

## Electronic Billboard Ordinance Project Initial Study/Mitigated Negative Declaration City of Gilroy, Santa Clara County, California

Prepared for:

**City of Gilroy**

7351 Rosanna Street

Gilroy, CA 95020

408.846.0253

Contact: Cindy McCormick, Senior Planner

Prepared by:

**FirstCarbon Solutions**

1350 Treat Boulevard, Suite 380

Walnut Creek, CA 94597

925.357.2562

Contact: Glenn Lajoie, AICP, Project Director  
Tsui Li, Project Manager

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## ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AQP	Air Quality Plan
ARB	California Air Resources Board
ATCM	Airborne Toxics Control Measure
BAAQMD	Bay Area Air Quality Management District
BERD	Built Environmental Research Directory
BMP	Best Management Practice
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CO	Carbon Monoxide
CRHR	California Register of Historical Resources
dB	decibel
dBA	A-weighted decibel scale
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GFD	Gilroy Fire Department
GHG	greenhouse gas
IEA	International Energy Agency
IPaC	Information for Planning and Consultation
IS/MND	Initial Study/Mitigated Negative Declaration
kWh	kilowatt-hours

L <sub>dn</sub>	day/night sound level
L <sub>eq</sub>	equivalent continuous sound level
L <sub>max</sub>	maximum instantaneous noise level
LED	light-emitting diode
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
MM	Mitigation Measure
MT CO <sub>2</sub> e	metric tons carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NAHC	California Native American Heritage Commission
NO <sub>x</sub>	nitrogen oxide
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OAAA	Outdoor Advertising Association of America
OHP	California Office of Historic Preservation
PG&E	Pacific Gas and Electric Company
PM <sub>2.5</sub>	particulate matter, including dust, 2.5 micrometers or less in diameter
PM <sub>10</sub>	particulate matter, including dust, 10 micrometers or less in diameter
PPV	peak particle velocity
ROG	reactive organic gases
RPS	renewable portfolio standard
SB	Senate Bill
SCRWA	South County Regional Wastewater Authority
SCVHP	Santa Clara Valley Habitat Plan
SR	State Route
TAC	toxic air contaminants
TCR	Tribal Cultural Resource
US-101	U.S. Highway 101
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled

## SECTION 1: INTRODUCTION

### 1.1 - Purpose

The purpose of this Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is to identify any potential environmental impacts that would result from implementation of the Electronic Billboard Ordinance Project (proposed project) in the City of Gilroy, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Gilroy has discretionary authority over the proposed project and is the Lead Agency in the preparation of this Draft IS/MND and any additional environmental documentation required for the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately analyze the project pursuant to the requirements of CEQA and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the primary project characteristics. Section 2 includes an environmental checklist that provides an overview of the potential impacts that may result from project implementation, elaborates on the information contained in the environmental checklist, and provides justification for each checklist response. Section 3 contains the List of Preparers.

### 1.2 - Overview

Outfront Media (applicant) proposes to amend Section 30.37.30 (Prohibited Signs), Section 30.37.50 (Commercial and Industrial Districts), and Section 30.37.51 (Freeway Oriented Signs) of the Gilroy Municipal Code to allow up to two electronic billboards within specific areas of the City of Gilroy (City). The project would also create a new Zoning Code Ordinance (Article LV) related to electronic billboards which would permit up to two electronic billboards on property with a General Plan designation of General Services Commercial or City Gateway District, located within 660 feet of U.S. Highway 101 (US-101) or State Route (SR) 152.

In addition to the proposed Ordinance, the project includes an application for an electronic billboard within the Gilroy city limits. Exhibit 1 illustrates the proposed location for the electronic billboard, and Exhibit 2 depicts the General Plan land use map.

### 1.3 - Project Description

#### 1.3.1 - Background

The City received an application for the construction of an electronic billboard on Automall Parkway and a code amendment request to allow for such billboard. At present, Article 37, the Gilroy Sign Ordinance (Sign Ordinance) does not allow off-site advertising signs (other than real estate signs) and has general restrictions for freeway-oriented signs and automobile dealership signs (e.g., height and size limits). The Sign Ordinance also prohibits electronic signs that utilize scrolling or moving text or images (e.g., changeable message signs). The Sign Ordinance does not currently address electronic billboards.

### 1.3.2 - Proposed Electronic Billboard Ordinance and Sign Ordinance Amendment

The project includes a new Electronic Billboard Ordinance (Article LV) and amendments to the City's existing Sign Ordinance Sections 30.37.30 (Prohibited Signs), 30.37.50 (Commercial and Industrial Districts), and 30.37.51 (Freeway Oriented Signs). At this time, only one electronic billboard application has been submitted, which would be processed under the new Ordinance as described in Section 1.3.3, below. Subsequent applications for an electronic billboard would require separate environmental review.

Under the draft Electronic Billboard Ordinance (proposed Ordinance), up to two electronic billboards would be allowed in the City. Permitted locations for electronic billboards would be property designated as General Services Commercial or City Gateway District and located within 660 feet of US-101 and SR-152. An Outdoor Advertising Permit would be required from the California Department of Transportation (Caltrans). As discussed below, the Sign Ordinance amendments would formalize height limits for such billboards and would also dictate the minimum distance between electronic billboards.

Per the proposed Ordinance, the electronic billboards shall not exceed a maximum height of 75 feet above freeway grade and shall have a maximum electronic billboard area of 672 square feet per side. The sign face display would not be allowed to change more often than every 8 seconds, and messages would be static (i.e., not moving or animated). The minimum permitted distance between the billboards shall be 1.5 miles.

In addition to the other requirements set forth in the proposed Ordinance, electronic billboard signs would comply with the requirements of the Outdoor Advertising Act and Regulations, California Business and Professions Code Section 5200 *et seq.*, and other State and federal statutes. Federal and State law would prevail in the case of any conflict between those laws and the ordinance.

The complete proposed text of the proposed Ordinance (Article LV) and the Sign Ordinance amendments is included in Appendix A.

