels

[8] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[9]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. The guidelines also identify odor generating land uses and provide requirements and recommended screening criteria for projects which would either create a new source of odors near existing sensitive receptors or which would place new sensitive receptors near existing odor generating uses. Specifically, the guidelines identify wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting

[9] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

facilities, petroleum refineries, asphalt batch plants, chemical manufacturing and fiberglass manufacturing facilities, painting/coating operations, rendering plants, coffee roasters, food processing facilities, confirmed animal facilities, feedlots, dairies, green waste and recycling operations, and metal smelting plants as odor producing land uses. Regulation 8, Rule 7 of the BAAQMD guidelines establishes general limitations on odorous substances and specific emission limitations on certain odorous compounds.

Local

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the proposed project.

Policy	Description
NCR 3.15	**Reduce Construction Emissions.** Require the use of low emissions construction equipment for public and private projects, consistent with the air district 2017 Clean Air Plan. Where construction-related emissions would exceed the applicable Threshold of Significance, the City will consider, on a case-by-case basis implementing Additional Construction Mitigation Measures (Table 8-3 in BAAQMD's CEQA Guidelines)
NCR 3.16	**Implement Dust-Control Measures.** Require the implementation of the air district's dust control measures during construction of individual projects, consistent with the air district 2017 Clean Air Plan.

4.3.1.2 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

Sensitive Receptors

The nearest sensitive receptor to the project site are the residences on East 8th Street, approximately 390 feet north of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP)?	☐	☐	☒	☐
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.	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and PM_{10}), as determined in b. above?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Gilroy has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/year)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)	

a) Would the project conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP)?

2017 CAP Control Measures

The most recent clean air plan is the 2017 CAP. Because project emissions would be below the BAAQMD impact thresholds, the project would not be required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.

(Less than Significant Impact)

Construction Period Emissions

Construction emissions are made up of on-site off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an additional source of airborne dust after it dries.

A construction build-out scenario, including equipment list and schedule, was based on CalEEMod default information for projects of similar size and type. The project applicant provided information regarding the building size, soil hauling volumes, and when construction was anticipated to begin and complete. Construction of the proposed project would be completed in either one phase, or in multiple phases, depending on the timing of building permit issuance. Depending on the phasing plan, project construction could occur for 27 to 60 months. Refer Appendix A to for additional details about the modeling, data inputs, and assumptions.

Table 4.3-3 below summarizes the project's estimated construction emissions of ROG, NOx, PM_{10} exhaust, and $PM_{2.5}$ exhaust.

Table 4.3-3: Construction Period Emissions[1]

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
2021 (261 construction workdays)	2.40	22.62	1.24	1.10
2022 (59 construction workdays)	19.61	11.04	0.62	0.52
BAAQMD Thresholds (pounds per day)	*54 lbs./day*	*54 lbs./day*	*82 lbs./day*	*54 lbs./day*
Exceed Threshold?	**No**	**No**	**No**	**No**

[1]Annualized daily construction emissions per day.

As shown in Table 4.3-3, the calculated construction ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust emissions are below the BAAQMD significance thresholds. BAAQMD considers construction emissions impacts that are below the thresholds of significance (such as those of the project) less than significant with the implementation of BAAQMD standard best management practices.

Standard Condition of Approval:

- The project shall implement following BAAQMD standard best management practices during all phases of construction to control dust and exhaust at the project site:

  – Water active construction areas at least twice daily or as often as needed to control dust emissions.

- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Limit vehicle speeds on unpaved roads to 15 miles per hour.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

(Less than Significant Impact)

Operational Period Emissions

Operational air emissions from the project would be generated primarily from automobiles driven by future customers and employees. In addition, evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are also typical emissions from commercial uses. Table 4.3-4 below summarizes the project's estimated operational emissions of ROG, NOx, PM_{10} exhaust, and $PM_{2.5}$ exhaust. Air quality impacts are generally greater when construction is completed in a shorter, more intense period of time compared to a longer, less intense period. Therefore, the air quality model is based on the shorter construction schedule (construction completed in one phase instead of multiple phases), which provides a more conservative analysis. Refer to Appendix A for additional details about the modeling, data inputs, and assumptions.

Table 4.3-4: Summary of Project's Operational Period Emissions[1]				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Annual Emissions				
Annual Project Operational Emissions (tons/year)	2.27	1.80	0.95	0.28
Existing Land Use Operational Emissions (tons/year)	3.35	--	--	0.28
Net Emissions	5.62	1.80	0.95	0.28
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	**No**	**No**	**No**	**No**
Daily Emissions				
Net Daily Project Operational Emissions (pounds/day)[1]	31	10	5	2
BAAQMD Thresholds (pounds/day)	*54 lbs.*	*54 lbs.*	*82 lbs.*	*54 lbs.*
Exceed Threshold?	**No**	**No**	**No**	**No**
Notes: [1]Assumes 365-day operation.				

As shown in Table 4.3-4, the project's calculated operational ROG, NOx, PM_{10} exhaust, and $PM_{2.5}$ exhaust emissions are below the BAAQMD thresholds of significance, therefore, the project would have a less than significant operational criteria pollutant emissions impact.

(Less than Significant Impact)

b) Would the project 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.

As described below under checklist question a), the proposed project would have emissions below BAAQMD impact thresholds for construction and operational periods, therefore, would not violate any air quality standards or contribute substantially to an existing or projected air quality violation.

(Less than Significant Impact)

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

As discussed in Section 4.3.1.2, Bay Area is considered in non-attainment area for ground-level O_3, PM_{10}, and $PM_{2.5}$ under state and/or federal standards. As discussed under checklist questions a) above, the project would not exceed BAAQMD thresholds for any criteria pollutants, including O_3, PM_{10}, and $PM_{2.5}$. Therefore, the project would not make a cumulatively considerable net increase in any criteria pollutant for which the region is in non-attainment. For these reasons, the project would have a less than significant impact.

(Less than Significant Impact)

d) Would the project expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and PM_{10}), as determined in b. above?

Criteria Pollutants (including PM_{10}) and Carbon Monoxide

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project would be located in the immediate vicinity of sensitive receptors and CO and PM_{10} impacts were determined to be significant.

Criteria Pollutants (including PM_{10})

In a 2018 decision (Sierra Club v. County of Fresno), the Supreme Court of California determined that CEQA requires that the potential for the project's emissions to affect human health in the air basin must be disclosed when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a considerably to a significant cumulative impact. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed not to have an adverse health effect. As discussed in checklist question a) above, the project would not result in significant levels of criteria pollutants (including PM_{10}) and therefore, the project would not result in adverse health effects from criteria pollutants.

Carbon Monoxide

Carbon monoxide emissions from the project would primarily be generated by vehicular traffic. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any eight-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. The project would not increase traffic volumes at affected intersections above the BAAQMD screening criteria of more than 44,000 vehicles per hour, therefore, the project would have a less than significant carbon monoxide impact.

(Less than Significant Impact)

Community Health Risk

Project construction would generate dust and equipment exhaust that would affect nearby sensitive receptors. Project operations would include use of emergency generators that would generate TAC and air pollutant emissions. In addition, the project would locate a new gas station within 1,000 feet of sensitive receptors. The project would also generate traffic, consisting of mostly light-duty vehicles. As discussed in Section 4.17 Transportation, the project would generate less than 10,000 daily trips and, therefore, would not be considered a substantial source of TACs or $PM_{2.5}$. A community risk assessment was completed to identify the potential health risks associated with construction and operation of the proposed project on the most impacted individual, also known as the Maximum Exposed Individual (MEI).

The MEI for both construction and operation of the project was identified as the nearest residence, approximately 390 feet north of the project site on East 8th Street. Table 4.3-5 includes a summary of the project's unmitigated construction and operational community risks.

Table 4.3-5: Construction and Operation Risk Impacts at the Offsite Project MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Unmitigated Project Construction (Years 0-2)	9.74	0.10	0.01
Mitigated Project Construction (Years 0-2)	1.73	0.02	<0.01
Project Generator – 750 kW (Years 3-30)	0.43	0.03	<0.01
Gas Station (10,000,000 gallon/year maximum throughput)	0.21	-	<0.01
Unmitigated Total/Maximum Project (Years 0-30)	10.38	0.1	0.01
Mitigated Total/Maximum Project Risks (Year 0-30)	2.37	0.03	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold without Mitigation?	**Yes**	**No**	**No**
Exceed Threshold with Mitigation?	**No**	**No**	**No**

As shown in Table 4.3-5, the project's unmitigated construction and operation community risks would not exceed the BAAQMD single-source thresholds for annual $PM_{2.5}$ and HI value. However, the project would exceed the BAAQMD threshold for increased cancer risk without mitigation.

Impact AQ-1: The project's construction and operational air pollutant emissions would result in a significant community health risk (i.e., cancer risk) to nearby sensitive receptors. **(Significant Impact)**

Mitigation Measure:

MM AQ-1.1: The project applicant shall ensure that construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet or exceed at least U.S. EPA Tier 2 emission standards for PM (PM_{10} and $PM_{2.5}$) with CARB Level 3 verifiable diesel emission control devices (VDECS), if one is available for the equipment being used. Alternatively, use of equipment with Tier 4 engine standards would also be acceptable and would not require VDECS.

With implementation of Standard of Condition of approval (BAAQMD's standard best management practices) and mitigation measure MM AQ-1.1 above, the project's significant community health risk (i.e., cancer risk) would be reduced to a less than significant level (see Table 4.3-5).

(Less than Significant Impact with Mitigation Incorporated)

e) Would the project create objectionable odors affecting a substantial number of people?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project has the potential to frequently expose members of the public to objectionable odors.

Project construction activities would produce odors in the form of diesel exhaust fumes. These odors would be temporary and localized, and would be minimized through implementation of BAAQMD best management practices identified as a standard condition of approval under checklist question b), which includes limits on vehicle idling.

Operation of the proposed car wash, gas station, fast-food restaurants and coffee shop would generate odors. Odors produced by carwashes generally consist of perfume-like scents and soaps and other chemicals used. Odors produced by gas stations can be objectionable, but generally do not disperse far from the source. Odors produced by the proposed fast-food restaurants generally consists of food cooking odors and odors from food waste. Coffee shops generally do not produce substantial odors unless coffee roasting occurs on-site. The proposed coffee shop may include on-site roasting and therefore may be a source of odors. However, given the size of the proposed coffee shop building (2,365 square feet), on-site roasting facilities would be relatively small, restricting the volume of coffee to be roasted and potential intensity of odors generated on-site.

To assess odor impacts, BAAQMD recommends looking at the characteristics of the buffer zone that exists between a new odor source and the nearest sensitive receptors. The nearest sensitive receptor to the project site are the residences located to the north on East 8th Street. The distance between the proposed carwash (the nearest odor producing use proposed), would be 390 feet. Predominant wind direction should also be considered. In Gilroy, the predominant wind direction is from the northwest, which would blow any odors from the carwash, gas station, and fast-food restaurants to the southeast, away from the nearest residences. Based on the distance to the nearest sensitive receptors, predominant wind direction, and local nature of odors associated with a carwash, gas station, and fast-food restaurants, odors produced by the proposed project would not affect a substantial number of people.

Additionally, operators of the proposed gas station and coffee shop (if roasting is included) would be required to obtain permits from BAAQMD and comply with all BAAQMD regulations related to odor control, including BAAQMD Rule 8, Requirement 7. BAAQMD Rule 8, Requirement 7, states that no person shall discharge any odorous substance which causes the ambient air at or beyond the property line of such person to be odorous and remain odorous after dilution with four parts of odor-free air.

Based on the above discussion, the project would have a less than significant odor impact.

(Less than Significant Impact)

4.4 BIOLOGICAL RESOURCES

This discussion is based, in part, on an Arborist Report prepared by HortScience Bartlett Consulting in June 2020. A copy of this report is included in Appendix B to this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[10] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

[10] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed March 28, 2019. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan. The City is responsible for reviewing for compliance, collecting fees, and issuing local permits for projects within its jurisdiction.

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to biological resources and are applicable to the proposed project.

Policy	Description
NCR 1.1	**Habitat Plan Compliance.** For all covered activities throughout the city, comply fully with permit conditions of the Santa Clara Valley Habitat Plan. This will protect natural resources by minimizing impacts on sensitive natural communities and 18 covered species, facilitating wildlife movement, and establishing stream setbacks and buffers. Associated permit fees will be used for reserve system preservation, habitat enhancement and restoration, and adaptive management and monitoring.
NCR 1.7	**Special Status Species.** Threatened, or Rare, or as Candidates for listing by the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW), or as Rare Plant Rank 1B or 2B species by the California Native Plant Society (CNPS). This designation also includes CDFW Species of Special Concern and Fully Protected Species. For special-status species that are not among the 18 covered species in the Habitat Plan, minimize future development in areas that support such species. Conduct focused surveys per applicable regulatory agency protocols as appropriate to determine if such species occur on a given project site, as determined necessary by a qualified biologist. If development of occupied habitat must occur, species impacts shall be avoided or minimized, and if required by a regulatory agency or the CEQA process, loss of wildlife habitat or individual plants should be fully compensated on the site. If off-site mitigation is necessary, it should occur within the Gilroy Planning Area whenever possible with a priority given to existing habitat mitigation banks. Habitat mitigation shall be accompanied by a long-term management plan and monitoring program prepared by a qualified biologist and include provisions for protection of mitigation lands in perpetuity through the establishment of easements and adequate funding for maintenance and monitoring.

City Code Section 30.38.270 Protected Tree Removal

The City of Gilroy maintains the urban landscape by controlling the removal of heritage trees and protected trees on private property. A tree removal permit is required from the City of Gilroy for the removal of heritage and protected trees.

Heritage trees are defined as trees of any species with a single trunk of 90 inches in circumference or more at a point 4.5 feet above the ground or with multiple trunks, two of which collectively measure 72 inches in circumference or more at a point 4.5 feet above the ground.

Protected trees are defined as trees having a single trunk of 38 inches in circumference or more at a point 4.5 feet above the ground. Nonindigenous tree species and orchards (including individual fruit and nut trees) are exempt from this definition. Indigenous trees are defined as trees that are native to the Gilroy region, including oaks (all types), California bay (Umbellularia californica), big leaf maple (Acer macrophyllum), madrone (Arbutus menziesii), California Sycamore (Platanus racemosa), California buckeye (Aesculus californica), and alder (Alnus glutinosa).

4.4.1.2 *Existing Conditions*

The project site is located in an urban area surrounded by existing commercial development and a seven-lane highway (Highway 101). The project site is located within the Habitat Plan study area and is designated Urban-Suburban land, which is defined as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

The primary biological resources on-site are existing trees. There are 29 trees located on and adjacent to the project site, including 11 on-site trees, 13 street trees, and five off-site trees along the Highway 101 southbound off-ramp. These trees were surveyed and a summary of the trees, including their species and condition, is provided in Table 4.4-1 below. A map of the tree locations is provided in Appendix B. As summarized below, one of the trees qualify as a protected tree (tree number10). Five of the trees qualify as heritage trees (tree numbers 3, 4, 15, 16, and 17). Most of the trees are generally in fair condition, six trees (tree number 1, 2, 3, 4, 6, and 7) are in poor condition, and three trees (tree numbers 15, 19, and 29) are in good condition.[11]

Table 4.4-1: Summary of On-Site Trees

Tree #	Location	Common Name	Scientific Name	Diameter (in inches)	Status	Condition
1	Street	Red iron bark	Eucalyptus sideroxylon	21	Non-heritage	Poor
2	On-site	Narrow leaf peppermint	Eucalyptus radiata	26	Non-heritage	Poor
3	Street	Narrow leaf peppermint	Eucalyptus radiata	28,27	Heritage	Poor
4	On-Site	Red iron bark	Eucalyptus sideroxylon	37	Heritage	Poor
5	On-Site	Mexican fan palm	Washingtonia robusta	19	Non-heritage	Fair

[11] HortScience Bartlett Consulting. *Preliminary Arborist Report, Chestnut Square, Gilroy, CA*. June 19, 2020.

Table 4.4-1: Summary of On-Site Trees						
Tree #	**Location**	**Common Name**	**Scientific Name**	**Diameter (in inches)**	**Status**	**Condition**
6	Street	Yew pine	Podocarpus macrophyllus	7,5	Non-heritage	Poor
7	Street	Yew pine	Podocarpus macrophyllus	8	Non-heritage	Poor
8	Off-Site	Douglas fir	Pseudotsuga menziesii	13	Non-heritage	Fair
9	On-Site	Tree of heaven	Ailanthus altissima	5,5,4,4,3,2,2, 2,2,2	Non-heritage	Fair
10	On-Site	Coast live oak	Quercus agrifolia	5,5,4	Protected	Fair
11	On-Site	Tree of heaven	Ailanthus altissima	4,3,3	Non-heritage	Fair
12	On-Site	Tree of heaven	Ailanthus altissima	7,6,5,4,4	Non-heritage	Fair
13	On-Site	Tree of heaven	Ailanthus altissima	5,5,6,3	Non-heritage	Fair
14	Off-Site	Narrow leaf peppermint	Eucalyptus radiata	9	Non-heritage	Fair
15	Off-Site	Red iron bark	Eucalyptus sideroxylon	35,17	Heritage	Good
16	Off-Site	Red iron bark	Eucalyptus sideroxylon	34	Heritage	Fair
17	Off-Site	Red iron bark	Eucalyptus sideroxylon	26,15	Heritage	Fair
18	On-Site	Peach	Prunus persica	6,5	Non-heritage	Fair
19	On-Site	Lemon	Citrus limon	3,3,3	Non-heritage	Good
20	On-Site	Loquat	Eriobotrya japonica	3,3,2,2	Non-heritage	Fair
21	Street	London plane	Platanus axerifolia	9	Non-heritage	Fair
22	Street	London plane	Platanus axerifolia	9	Non-heritage	Fair
23	Street	London plane	Platanus axerifolia	10	Non-heritage	Fair

Table 4.4-1: Summary of On-Site Trees						
Tree #	**Location**	**Common Name**	**Scientific Name**	**Diameter (in inches)**	**Status**	**Condition**
24	Street	London plane	Platanus axerifolia	9	Non-heritage	Fair
25	Street	London plane	Platanus axerifolia	9	Non-heritage	Fair
26	Street	London plane	Platanus axerifolia	10	Non-heritage	Fair
27	Street	London plane	Platanus axerifolia	8	Non-heritage	Fair
28	Street	London plane	Platanus axerifolia	8	Non-heritage	Fair
29	Street	London plane	Platanus axerifolia	12	Non-heritage	Good

There are no sensitive habitats or wetlands on or adjacent to the project site. The project site is located approximately 0.85 miles east of Uvas Creek riparian habitat and is separated from this waterway by urban development (i.e., roadways and structures). Due to the lack of sensitive habitats, and the human disturbance and development in the project area, special-status plant and animal species are not likely to be on-site.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Have a substantial adverse effect on state or 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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) Would the project 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, or regulations, or by the CDFW or USFWS?

Based on the highly urbanized and disturbed nature of the project site, natural communities or habitats for special-status plant and wildlife species are not present. However, project construction would involve removal of trees on and adjacent to the site. Trees could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment or destruction of nests on-site or immediately adjacent to the construction zone would constitute a significant impact.

Impact BIO-1: Development of the proposed project would result in impacts to nesting birds, if present on the site at the time of construction. **(Significant Impact)**

Mitigation Measures:

MM BIO-1.1: 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 shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall 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 shall be conducted no more than one week prior to initiation of disturbance and/or construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall 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 is detected during the survey, then a plan for active bird nest avoidance shall be completed to identify 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.

To ensure that no inadvertent impacts to an active bird nest would occur, no disturbance and/or construction activities shall 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.

With implementation of MM BIO-1.1, the project's impact to nesting birds would be less than significant by avoiding construction during nesting bird season or completing pre-construction nesting bird surveys to minimize and/or avoid impacts to nesting birds.

(Less than Significant Impact with Mitigation Incorporated)

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is located in an urbanized area of Gilroy and does not contain sensitive natural communities or riparian habitat. The nearest sensitive community is a Grassland Natural Community located on the east side of Camino Arroyo and south side of Pacheco Pass, approximately 0.45 mile east of the site.[12] The Uvas Creek Riparian Forest and Scrub Natural Community is located approximately 0.85-mile west of the project site. [13] The proposed project would not occur within or adjacent to these natural communities. For this reason, the project would not impact riparian habitat or other sensitive natural communities.

[12] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page 3-114 and Figure 3.4-1.
[13] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page 3-114 and Figure 3.4-1.

(No Impact)

c) Would the project have a substantial adverse effect on state or 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?

The project site is located in an urbanized area of Gilroy and does not contain wetlands. The nearest wetland is located along Miller Sough, approximately 0.35 miles north of the project site.[14] The proposed project would not occur within or adjacent to this wetland. For this reason, the project would not impact wetlands.

(No Impact)

d) Would the project 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?

The project site is designated Urban-Suburban according to the Habitat Plan and is currently developed and surrounded by urban development. Neither the site or adjacent properties contain any riparian corridors, wildlife areas, open space, or wetlands that provide habitat or movement corridors for wildlife species in the region. For these reasons, the project would not interfere substantially with the movement of native resident or migratory fish or wildlife species, established wildlife corridors, or wildlife nursery sites.

(Less than Significant Impact)

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project complies with the City Code 30.38 Landscaping, Water, Efficiency, and Storm Water Retention and Treatment, which requires proper protection of trees to remain and planting of replacement trees for removed trees that meet the definition of "protected trees" and "heritage trees".

Based on preliminary review, the project would require the removal of a total of 15 trees, including 13 trees located on and adjacent to the projects site and two street trees. Of the trees to be removed, two are heritage trees (tree numbers 3 and 4) and one is a protected tree (tree number10). The two heritage trees to be removed are in poor health and would conflict with proposed improvements. The protected tree to be removed is located near the adjacent fire department and the two street trees (tree numbers 1 and 2) to be removed are located along Chestnut Street. These three trees would also conflict with proposed improvements. None of the street trees to be removed qualify as heritage or protected trees. The project would plant a total of 220 new trees on and adjacent to the project site.

[14] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page 3-114 and Figure 3.4-1.

Removal of any protected tree is subject to the approval of the Planning Division Manager, consistent with City Code Section 30.38.270. Trees to remain would be protected by implementing protection measures prescribed by a certified arborist, consistent with City Code 30.38.40 General landscape standards. For these reasons, the project would comply with Section 30.38 of the Gilroy City Code.

(Less than Significant Impact)

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

While the project site is within the Habitat Plan permit area, it does not have a natural communities land cover designation identified for the purposes of protection, enhancement, and restoration. The site has a land cover designation of Urban – Suburban. The project shall comply with the Santa Clara Valley Habitat Plan by implementing the below standard condition of approval.

Standard Condition of Approval:

- **Santa Clara Valley Habitat Plan.** The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant is required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to City of Gilroy Planning Division for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org

Compliance with the standard condition of approval listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. The project would pay nitrogen deposition fees based on the trip generation associated with the proposed uses.

(Less than Significant Impact)

4.5 CULTURAL RESOURCES

This discussion is based, in part, on an Archaeological Literature Search prepared by Holman & Associates in June 2020, and a Historic Resource Evaluation prepared by TreanorHL in December 2020. The Archaeological Literature Search report is confidential under state law. For this reason, it is not appended to this Initial Study. Qualified personnel may review a copy of the report at the City of Gilroy Community Development Department during normal business hours. A copy of the Historic Resource Evaluation is included in Appendix C of this Initial Study.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Setting*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[15]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

[15] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." March 14, 2006.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the proposed project.

Policy	Description
NCR 5.1	**Historic Structures and CEQA.** Discretionary projects subject to the California Environmental Quality Act (CEQA), which include changes to, or demolition of, structures that are 45 years or older, will require an historic property report or other substantial evidence in the record of the project to determine whether the structure is historically significant.
NCR 5.3	**Archaeological Resources Protection.** Ensure that all projects involving ground-disturbing activities include procedures to protect archeological resources if discovered during excavation. Projects shall follow CEQA and other applicable State laws.

4.5.1.2 *Existing Conditions*

Historic Resources

The literature search conducted for this project did not identify historic resources on the project site or adjacent properties within a quarter mile. A review of historic aerial maps of the project site indicate that the site was part of a larger property owned by T. R. Thomas in 1876. No structures

were identified on the project site during this time. Based on historic aerial photos, the project site was used for agricultural row crop cultivation between 1939 and 1964. The existing structures on-site were developed between 1966 and 1980. There are two structures on-site that are over 50 years old, including the office building located on the northern portion of the site (constructed circa 1967) and a metal-clad shed located in the center of the site (constructed in 1966). The structures on-site are not listed on the NRHP, CRHR, or City's latest historic resource inventory.[16] A historic resource evaluation was completed to evaluate the on-site buildings' potential eligibility to be listed in the NRHP and CRHR. The evaluation found that none of the buildings possess sufficient historical significance, therefore, do not qualify as historic resources under CEQA due to their age. A copy of the historic resource evaluation is included in Appendix C.

Archaeological Resources

The literature search conducted for this project did not identify cultural resources on the project site. Although the project site is located approximately 0.85 mile east of Uvas Creek, historic maps of the area show an unnamed creek (likely the west branch of Llagas Creek) flowing approximately 0.25 mile north of the project site. Due to the proximity of the project site to this historic creek bed, the project site has low to moderate potential for unrecorded Native American archaeological resources. As described above, a review of historic-era maps for the project site did not identify any structures or other evidence of potential for historic-era archaeological resources, suggesting low potential for these resources.

Paleontological Resources

The Holocene is the period of the Earth's history after the last major glacial period. Gilroy is mostly characterized as being underlain by Quaternary period (Cenozoic era) and Mesozoic era sedimentary rocks. Quaternary sedimentary rocks are marine gravel, sand, silt, and clay deposited mostly in valleys and lowlands and are related to the most recent Holocene and Pleistocene epochs. No known paleontological resources have been discovered in Gilroy, likely due to the presence of these relatively recent Holocene (10,000 years) deposits.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐

[16] City of Gilroy. *Historic Context Statement and Historic Resources Inventory Update (draft)*. July 2020.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

As described above, none of the buildings on-site are eligible for listing as historic resources. In addition, there are no buildings adjacent to the site that are historic resources that could be affected by development on-site. Therefore, the proposed project to remove existing development and redevelop the site would not impact to historic resources.

(No Impact)

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

No previously recorded archaeological resources were identified on the project site or adjacent properties and the site is located within an area of low to moderate archaeological sensitivity. In the event that archaeological resources are encountered during excavation and construction, the standard condition of approval listed below shall be implemented.

Standard Condition of Approval:

- If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 feet of the find and the area shall be staked off immediately. The City shall be notified immediately and a qualified professional archaeologist shall be retained (at the applicant's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate protection measures (such as collection, recordation, and analysis), shall be formulated by the professional archaeologist and implemented by the responsible party.

With implementation of the standard condition of approval described above, the project would result in less than significant impacts to subsurface cultural resources by halting work and retaining a qualified archaeologist to evaluate the find.