### 1.3.3 - Proposed Electronic Billboard

As part of the implementation of the proposed Ordinance, the applicant proposes to construct one double-sided electronic billboard in the northwestern corner of an irregularly shaped parcel located at the 6400 block of Automall Parkway.<sup>1</sup> The 6-acre project parcel abuts US-101 to the east, the Princeville Channel and Auto Mall to the north, Automall Parkway and industrial uses to the west, and industrial uses to the south (Exhibit 3). The project parcel has a General Plan land use designation of General Services Commercial and is currently used for truck trailer parking across the majority of the site, with auto repair businesses in the southern portion of the site and a gas station in the northeastern corner of the site.

The proposed electronic billboard structure would be 75 feet in height (Exhibit 4). The electronic billboard would be V-shaped, with north- and south-facing light-emitting diode (LED) displays that

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<sup>1</sup> There are multiple addresses associated with the subject property (Assessor's Parcel Number [APN]: 841-15-069).



would be visible to vehicles traveling on US-101. The displays on the billboard would be mounted on a supporting column that would be approximately 65 feet tall. The billboard frames would be 14 feet high and 48 feet wide (672 square feet in area). Galvanized steel platforms would be installed at the back of each face to provide access to the displays for maintenance purposes. An illuminated “Welcome to Gilroy” sign would be installed at the top of the column above the billboard.

### 1.3.4 - Relevant Lighting Regulations and Standards

The Caltrans Outdoor Advertising Act and Regulations 2011 Edition (Outdoor Advertising Act) addresses illumination generated by advertising displays by stating that displays may not “interfere with the effectiveness of, or obscure any official traffic sign, device, or signal . . . nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if the light is of an intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver’s operation of a motor vehicle.” Caltrans regulations prohibit images on signs from changing more than once every four seconds.<sup>2</sup>

With respect to the brightness of signs, Business and Professions Code Section 5403(g) defines the brightness standard for changeable electronic variable message billboards in relation to Vehicle Code Section 21466.5, which provides:

No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.

The brightness reading of an objectionable light source shall be measured with a 1½-degree photoelectric brightness meter placed at the driver’s point of view. The maximum measured brightness of the light source within 10 degrees from the driver’s normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver’s field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver’s line of sight and the light source.

The Outdoor Advertising Association of America (OAAA), however, recommends more conservative lighting intensity standards for billboards of the proposed size. The proposed Ordinance will require that electronic billboards be restricted to a maximum ambient light output level of 0.3 foot-candle, at a distance of 250 feet from the billboards, as recommended by the OAAA. The proposed Ordinance will also require that light levels emitted from the billboards would be set to adjust based upon ambient light conditions at any given time (i.e., nighttime versus daytime).

<sup>2</sup> California Department of Transportation (Caltrans). 2011. Outdoor Advertising Act and Regulations 2011 Edition. California Business Professional Code Sections 5200—5486.

## 1.4 - Required Discretionary and Ministerial Approvals

As mentioned previously, the City of Gilroy has discretionary authority over the proposed project and is the CEQA Lead Agency for the preparation of this Draft IS/MND. In order to implement the project, the applicant would need to secure the following permits/approvals:

- Adoption of the IS/MND
- Adoption of new Electronic Billboard Ordinance and Zoning Amendment
- Encroachment Permit (if public right-of-way is used)
- Outdoor Advertising Permit approval by Caltrans
- City Agreement (e.g., development agreement, operating agreement, lease agreement, contract, license, or other accord in form acceptable to the City of Gilroy City Attorney)
- Electronic Billboard Permit for the proposed electronic billboard
- Ministerial approvals, including building permits

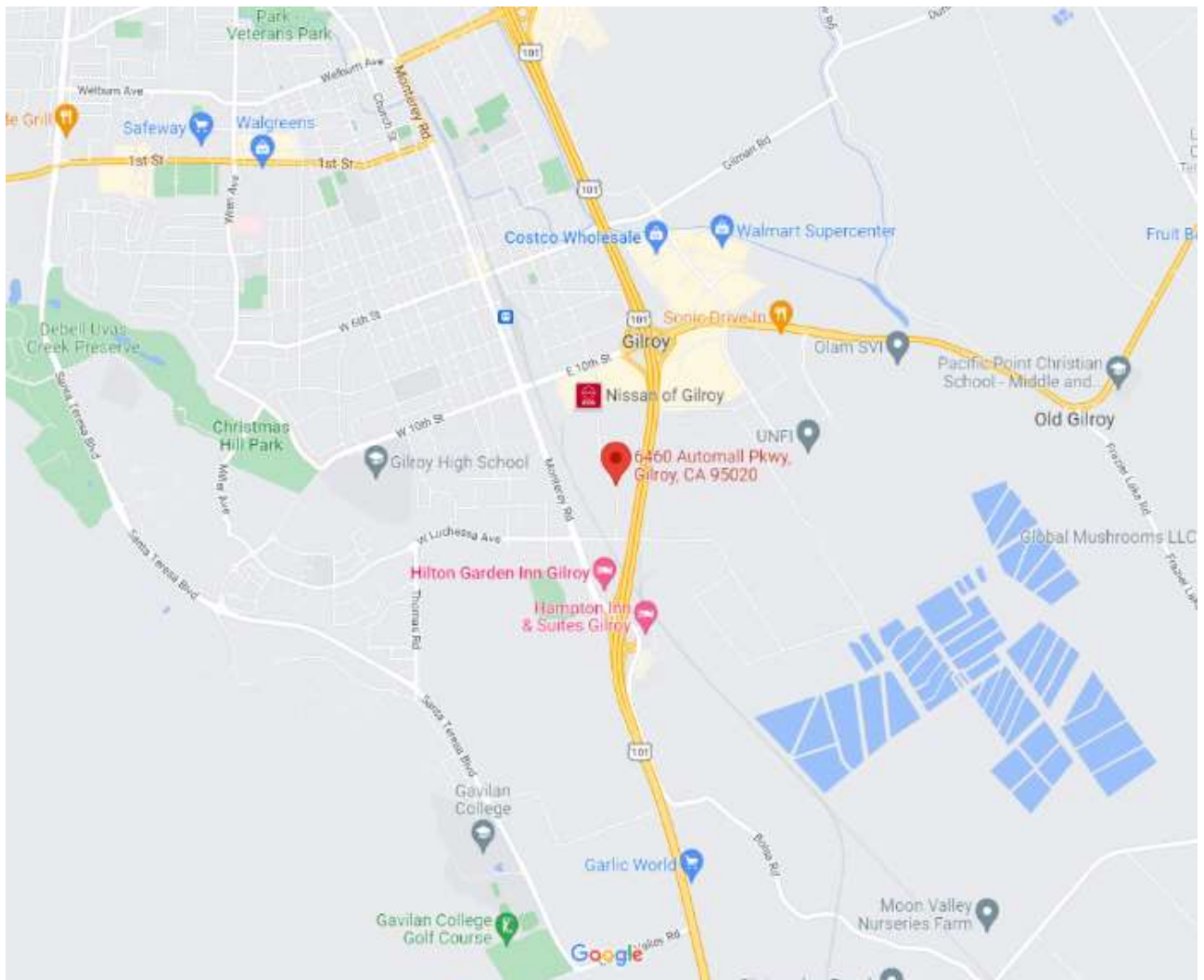
Subsequent activities would be examined in light of the adopted Draft IS/MND to determine whether additional CEQA documentation would be required pursuant to Section 15162 of the CEQA Guidelines for subsequent approvals by the City and Caltrans, including the permits/approvals listed above.

## 1.5 - Intended Uses of this Document

This Draft IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 30 days, during which comments concerning the analysis contained in the Draft IS/MND should be sent to:

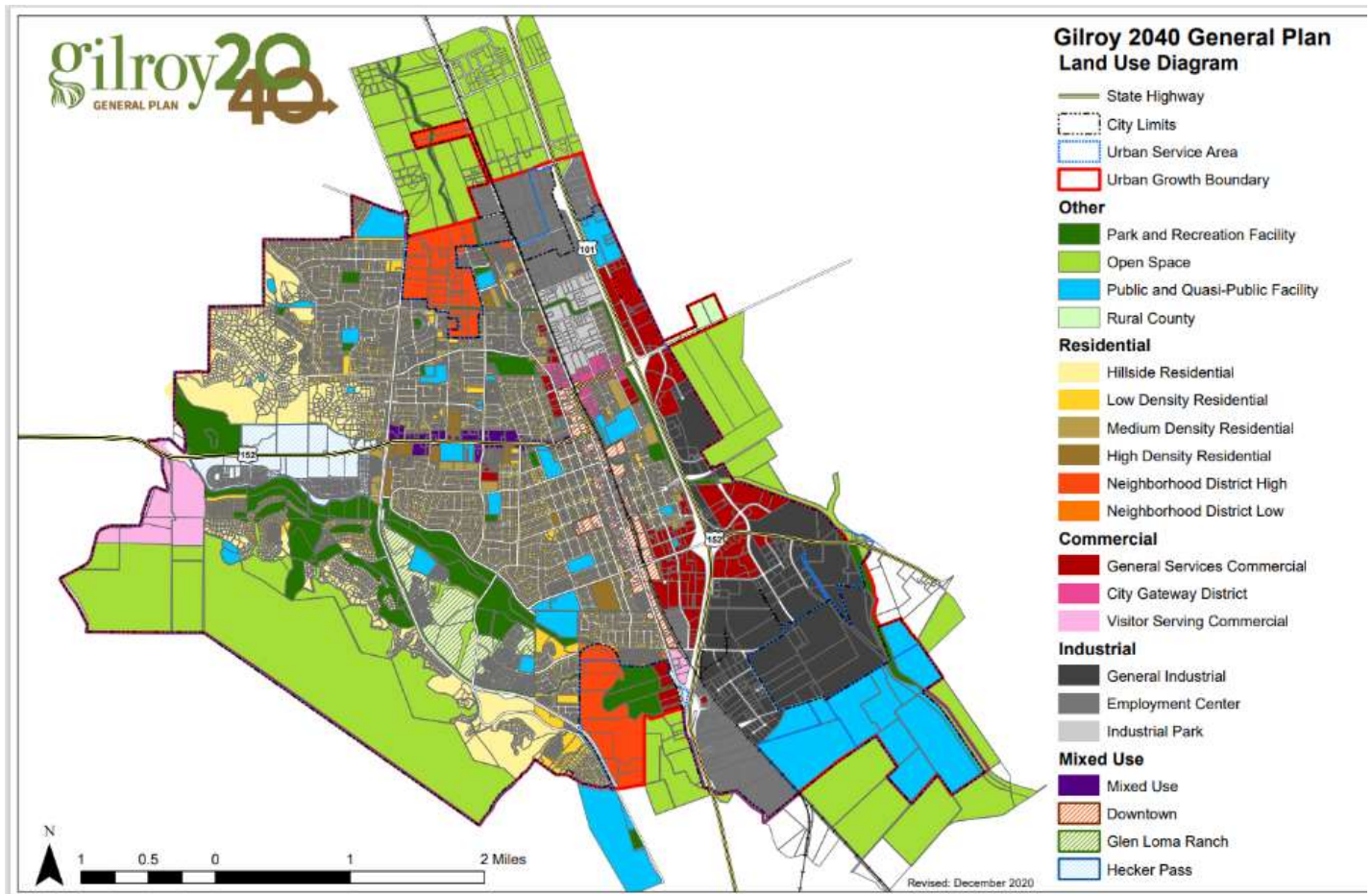
Cindy McCormick, Senior Planner  
City of Gilroy  
7351 Rosanna Street  
Gilroy, CA 95020  
Phone: 408.846.0253  
Email: cindy.mccormick@cityofgilroy.org