(Less than Significant Impact)

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique paleontological resource or site or unique geologic feature?

The project proposes excavation to a depth of approximately seven feet below ground surface. Based on the relatively shallow excavation depth, the project is unlikely to impact paleontological resources. However, in the event that paleontological resources are encountered during excavation and construction, discovered, the impact would be significant.

Impact CUL-1: While unlikely, the project could impact paleontological resources during construction. **(Significant Impact)**

Mitigation Measure:

MM CUL-1.1: If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Community Development Department shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Community Development Department.

With the implementation of mitigation measure MM CUL-1.1, the project would not result in significant impacts to paleontological resources by halting work, retaining a qualified paleontologist to evaluate the find, and implementing appropriate measures to treat and protect the find.

(Less than Significant Impact with Mitigation Incorporated)

d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

While there are no records that the site has been used for cemetery purposes, it is possible that human remains could be discovered during project construction, specifically during the grading or trenching activities. The following standard condition of approval is required to be implemented by the project during ground disturbing activities to reduce or avoid potential impacts related to the unanticipated discovery of human remains.

Standard Condition of Approval:

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to the Coroner's authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to the state law, the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

With implementation of the standard condition of approval described above, the project would have a less than significant impact on human remains if encountered by halting work within a 50-foot radius and notifying the Santa Clara County Coroner to identify descendants of the deceased Native American.

(Less than Significant Impact)

4.6 ENERGY

This discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared by Illingworth & Rodkin, Inc. in June 2021. A copy of this report is included in Appendix A to this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[17] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[18]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental

[17] California Building Standards Commission. "California Building Standards Code." Accessed January 21, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[18] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed January 21, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

quality. The latest CALGreen instituted mandatory environmental performance standards for all ground-up new construction of commercial, low-rise residential uses, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Water conserving plumbing fixtures and fittings for indoor water use;
- 65 percent construction/demolition waste must be diverted from landfills;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Low pollutant-emitting exterior and interior finish materials such as paints, carpets,
- vinyl flooring, and particle boards.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the proposed project.

Policy	Description
NCR 3.3	**Shade Tree Program.** Increase community-wide use of shade trees to decrease energy use associated with building retrofits and renewable energy development.
NCR 3.10	**Water Use Reduction.** Continue to implement water conservation policies contained within Gilroy's Urban Water Management Plan to achieve 20 percent per capita water reductions by 2020.
NCR 3.13	**Zero Waste.** Reduce municipal waste through procurement policies waste diversion goals and waste stream monitoring and analysis.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.[20] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy per consumption per capita. The breakdown by sector was approximately 18 percent (1,416 Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40

[19] California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 28, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.
[20] United States Energy Information Administration. "State Profile and Energy Estimates, 2017. "Accessed May 28, 2020. https://www.eia.gov/state/?sid=CA#tabs-2

percent (3,175 trillion Btu) for transportation.[21] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatts hours (GWh) of electricity was consumed in Santa Clara County.[22]

Pacific Gas and Electric Company (PG&E) is the City of Gilroy's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2019, natural gas facilities provided 14 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent; and two percent was unspecified.[23]

It is estimated the existing development on-site consumes approximately 241,060 kWh of electricity annually.

Natural Gas

PG&E provides natural gas services within the City of Gilroy. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[24] In 2016, residential and commercial customers in California used 29 percent of the state's natural gas, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[25]

It is estimated the existing development on-site consumes approximately 53,445 kBtu of natural gas annually.

[21] Ibid.
[22] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 28, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx
[23] Pacific Gas and Electric Company. "Exploring Clean Energy Solutions." Accessed May 28, 2020. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.
[24] California Gas and Electric Utilities. *2018 California Gas Report: Annual Gas Supply and Requirements Recorded years 2013-2017 (MMCF/ Day).* Accessed January 22, 2020. https://www.socalgas.com/regulatory/cgr
[25] California Energy Commission. "Natural Gas Consumption by County." Accessed February 21, 2019. http://ecdms.energy.ca.gov/gasbycounty.aspx.

Fuel for Motor Vehicles

In 2018, 135 billion gallons of gasoline were sold in California.[26] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per gallon (mpg) in the mid 1970-s to 24.9 mpg in 2018.[27] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Year 2011 through 2020.[28,29]

It is estimated the vehicle traveling to and from the existing development on-site consumes approximately 51,225 gallons of gasoline annually, based the average fuel economy of 24.9 mpg.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction

Construction of the project would require energy for the manufacturing and transportation of building materials, preparation of the site (including demolition and grading), and construction of buildings and other improvements; however, the project would not waste or use energy inefficiently.

Construction processes are generally designed to be efficient in order to avoid excess monetary costs.

[26] California Energy Commission. *California Retail Fuel Outlet Annual Reporting (CEC-A15) Results: Retail Sales Volumes – Survey Responses (Million Gallons).* Accessed January 22, 2020. https://ww2.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

[27] United States Environmental Protection Agency. "The EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019. https://nepis.epa.gov/Exe/ZyPDF.cgi/P100W5C2.PDF?Dockey=P100W5C2.PDF

[28] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed January 2020. https://afdc.energy.gov/laws/eisa

[29] Public Law 110-140-December 19, 2007. Energy Independence & Security Act of 2007. Accessed January 22, 2020. https://www.govinfo.gov/content/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf

That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance of and fuel for the equipment. Project development in urbanized areas with proximity to roadways, construction supplies, and workers in already more efficient than construction occurring in outlying, undeveloped areas. In addition, the project includes several measures that would improve the efficiency of the construction process. The proposed project would:

- Divert at least 50 percent of construction and demolition waste from landfills,
- Restrict equipment idling times to five minutes or less (see standard condition of approval under checklist question b) in Section 4.3.2),
- Require signs be posted on the project site reminding workers to shut off idle equipment (see standard condition of approval under checklist question b) in Section 4.3.2), and
- Use construction equipment with higher energy efficiency (see mitigation measure MM AQ-1.1 under checklist question d) in Section 4.3.2).

The project involves the construction of conventional building types and, as a result, there is nothing atypical or unusual about the project's construction that would result in wasteful, inefficient or unnecessary consumption of energy.

Based on the above discussion, the project's construction activities would not use fuel or energy in a wasteful manner.

(Less than Significant Impact)

Operation

Operation of the project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Energy would also be consumed during operation by future tenant and customer vehicle use to and from the project site. The net increase in energy use of the proposed project compared to existing uses is summarized in Table 4.6-1 below.

Table 4.6-1: Annual Energy Use of Existing and Proposed Development

	Electricity (kWh)	Natural Gas (kBtu)	Gasoline (gallons)
A. Existing Uses	241,060	53,444	51,225
B. Proposed Uses	1,010,297	5,461,934	99,033
Project Net Increase (B – A)	**769,237**	**5,408,490**	**47,808**

Note: the estimated gasoline demand is based on the estimated annual Vehicle Miles Traveled (VMT) of 1,275,500 for existing uses and 2,465,934 for the project, and the average fuel economy of 24.9 mpg.
kWh = kilowatt per hour
kBtu = kilo-British thermal unit

As shown in Table 4.6-1, the project would result in a net increase in energy demand compared to existing conditions. However, the project would not represent a wasteful or inefficient use of energy resources because the project is required to comply with Title 24 and CALGreen requirements to

reduce energy consumption. In addition, there is nothing atypical or unusual about the project's operations would result in wasteful, inefficient, or unnecessary consumption of energy.

(Less than Significant Impact)

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project is consistent with the build-out expected under the General Plan. The project is required to conform to General Plan policies and existing regulations (including California Building Standards Code, CALGreen , and other identified in Section 4.6.1.1 Regulatory Framework). By conforming to applicable state and local policies related to renewable energy and energy efficiency, the project would not preclude the City from meeting local or state renewable energy or energy efficiency goals.

(Less than Significant Impact)

4.7 GEOLOGY AND SOILS

This discussion is based, in part, on a Geotechnical Investigation Report prepared by Salem Engineering Group, Inc. in April 2020. A copy of this report is included in Appendix D of this Initial Study.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to geology and soils and are applicable to the proposed project.

Policy	Description
PH 2.1	**Active Fault.** Consider all faults in the area to be active faults, unless and until evidence to the contrary is developed through field investigation.
PH 2.2	**Site Investigation and Mitigation.** Ensure proper site investigation and appropriate mitigation for development proposals in areas of unconsolidated fill, and areas subject to seasonal high groundwater tables or other potentially unstable soils. .
PH 2.6	**Erosion and Deposition Control.** Require all new development proposals to include a site plan detailing appropriate methods of erosion and deposition control during site development and subsequent use.

City Code Chapter 6 Building

Chapter 6 of the Gilroy City Code includes the Current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 6 Article six of the City Code. Requirements for grading, excavation, and erosion control are included in Chapter 6 Article 3.

4.7.1.2 *Existing Conditions*

Topography and Soils

The project site is located within the southern limits of the Santa Clara Valley, bound to the west by the Santa Cruz Mountain Range and to the east and west by Diablo Range. The Santa Clara Valley comprises of young alluvial sediments derived from the Santa Cruz and Diablo Range. The project site has an elevation of approximately193 feet above mean sea level (asml) and is composed of 96 percent Yolo silty clay loam, and four percent Campbell silty clay loam.[30] Soils at the project site have low expansion potential.[31] Groundwater levels at the project site were observed at 18 feet below ground surface.

Based on the Santa Clara County Geologic Hazard Zones Map and the site's flat topography, the project site is not located within a landslide hazard zone.[32]

[30] Natural Resources Conservation Service. "Web Soil Survey" Accessed May 18, 2020. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx
[31] Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development Northeast of Chestnut Street and East of Tenth Street, Gilroy, California*. April 27, 2020.
[32] County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 67. October 2012. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

Seismicity and Seismic Hazards

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. The known major active faults near the project site include Calaveras Fault (approximately four miles east/ northeast of the project site), the San Andreas Fault (approximately 7.5 miles west of the project site), and Zayante-Vergeles Fault (approximately 10.5 miles west of the project site).

The project site is not located in an Alquist-Priolo Earthquake Fault Zone.[33] There are no known active faults that traverse the site and, therefore, the potential for fault rupture is very low.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. The project site is not located within a state-designated liquefaction hazard zone or a Santa Clara County liquefaction hazard zone.[34]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction that generally occurs along the steep banks of stream channels. The nearest waterway to the project site is Miller Slough, approximately 0.35-mile north of the project. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading on-site is low.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

[33] Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development Northeast of Chestnut Street and East of Tenth Street, Gilroy, California*. April 27, 2020.

[34] 1) Salem Engineering Group, Inc. *Geotechnical Engineering Investigation, Proposed Commercial Development Northeast of Chestnut Street and East of Tenth Street, Gilroy, California*. April 27, 2020. 2) County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 67. October 2012. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
– 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)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

a) Would the project directly or indirectly cause 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

As described above, the project site is not located in an Alquist-Priolo Earthquake Fault Zone or a Santa Clara Fault Rupture Hazard Zone. No known surface expression of active faults is known to cross the site.[35,36] Fault rupture through the site, therefore, is not anticipated. For these reasons, the proposed project would not expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on

[35] California Geological Survey, *Earthquake Zones of Required Investigation Gilroy Quadrangle*. January 1982.
[36] Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.

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.

(Less than Significant Impact)

Seismic Ground Shaking

The City of Gilroy is within the highest seismic risk zone (zone 4) designated in the Uniform Building Code. The City is subject to strong seismic ground shaking which can lead to structural damage and risk of loss, injury, or death.

The effects of seismic activity within the City's planning area were studied in the certified Gilroy 2040 General Plan EIR (General Plan EIR). 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 (e.g., Policy PH 1.3) 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 measures requiring updated earthquake hazard maps, would adequately mitigate seismic and seismic-related hazards. The EIR concluded that compliance with these policies and measures, would reduce the impacts from seismic shaking to a less than significant level.

With implementation of General Plan policies, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking, nor would the project exacerbate existing geologic hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions by studying the site for geologic hazards and incorporating measures to reduce hazards to a less than significant level.

(Less than Significant Impact)

Liquefaction

The project site is not located within a state-designated liquefaction hazard zone or a Santa Clara County liquefaction hazard zone.[37] For this reason, the risk from ground failure due to liquefaction is less than significant.

(Less than Significant Impact)

Landslide

The project site and surrounding area 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.

(No Impact)

[37] Ibid. and; County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 67. October 2012. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

b) Would the project result in substantial soil erosion or the loss of topsoil?

The project site is developed and generally level, which limits the potential for substantial soil erosion. Potential for erosion is highest during the grading and excavation phase. Ground-disturbing activities would include grading and trenching for foundations, access driveways, and utilities.

The project would be required to comply with Gilroy City Code Chapter 6, which requires a grading permit prior to ground-disturbing activities, protection of slopes, and use of erosion and sediment controls on construction sites to protect water quality. Erosion control plans are subject to review and approval by the City of Gilroy Engineering Division prior to issuance of building permits.

Furthermore, the General Plan EIR concluded that with the regulatory programs currently in place, the possible impact of accelerated erosion during construction would be less than significant. The project would comply with the regulations identified in the General Plan EIR, therefore, implementation of the proposed project would not have a significant soil erosion impact.

(Less than Significant Impact)

c) Would the project 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?

As described in Section 4.7.1.2 Existing Conditions, there is no potential for landslides or lateral spreading on-site. The site is not located within a liquefaction zone. Valley Water actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from compaction wells. Valley Water reduces the potential for land subsidence throughout the Santa Clara Valley by recharging groundwater basins with local and imported surface water. Valley Water also manages "in-lieu" recharge programs, including treated water deliveries, water conservation, and water recycling that reduce groundwater demand. The project would develop urban uses connected to the City's water system and would not require groundwater extraction wells on-site. Consistent with CALGreen, the project would implement water efficiency measures including low flow fixtures, to reduce regional groundwater demand.

Based on the above discussion, the project would not result in significant landslide, lateral spreading, subsidence, or liquefaction impacts.

(Less than Significant Impact)

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

The soil on-site has low potential for expansion. None the less, the project shall implement recommendations of the geotechnical investigation to further reduce expansive potential, such as importing non-expansive engineered fill to support concrete slabs. which would ensure that

development of the site would not exacerbate risks to life and property from development on potentially expansive soils.

(Less than Significant Impact)

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project would connect to the City's existing sanitary sewer system. The project, therefore, does not propose use of a septic tank or other alternative wastewater disposal system. Thus, there would be no impact.

(No Impact)

4.8 GREENHOUSE GAS EMISSIONS

This discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared by Illingworth & Rodkin, Inc. in June 2021. A copy of this report is included in Appendix A of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

California Air Resources Board 2017 Scoping Plan Update

As directed by Executive Order B-30-15, CARB's 2017 Scoping Update describes how the state plans to achieve the 2030 GHG emission reduction goal for California of 40 percent below 1990 levels by 2030, as mandated by SB 32. The strategy identified by the 2017 Scoping Plan Update for meeting the 2030 GHG target incorporates the full range of legislative actions and state-developed plans relevant to the year 2030: the Low-Carbon Fuel Standard, SB 350, 2016 Mobile Source Strategy, Sustainable Freight Action Plan, SB 1383, and Cap and Trade Program (AB 398).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. Pursuant to the BAAQMD CEQA Air Quality Guidelines, a project in compliance with a qualified GHG reduction strategy is considered to have a less than significance GHG impact.[38]

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to greenhouse gas and are applicable to the proposed project.

Policy	Description
LU 1.1	**Pattern of Development.** Ensure an orderly, contiguous pattern of development that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.
LU 1.4	**Mix of Uses.** Encourage a diverse mix of land uses to achieve a balance between jobs and housing, to ensure the community's long-term, and to increase job opportunities in the city to assist in equalizing the job/housing balance. Through the Land Use Diagram, the City shall encourage a range of housing types, mixed-use districts, a diversity of businesses and industries, and adequate services and leisure activities to meet the social and economic needs of residents.
M 4.2	**Transit and Development.** Require new development to fully accommodate, enhance, and facilitate public transit, including pedestrian and bicycle access to transit.
PFS 7.5	**Street Trees.** Strive to line the City's streets with trees so that they become enjoyable and beautiful spaces, creating a rich "urban forest" for the enjoyment of future generations. Tree species should be selected that will provide a canopy of shade and have root systems that will not cause sidewalk buckling and other damage, to the extent practicable.
NCR 3.3	**Shade Tree Program.** Increase community-wide use of shade trees to decrease energy use associated with building cooling.

[38] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017. Page D-24.

NCR 3.13	**Zero Waste.** Reduce municipal waste through procurement policies, waste diversion goals and waste stream monitoring and analysis.
NCR 3.14	**Prepare a Qualified GHG Reduction Plan.** Pursue funding through grants and any other appropriate funding mechanisms, including California Air Resources Board's list of programs and projects, California State Coastal Conservancy's Climate Ready Grant Program, Climate Corps, and CivicSpark. The plan may be prepared by amending the Gilroy 2040 General Plan or by preparing a separate GHG reduction plan. In either case, requirements for a qualified GHG reduction plan as identified in CEQA Guidelines, § 15183.5 (b)(1) must met. Accordingly, definition and implementation of GHG reduction measures in addition to those identified in Gilroy 2040 General Plan policies and programs may be required to show progress towards meeting the reduction targets established in the GHG reduction plan.
PFS 6.4	**Recycling.** Reduce the volume of material sent to solid waste sites by maintaining recycling programs and encouraging the participation of all residents and businesses.
PFS 6.5	**Source reduction.** Reduce the volume of disposed waste by encouraging efforts to decrease consumption; reduce material weight and volume; reuse products and materials; and increase the durability of products and materials

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Greenhouse gas emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient greenhouse gas emissions on its own to noticeably change the global average temperature. The combination of greenhouse gas emissions from past, present, and future projects in Gilroy, the entire State of California, and across the nation and around the world, contribute cumulatively to global climate change and its associated environmental impacts.

The City of Gilroy's methodology for assessing GHG impacts is derived from the CARB scoping

plans. The CARB stated in their 2013 scoping plan update that a 5.2 percent per year reduction from the projected 2020 statewide GHG emissions would be needed to achieve the state reduction targets for 2030 and 2050.[39] The City uses this reduction percentage and the land use driven emissions from the 2020 state GHG emissions inventory to derive a statewide emissions volume target for the first year of project operation. An operational year threshold of 4.08 MT CO_2e per service population was calculated for this project. Details on these calculations are included in Appendix A.

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. CalEEMod was used to estimate GHG emissions from construction of the site.

Construction of the project is estimated to emit 545 MT of CO2e over the total construction duration. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. The best management practices include restricting equipment idling times to five minutes or less, posting signs to remind workers to shut off idle equipment, and properly maintaining and tuning construction equipment. As a result, the project would not result in significant construction GHG emissions.

Operational Emissions

The project would also emit long-term GHG operational emissions associated with vehicular traffic, the generator, energy and water usage, and solid waste disposal. The project reduces its GHG emissions by installing bicycle parking, electric vehicle charging stations, and planting shade trees. CalEEMod was used to estimate GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model. The project service population efficiency rate is based on the number of future employees. Based on information provided by the applicant, the project would generate approximately 104 to 134 employees on-site. An average service population of 119 employees was assumed for the project. CalEEMod provides emissions for transportation, area sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste landfilling and transport. The project's estimated annual operational emissions are shown in Table 4.8-1.

[39] California Air Resources Board. *First Update to the Climate Change Scoping Plan Building on the Framework Pursuant to AB 32 The California Global Warming Solutions Act of 2006*. May 2014. https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf

Table 4.8-1: Annual Project GHG Emissions (CO2e) in Metric Tons		
Source Category	**Operational Year 2023**	**Year 2030**
A. Emissions from Proposed Project		
• Area	<1	<1
• Energy Consumption	306	306
• Mobile	984	856
• Solid Waste Generation	92	92
• Water	9	9
Metric Ton Total	1,391[2]	1,263[2]
B Total Emissions from Existing Uses	225	225
Net Project Metric Ton Total (A-B)	1,166	1,038
Service Population Emissions[1]	9.80	8.72
Service Population Significance Threshold	*4.08 MT CO_{2e}/year/service population*	*2.72 MT CO_{2e}/year/service population*
Exceeds Threshold?	**Yes**	**Yes**

[1] Based on the average service population of 119 employees

[2] The project would also have emissions of 19 MT CO2e/year associated with a standby generator that would be permitted by BAAQMD, and thus, those emissions are compared to the stationary threshold of 10,000 MT CO2e/year.

As shown in Table 4.8-1, the net annual emissions from the proposed project are predicted to be 1,166 MT of CO_2e in 2023 and 1,038 MT of CO_2e in 2030. The service population emissions for the year 2023 are predicted to be 9.79 MT/CO_2e/year/service population and 8.72 MT/CO_2e/year/service population in 2030.

The City uses the emission of the first operational year to determine GHG impacts. This service population threshold is a derivative of the SB 32 2030 threshold of 2.72 MT/CO_2e/year/service population scaled back to the project's operational year 2023. It is assumed that if the project meets the scaled back 2023 operational year threshold, it would meet the SB 32 2030 threshold and, therefore, have less than significant GHG emissions. The project's 2023 service population emissions exceed the 2023 service population threshold of 4.08 MT/CO_2e/year, therefore, the project would result in a significant GHG impact.

The certified General Plan EIR contained a mitigation measure (GHG-2) that requires the City to prepare a qualified GHG reduction strategy to comprehensively reduce GHG emissions from existing and future sources (such as the proposed project) so the City could meet the state's 2030 emissions reduction goal set forth in SB 32.[40] Per the General Plan EIR, the City is to prepare and adopt a qualified GHG reduction plan within three years of the General Plan adoption. Future development

[40] City of Gilroy. *Gilroy 2040 General Plan EIR, SCH#2015082014.* June 22, 2020. Pages 3-229 to 3-238.

consistent with the GHG reduction strategy would have less than significant GHG emissions. The GHG reduction strategy has not yet been adopted by the City.

Impact GHG-1: Project operations would result in significant GHG emissions. **(Significant Impact)**

Mitigation Measure:

MM GHG-1.1: The applicant shall mitigate the project's GHG impact to a less than significant level as outlined below.

- Threshold: The applicant shall mitigate the project's operational GHG emissions to the target year threshold for the life of the project[41] to achieve the applicable year-specific quantitative threshold[42] up to the year 2030 threshold of 2.72 MT/CO2e/year/service population by purchasing and retiring carbon offset credits, based upon the amount of GHG emissions set forth in Table 4.8-1 of this Initial Study.

- Demonstration of Reduction: The applicant shall demonstrate its reduction of GHG emissions through the retirement of carbon offset credits provided that the following conditions are satisfied:

    - Registry Performance Standards: The applicant shall provide proof to the City's Planning Division Manager that the carbon offset credits were issued by a registry meeting the following requirements:
        - The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting;

[41] The life of the project is assumed to be 30 years since building systems are generally substantially upgraded by year 30 (https://www.rdh.com/blog/long-buildings-last/; https://abgrealty.com/blog/life-span-commercial-building-components/; https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf.). California anticipates a significant increase in electric vehicles within the next 14 years (Executive Order N-79-20; https://www.experian.com/blogs/insights/2020/11/new-california-mandate-rekindles-electric-vehicle-buzz/). Treating a building's and its associated automobile GHG lifespan as 30 years appears conservative and is consistent with the methodology employed by the South Coast Air Quality Management District.

[42] The year-specific quantitative threshold in MT/CO2e/year/service population from 2023 to 2030 are as follows:
2023: 4.08
2024: 3.85
2025: 3.63
2026: 3.42
2027: 3.23
2028: 3.05
2029: 2.88
2030: 2.72

- The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Community Development Director, or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure.

- Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.[43]

To demonstrate compliance with such requirements, the developer shall provide the following to the City's Community Development Director, or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Community Development Director, or his or her designee, shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Community

[43] The following terms in this mitigation are defined as follows: "Additional" means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. "Real" means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. "Verifiable" means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. "Permanent" means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. "Quantifiable" means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. "Enforceable" means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

Development Director, or his or her designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used.

- Geographic Limitations: The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.

- Timing: The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent. A conservative estimate of the offset credits that need to be purchased by the project applicant for the lifetime of the project is 21,193 MT.[44]

- Enforcement: The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with the requirements of MM GHG-1, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.

- Adjustment: The required amount of carbon offset credits may be adjusted to account for changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows:

[44] This was estimated by: 1) calculating the amount of offset credits needed for year 2023 (680.48 MT) and assuming that amount is required for each year from 2023 to 2029 (680.48 MT x 7 years = 4,763.36 MT); 2) calculating the amount of offset credits needed for year 2030 (714.32 MT) and assuming that amount is required for each year from 2030 to 2053 (714.32 MT x 23 years = 16,429.36); and then adding the sum of the MT for those 30 years together (4,763.36 MT + 16,429.36 MT) to arrive at a conservative estimate of offset credits needing to be purchased to cover the lifetime of the project. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1.1

- The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, cool roofs, charging for parking, providing free transit passes, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the City's Community Development Director, or his or her designee for review and approval.

OR

- If the City has adopted a qualified GHG reduction strategy that covers the project, the project applicant can demonstrate that the project is consistent with the applicable mandatory measures in the GHG reduction strategy by submitting written proof documenting the project's consistency to the City's Community Development Director, or his or her designee for review and approval. If the project is consistent with the applicable mandatory measures in the GHG reduction strategy, it is concluded that it would result in a less than significant GHG impact and no further mitigation is required.

Implementation of MM GHG-1.1 would reduce the project's GHG emissions to a less than significant level by purchasing sufficient GHG credits, incorporating on-site measures to reduce GHG emissions, or complying with a qualified greenhouse gas reduction strategy to reduce project emissions below the significance threshold.

(Less than Significant Impact with Mitigation Incorporated)

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

The analysis of whether the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs is closely related to the impact analysis

in Section 4.6 Energy because increasing renewable energy usage and improving building energy and fuel efficiencies are primary strategies for reducing GHG emissions.

2020 Gilroy General Plan Consistency

Table 4.8-2 presents the project's consistency with applicable General Plan policies. As discussed in the table, the proposed project would be consistent with the General Plan by redeveloping an infill site with increased density, include a variety of commercial uses, planting net increase of trees, paying traffic fair-share fee, reducing citywide VMT, installing ADA compliant curb ramp to enhance pedestrian facility, and provide bicycle parking to encourage biking.