## Exhibit 1: Regional Location Map





## Exhibit 2: General Plan Land Use Map







## Exhibit 2a: Focused General Plan Land Use Map





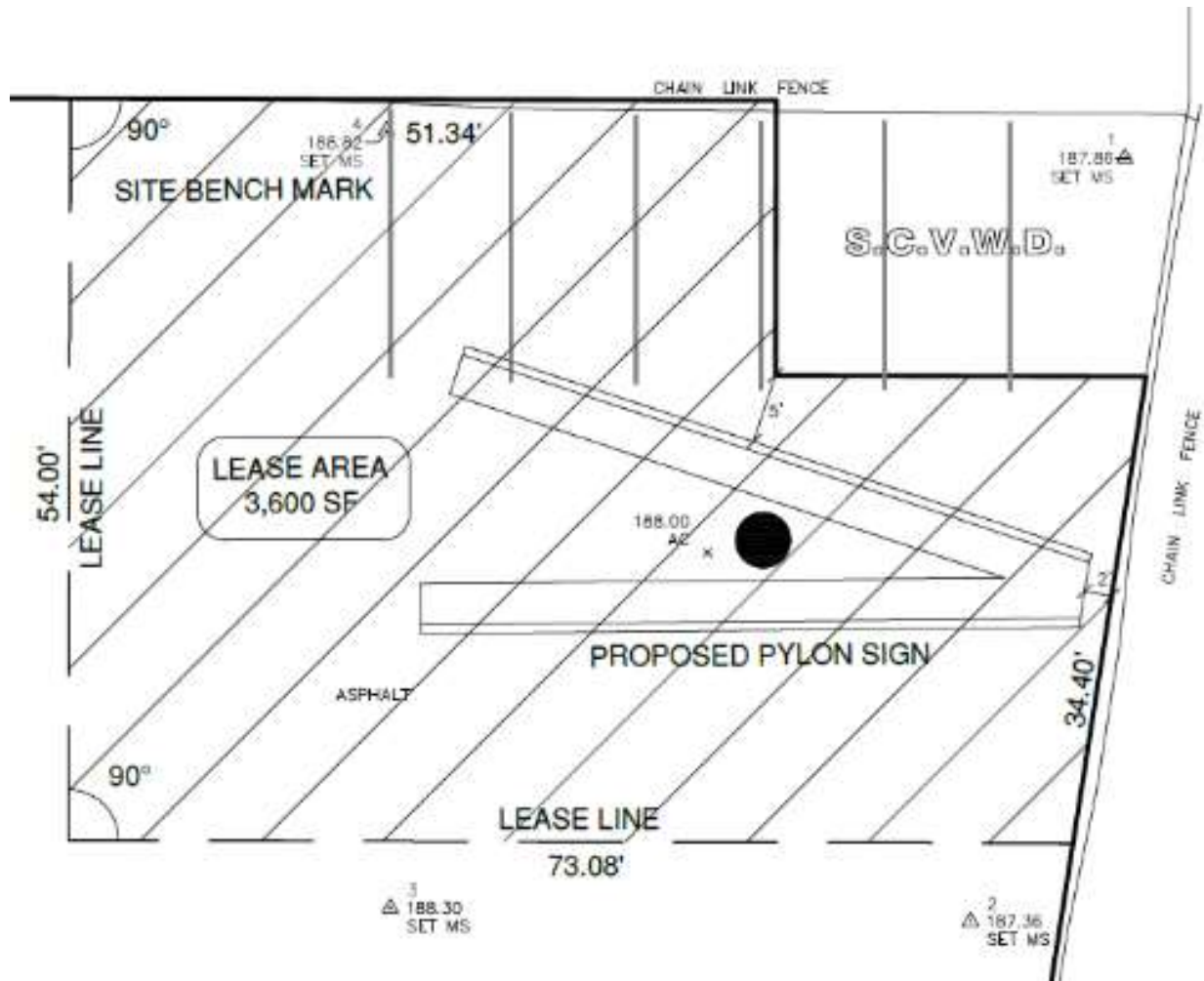


### Exhibit 3: Proposed Billboard Location



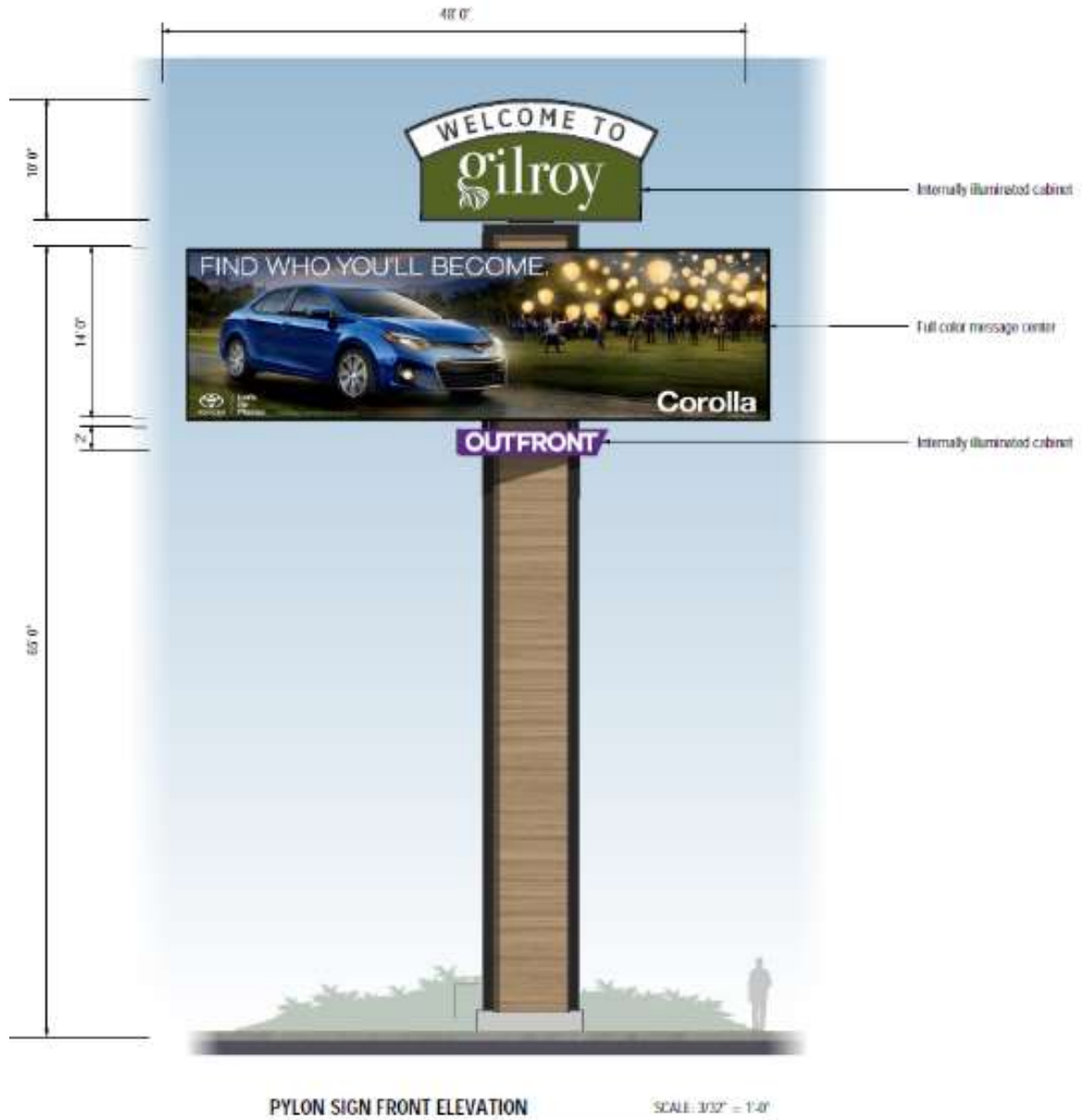


### Exhibit 3a: Proposed Billboard Location





## Exhibit 4: Proposed Billboard Height and Dimensions





## SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected			
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.			
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality	
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy	
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials	
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Tribal Cultural Resources	
<input type="checkbox"/> Utilities/Services Systems	<input type="checkbox"/> Wildfire	<input checked="" type="checkbox"/> Mandatory Findings of Significance	
Environmental Determination			

On the basis of this initial evaluation:

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

Date: August 4, 2022

Signed: Cynthia McCormick

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.1 Aesthetics</b> <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

The City of Gilroy is located in a valley bordered by the Diablo Mountains to the east and the Santa Cruz Mountains to the west. Visual character and scenic resources in the City are linked to the region's natural topography. Scenic resources in the City of Gilroy include Uvas Creek, Llagas Creek, vegetated portions of the Santa Cruz Mountains, and natural features along Miller Avenue and Hecker Pass Highway.<sup>3</sup> Other scenic resources within the Sphere of Influence include farmland, hillsides, areas viewed from Hecker Pass Highway, Uvas Park Drive, and the City's principal gateway areas. Hecker Pass serves as the City's western gateway.

While there are no State Scenic Highways located in the City of Gilroy, there are three County-designated scenic routes—US-101, portions of SR-152 east and west of Gilroy, and Santa Teresa Boulevard—as identified by the City of Gilroy 2040 General Plan Final EIR.<sup>4</sup> These routes, and Santa Teresa Boulevard, are described in the Santa Clara County Regional Parks and Scenic Highways Map<sup>5</sup> as follows:

<sup>3</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan. Page NCR-7-8.

<sup>4</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan Final EIR. Page 3-5.

<sup>5</sup> County of Santa Clara. 2008. Regional Parks and Scenic Highways Map Element of the Santa Clara County General Plan. Website: [https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP\\_Parks\\_ScenicRoads.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Parks_ScenicRoads.pdf). Accessed September 16, 2021.



*US-101:* South Valley Freeway, countywide. This segment of US-101 passes through lands that remain primarily in agricultural and rural residential uses within the County, as well as through the City of Gilroy.

*SR-152 (east):* Pacheco Pass Highway, east from Ferguson Road. This highway is one of the most dramatically scenic gateways into south Santa Clara County; and

*SR-152 (west):* Hecker Pass Highway, from Santa Teresa Boulevard west to Mount Madonna Park and the Santa Cruz County line; and