Table 4.8-2: Project Consistency with Applicable 2020 Gilroy General Plan Policies

Policy	Consistency Analysis
Policy LU 1.1 Pattern of Development. Ensure an orderly, contiguous pattern of development that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.	Consistent – The project site is located within a portion of Gilroy currently developed with a mixt of commercial and industrial uses. The project would redevelop an infill site, proposes jobs near existing housing, and does not result in land use incompatibilities (see discussion in Section 4.11 Land Use and Planning), and increase the density and intensity of development at the project site; therefore, the project would be consistent with is policy. The project's consistency with this policy reduces GHG emissions by intensifying the use of the site and reducing traveling distances of the employees and visitors.
Policy LU 1.4 Mix of Uses. Encourage a diverse mix of land uses to achieve a balance between jobs and housing, to ensure the community's long-term, and to increase job opportunities in the city to assist in equalizing the job/housing balance. Through the Land Use Diagram, the City shall encourage a range of housing types, mixed-use districts, a diversity of businesses and industries, and adequate services and leisure activities to meet the social and economic needs of residents.	Consistent –The proposed project is consistent with the General Plan land use designation and would include a range of commercial uses on-site including a gas station, convenience store, coffee shop, two fast food restaurants, gas station, and hotel. The project's consistency with this policy would reduce GHG emissions by proposing uses that reduce citywide VMT.
Policy PFS 7.5 Street Trees. Strive to line the City's streets with trees so that they become enjoyable and beautiful spaces, creating a rich "urban forest" for the enjoyment of future generations. Tree species should be selected that will provide a canopy of shade and have root systems that will not cause sidewalk	Consistent – As noted in Section 4.4 Biological Resources, the proposed project would plant 220 trees, including street trees on along adjacent roadways. Additionally, the project would include landscaped seating areas and pedestrian paths along the project's Tenth Street frontage. The project's consistency with this

Table 4.8-2: Project Consistency with Applicable 2020 Gilroy General Plan Policies	
Policy	**Consistency Analysis**
buckling and other damage, to the extent practicable.	policy would reduce GHG emissions by cooling the site, thereby reducing energy use for air conditioning.
Policy M 4.2. Transit and Development. Require new development to fully accommodate, enhance, and facilitate public transit, including pedestrian and bicycle access to transit.	Consistent – The proposed project would orient buildings to the street and minimize the visual appearance of parking to enhance the pedestrian experience on East Tenth Street. Street trees would be planted along East Tenth Street and East Ninth Street to create shade for pedestrians and bicyclists. In addition, the project would construction two pedestrian access paths on East Tenth Street and install ADA compliant curb ramps at the intersection of Chestnut Street and Ninth Street, increasing pedestrian connectivity to the site and surrounding uses. Bicycle parking would be provided adjacent to the proposed hotel and commercial buildings, consistent with CBC and VTA parking requirements. The project's consistency with this policy would reduce GHG emissions by providing improvements at the pedestrian and bicycle level that facilitate employees and customers to bike and walk to the site, thereby reducing emissions from automobile trips.
Policy PFS 6.4 Recycling. Reduce the volume of material sent to solid waste sites by maintaining recycling programs and encouraging the participation of all residents and businesses.	Consistent – As discussed in Section 4.18 Utilities and Service Systems, the project is required to divert at least 50 percent of debris from landfills during construction. Furthermore, during project operations, the project is required to reduce solid waste disposal consistent with state laws by participating in the City's recycling program. The project's consistency with this policy would reduce GHG emissions by diverting waste from the landfill.
Policy PFS 6.5 Source Reduction. Reduce the volume of disposed waste by encouraging efforts to decrease consumption; reduce material weight and volume; reuse products and materials; and increase the durability of products and materials.	Consistent – As discussed in Section 4.18 Utilities and Service Systems, the project is required to divert at least 50 percent of debris from landfills during construction. Furthermore, during project operations, the project is required to reduce solid waste disposal consistent with state laws by participating in the City's

Table 4.8-2: Project Consistency with Applicable 2020 Gilroy General Plan Policies	
Policy	**Consistency Analysis**
	recycling program. The project's consistency with this policy would reduce GHG emissions by diverting waste from the landfill.

California Air Resources Board's 2017 Scoping Plan Update Consistency

The proposed project would not impede implementation of potential reduction strategies identified by CARB. The project would benefit from efforts by the state and utility providers to increase the portion of electricity provided by renewable resources, and from state efforts to increase vehicle fuel economy standards and reduce the carbon content of fuels. The proposed project would use energy-efficient appliances and equipment, as required by Title 24.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community level, the 2017 Scoping Plan Update recommends developing a geographically specific GHG reduction plan (i.e. climate action plan) consistent with CEQA Guidelines Section 15183.5(b), that demonstrates how future developments will be consistent with the state's 2030 GHG reduction targets mandated by SB 32. As explained in Section 4.8.1 Environmental Setting, the City of Gilroy has not yet adopted a geographically specific reduction plan consistent with CEQA Section 151383.5(b).

Without a community wide GHG reduction plan in place that meets the current requirements of CEQA Section 15183.5(b), the City is following CARB's recommendation that "where further project design or regional investments are infeasible or not proved to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits."[45]

As described under Impact GHG-1, with implementation of mitigation measure MM GHG-1.1, the purchasing and retiring of carbon off-set credits and/or compliance with a qualified GHG reduction strategy would reduce project emissions to a less than significant level.

For the reasons described above, the proposed project with implementation of mitigation measure MM GHG-1.1 would be consistent with the 2017 Scoping Plan Update.

(Less than Significant Impact with Mitigation Incorporated)

[45] California Air Resources Board. *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target.* 2017..

2017 Clean Air Plan Consistency

The BAAQMD 2017 CAP focuses on two goals: protecting public health and protecting the climate. The 2017 CAP includes air quality standards and control measures designed to reduce emissions of methane, carbon dioxide, and other super-GHGs.[46] As discussed in Section 4.3 Air Quality, the proposed project would not exceed BAAQMD air quality standards during project construction and operations with incorporation of standard conditions of approval and mitigation measures. Therefore, the proposed project would not conflict with programs and policies in the 2017 CAP designed to reduce GHG emissions.

(Less than Significant Impact)

[46] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017.

4.9 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based, in part, on the Phase I Environmental Site Assessment and Phase II Subsurface Investigation prepared by Salem Engineering Group in August 2018 and March 2020, respectively. Copies of these reports are included in Appendix D of this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, and the Resource Conservation and Recovery Act. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be conducted only at sites listed on EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[47]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[48]

[47] USEPA. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview
[48] USEPA. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[49]

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The City of Gilroy's Chemical Control Program reviews CalARP risk management plans as the CUPA. City codes covered by the CUPA include the Fire Code Hazardous Materials Requirements, Hazardous Materials Storage Permit Requirements, and Industrial Wastewater Permit and Inspections for the South County Regional Wastewater Authority (Sanitary Sewer Plant).

Hazardous Materials Business Plan

California's Health and Safety Code requires that any business that handles hazardous materials prepare a hazardous materials business plan (HMBP), which must include the following:

- Details, including floor plans, of the facility and business conducted at the site;
- An inventory of hazardous materials that are handled or stored on-site;
- An emergency response plan; and
- A safety and emergency response training program for new employees with annual refresher courses.

The goal of the HMBP program is to protect human and environmental health from adverse effects as a result of the storage or possible release of hazardous materials. This is done primarily by documenting significant amounts of hazardous materials so that emergency responders can effectively protect the public.

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed

[49] CalEPA. "Cortese List Data Resources." Accessed May 19, 2020. https://calepa.ca.gov/sitecleanup/corteselist.

prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Santa Clara County Operational Area Emergency Operations Plan and Regional Catastrophic Earthquake Mass Transportation/Evacuation Plan

The Santa Clara County Operational Area Emergency Operations Plan outlines administrative response protocols for the County (Santa Clara County Office of the County Executive 2017). In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies. The Evacuation Annex to the County of Santa Clara Emergency Operations Plan is a guidance document to the Santa Clara County Operational Area Emergency Operations Plan and outlines the general strategy for emergency response to an incident with regional impact. In addition, Santa Clara County in conjunction with other Bay Area city and county governments along with the California Emergency Management Agency, developed a Regional Catastrophic Earthquake Mass Transportation/Evacuation Plan in 2011, which provides further evacuation planning guidance to city and county governments in the event of an earthquake with region-wide impacts.

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
PFS 10.3	**Development Review.** Under the direction and authority of the Fire Chief, the Fire Marshall shall review of development proposals to ensure that projects adequately address fire access and building standards.
PH 5.6	**Hazardous Soils Conditions Clean-up.** Evaluate new development sites for potential hazardous soils conditions. In cases where contamination is identified, require that all necessary mitigation measures are incorporated into the project to ensure there is no public health danger. When appropriate, refer the project to the proper County or State agency for review.

City Code Chapter 9 Emergency Organization and Functions

The City of Gilroy City Code Chapter 9 Emergency Organization and Functions outlines the power and duties of the City Administrator to act as the director of emergency services to ensure the protection of the public and property within the city in the event of an emergency. This chapter of the City code addresses the direction of the emergency organization and the coordination of emergency functions with mutual aid.

4.9.1.2 *Existing Conditions*

Current and Historic Use of the Project Site

The project site and surrounding area were primarily used for agricultural row crop cultivation from at least 1939 until the mid-1960s. No structures were present on the project site during this time. By the mid-1960s, several commercial buildings had been constructed to the northwest of the project site and by 1968, a small structure was developed in the northwest portion of the project site while the western portion of the site was utilized for storage/staging purposes. In 1974, the southwestern portion of the project site (505 East Tenth Street) was developed with a gas station as well as the warehouse and commercial buildings currently present at the site. By 2014, the gas station was removed and the site was developed with all structures present today.

Existing uses at the project site include Trans Valley Transport at 450 East Ninth Street, and a multi-tenant commercial building occupied by a market, two restaurants, tattoo shop, hair salon, and insurance office at 401 East Tenth Street.

On-Site Contamination

The Phase I ESA and Phase II subsurface investigation conducted for the proposed project identified one recognized environmental condition (storage and handling of hazardous materials at the warehouse building) and one historic recognized environmental condition (the former presence of two underground storage tanks on the project site). The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The uses on-site currently store and handle of hazardous materials, including waste oil, diesel exhaust fuel, soap, and nitrogen associated with the existing trucking company. Storage of these hazardous materials was observed in two aboveground storage tanks (ASTs), three upright cylindrical tanks, and three, 55-gallon drums near the warehouse building at 450 East Ninth Street. No signs of hazardous materials leaks or releases were detected during the site reconnaissance survey.

In addition to the existing hazardous materials storage, two underground storage tanks (USTs) and an oil water separator are associated with historic uses on the site. The USTs were associated with the former gas station and trucking company (which has occupied the project site since the 1970s) and were identified as having been previously located along the southern and northern property lines. Although removal of the UST along the north property line was documented, no documentation was found for the UST at the former gas station along the southern property line. Therefore, the Phase I ESA prepared in August 2018 concluded that a Phase II subsurface Investigation including geophysical study, soil sample, and soil vapor sampling should be conducted to confirm the removal

of the UST associated with the former gas station.

Subsequently, a Phase II subsurface investigation for the project site was completed in January 2020 and included a geophysical survey, as well as soil and soil vapor testing. The geophysical survey confirmed that the two USTs were likely removed from the project site, as indicated by the density of the soil and patched/ cut concrete and asphalt. Although metals were detected in soil samples, concentrations were below their respective RWQCB Tier 1 commercial/ industrial environmental safety limits and soil vapor samples did not contain volatile organic compounds (VOCs) above laboratory detection limits. No other hazardous materials were identified in the soil.

Off-Site Contamination

Uses in the vicinity of the project site have potential to store and handle significant quantities of hazardous substances or petroleum products may be stored or handled at surrounding properties, such as the Gilroy Fire Department facility to the west, Pape Machinery facility to the north, and various landscaping supply companies to the northwest along East Ninth Street. The Gilroy Fire Department facility is registered as a UST site. There are no reported unauthorized releases of hazardous substances or petroleum products at these facilities.

The nearest source of known contamination to the project site is the California Highway Patrol (CHP) facility at 740 Renz Lane, which is identified in the GeoTracker database as having contaminated soils resulting from a leaking underground storage tank (LUST). The property is located approximately 500 feet south of the project site and is hydrologically upgradient. On July 3, 1997, this site reported a release of petroleum hydrocarbons resulting in contamination of the soils beneath the facility. Remediation was conducted and regulatory closure was issued by the Santa Clara County Environmental Health Department (SCEHD) on January 5, 1998.

Other Hazards

The nearest public airport to the project site is the San Martin Airport, approximately 5.5 miles north of the project site. The project site is not located within the airport influence area or any of the safety zones for the San Martin Airport.[50]

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. [51]

[50] County of Santa Clara. C*omprehensive Land Use Plan Santa Clara County, South County Airport.* November 16, 2016.
[51] California Department of Forestry & Fire Protection. *Santa Clara County Very High Fire Hazard Severity Zones.* October 8, 2008.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
f) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
g) For a project located within the South County Airport Comprehensive Airport Land Use Plan, prepared for the San Martin Airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The project proposes a gas station, convenience store, restaurants, and hotel on the project site. The proposed gas station would be required to comply with applicable federal, state, and local handling, storage, and disposal requirements (including Hazardous Materials Transportation Act, Department of Transportation 49 Code of Federal Regulations [CFR] 173.3, and OSHA 29 CFR 1910.106 (e)(2)(iii)) which would ensure that no significant hazards to the public or the environment are

created by the routine transport, use, or disposal of fuel. The other uses proposed on-site would use small quantities of hazardous materials (such as fuels and oils for emergency generator, herbicides, pesticides, and pool maintenance and cleaning supplies) that would be properly stored and used in accordance with applicable regulations (Hazardous Materials Transportation Act, Department of Transportation 49 CFR 173.3, EPA 40 CFR 264.175, and OSHA 29 CFR 1910.106 (e)(2)(iii)). For these reasons, the project would not create a significant hazard to the public or environment through routine transport, use, disposal, or foreseeable upset of hazardous materials.

(Less than Significant Impact)

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b) Would the project 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?

Contaminated Soils

Project construction may include the temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, or solvents. Due to the presence of existing ASTs, historic use of the site as a gasoline service station, and the former presence of USTs on-site, there is potential that contaminated soils could be encountered during construction activities, including excavation and grading.

Impact HAZ-1: Due to historic and existing hazardous materials storage and/or use, soils on-site may be contaminated with hazardous materials. **(Significant Impact)**

Mitigation Measure:

MM HAZ-1.1: A Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials, if encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate and current risk-based screening levels for the proposed use. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate remediation measures.

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (or equivalent oversight agency) for review and approval. A copy of the approved SMP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;

- Identification of proper remediation as needed (i.e., removal of ACMs and LBP) for demolition of existing structures;
- Requirements for periodic observations and field screening of exposed/ excavated soil for indications of contamination including remedial soil segregation during excavation;
- Procedures for proper management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Procedures for proper management of underground structures encountered, including utilities and/ or underground storage tanks;
- Procedures to follow if evidence of any unknown historic release of hazardous materials (e.g., underground storage tanks polychlorinated biphenyls [PCBs], Total Petroleum Hydrocarbon (TPH), VOCs, asbestos containing materials, lead-based paint, etc.) are discovered.

A Health and Safety Plan (HSP) for each contractor working at the site shall be completed by a qualified professional that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. The HSP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits.

With the implementation of mitigation measure MM HAZ-1.1 and adherence to the Cal/OSHA-required Injury and Illness Prevention Program, impacts from hazardous materials on-site (if encountered) would be reduced to a less than significant level by properly identifying and disposing hazardous materials.

(Less than Significant Impact with Mitigation Incorporated)

Asbestos-Containing Materials and Lead-Based Paint

Based on the construction date of the structures on the site, there is a potential for ACMs and lead-based paint to be present in on-site building materials. During demolition activities, these materials may create a health risk if not properly handled. The following standard condition of approval based on BAAQMD and Cal/OSHA rules and regulations would ensure that potential impacts to construction workers and others from ACMs would be less than significant.

Standard Condition of Approval:

- Prior to the issuance of a demolition permit, an asbestos survey shall be completed for existing buildings on-site prior to demolition in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.
- Prior to the issuance of a demolition permit, a lead-based paint survey shall be completed for the existing buildings on-site in accordance with the Cal/OSHA guidelines. If lead-based paint is bonded to the building materials, the removal of lead-based paint is not required. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training and air monitoring and dust control. Any debris containing lead shall be disposed appropriately.

The project, with the implementation of the above standard condition of approval would reduce impacts from ACMs and lead-based paint (if present on-site) to a less than significant level by requiring a survey for asbestos and its removal in accordance with NESHAP guidelines to control asbestos emissions and removal and disposal of lead-based paint in accordance with OSHA regulations to protect worker health and safety.

(Less than Significant Impact)

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest school is Eliot Elementary School approximately 0.2-mile north of the project site. As discussed under checklist questions a) and b) above, the project would not create a hazard to the public due to use, transport, or disposal of hazardous materials, nor through upset or accidental release of hazardous materials with compliance of applicable federal, state, and local regulation and the implementation of mitigation measure MM HAZ-1.1. For these reasons, the project would not significantly emit hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

(Less than Significant Impact)

d) Would the project 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, would it create a significant hazard to the public or the environment?

The project site is not listed on any hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be no impact.[52]

(No Impact)

[52] CalEPA. "Cortese List Data Resources." Accessed November 2, 2020. Available at: https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/.

e) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would dedicate three feet of right-of-way for the City-planned widening of Tenth Street. The project and the widening of Tenth Street would not interfere with operations of roadways (i.e., Tenth Street and Highway 101 off-ramp), the Chestnut Station Fire Department, or other aspects of the County's and City's emergency plans. The project, therefore, would not interfere with adopted emergency response/evacuation plans.

(Less than Significant Impact)

f) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

As discussed in Section 4.9.1.2 Existing Conditions, the project site is located within a developed area of Gilroy that is not subject to wildland fires. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

(No Impact)

g) For a project located within the South County Airport Comprehensive Airport Land Use Plan, prepared for the San Martin Airport, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within the South County Airport Comprehensive Land Use Plan.[53] The Comprehensive Land Use Plan is intended to safeguard the general welfare of the inhabitants within the vicinity of South County Airport and the aircraft occupants. For this reason, the project would not result in a safety hazard for people residing or working in the project area. **(No Impact)**

[53] County of Santa Clara. *Comprehensive Land Use Plan South County Airport*. November 16, 2016.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the Central Coast RWQCB (CCRWQCB).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The State Water Resources Control Board (SWRCB) has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

Phase II Small MS4 General Permit

Gilroy, Morgan Hill, and the portion of Santa Clara County that drains to the Pajaro River-Monterey Bay watershed are traditional permittees under the state's Phase II Small MS4 General Permit. Since these regions are located in RWQCB Region 3 (Central Coast Region), they are subject to the Central Coast Post-Construction Requirements per Provision E.12.k of the Phase II Permit. The Central Coast Post-Construction Requirements became effective in 2014 and are specific to the Central Coast Region. Post-construction controls are permanent features of a new development or redevelopment

project designed to reduce pollutants in stormwater and/or erosive flows during the life of the project. Types of post-construction controls include low impact development (LID) site design, pollutant source control, stormwater treatment, and hydromodification management measures. The LID approach reduces stormwater runoff impacts by minimizing disturbed areas and impervious surfaces, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses).[54]

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[55]

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its region under the NPDES program and Waste Discharge Requirements.

Local

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the proposed project.

[54] City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.
[55] California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed June 9, 2020.

Policy	Description
NCR 4.2	**Pollution Prevention.** Prohibit development of waste processing facilities and industries using toxic chemicals in areas where pollutants may come in contact with groundwater, floodwaters, creeks, or reservoir waters..
NCR 4.8	**Low Impact Development.** Require new development to protect the quality of water resources and natural drainage systems through site design, source controls, runoff reduction measures, best management practices (BMPs), and Low Impact Development (LID).
NCR 4.9	**Native and Drought-Tolerant Landscaping.** Use native or drought-tolerant vegetation and water-efficient irrigation systems in the landscaping of all new public facilities, except in active recreation areas. Encourage the use of similar landscaping and irrigation in private development.

Storm Drainage System Master Plan

The City's Storm Drainage System Master Plan (Storm Water Master Plan) is prepared to recognize the importance of planning, developing, and financing storm drainage system facilities to provide reliable and enhanced service for existing customers and to serve anticipated growth.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The 6.8-acre site is located in the Uvas/ Llagas watershed.[56] Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Uvas Creek, located approximately one-mile west of the project site. The project site is currently developed and paved, with approximately 91 percent (or 6.2 acres) of the site covered with impervious surfaces. The project is currently served by a 15-inch storm drain in Ninth Street and a 18-inch storm drain in Tenth Street.

Groundwater

The City of Gilroy relies on groundwater from the underlying Llagas Groundwater Basin. The basin consists of sedimentary material between the Santa Cruz Mountains on the west and the Diablo Range on the East. According to the City's Water System Master Plan, the City withdraws groundwater from underground aquifers through nine wells with an effective production capacity of approximately 15.5 million gallons per day (gpd).[57] The project site is located within a designated groundwater recharge zone.[58] The site's approximately 0.6 acres (or approximately nine percent) of pervious surface could provide some increment of groundwater recharge.

[56] Santa Clara Valley Water District. "Watersheds of the Santa Clara Valley." Accessed May 27, 2020. https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley.
[57] City of Gilroy. *Water System Master Plan*. May 2004. Page 4-1.
[58] Santa Clara Valley Water District. *Groundwater Management Plan*. Figure 4-2. November 2016.

Flooding and Other Hazards

The project site is not located within a 100-year flood zone. According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone X.[59] Flood Zone X denotes areas with 0.2 percent annual chance of flood hazards.

The project site is located within the Anderson Dam's dam failure inundation area.[60]

Due to the location of the project site approximately 17-miles east of the Pacific Ocean and approximately 37-miles south of the San Francisco Bay (the nearest waterbodies susceptible to tsunami and seiche, respectively), it would not be subject to tsunami or seiche hazards.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
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., the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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 runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐

[59] Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No 06085C0643H.* Effective date May 18, 2019.
[60] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Figure 3.9-2.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
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?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☒	☐
j) Would the project substantially alter the existing drainage pattern of the site or area, or add water features that could increase habitat for mosquitos and other vectors and a potential for increased pesticide use?	☐	☐	☒	☐

a) Would the project violate any water quality standards or waste discharge requirements?

Construction

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The project would comply with the NPDES Construction General Permit to control the discharge of stormwater pollutants including sediments associated with construction activities to a less than significant level.

(Less than Significant Impact)

Post-Construction

Development on-site would be required to comply with the City of Gilroy's Stormwater Management Plan, Santa Clara Valley Habitat Plan requirements (Table 6-2: Aquatic Avoidance and Minimization Measures), and the CCRWQCB's stormwater requirements, as applicable. Stormwater runoff from the proposed development would be required to drain into treatment areas prior to entering the storm

drainage system consistent with CCRWQCB's post-construction requirements. Treatment facilities would be numerically sized and would have sufficient capacity to treat the roof runoff prior to entering the storm drainage system consistent with the City's Stormwater Management Plan. The treatment facilities would also be properly maintained to prevent erosion and invasive plant species consistent with the Santa Clara Valley Habitat Plan requirements. For these reasons, the project's compliance with the City's Stormwater Management Plan, Santa Clara Valley Habitat Plan requirements, and CCRWQCB's requirements would reduce stormwater quality impacts post-construction to a less than significant level.

(Less than Significant Impact)

b) Would the project 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., the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted) ?

The City has an established CEQA Significant Impact Threshold for this checklist questions. The significance threshold is any inconsistency with the City's Water Master Plan. As noted above, the project site is located within a groundwater recharge zone.

The proposed project is consistent with the land use designation of General Services Commercial assumed in the City's Water Master Plan. With implementation of the project, the site would be 25 percent pervious, resulting in a 16 percent increase in pervious surfaces compared to existing conditions. As a result, the development of the project would not adversely impact groundwater recharge occurring from stormwater percolation on-site. In addition, consistent with CCRWQCB's stormwater requirements, the project would include bioretention basins and bioswales to collect and absorb runoff from the project site which could result in some potential recharge of groundwater.

Because the project would be consistent with the City's Water Master Plan and increase pervious surfaces on-site, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

(Less than Significant Impact)

c) Would the project 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 runoff in a manner that would result in substantial erosion or siltation on- or off-site?

The project would not result in the alteration of a stream or river. The project would decrease the amount of impervious surfaces on-site by approximately one acre (or 16 percent), thereby decreasing the amount of stormwater runoff from the site compared to existing conditions. As a result, site runoff resulting from the implementation of the project would not result in substantial erosion or siltation on- or off-site.

(Less than Significant Impact)

d) Would the project 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 runoff in a manner that would result in flooding on- or off-site?

The project would not result in the alteration of a stream or river. The project would decrease the amount of impervious surfaces on-site by approximately one acre (or 16 percent), thereby decreasing the amount of stormwater runoff from the site compared to existing conditions. As a result, site runoff resulting from the implementation of the project would not result in on- or off-site flooding.

(Less than Significant Impact)

e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is non-compliance with the 2004 Storm Drainage Master Plan. The Master Plan bases future system requirements on the 2020 General Plan Land Use Map. The proposed project is consistent with the land use designation of General Services Commercial assumed in the City's Storm Drainage Master Plan.

Consistent with provision CCRWQCB's stormwater requirements, the project would include bioretention basins and bioswales to collect and treat runoff from the project site before it reaches the storm drainage system. With implementation of the project, stormwater generated at the project site and entering the City's storm drainage system would decrease compared to existing conditions. For these reasons, the existing storm drain system would continue to have adequate capacity to serve the site and surrounding area, and the project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional polluted runoff.

(Less than Significant Impact)

f) Would the project otherwise substantially degrade water quality?

The City has an established a CEQA Significant Impact Threshold for this checklist question. The significance threshold is any inconsistency with the City's Storm Water Management Plan. The Storm Water Management Plan requires compliance with the Central Coast Post-Construction Requirements for all new development or redevelopment projects that create and/or replace <2,500 square feet of impervious surface. As discussed under checklist questions a, b, and e b) above, the project would comply with the Central Coast Post-Construction Requirements by including bioretention basins and bioswales throughout the site to treat site runoff.

(Less than Significant Impact)

g) Would the project 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?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is any inconsistency with the City's Floodplain Management Ordinance. The project site is designated as Flood Zone X, which is not a 100-year flood zone or considered a special hazard flood zone in the FEMA Flood Rate Insurance Maps.[61] Therefore, the project would not be required to obtain development permit under the City's Floodplain Management Ordinance and impacts would be less than significant.

(No Impact)

h) Would the project place a structure within a 100-year flood hazard area, which would impede or redirect flood flows?

As described in checklist question g) above, the project site is designated as Flood Zone X, which is not a 100-year flood zone or considered a special hazard flood zone in the FEMA Flood Rate Insurance Maps.[62] Therefore, the project would not impede or redirect flood flows in a 100-year flood zone.

(No Impact)

i) Would the project 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?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project is located in the foothills. The project site is not located in the foothills of Gilroy.

While the project site is located within the Anderson Dam's flood inundation area, the Anderson dam is designed to meet special seismic design specifications and are regularly inspected and maintained by Valley Water. As a result, the potential for the project to inundated due to dam failure is less than significant impact.

(Less than Significant Impact)

j) Would the project substantially alter the existing drainage pattern of the site or area, or add water features that could increase habitat for mosquitoes and other vectors and a potential for increased pesticide use?

Mosquitoes lay their eggs in standing water and damp soil. The existing gravel surface parking lot has uneven surface, which could at times have shallow pools of standing water that could provide opportunities for mosquito breeding. The project redevelop the site and include bioswales and bioretention areas, as well as a pool. Pursuant to the City's Stormwater Management Plan, Santa

[61] FEMA. "Special Flood Hazard Area." Accessed June 5, 2020. https://www.fema.gov/special-flood-hazard-area#:~:text=The%20land%20area%20covered%20by,purchase%20of%20flood%20insurance%20applies.
[62] FEMA. "Special Flood Hazard Area." Accessed June 5, 2020. https://www.fema.gov/special-flood-hazard-area#:~:text=The%20land%20area%20covered%20by,purchase%20of%20flood%20insurance%20applies.

Clara Valley Habitat Plan requirements (Table 6-2: Aquatic Avoidance and Minimization Measures), and the CCRWQCB's stormwater requirements , the proposed stormwater treatment features shall be properly designed to ensure proper drainage and routinely inspected to ensure proper infiltration rates and prevent standing water. Similarly, the proposed hotel pool would also be properly maintained by keeping the water level above the pump circulation area to allow for proper circulation. For these reasons, the proposed project would not contain any water features that could provide an opportunity for mosquitoes to breed.

(Less than Significant Impact)

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to land use and are applicable to the proposed project.

Policy	Description
EP 8.1	**Industrial and Commercial Lands.** Protect and improve the quantity and quality of lands designated for industrial and commercial uses.
LU 4.12	**Zoning change Request.** Carefully consider zone change requests to the Commercial-Industrial (CM) District to ensure compatibility of the range of allowed uses with surrounding existing and planned future uses.

Gilroy City Code Chapter 30 Zoning Ordinance

The City's Zoning Ordinance is intended to promote and protect the public health, safety, peace, comfort, convenience and general welfare. It is adopted to (a) assist in providing a definite comprehensive plan for sound and orderly development, and to guide and regulate each development in accordance with the general plan and its objectives and standards; (b) protect and improve the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas of Gilroy; (c) provide light, air, privacy and convenience of access to property; and to promote safety from fire and other dangers; (d) prevent overcrowding of land and undue congestion of population; (e) regulate the location of buildings and the use of buildings and land so as to prevent undue interference with existing or prospective traffic movements on public thoroughfares; (f) prezone unincorporated territory adjoining the city for the purpose of determining the zoning that shall apply to such property in the event of subsequent annexation to the city.

4.11.1.2 *Existing Conditions*

Project Site

The project site is designated General Services Commercial in the City's General Plan. Lands designated as General Services Commercial are intended for commercial uses that, due to the nature of their operations, are not compatible with residential uses. They typically have a larger market area and a greater volume of customers than establishments in the Neighborhood Commercial category and generate considerable traffic volumes and require large parcels with large parking lots. Examples of land uses allowed in General Services Commercial district include automobile sales, boat sales, recreational vehicle sales, and body shops.

Most of the project site (approximately 5.94 acres) is zoned (CM) Commercial Industrial (APNs 841-66-010, -014, and -015) and the remaining 0.89 acres in the southwest corner of the project site is

zoned (C3) Shopping Center Commercial (APC 841-66-011). The CM zoning district is intended for low intensity commercial uses that existing in combination with light manufacturing or light industrial uses. Examples of permitted uses in the CM zoning district include retail sales and retail services uses, light manufacturing, and auto-related uses, as well as religious and public institutional uses. The C3 zoning district is intended for commercial uses of a high intensity and of a citywide or regional character. Examples of permitted uses within the C3 district include retail sales and retail services uses, auto-related uses, and religious and public institutional uses.

The project site is currently developed with commercial and light industrial land uses.

Surrounding Land Uses

Surrounding land uses include commercial and industrial buildings to the north, commercial buildings and a fire station to the west, commercial buildings to the south (across East Tenth Street), and industrial buildings to the east (across Highway 101) (refer to Figure 2.4-3Figure 2.4-3: Aerial Photograph of Surrounding Area). The nearest residential uses are located to the north on Eighth Street. The General Plan land use designation and zoning of the surrounding area are summarized in Table 4.11-1.

Table 4.11-1: Land Uses Surrounding the Project Site

Direction	General Plan Designation	Zoning District	Existing Use
North	General Services Commercial	CM Commercial Industrial	Industrial uses
South	General Services Commercial	C3 Shopping Center Commercial	Commercial uses
East	General Industry (across Highway 101)	M2 General Industrial (across Highway 101)	Industrial uses (across Highway 101)
West	General Services Commercial/ Public/ Quasi-Public Facility	C3 Shopping Center Commercial/ PF Park/ Public Facility	Commercial uses/ Gilroy Fire Department

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan (i.e., Santa Clara Valley Habitat Plan) or natural community conservation plan?	☐	☐	☒	☐

a) Would the project physically divide an established community?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community for between communities. The project proposes to redevelop the project site with commercial uses, including a hotel use. The project does not propose physical structures or features that would impair mobility or divide an established community. In addition, the project includes installation of ADA compliant curb ramps and crosswalks at the intersection of East Ninth Street and Chestnut Street that would improve pedestrian mobility in the site vicinity. For these reasons, the project would not physically divide an established community.

(Less than Significant Impact)

b) Would the project 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is a conflict with the General Plan or Zoning Ordinance.

The project site is designated for General Services Commercial land uses according to the General Plan Land Use Map. The project would be consistent with the General Plan Land Use designation for the project site and would be consistent with applicable General Plan land use policies (including the ones listed in Section 4.11.1.1 Regulatory Framework) by proposing a gas station at an intersection that does not currently contain a gas station.

The project requires rezoning the site from CM and C3 to a PUD overlay in order develop the proposed project. Specifically, rezoning is required for the proposed hotel's maximum building height. Under the existing C3 zoning district, a maximum height of 60 feet and six inches to the top of the architectural element is allowed. The proposed hotel would have a maximum height of 66 feet and four inches to the top of the parapet. The other proposed buildings would be within the maximum building height allowed by the existing zoning designations. Rezoning the site to allow for an increase of about four feet in maximum building height would not result in a land use impact.

(Less than Significant Impact)

c) Would the project conflict with any applicable habitat conservation plan (i.e., Santa Clara Valley Habitat Plan) or natural community plan?

As discussed in Section 4.4 Biological Resources under checklist question f), the project (with the implementation of the standard conditions of approval) is consistent with the Habitat Plan.

(Less than Significant Impact)

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

Uvas Creek and adjoining margins within the City's Hecker Pass Specific Use District have been designated by the California Department of Conservation, State Mining and Geology Board as containing mineral deposits of statewide importance.[63] The project site is approximately one-mile east of the Uvas Creek and 2.2 miles southeast of the Hecker Pass Specific Plan area.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

[63] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Pages 3-319 and 3-320.

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

The Uvas Creek area of Gilroy is the only area within the City of Gilroy that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Uvas Creek and adjoining margins within the Hecker Pass Specific Plan area, therefore, the project would not result in the loss of availability of a known mineral resource.

(No Impact)

4.13 NOISE

This discussion is based, in part, on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. in September 2020. A copy of this report is included in Appendix F of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, L_{dn}, or CNEL.[64] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

[64] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL or L_{dn}) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. Where traffic noise predominates, the CNEL and L_{dn} are typically within two dBA of the peak-hour L_{eq}.

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

State and Local

California Green Building Standards Code

For commercial uses, CALGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor/Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Local

City of Gilroy 2040 General Plan

The following policy in the City's General Plan has been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the proposed project.

Policy	Description
LU 4.3	**Noise Mitigation Design.** When requiring noise impact mitigation of new and/or expanded development, promote the use of techniques less visually intrusive than sound walls, including but not limited to earth berms, sound attenuation fencing with wood or other more compatible materials, and site design techniques.
M 6.1	**Truck Routes.** Maintain and update information regarding commercial truck routes as needed to ensure the needs of business are met while minimizing potential adverse impacts to rest of the community.
PH 6.3	**Maximum Permissible Noise Levels.** Ensure that outdoor and indoor noise levels are within the maximum permitted levels. Prohibit further development of sensitive uses in areas where the current or projected future noise levels exceed these standards and feasible mitigation is not available to reduce the noise level to meet the standards identified in General Plan Table 9-1.

General Plan Table 9-1: City of Gilroy Maximum Permitted Outdoor and Indoor Noise Levels

Land Use Category	Maximum Outdoor Ldn (dBA)	Maximum Indoor Ldn (dBA)
Residential	60[1]	45
Commercial	65	61
Industrial	76	See note [2]

[1] The outdoor sound levels for residential properties shall be held to 60-dBA, or a maximum of 70-dBA if ALL of the following FINDINGS can be made:

- That potential noise levels, exceeding the 60 dBA standard, are generally limited to less than 10% of the entire project site:
- That reasonably accepted sound attenuation measures have been incorporated in the project design;
- That potential noise levels are part of the developer's disclosure to future residents;
- That interior noise limits established by the General Plan are strictly maintained; and
- Potential noise levels will jeopardize the health, safety, and general welfare of the public.

[2] The indoor standards for industrial land uses have been set by the Occupational Safety and Health Administration. The maximum level to be exceeded no more than 10 percent of the time (L_{10}) is 65 dBA, while the maximum level to be exceeded no more than 50 percent of the time (L_{50}) is 60 dBA.

Policy	Description
PH 6.4	**Noise Study and Mitigation.** Require proposed development projects in areas where future residents or visitors may be exposed to major noise sources (e.g. roadways, rail lines, industrial activities) to conduct an environmental noise analysis. The noise analysis shall determine noise exposure and noise standard compatibility with respect to the noise standards identified in General Plan Table 9-1 and shall incorporate noise mitigation when located in noise environments that are not compatible with the proposed uses of the project.
PH 6.5	**Acoustical Design.** Consider the acoustical design of projects in the development review process to reduce noise to an acceptable level. Ensure that noise mitigation features are designed and implemented in an aesthetically pleasing and consistent manner.
PH 6.10	**Construction Noise.** Require proposed development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to extent feasible.
PH 6.11	**Construction and Maintenance Noise Limits.** Limit the hours of construction and maintenance activities to the less sensitive hours of the day (7:00am to 7:00pm Monday through Friday and 9:00am to 7:00 pm on Saturdays). Construction hours that vary from these timeframes may be approved by the Building Official, in conformance with Article XVI. Hours of Construction of the Gilroy City Code.

City Code Chapter 30 Zoning Ordinance

City Code Chapter 30 Section 41.31 contains quantitative noise limits for noise sources within the City of Gilroy based on the land use of the property receiving the noise. The noise ordinance establishes acceptable exterior noise levels and exemptions from the ordinance for special activities, such as emergency work and refuse an recycling collection. Special noise limits are also established for certain noise-generating activities. The City's zoning ordinance (Chapter 30, Section 41.31) reads as follows:

> Section 41.31 Specific Provisions – Noise
> It shall be unlawful to generate noise within the City limits that exceeds the limits established in this section of the Zoning Ordinance
>
> (b) Maximum outdoor noise levels:
>
> (1) Residential noise impacting residential properties.
>
> Fixed-source outdoor mechanical equipment installed after July 1, 2007 (e.g. pool, spa, air conditioning or similar equipment) is limited to a maximum of 60 dBA measured at the property line or 70 dBA (L_{10}) measured at the property line.
>
> (2) Commercial & Industrial noise impacting residential property
>
> Noise emanating from properties that are zoned for uses other than residential is limited to a maximum of 70 dBA L_{10} measured at the residential property line. Such noise is limited to the hours of 7:00 a.m. to 10:00 p.m., and prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(c) Exceptions to the exterior noise limits listed in subsection (b) above:

(1) Persons, equipment, vehicles, alarms, or sirens utilized in essential activities necessary to preserve, protect, or save lives or property from danger, loss, or harm;

(2) Refuse & recycling collection vehicles when operating between the hours of 5:00 a.m. and 6:00 p.m.;

(3) Special events operating in compliance with an approved Special Events Permit; and

(4) City approved activities on public properties.

Additionally, Chapter 16.38 of the City's Zoning Ordinance defines the allowable construction hours:

Section 16.38 Hours of Construction

(a) Unless otherwise provided for in a validly issued permit or approval, construction activities shall be limited to the hours of seven (7:00) a.m. and seven (7:00) p.m., Monday through Friday, and nine (9:00) a.m. to seven (7:00) p.m. on Saturday. Construction activities shall not occur on Sundays or City holidays, which include: New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas. "Construction activities" are defined as including but not limited to, excavation, grading, paving, demolitions, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of constriction materials on a site.

4.13.1.3 *Existing Conditions*

The project site is located at the northeast corner of East Tenth Street and Chestnut Street and is located in a primarily commercial and industrial area. The Gilroy Fire Department is located adjacent to the site at the southeast corner of East Ninth Street and Chestnut Street (see Figure 2.4-3). The site is located approximately 275 feet west of Highway 101.

Due to the COVID-19 pandemic, a current noise monitoring survey to characterize the typical ambient noise environment of the site was unable to be conducted for this study. As a result, noise data collected and traffic noise models created by Illingworth & Rodkin, Inc. for the purposes of the City's 2040 General Plan noise study were utilized to characterize the typical noise environment at the project site. As identified in the City's 2040 General Plan noise study, traffic along highways and major local roadways make up the most prominent sources of environmental noise in Gilroy. The project site is located next to two such sources: East Tenth Street and Highway 101. Traffic along East Tenth Street and Highway 101 are the predominant sources of noise at the project site. Secondary noise sources at the project site include traffic along other local roadways such as East Ninth Street and Chestnut Street, local commercial activities, and noise from alarm bells and firetruck sirens associated with the Gilroy Fire Department.

Existing noise levels were estimated by modeling the existing traffic noise levels in the City and calculating the noise levels on-site in relation to the noise levels on the roadways. The calculated

noise levels were then compared to the noise data collected for the General Plan noise study to confirm accuracy.

As shown in Table 4.13-2 below, noise levels on-site range from 60 to 65 dBA L_{dn}.

Table 4.13-2: Estimated Existing Noise Levels				
	Location	**Day/Night Average**	**Daytime noise**	**Nighttime noise**
Noise measurement	85 ft from centerline West Tenth Street	66 dBA Ldn	62-66 dBA Leq	50 dBA
SoundPLAN	Project Site	60-65 dBA Ldn	--	--

Sensitive Receptors

The nearest sensitive receptors are the residences located on East 8th Street, approximately 390 feet north of the project site.

Airport Noise

The nearest public airport to the project site is the San Martin Airport, approximately 5.5 miles north of the project site. The project site is not located within the airport influence area or any of the noise contours for the San Martin Airport.[65]

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

[65] County of Santa Clara. C*omprehensive Land Use Plan Santa Clara County, South County Airport.* November 16, 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
e) For a project located within the South County Airport Comprehensive Airport Land Use Plan, prepared for the San Martin Airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies?

As noted in Section 4.13.1 above, existing ambient noise levels at the project site range from approximately 60 dBA to 66 dBA L_{dn}. Implementation of the proposed project would result in both temporary and permanent increases in ambient noise levels on-site as discussed in detail below.

Construction Noise

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction of the project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, and paving. Noise levels at surrounding land uses during project construction would range from 52 to 78 dBA at nearby receptors, an increase of 12 dBA above existing conditions without the project; therefore, the project would temporarily increase noise levels in the immediate vicinity of the project site. Consistent with the City Code Zoning Ordinance Section 16.38, the project would be required to implement the following standard conditions of approval during all phases of construction on the project site.

Standard Condition of Approval:

- During all phases of construction, the project shall comply with City Code Section 16.38 by implementing the following measures:
  - Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m. and Saturdays between 9:00 a.m. and 7:00 p.m., with no construction on Sundays and City holidays;
  - Equip all internal combustion engine drive equipment with mufflers which are in good condition and appropriate for the equipment;
  - Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area;
  - Construct sound walls or other noise reduction measures prior to developing the project site;
  - Prohibit all unnecessary idling of internal combustion engines;

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

With implementation of the above standard condition of approval, construction noise impacts would be less than significant by limiting construction hours and implementing measures to reduce construction noise. **(Less than Significant Impact)**

Operational Noise

General Plan Policy PH 6.3 establishes maximum permissible outdoor and indoor noise levels at residential, commercial, and industrial uses, as noted in Section 4.13.1.1 Regulatory Framework. Project operations would be prohibited from generating outdoor noise levels of 60 dBA L_{dn} at the nearest residences, 65 dBA L_{dn} at the nearest commercial uses, and 76 dBA L_{dn} at the nearest industrial use. Project operations would be prohibited from generating indoor noise levels of 45 dBA L_{dn} at the nearest residences, 61 dBA L_{dn} at the nearest commercial uses, and 65 dBA L_{10} (exceed 65 dBA for 10 percent or greater of any hour) at the nearest industrial use.[66]

Sources of operational noise from the project would include carwash operations, mechanical equipment such as those used for heating, ventilation, and air conditioning (HVAC), hotel back up emergency generator, parking lot and gas station noise, truck deliveries, and project-generated traffic.

Carwash Operations

The proposed project includes an automated drive-through carwash and 27 self-service vacuum stations. The carwash and vacuums would be operational seven days a week from 7:00 a.m. to 8:00 p.m., which is withing the allowable hours stated in the City Code Chapter 30 Section 41.31. Vehicles would enter the carwash through a door along the eastern façade of the building and exit through a door along the western façade.

The primary noise source associated with a drive-through carwash is typically the blower dryer system used at the exit of the cycle. Based on data from past carwash noise studies, the blower dryer system can produce noise levels of 91 dBA at a distance of 10 feet and 77 dBA at a distance of 50 feet. These systems can be equipped with optional silencers when necessary. Based on the relative difference in overall sound power level at the entrance and exit doors of the carwash studies, the entrance door is assumed to have three dBA lower overall sound power level than at the exit door. Manufacturer data used for vacuum stations in other studies indicate that an individual vacuum station when in use generates a noise level of about 66 dBA at a distance of three feet. Minimal noise is generated when vacuum hoses are hooked.

The worse-case carwash noise (which assumes continuous operation of all carwash noise sources

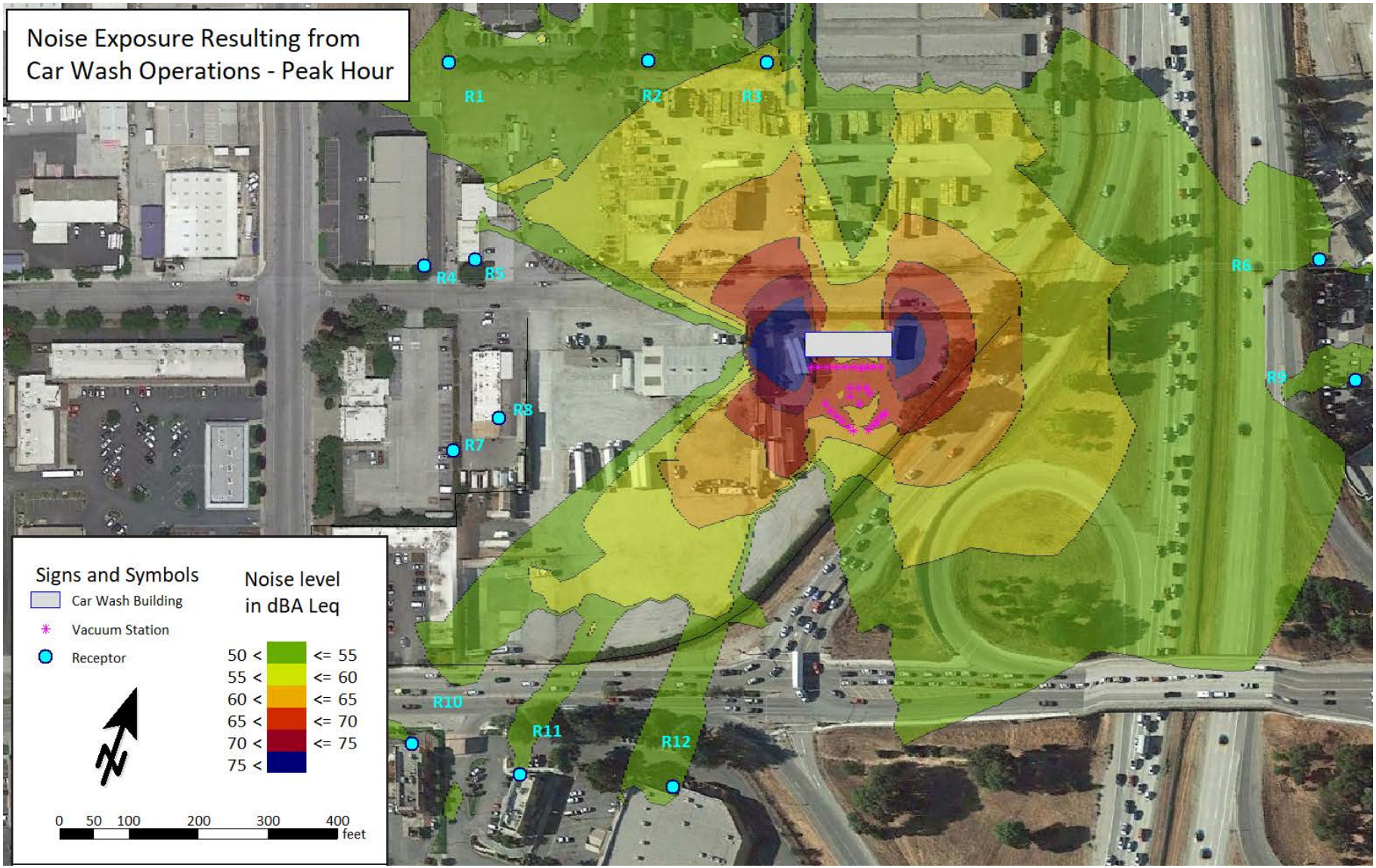
[66] L_{dn} is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. L_{10} is the maximum noise levels exceeded no more than 10 percent of the time.

simultaneously) was modeled and the estimated worse-case noise levels at nearby receptors are shown in Figure 4.13-1 and summarized in Table 4.13-3 below.

Table 4.13-3: Worst-Case Carwash Operational Noise Exposure at Nearby Receptors

Receptor Location	Receptor Number	Peak Hour ($L_{eq\ (1\text{-}hr)}$)	Day-Night Average (L_{dn})
Nearest Residential Property Line	R1	51	49
	R2	54	52
	R3	57	56
The Carpet Outlet	R4	41	40
Pape Machinery	R5	44	42
MG Reupholstery	R6	49	47
Fire Department Property Line	R7	40	38
420 East Ninth Street	R8	40	39
California Highway Patrol Office	R9	48	46
McDonalds	R10	48	46
El Pollo Loco	R11	48	46
Department of Motor Vehicles and Shopping Center	R12	49	47

As shown in Table 4.13-3 above, noise resulting from worst-case carwash operations would not exceed 60 L_{dn} at the nearest residences, 65 dBA at the nearest commercial uses, or 76 dBA L_{dn} at the nearest industrial site. The peak-hour, worst-case noise levels at the nearest residential property line would reach up to 57 dBA L_{eq}. Therefore, the carwash would not generate noise levels of 70 dBA L_{10} or greater at the nearest residential property line. Assuming 15 dBA of exterior to interior noise reduction at surrounding buildings, interior noise levels would not exceed 45 dBA L_{dn} within the nearest residences. As exterior noise levels at commercial and industrial uses would not exceed interior limits, carwash noise would not exceed interior noise limits at any commercial or industrial uses in the project vicinity.



Source: Illingworth & Rodkin, Inc., September 17, 2020.

NOISE EXPOSURE FROM CAR WASH OPERATIONS | FIGURE 4.13-1

Mechanical Equipment Noise

While carwash operations would generate the majority of noise during project operations, operation of mechanical equipment such as HVAC on each of the proposed commercial buildings would also contribute to noise levels during project operations. For the purpose of this analysis, it is assumed that each of the five proposed buildings would be equipped with a rooftop HVAC system. Typical HVAC equipment for a restaurant or commercial use such as those proposed for the project generates noise levels in the range of 50 to 60 dBA at a distance of 50 feet from the equipment. These typical noise levels were used, assuming worst-case conditions (no screening or other shielding), to estimate noise levels at nearby residential and commercial uses.

As shown in Table 4.13-4 below, project generated mechanical noise would range from 32 to 42 dBA at the nearest residential property line and from 44 to 54 dBA at 420 East Ninth Street, the nearest commercial use to the project site. Therefore, the project would not exceed City Code standard of 70 dBA at the nearest residences nor would the project result in exceedance of any exterior or interior General Plan limits.

Table 4.13-4: Worst-Case HVAC Equipment Operational Noise Exposure at Nearby Receptors

Receptor	Distance to Receptor	Estimated Noise Levels (dBA)
420 East Ninth Street	100	44-54
McDonald's	135	41-51
Fire Department Property Line	160	40-50
Pape Machinery	175	39-49
El Pollo Loco, Wendy's, Pizza Factory	215	37-47
The Carpet Outlet, Taco Bell, Department of Motor Vehicles and Shopping Center	235	37-47
Nearest Residential Property Line	390	32-42

Hotel Emergency Generator Noise

The proposed hotel use would include an emergency back-up generator. Although the generator would be used to provide electricity during emergency situations when generator noise is exempt from City noise standards, the generator would be tested periodically to ensure the equipment is working properly. Testing would occur during the daytime for a period of up to two hours every month. It is estimated that operation of the generator during regular testing would result in hourly average noise levels of 33 to 37 dBA L_{eq} and a day-night average of 31 to 35 dBA L_{dn} at the nearest residential property line. Thus, it is not expected that generator testing would result in an exceedance of the City Code limit of 70 dBA L_{10} (exceed 70 dBA for 10 percent or greater of any hour) at the nearest residential property line.

Parking Lot and Gas Station Noise

Operation of the proposed 24-hour, six-pump gas station and surface parking lot would generate noise from vehicular circulation, engines starting, car alarms, door slams, and human voices. These noise sources typically generate noise levels ranging from 53 to 63 dBA L_{max} at a distance of 50 feet. According to a noise study completed for the proposed project, noise generated by the project would range from approximately 35 to 45 dBA L_{max} at the nearest residential property line, approximately 410 feet north of the proposed project. Therefore, operational noise generated at the proposed gas station and surface parking lot would not exceed the City Code Limit of 70 dBA L_{10} (exceed 70 dBA for 10 percent or greater of any hour) at the nearest residential property line.

Truck Deliveries

Delivery of products and supplies would be made to the project site on a daily basis. Noise levels associated with deliveries to the proposed uses would differ based on the delivery truck size and location of the use on the project site.