*Santa Teresa Boulevard:* from US-101 south of Gilroy to Morgan Hill.

Areas within the City of Gilroy's Urban Growth Boundary are the only places in the City where electronic billboards would be allowed. The proposed electronic billboard's location would not affect scenic views because of its distance from scenic highways and scenic resources. The entire portion of US-101 that passes through the City of Gilroy is a County-designated scenic route, and is located approximately 660 feet east of the proposed billboard site. The Pacheco Pass Highway SR-152 segment is located approximately 0.57-mile northeast of the proposed billboard site. The Hecker Pass Highway SR-152 segment is located approximately 2.63 miles northwest of the project site. Santa Teresa Boulevard is approximately 2.16 west of the proposed billboard site.

The analysis in this section is based, in part, on the Caltrans Outdoor Advertising Act and the Business and Professions Code Section 5403(g) for construction of electronic, LED billboards.

Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As stated in the Project Description, the proposed Ordinance would allow up to two electronic billboards within the City, which would only be permitted on property designated as General Services Commercial or City Gateway District and within 660 feet of US-101 or SR-152. The nearest scenic vistas are located over a mile west of US-101 or over 4 miles southeast of the US-101. At the City's northern gateway (the US-101 entering the City of Gilroy), the nearest scenic vistas are the vegetated areas of the Santa Cruz Mountains, which begin approximately 2 miles north of the northern gateway. Because of the location requirements set forth in the proposed Ordinance, placement of any permitted electronic billboard under the proposed Ordinance would not have a substantial adverse effect on any scenic vista within city limits due to their distances from a scenic vista. Therefore, impacts would be less than significant.

### ***Proposed Electronic Billboard***

The project site is located in an urbanized area surrounded by industrial uses and the US-101. Scenic vistas are not visible from the project location. Therefore, impacts would be less than significant.

- b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

As stated in the Project Description, the proposed Ordinance and Sign Ordinance amendments would allow up to two billboards within the City, which would only be permitted on property designated as General Services Commercial or City Gateway District and within 660 feet of US-101 or SR-152. As stated in the setting subsection above, the US-101 segment that goes through the City of Gilroy is not a State Scenic Highway. At the City's northern gateway (US-101 entering the City of Gilroy), the nearest scenic resources are views adjacent to the US-101 that are associated with vegetated areas of the Santa Cruz Mountains. The vegetated areas visible from US-101 begin approximately 2 miles north of the northern gateway. Because of the requirements set forth in the proposed Ordinance, placement of any electronic billboard would not substantially damage scenic resources due to their distance from scenic resources or a State Scenic Highway. Therefore, impacts would be less than significant.