Based on data from previous gas station noise studies, it is assumed that the proposed project would receive two fuel truck deliveries per day and one smaller vender truck delivery for the convenience store. These trucks would access the site from East Tenth Street or Chestnut Street, park at the eastern portion of the site, and dispense the fuel into tanks. Fuel delivery noise would primarily consist of truck maneuvering, back up alarms, and releases of compressed air. Depositing the fuel into the tanks would not generate measurable noise levels. The maximum instantaneous noise levels would typically range from 70 to 75 dBA L_{max} at a distance of 50 feet for larger fuel delivery trucks and from 60 to 65 dBA at the same distance for smaller vendor trucks. Estimated noise levels at the nearest residence during delivery activities would range from 47 to 52 dBA L_{max} at the nearest residential property line (approximately 680 feet north of the nearest gas station truck delivery and unloading area). Therefore, noise levels would not exceed the City Code limit of 70 dBA L_{10} (exceed 70 dBA for 10 percent or greater of any hour) at the nearest residential property line.

The other proposed commercial uses on-site (i.e., the hotel, coffee shop, and restaurants) would also receive regular deliveries of supplies and products resulting in truck delivery noise. Similarly, the majority of delivery noise would be associated with truck maneuvering, back up alarms, and releases of compressed air. Delivery trucks for the proposed hotel, coffee shop, and restaurants would access the site via the driveway on East Ninth Street. This would place truck noise sources approximately 370 feet from the nearest residential property line. At this distance, maximum instantaneous noise levels from deliveries would reach 53 to 58 dBA L_{max} and would not exceed the City Code limit of 70 dBA L_{10} (exceed 70 dBA for 10 percent or greater of any hour) at the nearest residential property line.

Project-Generated Traffic

The City of Gilroy General Plan and City Code do not provide standards for which to determine an impact from increases in traffic noise resulting from a project. In other nearby Bay Area cities, an increase of three dBA Ldn is often considered significant for areas where traffic noise levels already exceed standards, and five dBA increase is considered significant for areas where traffic noise levels are at or below standards. These criteria were used to assess the impacts of traffic noise generated by the proposed project.

According to the traffic study prepared for the proposed project by Hexagon Transportation Consultants in June 2021 (refer to Appendix F, the project would result in a net increase of 4,686 daily vehicle trips. The net increase in traffic would result in traffic noise increases of zero to two dBA L_{dn} along all studied roadway segments except East Ninth Street east of Chestnut Street where project-generated traffic noise would be between one and two dBA Ldn. Therefore, project-generated traffic noise would not exceed the three dBA Ldn level identified as significant by other Bay Area cities. For these reasons, project-generated traffic would not in a significant increase in traffic noise within the project area.

Based on the discussions above, the project's operational noise (including carwash operations, mechanical equipment, hotel back up emergency generator, parking lot and gas station noise, truck deliveries, and project-generated traffic) would not result in increases in ambient noise levels above of standards. **(Less than Significant Impact)**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

The City of Gilroy does not specify a construction vibration limit. For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for modern commercial and industrial structures and a vibration limit of 0.25 in/sec PPV for historic structures. The 0.5 in/sec PPV limit would be applicable to most structures near the project site. There is one historic building within 1,000 feet of the proposed project at 99 East 8th Street, where the vibration limit of 0.25 in/sec PPV for historic structures is applicable.

Demolition and construction activities associated with the proposed project would generate perceptible vibration levels and levels that could affect nearby structures when heavy equipment or impact tools are used. Vibration levels vary depending on soil conditions, construction methods, and equipment used and are highest close to the source, attenuating with increasing distance from the source. Calculations were made to estimate vibration levels at the nearest buildings including the commercial building at 420 East Ninth Street (35 feet), Pape Machinery building at 415 East Ninth Street (100 feet), McDonald's at 6990 Automall Parkway (115 feet), Gilroy Fire Department (115 feet), and the nearest historic structure at 99 East 8th Street (700 feet).

Table 4.13-5 summarizes construction vibration levels at representative distances from the construction equipment located at the closest property line to the nearest structures.

Table 4.13-5: Vibration Levels for Construction Equipment at Various Distances

Equipment		PPV at 25 feet	PPV at 35 feet	PPV at 100 feet	PPV at 115 feet	PPV at 70 feet
Clam shovel drop		0.202	0.140	0.044	0.038	0.005
Hydromill (slurry wall)	In soil	0.008	0.006	0.002	0.001	0.000
	In rock	0.17	0.012	0.004	0.003	0.000

Table 4.13-5: Vibration Levels for Construction Equipment at Various Distances					
Equipment	**PPV at 25 feet**	**PPV at 35 feet**	**PPV at 100 feet**	**PPV at 115 feet**	**PPV at 70 feet**
Vibratory Roller	0.210	0.145	0.046	0.039	0.000
Hoe Ram	0.089	0.061	0.019	0.017	0.002
Large bulldozer	0.089	0.061	0.019	0.017	0.002
Caisson drilling	0.089	0.061	0.019	0.017	0.002
Loaded trucks	0.76	0.052	0.017	0.014	0.002
Jackhammer	0.035	0.024	0.008	0.007	0.001
Small bulldozer	0.003	0.002	0.001	0.001	0.000

As indicated in Table 4.13-5 above, construction activities associated with the proposed project would not result in vibration levels exceeding 0.5 in/ sec PPV at any nearby structures of modern commercial and industrial construction (which are located 35 to 115 feet from the project site) or 0.25 in/ sec PPV at the nearby historic structure (which is located 700 feet from the project site). Therefore, vibration impacts from project construction would be less than significant.
(Less than Significant Impact)

c) Would the project result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Existing ambient noise levels at the project site range from approximately 60 dBA to 66 dBA L_{dn}. As discussed under checklist question a) above, the project with the implementation of the identified standard condition of approval would not result in substantial permanent increases in ambient noise levels above existing levels without the project.

(Less than Significant Impact)

d) Would the project result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Existing ambient noise levels at the project site range from approximately 60 dBA to 66 dBA L_{dn}. As discussed under checklist question a) above, the project with the implementation of the identified standard condition of approval would not result in substantial temporary or periodic increases in ambient noise levels above existing levels without the project.

(Less than Significant Impact)

e) For a project located within the South County Airport Comprehensive Airport Land Use Plan, prepared for the San Martin Airport, would the project expose people residing or working in the project area to excessive noise levels?

The South County Airport CLUP creates noise contours within its AIA to identify areas of high

aircraft noise and to protect people from excessive aircraft noise. The project site is not located within the airport's AIA and, therefore, would not expose people residing or working in the project area to excessive noise levels.

(No Impact)

4.13.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Gilroy has policies (including General Plan Policy PH 6.3 and 6.4) that address existing noise conditions affecting a proposed project.

Future Noise Levels at Project Site

Interior Noise Levels

The project proposes a hotel. Assuming typical construction methods, interior noise levels are approximately 15 dBA lower than exterior noise levels within hotel guest rooms with the windows partially open and approximately 20 to 25 decibels lower than exterior noise levels with the windows closed. The CBC requires interior noise levels attributable to exterior noise sources not exceed 45 dBA L_{dn} in any habitable room. The City of Gilroy's maximum permissible limit for interior noises in commercial use is 61 dBA Ldn.

Future exterior noise levels at building facades on the project site were estimated. Table 4.13-6 below shows the estimated noise levels on-site with carwash operations (the loudest noise source on-site).

Table 4.13-6: Future Interior Noise Levels

Proposed Building	Floor	Future Exterior Noise Exposure (dBA)		Future Interior Noise Exposure (dBA)	
		Peak Hour ($L_{eq\ (1\text{-}hr)}$)	Day-Night Average (L_{dn})	Peak Hour ($L_{eq\ (1\text{-}hr)}$)	Day-Night Average (L_{dn})
Hotel	1st	75	74	50	49
	2nd	75	73	50	48
	3rd	75	73	50	48
	4th	74	73	49	48
	5th	74	72	49	47
Convenience Store/ Gas Station	1st	49	47	24	22
Coffee Shop	1st	54	52	29	27

Table 4.13-6: Future Interior Noise Levels					
Proposed Building	**Floor**	**Future Exterior Noise Exposure (dBA)**		**Future Interior Noise Exposure (dBA)**	
		Peak Hour ($L_{eq\ (1\text{-}hr)}$)	**Day-Night Average (L_{dn})**	**Peak Hour ($L_{eq\ (1\text{-}hr)}$)**	**Day-Night Average (L_{dn})**
3,500 sf Restaurant	1st	56	54	31	29
5,181 sf Restaurant	1st	61	59	36	34
Carwash	1st	49	47	24	22
Source: Illingworth & Rodkin, Inc. Tenth and Chestnut Project Environmental Noise and Vibration Assessment. September 17, 2020. Note: Interior noise exposure assumes a 25 dBA noise reduction resulting from standard construction with windows					

As shown in Table 4.13-6 above, assuming standard commercial construction with windows closed, the noise levels within the buildings would range between 24 dBA and 50 dBA $L_{eq\ (1\text{-}hour)}$, which would not exceed the Cal Green Code limit of 50 dBA $L_{eq\ (1\text{-}hour)}$ for occupied areas of non-residential uses, or the City of Gilroy General Plan limit of 61 dBA $L_{eq\ (1\text{-}hour)}$ for interior noise levels in commercial uses. However, the day/night average noise levels within the hotel building would range between 47 and 49 dBA L_{dn}, therefore, peak hour noise levels within hotel rooms guest rooms would exceed the California Building Code limit of 45 dBA L_{dn} for habitable rooms. The project would implement the following conditions of approval to reduce future interior noise levels to meet the CBC standard.

Conditions of Approval:

- Provide all occupied areas and habitable rooms of the hotel building with a forced-air mechanical ventilation system to allow windows to be closed to control interior noise levels to 45 dBA L_{dn} at the occupant's discretion.
- Require construction of the eastern façade of the hotel use materials which would provide sufficient noise reduction to bring interior noise in rooms to 45 dBA L_{dn} or less. Preliminary calculations show that a total noise reduction of 27 to 29 dBA L_{dn} is needed along the eastern façade of the hotel, which under conditions similar to those shown in prototype elevations, would require windows with a minimum STC rating of 32 with typical metal panel or wood siding wall construction or a minimum STC rating of 30 with stucco wall construction. Additional noise reduction methods such as decreasing the eastern façade's overall window to wall area ratio shall also be considered.

With incorporation of the above conditions of approval, the future interior noise environment at the hotel would meet the CBC standard of 45 dBA L_{dn} by installing forced-air mechanical ventilation system to allow windows to be closed and installing sound-attenuating building materials to reduced exterior noise levels.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Existing Conditions*

The project site is currently developed with a multi-tenant commercial building, warehouse, and office building totaling 22,550 square feet. There are no residential units on the project site.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve the planned growth).

The proposed project would construct commercial uses on-site, consistent with the General Plan designation of General Services Commercial for the site. The proposed development is allowed by (and accounted for) in the City's adopted General Plan and therefore, is not considered unplanned growth (direct or indirect).

(Less than Significant Impact)

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There are no housing units on the project site. The redevelopment of the site, therefore, would not displace existing housing or people necessitating the construction of replacement housing.

(No Impact)

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public services and are applicable to the proposed project.

Policy	Description
PFS 1.1	**Public Facilities and Development.** Develop a system of public facilities that will: a) support and encourage infill development and a contiguous pattern of land use and discourage premature development or over-development in the absence of necessary municipal improvements; b) minimize adverse impacts on the environment, and adverse fiscal, economic, and social impacts on the community and; c) protect the health, safety, and general welfare of Gilroy's residents by providing a level of service consistent with the needs of individual neighborhoods.

Policy	Description
PFS 9.1	**Standard of Service.** Provide and maintain police services that are adequate in staffing, equipment, and resources to respond to emergencies and calls for service as the city continues to grow. Measurable standards of levels of service shall be established by the City Council in the biennial budget and be aligned with National Best Practices. City staff shall annually report on actual performance compared against the established standards.
PFS 9.3	**Development Review.** Include the Police Department in the review of development proposals to ensure that crime and safety issues are consistently addressed in the review of new development. Such review shall promote the implementation of Crime Prevention Through Environmental Design principles.
PFS 10.1	**Standards of Service.** Provide and maintain fire services that are adequate in staffing, equipment, and resources to respond to emergencies and calls for service as the city continues to grow. Measurable standards of levels of service shall be established by the City Council in the biennial budget and be aligned with National best Practices. City staff shall annually report on actual performance compared against the established standards.
PFS 10.3	**Development Review.** Under the direction and authority of the Fire Chief, the Fire Marshall shall review of development proposal to ensure that projects adequately address fire access and building standards
PFS 10.5	**New Development.** Continue to require that new development provides all necessary water services, fire hydrants, and roads consistent with Fire Department standards.
PFS 10.8	**Fire Access Design and Building Materials.** Require all new development to include use of fire-resistant landscaping and building materials and adequate access for fire equipment.
PFS 11.7	**Libraries.** Continue to coordinate with the Santa Clara County Library District to help them provide library facilities and services to meet the educational needs of Gilroy residents.
PR 1.4	**Park Land Standard.** Maintain the City's established standard of five acres of developed park land per thousand population. a) This standard includes neighborhood/school parks, community and community/school parks, sports parks, trails/ linear parkways, and special use facilities; b) Park preserves and limited active recreation use areas are valued at five percent of their total acreage toward meeting this standard; c) Golf courses non-accessible open spaces, and private recreational facilities are not included in this standard. School lands are not included unless there is a long-term lease agreement for their use as City recreational facilities.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the Gilroy Fire Department (GFD). The GFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is the Chestnut Station located at 7070 Chestnut Street, adjacent to the west of the project site.

Police Protection Services

Police protection services for the project site are provided by the Gilroy Police Department (GPD), which is headquartered at 7301 Hanna Street, approximately 0.7 miles northwest of the project site. GPD is divided into four geographic police response areas. The project site is located within Police Response Area 1.[67]

Schools

The project site is located in the Gilroy Unified School District (GUSD). The school district operates 16 schools (eight elementary, three middle schools, four high schools, and one adult education program) serving over 11,000 students.[68] The project site is within the attendance boundaries for Eliot Elementary School, Brownell Middle School, and Gilroy High School .[69]

Parks

The City of Gilroy currently operates 12 parks with play equipment, 13 with small picnic areas, three with reservable group picnic areas, seven with restrooms, and three with offsite parking. In addition, there are 12 ball fields, two horse-shoe pits, seven basketball courts, one volleyball court, eight handball courts, eight tennis courts.[70]

Libraries and Community Centers

The City of Gilroy is served by the Santa Clara County Library District. The Santa Clara County Library District consists of eight branch libraries and one mobile bookmobile.[71] The nearest public library is the Gilroy Branch Library at 350 West Sixth Street, approximately 0.6 mile northwest of the project site. The nearest community center is the Wheeler Community Center, located at 270 West Sixth Street, 0.6-mile northwest of the project site.

[67] City of Gilroy. *Public Review Draft Background Report.* April 2014.
[68]Gilroy Unified School District. "About Us and Contact Us." https://www.gilroyunified.org/about-us-and-contact-us Accessed May 27, 2020.
[69] Gilroy Unified School District. "My School Locator." https://locator.decisioninsite.com/?StudyID=234322 Accessed May 27, 2020.
[70] City of Gilroy. *Public Review Draft Background Report.* April 2014.
[71] Santa Clara County Library District. "Find a Location." https://sccl.bibliocommons.com/locations/?_ga=2.192404706.995670849.1590684376-1030697244.1590684376 Accessed May 28, 2020.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☒	☐

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project would have a significant impact if it would require physical changes (new or altered facilities) to ensure an average emergency response time of less than 7:30 minutes 90 percent of the time and those physical changes results in significant environmental impacts.[72] The project site is within the service area of GFD and could incrementally increase demand for fire protection services compared to existing conditions. As discussed in the City's General Plan EIR, , buildout of the General Plan (which includes the proposed development) would require construction of new or expanded fire facilities and, with implementation of the General Plan goals and policies and mitigation measures identified in the General Plan EIR, would result in a less than significant impact to fire protection services.[73] The project's impact to fire protection services, therefore, is the same as what was disclosed in the General Plan EIR. In addition, the project would be reviewed by GFD to ensure adequate infrastructure for firefighting services, and the project would be constructed to current fire and building code standards, including adequate emergency vehicle access and features that would reduce potential fire hazards.

(Less than Significant Impact)

[72] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page 3-361.
[73] City of Gilroy. *Gilroy 2040 General Plan Final Environmental Impact Report.* SCH# 2015082014. September 24, 2020. Page 3-13.

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection services?

The project site is within the service area of GPD and could incrementally increase demand for police protection services. Based on the City's General Plan EIR, buildout of the General Plan (which includes the proposed development) would not require the construction of new or expanded police protection facilities that would result in significant environmental impact.[74]. In addition, GPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. For the reasons discussed above, the project would not result in a significant impact on police protection services.

(Less than Significant Impact)

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 schools?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project would fail to pay school impact fees required to offset costs of providing necessary public schools. The proposed project would construct commercial uses on-site and pay the required fee for new commercial and industrial construction.[75]

(No Impact)

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 parks?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is if a project would fail to dedicate land and/or pay mitigation fees required to offset fees for providing necessary parks and recreational facilities. The City's public facilities fee (which funds public facilities projects including parks and recreational facilities) is calculated on a per capita basis by growth in the population. Therefore, because the proposed project would not contribute to growth in the population of the City, it is not anticipated that the proposed project would be required to dedicate land or public services fees toward necessary park and recreational facilities. For these reasons, the project's impact to parks would be less than significant.

(Less than Significant Impact)

[74] City of Gilroy. *Gilroy 2040 General Plan Final Environmental Impact Report.* SCH# 2015082014. September 24, 2020. Page 3-13.
[75] Gilroy Unified School District. *2018 Developer Fee Justification Study.* 2018.

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 other public facilities?

Generally, use of library services and community centers are by residents. The increase in residential population could generate the need for additional library and community facilities. The project does not include residential uses and proposes commercial uses. It is possible that project employees may use the local library and community facilities, however, their use would represent a small increase of these public facilities and would not result in a substantial adverse physical impact to the facilities requiring the construction of new or altered facilities. The City's public facilities fee (which funds public facilities projects including library facilities) is calculated on a per capita basis by growth in the population. Therefore, because the proposed project would not contribute to growth in the population of the City, it is not anticipated that the proposed project would be required to dedicate land or public services fees toward necessary library facilities. For these reasons, the project's impacts to library services and community centers would be less than significant.

(Less than Significant Impact)

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Regional and Local

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to recreation and are applicable to the proposed project.

Policy	Description
PFS 1.1	**Public Facilities and Development.** Develop a system of public facilities that will: a) support and encourage infill development and a contiguous pattern of land use and discourage premature development or over-development in the absence of necessary municipal improvements; b) minimize adverse impacts on the environment, and adverse fiscal, economic, and social impacts on the community and; c) protect the health, safety, and general welfare of Gilroy's residents by providing a level of service consistent with the needs of individual neighborhoods.
PR 1.4	**Park Land Standard.** Maintain the City's established standard of five acres of developed park land per thousand population. a) This standard includes neighborhood/school parks, community and community/school parks, sports parks, trails/ linear parkways, and special use facilities; b) Park preserves and limited active recreation use areas are valued at five percent of their total acreage toward meeting this standard; c) Golf courses non-accessible open spaces, and private recreational facilities are not included in this standard. School lands are not included unless there is a long-term lease agreement for their use as City recreational facilities.

4.16.1.2 *Existing Conditions*

As previously discussed in Section 4.15 Public Services, the City of Gilroy currently operates 12 parks with play equipment, 13 with small picnic areas, three with reservable group picnic areas,

seven with restrooms, and three with offsite parking. In addition, there are 12 ball fields, two horse-shoe pits, seven basketball courts, one volleyball court, eight handball courts, eight tennis courts.[76] The nearest public park is Butcher Park, located at 602 Old Gilroy Street, approximately 675 feet north of the project site. The park includes landscaping and a picnic area.

Other local recreational facilities include Wheeler Community Center, located at 270 W. 6th Street, approximately 0.6-mile northwest of the project site.

4.16.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project could result in an incremental increase in the use of parks in the project vicinity. Employees of the proposed project may use Butcher Park and other local recreational facilities during their lunch hour or breaks; however, usage of these facilities by future employees is not anticipated to result in the substantial physical deterioration of these facilities. Furthermore, future employees would have access to proposed on-site open space (Pedestrian Plazas), which would offset the project's demand existing recreational facilities.

(Less than Significant Impact)

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project would not include construction of new recreational facilities or require the construction or expansion of recreational facilities (as explained under checklist question a) above). Thus, the project would not require the construction or expansion of existing recreational facilities.

(Less than Significant Impact)

[76] City of Gilroy. *Public Review Draft Background Report.* April 2014.

4.17 TRANSPORTATION

This discussion is based, in part, on a Transportation Impact Analysis (TIA) prepared by Hexagon Transportation Consultants in June 2021. A copy of this report is included in Appendix G of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions are required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant.

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic level of service (LOS) standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

City of Gilroy 2040 General Plan

The following General Plan policies related to transportation are applicable to the proposed project:

Policy	Description
M 1.1	**Transportation Network.** Develop a coordinated transportation network consistent with the Mobility Diagrams (General Plan Figures M-1 through M-5)
M 1.6	**Street Safety and Accessibility.** Design streets and transportation facilities that are safe and accessible to people of all abilities, including those with limited mobility.
M 2.7	**Safe Street Crossings.** Design street crossings to provide for the safety needs of **bicyclists and pedestrians.** Bridge crossings over creeks and at other locations shall be designed to accommodate bicyclist lanes or paths in accordance with the designations set forth in the Bicycle and Pedestrian Transportation Plan. Bridges for the exclusive use of pedestrians and bicycles should be considered whenever barriers exist that impede convenient and safe access.
M 3.4	**Bicycle and Pedestrian Path Network.** Develop and maintain a network of paths along linear parks, public easements, drainages, and other open space areas to accommodate bicycle and pedestrian traffic (General Plan Figures M-2 and M-3).
M 3.5	**Bicycle and Pedestrian Transportation Plan.** Maintain and implement Bicycle and Pedestrian Transportation Plan and Mobility Diagrams M-2 and M-3 that guide investments in Gilroy's bicycles and pedestrian networks. These networks should connect residential developments with employment centers, public open spaces, public open spaces, parks, schools, shopping districts, and other major destinations.
M 3.9	**Bicycle Parking.** Require adequate short- and long-term bicycle parking for all land uses except for single-family residential uses.
M 3.17	**Traffic Impact Fee for Bicycle/Pedestrian Improvements.** Support and finance the construction of pedestrian and bicycle improvements specified in the Mobility Diagrams by using the comprehensive traffic impact fee.
M 4.2	**Transit and Development.** Require new development to fully accommodate, enhance, and facilitate public transit, including pedestrian and bicycle access to transit.
M 5.1	**Level of Service (LOS).** Maintain traffic conditions at LOS C or better at Gilroy intersections and roadways, allowing some commercial and industrial areas (e.g., downtown Gilroy, First Street corridor) to operate at LOS D or better. Existing LOS D areas within City include the Gilroy Premium outlets, Gilroy Crossings, and Regency Commercial areas. Exceptions to this standard will be allowed only where the City Council determines that the improvements needed to maintain the City's standard level of service at specific locations are infeasible.
M 5.2	**Safe Travel.** Provide roadways to allow for the safe travel of all vehicles, pedestrians and bicyclists.
M 5.4	**Transportation performance Metrics.** Apply useful and informative transportation performance metrics and thresholds, including vehicle miles traveled (VMT), in a manner consistent with State law and the community value expressed in the goals and policies of this General Plan when measuring transportation system impacts for subsequent projects, making General Plan consistency determination, and developing transportation financing programs.

Policy	Description
M 5.8	**Commercial Driveways.** Require new commercial development to minimize commercial driveways and locate them to prevent conflicts at intersections and with other driveways. Also encourage the reduction of duplicative existing commercial driveways.
M 5.9	**U.S. 101 Landscaping and View Protection.** Coordinate with Caltrans and Santa Clara County to provide additional landscaping along the U.S. 101 right-of-way to enhance its attractiveness, recognizing that it is the primary "visitor-serving" traffic artery in the Planning Area. Also, encourage new developments facing U.S. 101 to provide landscape screening and to protect and enhance existing views of farmland and surrounding hills.

4.17.1.2 *Existing Conditions*

Roadway Network

The existing roadway network is shown on Figure 4.17-1 and regional and local access to the site is described in below.

- **Highway 101** is a six-lane freeway north of the Monterey Road interchange and transitions to a four-lane freeway south of that point. US 101 extends northward through San Jose and southward into Salinas. This freeway serves as the primary roadway connection between Gilroy and Morgan Hill and other Santa Clara County communities to the north and between Gilroy and Salinas to the south. US 101 includes full-access interchanges at multiple locations including Tenth Street/SR 152. Regional access to the project site is provided via the US 101 interchange at Tenth Street/ SR 152.

- **SR 152 (Pacheco Pass Highway)** is a two- to four-lane east-west highway that extends to the east starting at the US 101 interchange at Tenth Street, where it is known as Pacheco Pass Highway, over the Pacheco Pass to Interstate 5 and through Los Banos. West of Gilroy, SR 152 is known has Hecker Pass Highway and extends westward from the Highway 101 interchange at Leavesley Road via Monterey Road and First Street over the Santa Cruz Mountains to Watsonville and Highway 1.

- **Tenth Street** is a two- to six-lane arterial roadway that begins at Uvas Park Drive and extends eastward to US 101, where it changes designation to Pacheco Pass Highway (SR 152). Tenth Street has one lane in each direction with a two-way left-turn lane west of Church Street. Between Church Street and Monterey Road, Tenth Street consist of two lanes in each direction, then transitions to three westbound lanes and two eastbound lanes between Monterey Road and Alexander Street, three lanes in each direction with a landscape median between Alexander Street and Chestnut Street, and again to four lanes east of Chestnut Street. Tenth Street is one of six freeway crossings within Gilroy and it is proposed to be extended from its current terminus point at Uvas Parkway westward over Llagas Creek to Connect to Santa Teresa Boulevard at the current Miller Avenue/ Santa Teresa Boulevard intersection. Tenth Street runs along the southern project site frontage.

- **Chestnut Street** is a two-lane, north-south collector roadway that begins as a cul-de-sac north of Martin Street and continues to Tenth Street. South of Tenth Street, Chestnut Street transitions to Automall Parkway, which consists of four lanes until approximately 600 feet

south of Tenth Street where it transitions to a two-lane roadway until its terminus at Luchessa Avenue. Chestnut Street runs along the western project site frontage.

- **Ninth Street** is a two-lane, east-west local roadway that begins as a cul-de-sac just west of Alexander Street and continues east along the north project frontage, where it curves north roughly parallel to the U.S.101 corridor and transitions to Crocker Lane. Crocker Lane then makes a westward turn and transitions to Old Gilroy Street, just west of its intersection with Eight Street. Ninth Street runs along the north project frontage.

- **Luchessa Avenue** is a two- to four-lane east-west arterial street that extends from Rossi Lane on the east side of the City westward under Highway 101 and intersects with Monterey Road and Thomas Road, then continues into the Glen Loma Ranch Specific Plan area, where it currently terminates at Miller Avenue. Luchessa Avenue is planned to be extended westward through the Glen Loma Ranch development area and connect to the existing roundabout intersection of Santa Teresa Boulevard/Ballybunion Drive as the east leg of the intersection.

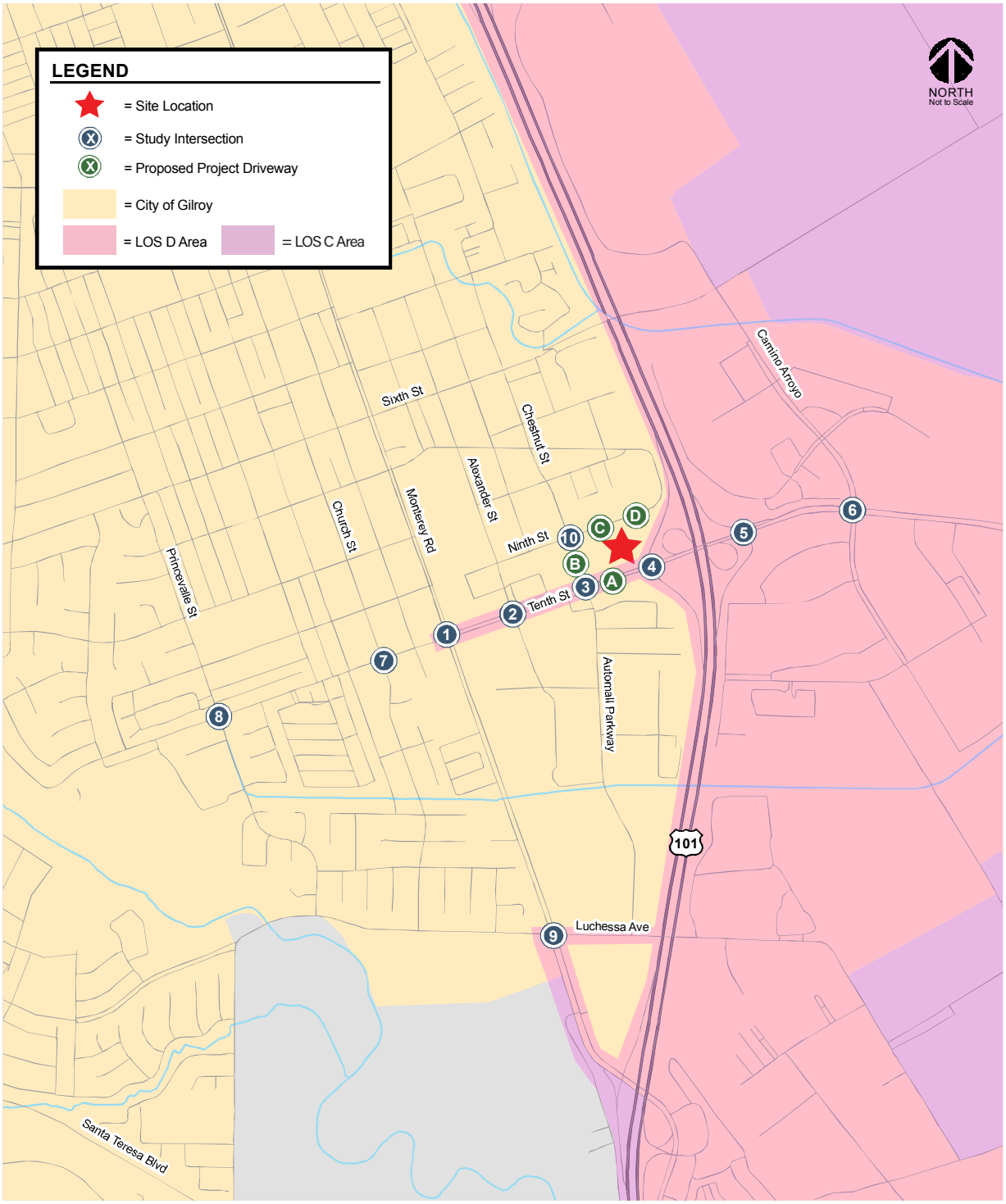
- **Monterey Road** is a north-south arterial roadway that begins at its interchange with Highway 101 in the southern part of Gilroy and extends northward to San Jose. Within the City of Gilroy, Monterey Road changes designation and is also referred to as Monterey Street. For the purpose of this Initial Study, it will be referred to as Monterey Road. Monterey Road is a two-lane street between Eight Street and Fourth Street and a four-lane street south of Eight Street and north of Fourth Street. Monterey Road transitions to Bolsa Road, south of its intersection with the Highway 101 northbound ramps and Travel Park Circle.

- **Alexander Street** is a two-lane, north-south local roadway that begins as a cul-de-sac south of Tenth Street and continues north to its terminus at Lewis Street.

- **Church Street** is a two-lane north-south collector roadway that begins at Luchessa Avenue in the south part of Gilroy and extends northward terminating at Cohansey Avenue in the north side of the City. Church Street runs parallel to and west of Monterey Street providing an alternative north/south roadway bypassing the downtown area.

- **Princevalle Street** is a two-lane, north-south collector roadway that begins at its intersection with Luchessa Avenue and extends northward to First Street, where it terminates just east of Miller Avenue. Princevalle Avenue provides an alternate connection between Luchessa Avenue, Tenth Street, and First Street.

- **Camino Arroyo** is a four-lane, north-south arterial roadway that extends from Arroyo Circle, just north of Sixth Street/ Gilman Road, to Venture Way, south of Pacheco Pass Highway. Arroyo Circle extends northward to Leavesley Road along the east side of Highway 101, and in conjunction with Camino Arroyo, provides a north/south connection between Leavesley Road and Pacheco Pass Highway.



Source: Hexagon Transportation Consultants, Inc., September 25, 2020.

STUDY INTERSECTIONS | FIGURE 4.17-1

Existing Bicycle, Pedestrian, and Transit Facilities

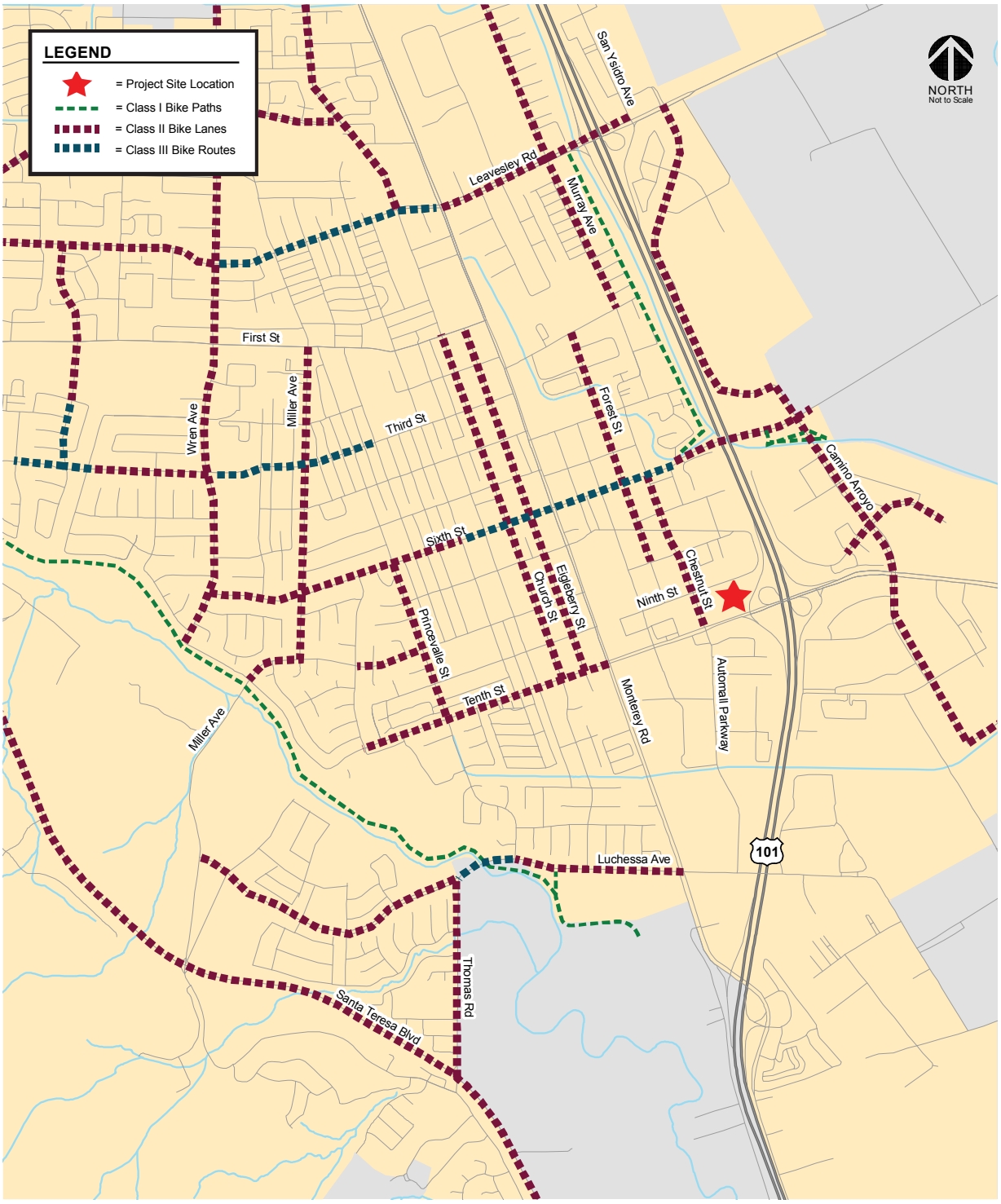
Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site and are comprised of paths (Class I), lanes (Class II), and routes (Class III), as described below and shown on Figure 4.17-2.

- **Class I Bikeways (Bike Paths)** are paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. The nearest Class I bike path to the project site is the Western Ronan Channel Trail. This trail is located on the western side of the Ronan Channel between Leavesley Road and Sixth Street, and extends under Highway 101 and the Sixth Street overpass along the Miller Slough extending to Pacheco Pass Highway (SR 152) and terminating approximately 1,600 feet west of Holsclaw Road, approximately 1.2-mile east of the project site.

- **Class II Bikeways (Bike Lanes)** are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site striped bike lanes are provided on the following roadways:
    - Chestnut Street, between Tenth Street and Sixth Street (including along the western project site frontage)
    - Tenth Street, between Monterey Road and Orchard Drive (Gilroy High School)
    - Forest Street, between Eighth Street and Ioof Avenue
    - Sixth Street, between Maple Street and Camino Arroyo and between Hanna Street and Wren Avenue
    - Eigleberry Street, between Tenth Street and First Street
    - Church Street, between Tenth Street and First Street
    - Luchessa Avenue, between Monterey Road and Princevalle Street and between Thomas Road and Miller Avenue
    - Camino Arroyo/ Arroyo Circle, along the entire length of the street
    - Princevalle Street, between Sixth Street and Tenth Street

- **Class III Bikeways (Bike Routes)** are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the vicinity of the project site are provided along the following roadways:
    - Monterey Street, between First Street and Eight Street
    - Sixth Street, between Hanna Street and Rogers Lane



Source: Hexagon Transportation Consultants, Inc., September 25, 2020.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-2

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. Most areas in the vicinity of the project site currently have sidewalks along both sides of the street; however, some of the streets have missing sidewalks along one or both sides of the street, mainly along the frontages of industrial uses or undeveloped parcels. Existing pedestrian facilities are shown on Figure 4.17-3.

In the immediate vicinity of the project area, sidewalks are missing along the following streets:

- Ninth Street, east of the Pape Machinery Construction facility along the north side of the street and east of the Fire Station along the south side of the street (including along the northern project site frontage). Sidewalks are missing on both sides of the roadway until the transition of Ninth Street into Crocker Lane/ Old Gilroy Street.
- Chestnut Street along the east side of the roadway between Eight Street and 130 feet south of Eighth Street
- Alexander Street, along the west side of the roadway between old Gilroy Street and 200 feet north of Tenth Street

Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons along at least two of the legs at all signalized study intersections. No crosswalks are present at any of the four legs of the Chestnut Street/ Ninth Street intersection. A continuous pedestrian route along Tenth Street between Chestnut Street and Camino Arroyo (across the freeway interchange) is provided along the south side of Tenth Street only.

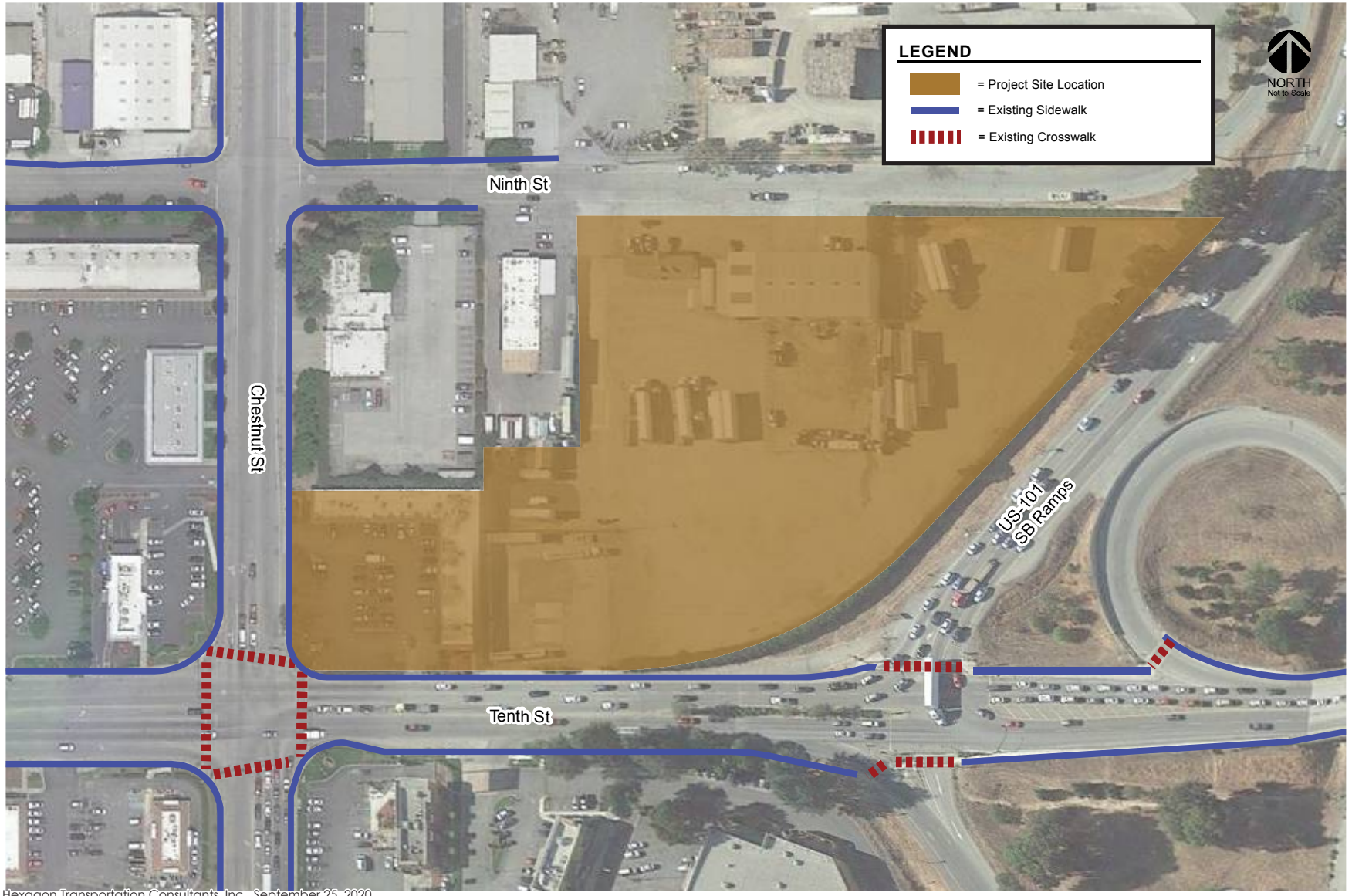
Transit Facilities

Transit services in Gilroy consist of local, regional, and intercity bus, rail, and paratransit services. Existing transit serves in Gilroy is provided primarily by Santa Clara County VTA buses. Caltrain commuter rail service, San Benito County express bus service, Monterey-Salinas transit bus service, and Greyhound bus service also serve Gilroy. The nearest bus stop serving the project site are located at the intersection of Alexander Street/Tenth Street, approximately 800 feet west of the project site. Additionally, the Gilroy Transit Station is located approximately half a mile northwest of the project site, on Monterey Road.

Transit services currently serving Gilroy are described below and shown on Figure 4.17-4.

- **VTA Local Bus Route 84** provides weekday and weekend service between the Gilroy Transit Center and Saint Louise Regional Hospital via Tenth Street, Camino Arroyo, and San Ysidro Avenue with approximately 60-minute headways during commute hours.

- **VTA Local Bus Route 85** provides weekday and weekend service between the Gilroy Transit Center and Saint Louise Regional Hospital via Sixth Street, Wren Avenue, Kern Avenue, Mantelli Drive, Leavesley Road, and San Ysidro Avenue with approximately 60-minute headways during commute hours.



Source: Hexagon Transportation Consultants, Inc., September 25, 2020.

EXISTING PEDESTRIAN FACILITIES

FIGURE 4.17-3

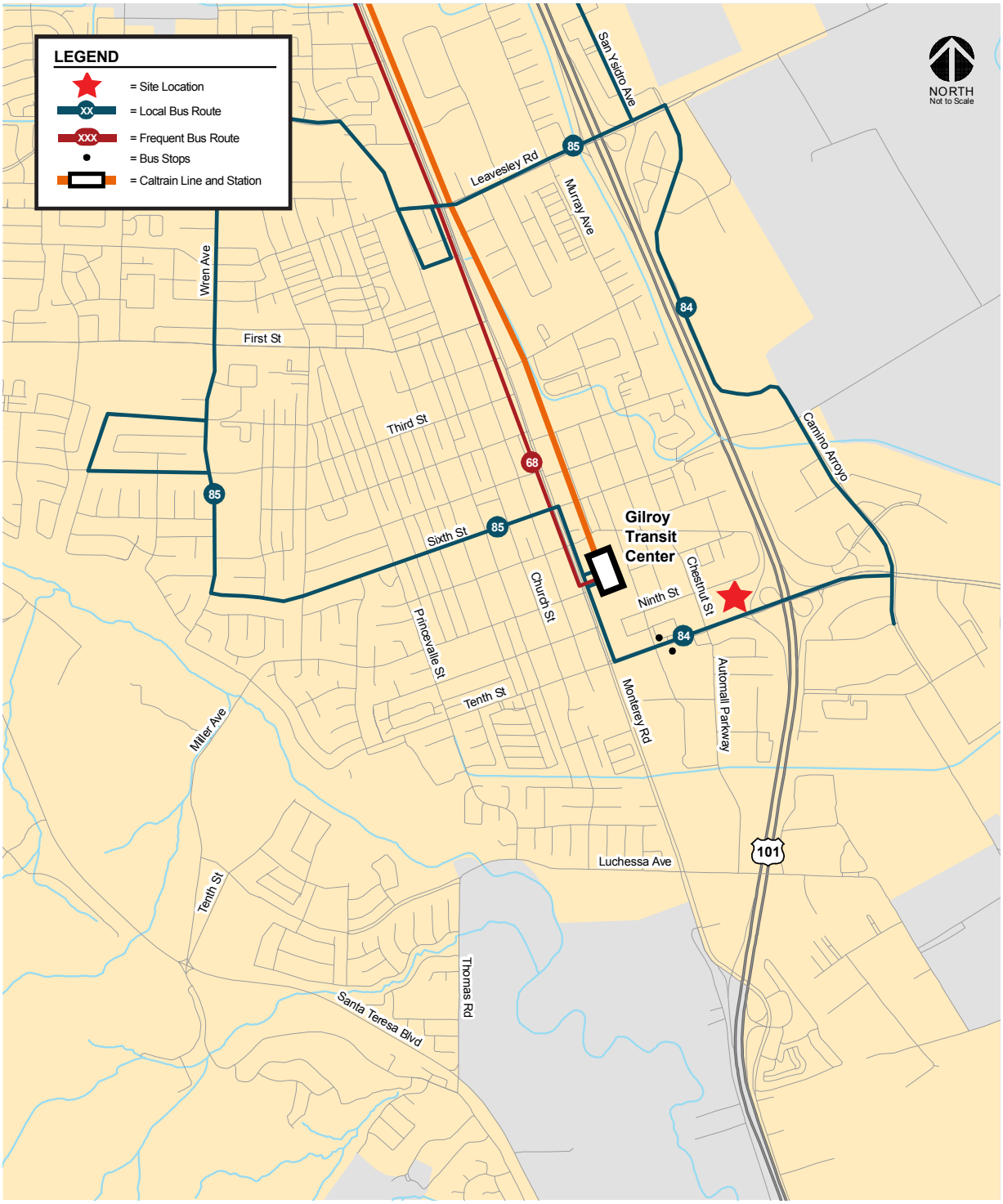
- **VTA Frequent Route 68** provides weekday and weekend service between the Gilroy Transit Service and San Jose Diridon Transit Center via Monterey Road with approximately 20- to 30- minute headways during commute hours.

- **San Benito County Express Bus Service (Caltrain Shuttle)** provides express bus service between Hollister and the Gilroy Transit Center Monday through Friday. Currently, five northbound (to Gilroy) shuttles run during the morning and evening commute periods, between 5:00 and 9:55 a.m. and between 12:05 and 6:35 p.m., respectively. In addition, there are three southbound (to Hollister) runs in the morning between 7:15 and 11:10 a.m. and five runs in the evening between 1:15 and 7:20 p.m. The schedule is coordinated with the Caltrain schedule to facilitate connections with Caltrain arrivals and departures.

- **San Benito County Express Bus Service (Greyhound Shuttle)** provides service between Hollister and the Gilroy Transit Center (which serves as the Greyhound Bus Depot) on Saturdays and Sundays. There are currently two northbound (to Gilroy) and two southbound (to Hollister) runs in the morning between 7:30 and 10:15 a.m. and two northbound and two southbound runs in the evening between 12:05 and 5:25 p.m. The schedule is designed to allow for connections to Greyhound service.

- **Caltrain** provides train service from Gilroy to San Francisco, with limited-stop service at other stations along the peninsula corridor. Caltrain service to Gilroy is only provided on weekdays; weekend service south of San Jose is not available. Currently, the Gilroy Caltrain station is served by two northbound trains in the morning and two southbound trains in the evening. The northbound trains have scheduled departures from the Gilroy Transit Center at 6:03 and 6:33 a.m. and the southbound trains have scheduled arrivals at the Gilroy Transit Center at 5:51 and 7:18 pm.

- **Greyhound Lines, Inc**. is an intercity, long distance bus service offering services to over 3,700 destinations in the United States, Canada, and Mexico. The Gilroy Transit Center also serves as the Greyhound Bus Depot in Gilroy. Greyhound buses operate from the Transit Center every day of the week.



Source: Hexagon Transportation Consultants, Inc., September 25, 2020.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-4

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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 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?	☐	☐	☒	☐
b) Conflict or an applicable congestion management plan, 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? be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Conflict with any City of Gilroy General Plan Transportation and Circulation Element policies?	☐	☐	☒	☐

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

General Plan Policy M 5.1

While SB 743 requires jurisdictions to stop using congestion and delay metrics, such as LOS, as the measurement for CEQA transportation analysis, General Plan Policy M 5.1 identifies a LOS standard for intersections within the City. The following discussion evaluates whether the project would conflict with General Plan Policy M 5.1.

The LOS deficiencies resulting from the project were evaluated following the standards and methodologies set forth by the City of Gilroy and Santa Clara VTA Congestion Management Program's Transportation Impact Guidelines. LOS is a description of traffic flow from the driver's perspective based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels are defined, from LOS A (little or no delay), to LOS F (excessive delay). LOS E represents "at-capacity" operations. When traffic volumes exceed the intersection capacity, stop-and-go conditions result, and operations are designated as LOS F.

Level of Service Definitions

Signalized Intersections

The LOS calculations for the signalized intersections are based on the methodology in the 2000 Highway Capacity Manual (HCM). This method, which is approved by the City of Gilroy and VTA, analyzes operations based on average control delay per vehicle. Control delay includes the initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The average control delay for signalized intersections is calculated using TRAFFIX analysis software and is correlated to a LOS designation as shown in Table 4.17-1.

Table 4.17-1: Signalized Intersection Level of Service Definitions

Level of Service	Description	Average Control Delay per Vehicle (seconds)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0

Table 4.17-1: Signalized Intersection Level of Service Definitions		
Level of Service	**Description**	**Average Control Delay per Vehicle** (seconds)
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.	55.1 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Unsignalized Intersections

The operations of unsignalized intersections are evaluated using the method contained in the 2000 HCM. LOS ratings for stop-sign-controlled intersections are based on the average control delay expressed in seconds per vehicle. At two-way or side-street-controlled intersections, the average control delay is calculated for each stopped movement, not for the intersection as a whole. For approaches composed for a single lane, the control delay is computed as the average of all movements in that lane. Table 4.17-2summarizes the relationship between delay and LOS for unsignalized intersections. Additionally, the City applies the 2014 California Manual on Uniform Traffic Control Devices (MUTCD) peak-hour volume signal warrant to evaluate operations at unsignalized intersections.

Table 4.17-2: Unsignalized Intersection Level of Service Definitions Using Average Control Vehicular Delay		
Level of Service	**Description**	**Average Control Delay per Vehicle (seconds)**
A	Little or no delay	Up to 10.0
B	Short traffic delay	10.1 to 15.0
C	Average traffic delays	15.1 to 25.0
D	Long traffic delays	25.1 to 35.0
E	Very long traffic delays	35.1 to 50.0
F	Extreme traffic delays with intersection capacity exceeded	Greater than 50.0

Level of Service Standards and Study Intersections

Per General Plan Policy M 5.1, the City's level of service standard for most signalized intersections located west of Highway 101 is LOS C or better. For signalized intersections located east of US 101 and those in the commercial area designated in the current City's current General Plan (LOS D Area), the City's level of service standard is LOS D or better. The LOS D Area includes all areas east of Highway 101, the Tenth Street corridor from Monterey Street to Highway 101, the Luchessa

corridor east of Monterey Street, and the Monterey Street corridor from Luchessa Avenue to the Monterey Street/Highway 101 interchange. The project's effects on LOS were analyzed at the following intersections around the project site, which are shown on Figure 4.17-1:

1. Monterey Road and Tenth Street[D]
2. Alexander Street and Tenth Street[D]
3. Chestnut Street/ Automall Parkway and Tenth Street[D]
4. US 101 Southbound Ramps and Tenth Street (SR 152)[CT, D]
5. US 101 Northbound Ramps and Pacheco Pass Highway (SR 152)[CT, D]
6. Camino Arroyo and Pacheco Pass Highway (SR 152)[CT, D]
7. Church Street and Tenth Street[C]
8. Princevalle Street and Tenth Street[C]
9. Monterey Road and Luchessa Avenue[D]
10. Chestnut Street and Ninth Street (unsignalized)[C]

[CT] denotes intersection under the jurisdiction of Caltrans.
[C] denotes intersection within the LOS C Area
[D] denotes intersection within the LOS D Area

Seven of the signalized study intersections are located within the LOS D Area (intersection numbers 1 through 6, and 9), and the remaining study intersections are located within the LOS C Area (intersection numbers 7, 8, and 10). Based on the City's LOS standards, an operational deficiency at a signalized intersection would occur if any of the following criteria are met:

LOS C Area

1. The level of service at the intersection degrades from an acceptable LOS C or better under background conditions to an unacceptable LOS D or worse under background plus project conditions,
2. The intersection is already operating at an unacceptable LOS D and the addition of project traffic causes the average delay to increase by two (2) seconds or more, or
3. The intersection is already operating at an unacceptable LOS E or F and the addition of project traffic causes the average delay to increase by one (1) second or more.