***Proposed Electronic Billboard***

There are neither rock outcroppings nor historic buildings located within the vicinity of the project site. The proposed electronic billboard would be located 200 feet west of US-101, outside of a State Scenic Highway. The proposed electronic billboard would not obstruct any views of US-101 as the proposed billboard site is located within an industrial area and there are no scenic resources that would be obstructed. Therefore, with compliance to size and height regulations, as well as the permitted locations set forth in the proposed Ordinance, the proposed electronic billboard would not obstruct any views surrounding the project area. Additionally, the proposed project would not involve the removal of any trees. As such, impacts would be less than significant.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The installation of electronic billboards would not be allowed in non-urbanized areas. Permitted locations are within the Urban Growth Boundary of the City. Additionally, the proposed Ordinance would be consistent with policies set forth in the Gilroy 2040 General Plan to reduce impacts on scenic resources within the City. Policies NCR 2.1—NCR 2.3 are specific to preserving views of the City of Gilroy's scenic assets, as viewed from designated scenic routes.<sup>6</sup> Permitted locations set forth by the proposed Ordinance would not conflict with these policies.

Additionally, there are no scenic resources that would be obstructed from permitted locations in the proposed Ordinance. As previously mentioned, the nearest scenic resources are views adjacent to

<sup>6</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan Final EIR. Page 3-16.

the US-101 that are associated with vegetated areas of the Santa Cruz Mountains. With compliance to size and height regulations, as well as the permitted locations set forth in the proposed Ordinance, the proposed project would not substantially degrade the visual character or quality of public views. Therefore, impacts would be less than significant.

### ***Proposed Electronic Billboard***

The project site is located in an urbanized area where the existing visual setting of the site consists of industrial uses adjacent to US-101, a heavily traveled roadway.

The proposed electronic billboard would comply with all design standards set forth in the proposed Electronic Billboard Ordinance. The proposed electronic billboard would also be consistent with the illumination intensity standards in the Caltrans Outdoor Advertising Act. The proposed project commits to a maximum ambient light output level of a 0.3 foot-candle at 250 feet from the billboard, which is a more conservative lighting intensity standard for electronic billboards of this proposed size when compared to State standards. For a frame of reference, 0.3 foot-candle is comparable in brightness to the light emanating from a computer monitor, and the light levels emitted from the proposed billboards would be programmed to adjust based upon ambient light conditions at any given time (i.e., nighttime versus daytime). Therefore, impacts would be less than significant.

#### **d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Less than significant impact with mitigation incorporated.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance and Sign Ordinance amendments would allow up to two electronic billboards to be constructed within city limits. This would create a new source of substantial light or glare. However, all electronic billboards approved under the proposed Ordinance would be subject to federal, State, and local lighting regulations, including the illumination intensity standards in the Caltrans Outdoor Advertising Act. Additionally, the proposed Ordinance would require billboard projects to commit to a maximum ambient light output level of 0.3 foot-candle at 250 feet from the billboards, which is a more conservative lighting intensity standard for billboards of this proposed size when compared to State standards. In addition, it would require that the sign face display would not be allowed to change more often than every 8 seconds, and messages would be static (i.e., not moving or animated). As a result, impacts related to new sources of substantial light or glare would be less than significant.

### ***Proposed Electronic Billboard***

The nearest sensitive receptors to the project site are residential units at Monterey Gateway Apartments, located approximately 1,372 feet west of the site. There is also a gas station at the northwest corner of the project site. Nighttime light sources in this area include local street lighting, parking lot lighting at nearby auto dealerships, headlights from automobile traffic, highway lighting, and internal building lights.

As previously mentioned, the proposed project commits to a maximum ambient light output level of 0.3 foot-candle at 250 feet from the billboards, which is a more conservative lighting intensity standard for billboards of this proposed size when compared to State standards. At a distance of 1,372 feet, the apartment complex would not be adversely affected by the proposed electronic billboard.

The project would comply with the proposed Ordinance, which requires all electronic billboards to include an operating mechanism that turns off the display or turns it all black in the event of a malfunction. To ensure that the proposed billboard would not have a significant impact on the nearby sensitive uses, the proposed project would also implement Mitigation Measure (MM) AES-1, which requires that the electronic billboards' operational parameters are provided to the City for review and approval prior to initial operation.

### ***Analysis of Driver Distraction***

Driver distraction could occur due to the changing of electronic messages on the proposed LED billboards. Several federal and State regulations apply to the operation of electronic billboards, as discussed below. This data is provided for information purposes; it is not a CEQA threshold.

- California law allows LED billboards to operate at a minimum dwell time of no less than four seconds before the display may transition to the next image. This requirement is set forth in Business and Professions Code Section 5405(d)(1), which provides, in pertinent part, “. . . no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than 4 seconds.”
- The OAAA likewise recommends that billboards display a message for no less than 4 seconds.
- The Federal Highway Administration (FHWA), meanwhile, has approved of a similar dwell time standard. According to a FHWA memorandum, the acceptable range for the “[d]uration of each display is generally between 4 and 10 seconds—8 seconds is recommended.”

The proposed Ordinance would not allow the sign face display to change more often than every 8 seconds and messages would be static (i.e., not moving or animated). The proposed Ordinance would therefore ensure that construction of electronic billboards pursuant to the Ordinance would not exceed the relevant State and federal requirements and would therefore avoid any significant distraction on drivers. Thus, impacts would be less than significant with mitigation incorporated.

## **Mitigation Measures**

**MM AES-1** The signs' operational lighting parameters shall be provided to the City of Gilroy Community Development Department for review and approval prior to the regular operation of the light-emitting diode (LED) billboards, and shall be implemented by the project proponent to ensure a driver would not be adversely affected or impacted by trespass glare lighting.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.2 Agriculture and Forestry Resources</b> <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (ARB).

## Setting

The Farmland Mapping and Monitoring Program (FMMP) produces maps that display farmland in California. The Department of Conservation Inventory Map confirms that the parcels along US-101 and SR-152 that are designated General Services Commercial or City Gateway District are all classified as Urban and Built-Up Land.<sup>7</sup> The nearest Prime Farmland is approximately 1,000 feet east of US-101.

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

As stated in the Project Description, the two billboards that would potentially be allowed would only be permitted on property designated as General Services Commercial or City Gateway District. The proposed electronic billboard would not be located on a parcel that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact would occur.

### ***Proposed Electronic Billboard***

As discussed above, the project site is designated as “Urban and Built-Up Land.” Therefore, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. No impact would occur.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

Within the City, there are currently no active Williamson Act contracts; all properties under Williamson Act contracts are located outside of the Urban Growth Boundary.<sup>8</sup> Therefore, project implementation would not conflict with existing zoning for agricultural use, nor would it conflict with any active Williamson Act contracts. No impact would occur.