LOS D Area

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or
2. If the intersection is already operating at an unacceptable LOS E or F and the addition of project traffic causes the average delay to increase by one (1) second or more.

The study intersections were evaluated under the following scenarios:

- **Existing Conditions:** Existing conditions are represented by existing peak-hour traffic volumes on the existing roadway network. Existing intersection traffic volumes were obtained from new traffic counts conducted in 2019.

- **Background Conditions:** Background traffic conditions represent future traffic volumes on the future transportation network. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected trips from approved but not yet constructed developments in the project area. Background conditions represent the baseline conditions to which project conditions are compared for the purpose of determining the project's adverse LOS effects on the surrounding roadway network.
- **Background Plus Project Conditions:** Background plus project conditions represent future traffic volumes with the proposed project. Background plus project conditions were estimated by adding to background traffic volumes the trips associated with the proposed project (or project traffic volumes). Background plus project conditions were evaluated relative to background conditions in order to determine adverse traffic effects on the roadway network caused by the proposed project.
- **Cumulative Conditions:** Cumulative traffic conditions represent future traffic volumes on the future transportation network. Cumulative traffic volumes were estimated by adding background traffic volumes to traffic from pending developments in the project area.
- **Cumulative Plus Project Conditions:** Cumulative plus project conditions represent future traffic volumes with the proposed project. Cumulative plus project conditions were estimated by adding net traffic generated by the project to cumulative traffic volumes.

Traffic conditions were analyzed for the weekday a.m. and p.m. peak hours of adjacent street traffic and the Saturday peak-hour. The a.m. peak hour typically occurs between 7:00 a.m. and 9:00 a.m. and the p.m. peak hour typically occurs between 4:00 p.m. and 6:00 p.m. on a regular weekday. The Saturday peak-hour is generally an hour between the 11:00 a.m. to 2:00 p.m. period. It is during these times that the most congested traffic conditions occur on an average day.

Refer to Appendix F for additional detail on the study scenarios listed above, including the list of approved and pending projects included in the background and cumulative conditions.

Project Traffic Estimates

The amount of traffic added to the roadway system by the project is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the project traffic entering and exiting the site is estimated for the a.m. and p.m. peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections.

- Trip Generation – The amount of traffic anticipated to be added to the surrounding roadway system by the project was estimated by subtracting the amount of traffic estimated by the existing uses on the site from the amount of traffic generated by the proposed uses. The vehicle trips generated by the existing and proposed uses were estimated based on data published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition (2017). Additionally, transit reductions and mixed-use reductions were applied per VTA TIA Guidelines. As outlined in Table 4.17-3, the project is estimated to generate 4,686 net new daily trips, 337 net new a.m. peak hour trips (172 inbound and 165 outbound), and 303 p.m. peak hour trips (154 inbound and 149 outbound).

- Trip Distribution and Assignment – The trip distribution pattern for the project was estimated based on existing travel patterns in the study area and on the locations of complementary land uses. The peak-hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution pattern discussed above. Pass-by traffic was assigned detouring to the project site then continuing on their original path of travel onto their final destination.

Existing, Background, and Background Plus Project Conditions

The results of the intersection LOS analysis under existing, background, and background plus project conditions are summarized Table 4.17-4. The results show that under existing and background without project conditions, the following intersection would operate at an unacceptable LOS:

- 8. Princevalle Street and Tenth Street (LOS D – a.m. peak hour)

As shown in Table 4.17-4, under background plus project conditions, the above listed intersection would continue to operate at an unacceptable LOS. The addition of project traffic at this intersection, however, does not meet the City's criteria for a LOS deficiency as the addition of the project's traffic does not cause the intersection average delay to increase by more than 2.0 seconds. Therefore, based on City of Gilroy definition of operational deficiencies at signalized intersections, the project would not create a LOS deficiency at any of the study intersections under background plus project conditions.

Table 4.17-3: Project Trip Generation Estimates										
Land Use	**Daily Trips**	**a.m. Peak Hour Trips**			**p.m. Peak Hour Trips**			**Saturday Peak Hour Trips**		
		In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Land Uses										
Hotel (120 rooms)	928	32	23	55	33	31	64	35	28	63
Internal Reduction[1]	-93	-3	-2	-5	-3	-3	-6	-4	-3	-7
Gasoline/Service Station (12 fueling positions) with Convenience Market[2]	2,464	77	73	150	86	82	168	116	115	231
Passby Reduction	-1,380	-48	-45	-93	-48	-46	-94	-65	-64	-129
Fast-Food Restaurant with Drive-Through Window	4,088	178	171	349	148	136	284	243	233	476
Passby Reduction[2]	-2,044	-87	-84	-171	-74	-68	-142	-122	-117	-239
Coffee/Donut Shop with Drive-Through Window (8,681 sf)	1,940	107	103	210	52	51	103	104	103	207
Passby Reduction[3]	-970	-52	-50	-102	-26	-26	-52	-52	-52	-104
Automated Car Wash[4]	780	0	0	0	39	39	78	19	22	41
Passby Reduction[5]	*-195*	*0*	*0*	*0*	*-10*	*-10*	*-20*	*-5*	*-5*	*-10*
Internal Reduction[1]	-93	-2	-3	-5	-3	-3	-6	-3	-4	-7
A. Project Trips after Reduction	5,425	202	186	388	194	183	377	266	256	522
Existing Land Uses										
Existing Retail[6]	1,120	30	21	51	60	52	112	70	63	133
Passby Reduction[2]	-381	0	0	0	-20	-18	-38	-18	-16	-34

Table 4.17-3: Project Trip Generation Estimates										
Land Use	**Daily Trips**	**a.m. Peak Hour Trips**			**p.m. Peak Hour Trips**			**Saturday Peak Hour Trips**		
		In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
B. Existing Trips after Reduction	739	30	21	51	40	34	74	52	47	99
Total Net Project Trips (A - B)	**4,686**	**172**	**165**	**337**	**154**	**149**	**303**	**214**	**209**	**423**

Source: Institute of Transportation Engineers (ITE). *Trip Generation Manual, Tenth Edition.* 2017.

[1] A 10 percent internal trip reduction was applied for the interaction between the hotel and the commercial land uses, as recommended in the VTA Transportation Impact Analysis Guidelines.

[2] a.m. and p.m. peak-hour passerby reduction rates obtained from the ITE Trip Generation Handbook, Third Edition. Daily and Saturday peak-hour pass-by reductions for the land uses listed above are assumed to be the same as their PM peak-hour pass-by rate.

[3] The ITE Trip Generation Handbook does not provide pass-by data for coffee/donut shop with drive-through window land use. Therefore, the passerby trip reduction for fast-food restaurant with drive-through window was applied to the coffee/donut shop with drive-through window land use.

[4] The ITE Trip Generation manual does not include trip generation information for the automated car wash land use during the a.m. peak-hour. Presumably, the traffic generated by the proposed car wash during the a.m. peak-hour would be negligible.

[5] The ITE Trip Generation Handbook does not provide pass-by data for car wash land use. Therefore, it was conservatively assumed in this analysis that the passer by trip reduction associated with the car wash would be 25% during the p.m.

and Saturday peak hours.

Table 4.17-4: Existing, Background, and Background Plus Project Intersection Level of Service									
Intersection	**LOS standard**	**Peak Hour**	**Existing**		**Background**		**Background Plus Project**		
			Average Delay	**LOS**	**Average Delay**	**LOS**	**Average Delay**	**LOS**	**Delay Change**
1. Monterey Road/ Tenth Street	D	AM	22.7	C	21.6	C	21.6	C	+0.0
		PM	27.4	C	27.8	C	28.0	C	+0.2
		SAT	29.1	C	28.4	C	28.6	C	+0.2
2. Alexander Street/ Tenth Street	D	AM	18.7	B	17.1	B	17.0	B	-0.1
		PM	17.8	B	17.7	B	17.9	B	+0.2
		SAT	20.0	C	18.0	B	17.7	B	-0.3
3. Chestnut Street/ Automall Parkway and Tenth Street	D	AM	31.3	C	29.9	C	34.9	C	+5.0
		PM	34.3	C	33.8	C	39.1	D	+5.3
		SAT	32.1	C	32.1	C	39.2	D	+7.1
4. US 101 Southbound Ramps/ Tenth Street	D	AM	19.4	B	20.1	C	20.4	C	+0.3
		PM	22.9	C	25.4	C	26.1	C	+0.7
		SAT	27.3	C	28.2	C	28.8	C	+0.6
5. US 101 Northbound Ramps/ Pacheco Pass Highway (SR 152)	D	AM	8.8	A	9.1	A	9.5	A	+0.4
		PM	7.2	A	8.5	A	8.4	A	+0.9
		SAT	10.7	B	11.0	B	11.0	B	+0.5
6. Camino Arroyo/ Pacheco Pass Highway (SR 152)	D	AM	21.2	C	18.2	B	18.2	B	+0.0
		PM	29.1	C	31.1	C	31.2	C	+0.1
		SAT	49.8	D	52.0	D	52.2	D	+0.2
7. Church Street/ Tenth Street	C	AM	33.8	C	29.6	C	29.6	C	+0.2

Table 4.17-4: Existing, Background, and Background Plus Project Intersection Level of Service									
Intersection	**LOS standard**	**Peak Hour**	**Existing**		**Background**		**Background Plus Project**		
			Average Delay	**LOS**	**Average Delay**	**LOS**	**Average Delay**	**LOS**	**Delay Change**
		PM	25.4	C	21.8	C	22.0	C	+0.2
		SAT	25.3	C	21.9	C	22.0	C	+0.1
8. Princevalle Street/ Tenth Street	C	AM	**38.2**	**D**	**35.9**	**D**	**36.4**	**D**	**+0.5**
		PM	20.6	C	29.5	C	31.1	C	+1.6
		SAT	18.5	B	19.9	B	20.3	C	+0.4
9. Monterey Road/ Luchessa Avenue	D	AM	20.9	C	21.5	C	22.0	C	+0.5
		PM	30.9	C	33.5	C	34.0	C	+0.5
		SAT	21.2	C	21.9	C	22.5	C	+0.6
10. Chestnut Street/ Ninth Street	D	AM	12.3	B	12.7	B	17.8	C+	+5.1
		PM	13.9	B-	15.1	C+	28.9	D	+13.8
		SAT	11.8	B	12.7	B	22.6	C-	+9.9

Source: Hexagon Transportation Consultants, Inc., *Tenth Chestnut Commercial Project Transportation Analysis.* June 7, 2021.

Note: **Bold** text denotes LOS deficiency

Cumulative and Cumulative Plus Project Conditions

The results of the intersection LOS analysis under cumulative and cumulative plus project conditions are summarized in Table 4.17-5. The results of the analysis under cumulative (without project) conditions show that, measured against applicable City standards, the following intersections would operate at an unacceptable LOS:

- 6. Camino Arroyo and Pacheco Pass Highway (SR 152) (LOS E – a.m. peak-hour)
- 8. Princevalle Street and Tenth Street (LOS D – a.m. and Saturday peak-hour, and LOS F – p.m. peak-hour)

As shown in Table 4.17-5, under cumulative plus project conditions, the above listed intersections would continue to operate at an unacceptable LOS. The addition of project traffic at intersection 8. Princevalle Street and Tenth Street would cause the intersection average delay to increase by more than 1.0 and 2.0 seconds during the PM and Saturday peak hours, respectively. Therefore, the project would contribute to a cumulative operational LOS deficiency at this intersection, based on City of Gilroy criteria.

The project would not cause a LOS deficiency, per City criteria, at the other intersections.

Condition of Approval:

- Prior to issuance of any building permits, the project applicant shall make a fair-share contribution toward future improvements at the intersection of Princevalle Street and Tenth Street to restore LOS operations at the intersection to an acceptable level (LOS C).

At the time the design and construction details of the Princeville Street and Tenth Street improvements are known, the City shall complete environmental review for the improvement. Based on previous analyses for roadway improvements located within existing City rights-of-way in developed South Bay locations, the primary environmental effects are associated with construction and can be mitigated to a less than significant level. Mitigation measures for construction-related impacts (such as the ones identified in Sections 4.3 Air Quality, 4.4 Biological Resources, 4.5 Cultural Resources, 4.9 Hazards and Hazardous Materials, 4.10 Hydrology and Water Quality, 4.13 Noise and Vibration in this Initial Study), are available to reduce potential construction-related impacts.

The project, with the implementation of the above condition of approval would be consistent with General Plan Policy M 5.1.

(Less than Significant Impact)

Table 4.17-5: Cumulative, Cumulative Plus Project Intersection Level of Service							
Intersection	**LOS Standard**	**Peak Hour**	**Cumulative No Project**		**Cumulative Plus Project**		
			Average Delay	**LOS**	**Average Delay**	**LOS**	**Delay Change**
1. Monterey Road/ Tenth Street	D	AM	24.3	C	24.5	C	+0.2
		PM	40.1	D	40.8	D	+0.7
		SAT	34.8	C	35.4	D	+0.6
2. Alexander Street/ Tenth Street	D	AM	19.1	B	19.0	B	-0.1
		PM	24.0	C	24.5	C	+0.5
		SAT	23.8	C	23.8	C	+0.0
3. Chestnut Street/ Automall Parkway and Tenth Street	D	AM	29.4	C	34.7	C	+5.3
		PM	34.5	C	40.8	D	+6.3
		SAT	32.7	C	40.9	D	+8.2
4. US 101 Southbound Ramps/ Tenth Street	D	AM	20.8	C	21.2	C	+0.4
		PM	27.1	C	28.4	C	+1.3
		SAT	30.1	C	31.2	C	+1.1
5. US 101 Northbound Ramps/ Pacheco Pass Highway (SR 152)	D	AM	10.0	A	10.4	B	+0.4
		PM	10.7	B	12.4	B	+1.7
		SAT	13.0	B	14.0	B	+1.0
6. Camino Arroyo/ Pacheco Pass Highway (SR 152)	D	AM	19.5	B	19.5	B	+0.0
		PM	33.0	C	33.1	C	+0.1
		SAT	**55.5**	**D**	**55.8**	**E**	**+0.3**
7. Church Street/ Tenth Street	C	AM	29.4	C	29.7	C	+0.3
		PM	25.0	C	25.6	C	+0.6
		SAT	23.0	C	23.4	C	+0.4
8. Princevale Street/ Tenth Street	C	AM	**37.1**	**D**	**37.9**	**D**	**+0.8**
		PM	**104.6**	**F**	**109.4**	**F**	**+4.8**
		SAT	**49.3**	**D**	**54.1**	**D**	**+4.8**
9. Monterey Road/ Luchessa Avenue	D	AM	22.1	C	22.5	C	+0.4
		PM	36.7	D	37.7	D	+0.1
		SAT	23.5	C	24.2	C	+0.7
10. Chestnut Street/ Ninth Street	D	AM	12.9	B	18.5	C	+5.6
		PM	15.9	C+	32.9	D-	+17.0
		SAT	13.3	B	25.5	D+	+12.2
Note: **Bold** text denotes deficiency							

Congestion Management Program

Freeway segments are evaluated using VTA's analysis procedure, which is based on the density of the traffic flow that is calculated using methods described in the 2000 HCM. Density is expressed in passenger cars per mile per lane. The CMP range of densities for each freeway segment level of service are shown in Table 4.17-6.

Table 4.17-6: Freeway Segment Level of Service Definitions

Level of Service	Density (passenger cars per mile per lane)
A	≤ 11
B	11.1 to 18.0
C	18.1 to 26.0
D	26.1 to 46.0
E	46.1 to 58.0
F	> 58.0

Freeway Segments and Ramps

The following study freeway segments and freeway ramps were selected for analysis based on VTA guidelines.

Freeway Segments

1. US 101, San Martin Avenue to Masten Avenue
2. US 101, Masten Avenue to Buena Vista Avenue
3. US 101, Buena Vista Avenue to Leavesley Road
4. US 101, Leavesley Road to Pacheco Pass Highway
5. US 101, Pacheco Pass Highway to Monterey Road
6. US 101, Monterey Road SR 25
7. US 101, SR 25 to Betabel Road

Freeway Ramps

1. US 101 Southbound Off-Ramp at Tenth Street
2. US 101 Southbound On-Ramp at Tenth Street
3. US 101 Northbound Off-Ramp at Pacheco Pass Highway (SR 152)
4. US 101 Northbound On-Ramp at Pacheco Pass Highway (SR 152)

Freeway Segment Analysis

The project would create a LOS deficiency at a freeway segment if it is projected to add traffic representing one percent or more of the segment's capacity.
The results of the freeway segment level of service analysis show that the following two study freeway segments currently operate at an unacceptable LOS F during at least one of the peak hours:

- US 101, Northbound from Masten Avenue to San Martin Avenue (Saturday peak-hour)
- US 101, Southbound from Monterey Road to Bloomingfield Avenue (SR 25) (PM and Saturday peak hours)

The proposed project is not projected to add traffic representing one percent or more of the segments' capacity to any of the study freeway segments, therefore, the proposed project would not create a level of service deficiency at any of the study freeway segments.

Freeway Ramp Analysis

The freeway ramp analysis is based on the calculated ramp capacity at the study freeway ramps. The calculated capacity shows all of the study freeway ramps currently operate at acceptable levels, and would continue to operate at acceptable levels with the project under background plus project conditions.

For the above reasons, the project would be consistent with CMP.

(Less than Significant Impact)

Bicycle Facilities

The project site is served by adequate bicycle facilities, which are described in Section 4.17.1.2 Existing Conditions above. In addition, there are planned bicycle facilities along Tenth Street in the project vicinity and Automall Parkway, which would connect to various bicycle facilities throughout the City. While the proposed project would increase the demand on bicycle facilities in the vicinity of the project site, this increased demand would be adequately served by existing and planned bicycle facilities in the project vicinity.
(Less than Significant Impact)

Pedestrian Facilities

While the proposed project would increase demand on pedestrian facilities in the vicinity of the project site, the increased demand would be adequately served by the existing pedestrian facilities in the project vicinity, such as sidewalks and crosswalks at intersections along Tenth Street and Monterey Road. In addition, the project is required to implement the below condition of approval to further reduce its less than significant impact to pedestrian facilities:

Condition of Approval:

- Prior to issuance of any building permits, the project applicant shall construct the following pedestrian facility improvements as part of the off-site project construction:
    - Installing ADA compliant curb ramps at the intersections of Chestnut Street/Tenth Street, US 101 Southbound Ramps/Tenth Street, Chestnut Street/Ninth Street; and
    - Installing crosswalks at the intersection of Chestnut/Ninth Street.

(Less than Significant Impact)

Transit Facilities

The project site is served by adequate transit services, which are described in Section 4.17.1.2 Existing Conditions above. Based on the trip generation estimated for the project, assuming three percent of the project trips would be diverted to transit, there would be approximately eight to 11 new transit riders during the peak hours. The incremental increase in riders would be served by, and would not significantly impact, existing transit facilities.

(Less than Significant Impact)

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The TIA completed for this project (see Appendix G) included an evaluation of project generated VMT, consistent with CEQA Guidelines Section 15064.3. VMT measures the amount and distance people drive by personal vehicle to a destination. VMT is measured by multiplying the number of vehicle trips by the length of those trips, adjusted for the number of people in the vehicles. Local serving retail projects generally result in shorter vehicle trips as new retail development typically attracts existing customers, diverting/shortening existing shopping trips (rather than creating new trips). The project itself is anticipated to generate 6,695 daily VMT.

The City has not adopted a formal VMT policy. For the purpose of this analysis, a comparison of the existing citywide VMT without the project (or baseline VMT) versus the citywide VMT with the proposed project is made to determine the effects of the project. The VMT analysis considers OPR's recommendation of a net increase in total VMT from baseline conditions as the threshold to identify potential VMT impacts for commercial/retail projects.

As summarized in Table 4.17-7, the citywide daily VMT without the project (i.e., baseline VMT) is 742,250 and the citywide daily VMT with the project is estimated to be 742,148. The results of the VMT evaluation indicate that, with implementation of the proposed project, the citywide total VMT is projected to decrease by approximately 103 VMT per day from baseline conditions.[77]

Because the proposed project would result in a decrease in citywide VMT, the project would not conflict with or be inconsistent with the Section 15064.3 of the CEQA Guidelines. Therefore, impacts would be less than significant.

[77] New commercial projects within urban areas with similar commercial opportunities are not anticipated to cause an increase in trips, but rather would result in a change in trip making because some people would come to the proposed project instead of other similar commercial land uses elsewhere. Additionally, by providing complementary land uses (retail/employment) near residential areas would result in shorter trips on the roadway as residents and workers access a more convenient location rather than driving farther for a similar service. Therefore,

Table 4.17-7: VMT Analysis Summary			
	Without the Project	**With the Project**	**Net Difference**
Citywide Total VMT	742,250	742,148	-103
Source: City of Gilroy Travel Demand Forecasting Model.			

(Less than Significant Impact)

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project design does not include sharp curves or dangerous intersections that could result in safety hazards. Nor does the project propose incompatible uses, such as farm equipment. Site driveways and access points are required to be designed and constructed per City standards to ensure adequate site distance and configurations.

Based on the above reasons, the project would not substantially increase hazards due to a design feature or incompatible land use.

(Less than Significant Impact)

d) Would the project result in inadequate emergency access?

Project site driveway widths and turn-radii are required to be designed and constructed per City's standards to allow emergency vehicles to turn in and out of the site and access on-site structures without any issues. With compliance of the City's design standards, the proposed project would not result in inadequate emergency access.

(Less than Significant Impact)

e) Would the project result in inadequate parking capacity?

The City has an established CEQA Significant Impact Threshold for this issue. The significance threshold is insufficient parking capacity per City Code.

Based on the City of Gilroy adopted parking rates, the size of the proposed project, and information contained on the site plan, the proposed project is estimated to require a total of 218 parking spaces. According to the project plans and parking study completed as part of the TIA (refer to Appendix G),

it is expected that most of the trips to and from the site would consist of existing trips currently accessing other local retail that, with implementation of the proposed project, would divert to the proposed project site, resulting in a shortened existing trip. Furthermore, because of the location of the project site (adjacent to a freeway interchange), it is anticipated that a large percentage of project traffic would be pass-by traffic, or traffic already on the roadway system that would stop at the project site, access the proposed land uses, and continue on their final destination. These anticipated shifts in trips associated with the proposed project were accounted for in the VMT modeling completed for the project.

the project proposes 268 parking spaces, resulting in a surplus of 50 parking spaces. Thus, the project would provide sufficient parking.

The project site plan shows bike racks next to all proposed buildings, with the exception of the hotel. Although the City of Gilroy does not have requirements for bicycle parking, VTA's Bicycle Technical Guidelines provides recommended rates for bicycle parking including recommendations for hotel, retail, and restaurant uses. Based on these rates, the project provide should provide nine bike locker spaces and six bike rack spaces.

Condition of Approval:

- **Bicycle Parking.** Prior to issuance of any building permits, final project plans shall show the project would provide bicycle parking per the Santa Clara Valley Transportation Authority's Bicycle Technical Guidelines bicycle parking rates:
    - Hotel: One Class I bike parking space for every 30 rooms plus one Class I bike parking space for every 30 employees.
    - Retail: One Class I bike parking space for every 30 employees plus one Class II (bike racks) bike parking space for every 6,000 square feet of retail space.
    - Restaurants: One Class I bike parking space for every 30 employees plus one Class II bike parking space for every 3,000 square feet of retail space.

(Less than Significant Impact)

f) Would the project conflict with any City of Gilroy General Plan Transportation and Circulation Element policies?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is a conflict with any of the General Plan policies. There are six policies directly applicable to the proposed project design. A discussion of the project's consistency with the applicable General Plan policies is provided in Table 4.17-8.

Table 4.17-8: Project Consistency with General Plan Policies

Policy	Consistency Analysis
M 2.7 **Safe Street Crossings.** Design street crossings to provide for the safety needs of bicyclists and pedestrians. Bridge crossings over creeks and other locations shall be designed to accommodate bicycle lanes or paths in accordance with the designations set forth in the Bicycle and Pedestrian Transportation Plan. Bridges for the exclusive use of pedestrians and bicycles should be considered whenever barriers exist which impede convenient and safe access.	The project would be required to install ADA-compliant curb ramps at the intersection of East Ninth Street and Chestnut Street, and install crosswalks at the intersection of East Ninth Street and Chestnut Street, per City's design standards. The project is consistent with this General Plan policies.
M 3.4 **Bicycle and Pedestrian Path Network.** Develop and maintain a network of paths along	

linear parks, public easements, drainages, and other open space areas to accommodate bicycle and pedestrian traffic (Figures M-2 and M-3).	
M 5.1 **Level of Service (LOS).** Maintain traffic conditions at LOS C or better at Gilroy intersections and roadways, allowing some commercial and industrial areas (e.g., downtown Gilroy, First Street corridor) to operate at LOS D or better. Exceptions to this standard will be allowed only where the City Council determines that the improvements needed to maintain the City's standard level of service at specific locations are infeasible.	As previously discussed under checklist question a) above, the project would pay its fair-share contribution towards improvements at intersection 8 Princevalle Street and Tenth Street to address the LOS deficiency caused by the project. With the fair-share payment, the project is consistent with this policy.
M 5.8 **Commercial Driveways.** Require new commercial development to minimize commercial driveways and locate them to prevent conflicts at intersections and with other driveways. Also encourage to reduction of duplicative existing commercial driveways.	The project would construct four new driveways, including one on East Tenth Street, one on Chestnut Street, and two on East Ninth Street. The driveways are required to be designed in conformance with City standards to minimize traffic conflicts. For these reasons, the project would not result in traffic conflicts due to commercial driveways. The project would be consistent with this policy.
M 5.11 **Parking.** Maintain and implement a comprehensive on- and off-street parking system that serves the needs of residents and businesses while supporting the use of alternative transportation.	As previously discussed under checklist question e) above, the project would provide adequate number of parking spaces and bicycle spaces. The project is consistent with this General Plan policy.
M 3.9 **Bicycle Parking.** Require adequate short- and long-term bicycle parking for all land uses except for single-family residential uses.	The project proposes bicycle parking per the Santa Clara Valley Transportation Authority's Bicycle Technical Guidelines bicycle parking rates requirement. The project is consistent with this General Plan policy.