### ***Proposed Electronic Billboard***

The General Plan land use designation for the project site is General Services Commercial and is not zoned for agricultural use.<sup>9</sup> As discussed above, the project site is not encumbered by a Williamson Act contract. Thus, no impact would occur.

<sup>7</sup> Department of Conservation. 2016. California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed June 28, 2021.

<sup>8</sup> County of Santa Clara. 2021. Williamson Act Properties. Website: <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>. Accessed July 14, 2021.

<sup>9</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Land Use Diagram.

- 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))?**

and

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

According to the California Public Resources Code, “forest land” is land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.<sup>10</sup> Potential electronic billboards would only be permitted on properties designated as General Services Commercial or City Gateway District. None of the properties designated as General Services Commercial or City Gateway District along US-101 and SR-152 contain forest land. Therefore, the proposed Ordinance would not conflict with existing zoning or cause rezoning of any forest land. No impact would occur.

***Proposed Electronic Billboard***

The project site is designated as General Services Commercial and is not within a forest land zoning district. This condition precludes the possibility of a conflict with a forest zoning designation. The project site is developed with industrial uses and does not contain forest land. No impact related to conflict with forest land zoning or loss of forest land would occur.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

As discussed previously, potential electronic billboards would only be permitted on properties designated as General Services Commercial or City Gateway District. In addition, potential electronic billboards would be located in developed areas along US-101 and SR-152 and would not be sited on farmlands or forest land. Therefore, the proposed project would not result in the conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur.

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<sup>10</sup> Thomson Reuters Westlaw. 2019. California Code, Public Resources Code–12220.

### ***Proposed Electronic Billboard***

The proposed project involves construction of one electronic billboard in an industrial area. No impact related to conversion of farmland and forestland would occur.

### **Mitigation Measures**

None required.



Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.3 Air Quality</b> <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i> <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

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

### Setting

The proposed project is located within the San Francisco Bay Area Air Basin (Air Basin), which consists of the entirety of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. The Air Basin is characterized by complex terrain consisting of coastal mountain ranges, inland valleys, and bays. The regional climate of the Air Basin is characterized by mildly dry summers and moderately wet winters. The region experiences moderate humidity with wind patterns consisting of mild onshore breezes during the day. The location of a strong subtropical high-pressure cell located in the Pacific Ocean induces foggy mornings and moderate temperatures during the summer, as well as occasional rainstorms during the winter.

The air pollutants for which national and State standards have been promulgated and that are most relevant to air quality planning and regulation in the Bay Area include ozone, nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter, including dust, 10 micrometers or less in diameter (PM<sub>10</sub>), and particulate matter, including dust, 2.5 micrometers or less in diameter (PM<sub>2.5</sub>). In addition, toxic air contaminants (TACs) are of concern in the Bay Area. Each of these pollutants is briefly described below. Other pollutants that are regulated but not considered an issue in the project area are sulfur

dioxide, vinyl chloride, sulfates, hydrogen sulfide, and lead; the proposed project would not emit substantial quantities of those pollutants, so they are not discussed further in this section.

- Ozone is a gas that is formed when reactive organic gases (ROG) and NO<sub>x</sub>—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are conducive to its formation. Its effects can include the following: irritate respiratory system; reduce lung function; cause breathing pattern changes; reduce breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; cause some immunological changes; increase mortality risk; and cause vegetation and property damage.
- CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during winter mornings, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are the primary source of CO in the Bay Area, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; and death.
- PM<sub>10</sub> and PM<sub>2.5</sub> consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter, respectively. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours per days) can include the following: irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravation of existing lung disease causing asthma attacks and acute bronchitis; those affected with heart disease can suffer heart attacks and arrhythmias. Health effects from long-term exposure can include the following: reduced lung function; chronic bronchitis; changes in lung morphology; and death.
- TACs refer to a diverse group of air pollutants that can affect human health but have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a toxic air contaminant that is emitted from construction equipment and diesel-fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Construction and operation of the proposed project would be subject to applicable Bay Area Air Quality Management District (BAAQMD) rules and requirements. The BAAQMD CEQA Guidelines were developed to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality.<sup>11</sup>

Would the project:

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**Less than significant impact with mitigation incorporated.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

The 2017 Clean Air Plan is the currently applicable regional Air Quality Plan (AQP) for the Air Basin. The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants<sup>12</sup> and greenhouse gas (GHG) emissions.<sup>13</sup> Because the proposed project does not involve population or employment growth, determining consistency with the 2017 Clean Air Plan involves assessing whether applicable control measures contained in the 2017 Clean Air Plan are implemented and whether implementation of the proposed project would disrupt or hinder implementation of AQP control measures. The control measures are organized into five categories: stationary and area source control measures, mobile source measures, transportation control measures, land use and local impact measures, and energy and climate measures. The control measures are geared toward traditional land uses (e.g., residential, commercial, and industrial uses) and buildings. None of the control measures contained in the 2017 Clean Air Plan are applicable to the operation of electronic billboards; however, all projects within BAAQMD's jurisdiction are required to implement the BAAQMD Best Management Practices (BMPs) during construction activities. As discussed in Impact 2.3(b), the proposed project would implement all BMPs for construction activities and would be consistent with the assumptions in the AQP after implementation of MM AIR-1. Furthermore, the proposed project would not include any special features that would disrupt or hinder implementation of the AQP control measures. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. This impact would be less than significant after mitigation.

<sup>11</sup> Bay Area Air Quality Management District (BAAQMD). 2017. CEQA Guidelines. May. Website:

[http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en). Accessed June 16, 2021.

<sup>12</sup> The EPA has established National Ambient Air Quality Standards (NAAQS) for six of the most common air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as “criteria” air pollutants (or simply “criteria pollutants”).

<sup>13</sup> Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website:

[http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a\\_-proposed-final-cap-vol-1-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en). Accessed June 16, 2021.

- b) **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?**

**Less than significant impact with mitigation incorporated.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

The BAAQMD's thresholds of significance represent the allowable amount of emissions a project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on a project-level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. The region is non-attainment for the federal and State ozone standards, State PM<sub>10</sub> standards, and federal and State PM<sub>2.5</sub> standards. Impacts related to construction and operations of the proposed project are addressed separately below.