(Less than Significant Impact)

4.17.3 Non-CEQA Effects

In addition to the evaluation of CEQA impacts, the TIA evaluated operational, non-CEQA effects including queue lengths. A brief discussion of queue lengths deficiencies is provided below. Refer to Appendix G for additional analysis of on-site circulation operations.

Queue Lengths

As part of the intersection operational analysis, a queuing study was completed. The analysis found that the addition of project traffic would result in queue deficiencies at the following intersections:

- **Monterey Road and Tenth Street – westbound left-turn:** The addition of project traffic to the westbound left-turn movement at the Monterey Road/Tenth Street intersection would cause the projected 95th percentile vehicle queue to increase by one vehicle (to 8 vehicles, or 200 feet) during both the PM and Saturday peak hours under background plus project conditions, exceeding the existing queue storage capacity (approximately 155 feet) by two vehicles (approximately 50 feet).
- **Chestnut Street and Tenth Street – eastbound left-turn:** The addition of project traffic to the eastbound left-turn movement at the Chestnut Street/Tenth Street intersection would cause the projected 95th percentile vehicle queue to increase by four vehicles (to nine vehicles, or 225 feet) during the Saturday peak-hour under background plus project conditions, exceeding the existing queue storage capacity (approximately 200 feet) by one vehicle (25 feet).
- **Chestnut Street and Tenth Street – westbound left-turn:** The addition of project traffic to the westbound left-turn movement at the Chestnut Street/Tenth Street intersection would cause the projected 95th percentile vehicle queue to increase by one vehicle (to 20 vehicles, or 500 feet) during the Saturday peak-hour under background plus project conditions, exceeding the existing queue storage capacity (approximately 350 feet) by 6 vehicle (150 feet).

To address the above queuing deficiencies, the project shall implement the below conditions of approval which would extend the queue length capacity and provide sufficient queuing capacity.

Conditions of Approval:

- Prior to issuance of any building permits, the project applicant shall fund or construct:
    - Westbound left-turn pocket extension improvements at the intersection of Monterey Road and Tenth Street;
    - Eastbound left-turn pocket extension improvements at the intersection of Chestnut Street and Tenth Street.[78]
- Prior to issuance of any grading permits, the project applicant shall dedicate three feet of additional right-of-way along the project East Tenth Street frontage and fund the improvements necessary to make the widening improvements at the intersection of Chestnut Street and Tenth Street.

At the time the final design and construction details of the above planned improvements are known, the City shall complete separate environmental review for the improvements and ensure consistency with applicable City policies (i.e., Tenth Street Policy and Tree Ordinance). Based on previous analyses for roadway improvements located within existing City rights-of-way in developed South Bay locations, the primary environmental effects are associated with construction and can be mitigated to a less than significant level. Mitigation measures for construction-related impacts (such as the ones identified in Sections 4.3 Air Quality, 4.4 Biological Resources, 4.5 Cultural Resources,

[78] The future, planned improvement at Monterey Road/Tenth Street would require restriping of the center median along Tenth Street. The future, planned improvement at Chestnut Street/Tenth Street could require the removal of median trees.

4.9 Hazards and Hazardous Materials, 4.10 Hydrology and Water Quality, 4.13 Noise and Vibration in this Initial Study), are available to reduce potential construction-related impacts.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

As discussed in Section 4.5 Cultural Resources, there is low to moderate potential for archaeological resources. 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 is required under AB 52. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.[79] In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

[79] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page ES-2.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project 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, 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:				
a) 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)?	☐	☐	☒	☐
b) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is 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)?

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify TCRs that may be significantly impacted by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

As discussed above in Section 4.18.1.2 Existing Conditions, the City has not received any requests for consultation from tribes that are traditionally or culturally affiliated with the project area and there are no known TCRs on-site.

While there is a potential for unknown Native American subsurface artifacts or human remains to be present in the project area, the project's impact to unknown resources would be less than significant with the implementation of the standard conditions of approval identified in Section 4.5 Cultural Resources.

(Less than Significant Impact)

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is 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?

See discussion under checklist question a).

(Less than Significant Impact)

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Gilroy adopted its most recent UWMP in May 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CALRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Regional and Local

National Pollution Discharge Elimination System

Wastewater generated in Gilroy is treated at the South County Regional Wastewater Authority (SCRWA) treatment plant (treatment plant) located at 1500 Southside Drive in Gilroy. The treatment plant provides secondary and tertiary treatment of wastewater to the cities of Gilroy and Morgan Hill. Discharges from the treatment plant are subject to discharge prohibitions, discharge limitations, and

receiving water limitations. The RWQCB regulates discharges into the San Francisco Bay through NPDES regulations. The NPDES permit for the treatment plant documents current practices and levels of service for attainment of discharge water quality that is protective of beneficial uses.

The RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the Sewer System Management Plan (SSMP) to provide adequate capacity to convey peak flows.

Other RWQCB regulatory requirements include the General Waste Discharge Requirements (GWDR), which regulates the discharge from wastewater treatment plants.

Santa Clara County Integrated Waste Management Plan

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate capacity beyond 2030.[80]

2015 Urban Water Management Plan

The Gilroy 2015 Urban Water Management Plan is designed to implement and maintain the reliability of urban water supplies in the City of Gilroy. According to the 2015 Urban Water Management Plan, the total water demand for the Gilroy service area is expected to increase from 3,837 in 2020 to 5,822 in 2040 based on ABAG populations projections for the City of Gilroy.[81] Supply projections show that the City would have enough water supply to meet projected demand through 2040 in normal, single-dry, and multiple-dry year scenarios.[82]

City of Gilroy 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the proposed project.

Policy	Description
NCR 3.13	**Zero Waste.** Reduce municipal waste through procurement policies, waste diversion goals and waste stream monitoring and analysis.
PFS 4.1	**Wastewater System Master Plan.** Maintain, implement, and update as necessary the Wastewater System Master Plan to provide wastewater facilities adequate to meet existing and future customer needs.
PFS 4.2	**Wastewater Treatment and Disposal Capacities.** Provide and maintain adequate wastewater treatment and disposal capacities to meet the needs of existing users and support the buildout of the Gilroy 2040 General Plan.
PFS 4.3	**Timing and Location of Development.** Require that adequate wastewater treatment capacity is funded and in place prior to approval of new development.

[80] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[81] City of Gilroy. *2015 Urban Water Management Plan.* May 2016. Page 4-3.
[82] Ibid.

PFS 4.7	**Wastewater Treatment.** Maintain and operate wastewater treatment and water reclamation facilities in compliance with all applicable local, State and Federal clean water, clean air, and health and safety regulatory requirements.
PFS 8.5	**Undergrounding.** Require the undergrounding of utilities in areas of the city undergoing redevelopment or significant construction. Continue to require the undergrounding of utilities in areas of new development.
PFS 6.4	**Recycling.** Reduce the volume of material sent to solid waste sites by maintaining recycling programs and encouraging the participation of all residents and businesses.
PFS 6.5	**Source reduction.** Reduce the volume of disposed waste by encouraging efforts to decrease consumption; reduce material weight and volume; reuse products and materials; and increase the durability of products and materials.
PFS 5.1	**Storm Drain Master Plan.** Maintain, implement, and update as necessary the Storm Drain Master Plan to provide for stormwater facilities adequate to meet existing and future customer needs.
PFS 6.6	**Municipal Waste Reduction.** Reduce municipal waste generation by continuing to employ a wide range of innovative techniques, including electronic communications to reduce paper usage and buying products with less packaging or in bulk, where feasible.
PFS 6.9	**Construction and Demolition Waste Recycling.** Continue to require demolition, remodeling, and major new development projects to salvage or recycle asphalt and concrete and all other nonhazardous construction and demolition materials to the maximum extent practicable.

City Code Chapter 12 Garbage, Refuse and Weeds

Chapter 12, Article V of the Gilroy City Code requires that all projects requiring a building or demolition permit for removal of 5,000 square feet or more are required to recycle or divert from disposal at a landfill at least 50 percent of the construction debris resulting from the construction or demolition.

4.19.1.2 *Existing Conditions*

Water Services

Water service is currently provided to the project site by the City of Gilroy Department of Public Works. All of the City's water supply comes from local ground water sources.[83] Although not required to meet current water demand projections, SCRWA supplies recycled water to a small portion the City of Gilroy along Hecker Pass Road. There are currently no recycled water lines in the immediate vicinity of the project site.[84]

[83] City of Gilroy. *2015 Urban Water Management Plan.* May 2016.
[84] Santa Clara Valley Water District/South County Regional Wastewater Authority. *South County Recycled Water Master Plan.* October 2004. Accessed September 24, 2020. https://www.cityofgilroy.org/DocumentCenter/View/672/South-County-Recycled-Water-Master-Plan-PDF

The project site is served by an eight-inch water line in Chestnut Street. Based on CalEEMod standard water demand estimates for the existing land uses, it is estimated that the existing water demand at the project site is approximately 4,470 gpd.[85]

Sanitary Sewer/ Wastewater Treatment

The SCRWA treatment plant has a current permitted capacity of 8.5 million gallons per day (mgd) for average dry weather flow.[86] The total capacity of the treatment plant is shared between the cities of Gilroy and Morgan Hill, with 58.1 percent (or 4.93 mgd) of the inflow capacity allocated to Gilroy and the remaining 41.9 percent (or 3.56 mgd) allocated to the Morgan Hill.

The SCRWA treatment plant currently processes 6.2 mgd and has available capacity to treat 2.3 mgd.[87] The City of Gilroy is currently generating approximately 3.5 mgd of sewage that is treated at the plant.[88] Given the City's allocated capacity at the treatment plant of 4.93 mgd, the City's current generation (3.5 mgd), there is 1.43 mgd of available treatment capacity at the plant for additional sewage generated in the City.

A planned expansion of the treatment plant is expected to come online between 2024 and 2026 and would increase the total plant treatment capacity from 8.5 to 11.0 mgd.[89]With the planned treatment plant expansion, the City's total treatment allocation at the plant would increase from 4.93 to 6.4 mgd.

This Initial Study assumes that the wastewater flow generated by on-site uses is 95 percent of the total site water use due to the limited landscaping on-site. As a result, it is estimated that the existing uses on-site generate a total of approximately 4,705 gpd of wastewater. The project site is served by a 10-inch sanitary sewer line on Ninth Street.

Stormwater Drainage

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to the Uvas Creek, located approximately one mile west of the project site. The creek flows south from Loma Prieta Peak in the Santa Cruz Mountains to the Pajaro River, carrying runoff from the storm drains eventually into the Monterey Bay.

Most of project site (91 percent or 270,072 square feet) consists of impervious surfaces. Stormwater runoff from the site flows to a 15-inch storm drain in Ninth Street and a 10-inch storm drain in Tenth Street.

[85] Water demand rate for strip mall: 74,073 gallons per day/ 1,000 sf; general industry 231,250 gallons per day/1,000 sf; general office 177,734 gallons per day/ 1,000 sf.
[86] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020.
[87] Ibid.
[88] City of Morgan Hill. *Monterey Gateway Project Initial Study/Mitigated Negative Declaration.* February 2020. https://www.morgan-hill.ca.gov/DocumentCenter/View/36250/Monterey-Gateway-ISMND_Public-Review
[89] South County Regional Water Authority. *Wastewater Treatment Plant Facility Expansion Project Initial Study/Mitigated Negative Declaration.* August 26, 2020.

Solid Waste

Solid waste generated in the City of Gilroy is taken to the San Martin Transfer Station where recyclable materials are separated from the solid waste stream and the solid waste is disposed of at the John Smith Road Landfill near Hollister. The John Smith Landfill is a Class III Landfill with a permitted capacity of 9.35 million cubic yards and a remaining capacity of 3.5 million cubic tons remaining.[90]

Solid waste collection service at the project site is provided by Recology South Valley. The existing uses on-site are estimated to generate approximately 130 pounds of waste per day.[91]

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs?	☐	☐	☒	☐

[90] CALRecycle. "SWIS Facility Detail, John Smith Road Landfill (35-AA-0001)." Accessed June 5, 2020. https://www2.calrecycle.ca.gov/SWFacilities/Directory/35-AA-0001/Detail/

[91] Illingworth & Rodkin, Inc. *Tenth and Chestnut Air Quality and Greenhouse Gas Emissions Assessment, Gilroy, California.* June 14, 2021.; CALRecycle. "SWIS Facility Detail, John Smith Road Landfill (35-AA-0001)." Accessed June 5, 2020. https://www2.calrecycle.ca.gov/SWFacilities/Directory/35-AA-0001/Detail/

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
g) Require or result in the construction of new stormwater drainage facilities, the construction of which could cause significant environmental effects, including a potential increase in pesticide use to control mosquitos and other vectors?	☐	☐	☒	☐
h) Comply with federal, state, or local statutes and regulations related to solid waste?	☐	☐	☒	☐

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The City has an established CEQA Significance Impact Threshold for this checklist question. The significance threshold is if a project would exceed requirements or be inconsistent with the City's Sewer Master Plan. The City's Sewer Master Plan bases future demand and system requirements on the General Plan Land Use Map and related population and service area projections. The project is consistent with the General Services Commercial land use designation for the site and growth projections contained in the General Plan and would not require expansion of the existing sewer system to serve the project. The Sewer Master Plan identified capital improvements needed to serve the buildout of the 2040 General Plan. Development projects included within the growth assumptions of the General Plan (such as the proposed project) would be required to make a fair share contribution toward capital improvements projects with payment of a sewer impact fee. The proposed project would be required to pay a sewer impact fee.

In addition, the sewage generated by the project would be treated at the treatment plant in accordance with the requirements of the treatment plant's existing NPDES permit. The sewage generated by the proposed commercial uses would not contain pollutants such as industrial chemicals that would exceed the RWQCB wastewater treatment requirements or require new treatment permits.

(Less than Significant Impact)

b) Would the project 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?

The City has an established CEQA Significance Impact Threshold for this checklist question. The significance threshold is if a project would be inconsistent with the City's Water Master Plan or Sewer Master Plan. The City's Water Master Plan and Sewer Master Plan are based on future demand and system requirements consistent with the buildout of the General Plan and its related population and service area projections. The project is consistent with the existing General Services Commercial land use designation for the site and growth projections contained in the General Plan. As noted under checklist question a) above, both the City's Water Master Plan and Sewer Master Plan identified capital improvements needed to serve the buildout of the 2040 General Plan. Development projects included within the growth assumptions of the General Plan (such as the proposed project) would be required to make a fair share contribution toward capital improvements projects with payment of water and sewer impact fees. The proposed project would be required to pay a water and sewer impact fee. For these reasons, the project would result in a less than significant impact with regard to the City's water and wastewater systems.

In addition, it is estimated that the project would have a water demand of 117,404 gpd, which is a net increase of 112,934 gpd in water use at the site compared to existing conditions. Based on the existing infrastructure serving the site, the City Department of Public Works has confirmed that it is adequate to meet and serve the water demand from the project. As discussed in Section 4.19.1 Existing Conditions above, the City has 1.43 mgd of available treatment capacity at the treatment plant. The project is estimated to generate 0.11 mgd of sewage, which is a net increase of 0.1138 mgd compared to existing conditions. Given the City's existing, available treatment capacity at the plant (1.43 mgd) and the project's net increase in sewage generation at the site (0.11 mgd), the treatment plant has sufficient capacity to serve the project.

(Less than Significant Impact)

c) Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The City has an established CEQA Significance Impact Threshold for this checklist question. The significance threshold is if a project would be inconsistent with the City's Storm Drain Master Plan. The Storm Drain Master Plan bases future demand and system requirements on the General Plan Land Use Map and related population and service area projections. The project is consistent with the General Services Commercial land use designation for the site and growth projections contained in the General Plan and would not require expansion of the existing storm drainage facilities. As discussed in Section 4.10 Hydrology, the project would result in a net decrease of impervious surfaces, thereby resulting in a net decrease in runoff from the site. For this reason, it is assumed the existing storm drainage system would continue to adequately serve the project site and construction of new or expanded storm drainage facilities is not required.

(Less than Significant Impact)

d) Would there be sufficient water supplies available to service the project from existing entitlements and or resources, or are new or expanded entitlements needed?

The City has an established CEQA Significance Impact Threshold for this checklist question. The significance threshold is if a project would be inconsistent with the City's Water Master Plan. The City's Water Master Plan bases future demand and system requirements on the General Plan Land Use Map and related population and service area projections. The project is consistent with the General Services Commercial land use designation for the site and growth projections contained in the General Plan. As discussed above in Section 4.19-1 Environmental Setting, according to the City's 2015 Urban Water Management Plan, the City would have enough water supply to meet projected demand (which is based on the buildout of the City's General Plan) through 2040 in normal, single-dry, and multiple-dry year scenarios. For these reasons, there are sufficient water supplies to serve the project and new or expanded entitlements are not required.

(Less than Significant Impact)

e) Would the project 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?

The City has an established CEQA Significance Impact Threshold for this checklist question. The significance threshold is if a project would be inconsistent with the City's Sewer Master Plan. As discussed under checklist question b) above, the project is consistent with the City's Sewer Master Plan. The City's existing treatment allocation at the plant is 4.93 mgd and will be increased to 6.4 mgd with the implementation of the planned expansion of the treatment plant. Uses in the City currently generate 3.5 mgd and the project would generate a net increase of 0.11 mgd. With the proposed project, the City would generate a total of 3.6 mgd, which is within the City's existing treatment allocation at the plant.

The buildout of the General Plan (which includes the proposed development) would generate 7.3 mgd, requiring the construction of new or expanded wastewater treatment infrastructure.[92] As discussed in the 2040 General Plan EIR, with implementation of the General Plan goals and policies and mitigation measures identified in the General Plan EIR, the environmental impact from the construction of new or expanded wastewater treatment infrastructure would be less than significant.[93] The project's impact to wastewater treatment capacity, therefore, is the same as what was disclosed in the General Plan EIR.

(Less than Significant Impact)

[92] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Page 3-446.
[93] City of Gilroy. *Gilroy 2040 General Plan Final Environmental Impact Report.* SCH# 2015082014. September 24, 2020. Page 3-14.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The City has an established CEQA Significant Impact Threshold for this checklist question. The significance threshold is non-compliance with provisions in the General Plan and state law relating to the collection, recycling and disposal of refuse and building materials. General Plan Policy PFS 6.5 calls for a reduction in the volume of disposed waste through encouraging waste source reductions. This policy is implemented through Gilroy City Code Chapter 12, Article 5, which requires recycling or diversion of at least 50 percent of construction debris from landfills for all projects involving demolition of 5,000 square feet or more. Furthermore, as stated in Section 4.19.1 above, state law requires a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025.

The proposed project would demolish approximately 22,550 square feet of existing buildings and construct approximately 86,150 square feet of new commercial buildings.[94] The project would comply with existing laws, regulations, and General Plan policies by diverting at least 50 percent of debris from landfills during demolition and construction, providing recycling collection services for uses on-site.

In addition, it is estimated that the project would generate a net increase of approximately 1,021 pounds of solid waste per day (or 372,665 pounds per year) during operations. Given the remaining capacity at John Smith landfill (3.5 million cubic yards) and the project's estimated net waste generation (372,665 pounds per year, which equates to approximately 186 cubic yards per year), there is sufficient capacity at John Smith landfill to serve the proposed project. As discussed in Section 4.19-1 Environmental Setting above, the County's IWMP states that the County has adequate capacity beyond 2030. Besides John Smith landfill, other landfills in the County with remaining capacity include Guadalupe Sanitary Landfill, Newby Island Sanitary Landfill, and Zanker Road Resource Recovery Operation. Based on the above discussion, the local landfills have sufficient capacity to serve the project.

(Less than Significant Impact)

g) Would the project 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, including a potential increase in pesticide use to control mosquitoes and other vectors?

As discussed under checklist question c) in Section 4.10 Hydrology, the project would comply with existing regulations and properly design stormwater management systems on-site to control/prevent mosquitoes. Additionally, as discussed under checklist question c) above, the project would not require the construction of new or expanded storm drainage facilities.

(Less than Significant Impact)

[94] Illingworth & Rodkin, Inc. *Tenth and Chestnut Air Quality and Greenhouse Gas Emissions Assessment, Gilroy, California.* June 14, 2021.; CalRecycle. "SWIS Facility Detail, John Smith Road Landfill (35-AA-0001)." Accessed June 5, 2020. https://www2.calrecycle.ca.gov/SWFacilities/Directory/35-AA-0001/Detail/

h) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

As discussed under checklist question d) above, the proposed project would comply with applicable state and local regulations related to solid waste (including Senate Bill 1383, General Plan Policy PFS 6.5, and Gilroy City Code Chapter 12, Article 5.

(Less than Significant Impact)

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The project site is located in an urbanized area of Gilroy. The project site is not located in or near a state responsibility area or near lands classified as very high fire hazard severity zones.[95]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. [96]

(No Impact)

[95] California Department of Forestry & Fire Protection. *Santa Clara County Very High Fire Hazard Severity Zones.* October 8, 2008.
[96] Ibid.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially 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 a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to substantially 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 a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified standard conditions of approval and mitigation measures. The project, in compliance with existing regulations (including the City's City Code and Habitat Plan) and with the implementation of the identified mitigation (see mitigation measure MM BIO-1.1 in Section 4.4 Biological Resources) to reduce impacts to nesting birds, would not result in significant impacts to sensitive habitats or species. As discussed in Section 4.5 Cultural Resources, the project with the implementation of standard conditions of approval would not result in significant impacts to buried archaeological resources (if encountered on-site).

(Less than Significant Impact with Mitigation Incorporated)

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The project would result in no impacts to agricultural and forestry resources, mineral resources, or wildfire. Therefore, the project would not contribute to significant cumulative impacts to these resources. There are no projects in proximity to the project site that the project would contribute to cumulative impacts to aesthetics, construction-related air quality and noise, cultural resources, hazards and hazardous materials, and TCRs.

Given the project's consistency with the General Plan, compliance with existing regulations, and implementation of the identified standard conditions of approval, the project and other cumulative projects consistent with the General Plan would not contribute to significant cumulative biological resources, energy, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, recreation, and utilities and service systems impacts beyond what is disclosed in the General Plan EIR.[97]

In general, an individual project's impact on broader resources including air quality, energy, GHGs, and VMT are evaluated at a cumulative level. That is, if a project results in a significant impact to air quality (specifically criteria air pollutants), energy, GHGs, and VMT, the project would be considered to have a significant cumulative impact to those resources. As discussed in Sections 4.3

[97] City of Gilroy. *Gilroy 2040 General Plan Draft Environmental Impact Report.* SCH# 2015082014. June 22, 2020. Pages 4-4 through 4-6, 4-9 through 4-11, and 4-16.

Air Quality, 4.6 Energy, 4.8 Greenhouse Gas Emissions, and 4.17 Transportation, the project would not result in significant impacts to those resources with the implementation of identified standard conditions of approval and mitigation measures (including mitigation measure MM GHG-1.1 in Section 4.8 Greenhouse Gas Emissions). For this reason, the project would not result in significant cumulative impacts to those resources.

(Less than Significant Impact with Mitigation Incorporated)

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geology and soil hazards, hazardous materials, and noise. As discussed in Sections 4.3 Air Quality, 4.7 Geology and Soils, 4.9 Hazards and Hazardous Materials, and 4.13 Noise, the project would implement the identified mitigation measures (mitigation measures MM AQ-1.1 and MM HAZ-1.1) and conditions of approval to reduce impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

(Less than Significant Impact with Mitigation Incorporated)

SECTION 5.0 REFERENCES

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

ATCMs	Airborne Toxic Control Measures
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ACM	Asbestos Containing Materials
ABAG	Association of Bay Area Governments
2017 CAP	Bay Area 2017 Clean Air Plan
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin Plan
BMPs	Best Management Practices
CalARP	California Accidental Release Prevention
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CalEPA	California Environmental Protection Agency
CARE	Community Air Risk Evaluation program
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CRHR	California Register of Historical Resources
CO2	Carbon dioxide
CO2e	Carbon dioxide equivalents
CO	Carbon monoxide
COC	Contaminants of Concern
CUPA	Certified Unified Program Agency
CFCs	Chlorofluorocarbons
DEH	Department of Environmental Health
DTSC	Department of Toxic Substances Control

DPM	Diesel particulate matter
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHSZs	Fire Hazard Severity Zones
FMMP	California Department of Conservation's Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	Greenhouse Gas
GWP	Global Warming Potential
HRI	Historic Resources Inventory
HFC	Hydrofluorocarbons
HMP	Hydromodification Management Plan
HSP	Health and Safety Plan
IWMP	Santa Clara County Integrated Watershed Management Program
LRAs	Local Responsibility Areas
LID	Low Impact Development
LZ2	Moderate ambient lighting
LZ3	Moderately high ambient lighting
MEI	Maximally Exposed Individual
MND	Mitigated Negative Declaration
MWHs	Megawatt Hours
MTC	Metropolitan Transportation Commission
MBTA	Migratory Bird Treaty Act
$MMTCO_2e$	Million metric tons of CO_2e
MVD	Most Likely Descendant
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NRHP	National Register of Historic Places
NAHC	Native American Heritage Commission
NOD	Notice of Determination
NOI	Notice of Intent

NOP	Notice of Preparation
NO_x	Nitrogen oxides
NPDES	San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System
N_20	Nitrous oxide
OPR	Governor's Office of Planning and Research
O_3	Ground Level Ozone
OITC	Outdoor-Indoor Transmission Class
PM	Particulate Matter
PPV	Peak particle velocity
PFC	Perfluorocarbons
PCBs	Polychlorinated biphenyls
PDAs	Priority Development Areas
PEIR	Programmatic Environmental Impact Report
RHNA	Regional Housing Needs Allocation
ROG	Reactive organic gases
RWQCB	Regional Water Quality Control Board
Habitat Plan	Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan
Valley Water	Santa Clara Valley Water District
SCS	Sustainable Communities Strategy
SHMA	Seismic Hazards Mapping Act
STC	Sound Transmission Class
SFHAs	Special Flood Hazard Areas
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SRAs	State responsibility areas
SR	State Route
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
SF_6	Sulfur hexafluoride
So_x	Sulfur oxides
TACs	Toxic Air Contaminants
TCMs	Treatment Control Measures

TCR	Tribal Cultural Resources
VMT	Vehicle miles traveled
VOC	Volatile organic compounds
VTA	Santa Clara Valley Transportation Authority
UBG	Greenline/ Urban Growth Boundary
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
Williamson Act	California Land Conservation Act
ZNE	Zero Net Carbon Emissions