#### ***Construction Emissions***

Emissions from construction-related activities are generally short-term in duration but may still cause adverse air quality impacts. The proposed project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. These construction emissions include criteria air pollutants and precursors from the operation of heavy construction equipment. As discussed below, the proposed project's construction emissions would not exceed any significance threshold adopted for this project. Therefore, the proposed project would have a less than significant contribution to cumulative impacts during construction.

#### ***Construction Fugitive Dust***

For all proposed projects, the BAAQMD requires the implementation of BMPs to ensure that construction-related fugitive dust emissions are considered less than significant. As such, the proposed project would be required to implement MM AIR-1 to ensure construction emission impacts are less than significant, which would apply the following BAAQMD BMPs during construction activities at the proposed new electronic billboard site:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered with non-potable water two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.

- Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, § 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

**Construction: ROG, NO<sub>x</sub>, PM<sub>10</sub> (exhaust), and PM<sub>2.5</sub> (exhaust)**

Construction emissions were estimated for the activities associated with the installation of the proposed new electronic billboard. Based on applicant-provided information, it is expected that construction activities associated with the proposed project would last 2 to 4 weeks. The construction schedule used to estimate emissions is shown in Table 1. The off-road construction equipment list is shown by construction activity in Table 2. The exhaust emissions generated by construction equipment are based on the hours of operation, horsepower, and load factors of the equipment. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA Guidelines. The number of off-site trips assumed to occur during construction of the proposed project is shown in Table 3. Additional trips were included to account for the transport of construction material and equipment.

**Table 1: Combined Construction Schedule**

Phase	Total Number of Working Days
<b>Proposed New Electronic Billboard Site</b>	
Grading	2
Building Construction (Installation of Billboard)	19
Paving	2
Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B). <sup>1</sup>	
<sup>1</sup> The construction schedule in the CalEEMod Output is based on the anticipated schedule provided by the applicant. Because vehicle fuel use becomes more efficient through time in compliance with federal and State regulations, these dates support a conservative evaluation of potential impacts.	

**Table 2: Construction Equipment Assumptions**

Activity	Equipment	Amount	Hours per Day	Horsepower	Load Factor
<b>Proposed New Electronic Billboard Site</b>					
Grading	Bore/Drill Rigs	1	8	221	0.50
	Concrete/Industrial Saws	1	2	81	0.73
	Tractors/Loaders/Backhoes	1	3	97	0.37
Building Construction (Installation of Billboard)	Cranes	1	4	231	0.29
	Forklifts	1	6	89	0.20
Paving	Cement and Mortar Mixers	1	2	9	0.56
Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B).					

**Table 3: Combined Construction Off-site Vehicle Trips**

Construction Phase	Construction Vehicle Trips		
	Worker Trips per Day	Vendor Trips per Day	Total Haul Trips
<b>Proposed New Electronic Billboard Site</b>			
Grading	8	2	8
Building Construction (Installation of the Billboard)	8	2	0
Paving	8	2	0
Source: Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B).			

Annual project construction emissions prior to the application of mitigation are shown in Table 4. Average daily construction emissions are compared with the significance thresholds in Table 5.

**Table 4: Annual Construction Emissions**

Construction Phase	Tons/Year			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> (Exhaust)	PM <sub>2.5</sub> (Exhaust)
<b>Proposed New Electronic Billboard Site</b>				
Grading	<0.1	<0.1	<0.1	<0.1
Building Construction (Installation of Billboard)	<0.1	<0.1	<0.1	<0.1
Paving	<0.1	<0.1	<0.1	<0.1
<b>Total Construction Emissions</b>	<b>&lt;0.1</b>	<b>&lt;0.1</b>	<b>&lt;0.1</b>	<b>&lt;0.1</b>

Construction Phase	Tons/Year			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> (Exhaust)	PM <sub>2.5</sub> (Exhaust)
Notes: NO <sub>x</sub> = oxides of nitrogen PM <sub>10</sub> = particulate matter, including dust, 10 micrometers or less in diameter PM <sub>2.5</sub> = particulate matter, including dust, 2.5 micrometers or less in diameter ROG = reactive organic gases Sums were calculated using unrounded numbers from the California Emissions Estimator Model (CalEEMod) Output. Source: CalEEMod Output (see Appendix B).				

**Table 5: Average Daily Construction Emissions**

Parameter	Air Pollutants			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> <sup>1</sup>	PM <sub>2.5</sub> <sup>1</sup>
Total Emissions (tons/year)	<0.1	<0.1	<0.1	<0.1
Total Emissions (lbs/year)	11.88	106.92	11.86	10.96
Average Daily Emissions (lbs/day) <sup>2</sup>	0.03	0.23	0.03	0.02
<b>Significance Threshold (lbs/day)</b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
Exceeds Significance Threshold?	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: lbs = pounds NO <sub>x</sub> = oxides of nitrogen PM <sub>10</sub> = particulate matter, including dust, 10 micrometers or less in diameter PM <sub>2.5</sub> = particulate matter, including dust, 2.5 micrometers or less in diameter ROG = reactive organic gases <sup>1</sup> Exhaust only <sup>2</sup> Calculated by dividing the total lbs by the total 23 working days of construction for the duration of construction. Calculations use unrounded totals. Source: California Emissions Estimator Model (CalEEMod) Output (see Appendix B).				

As shown in Table 5, the combined construction emissions from all components of the proposed project are well below the recommended thresholds of significance. Therefore, project construction would have a less than significant impact.

## Operational Emissions

The proposed project would generate operational emissions principally from vehicle traffic due to maintenance vehicles accessing the site. The following analysis relates to localized and regional criteria pollutant impacts. Emissions resulting from various aspects of the proposed project are discussed separately below.

### **Operations: ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>**

The BAAQMD has developed screening criteria whereby an agency can quickly determine whether a given development project has the potential to exceed adopted significance thresholds. If all

screening criteria are met by a proposed project, then the Lead Agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. Although the screening criteria do not include a category for billboards, a comparison to the land uses in that screening table can be used to inform the operational analysis. For comparison, the BAAQMD has determined that a multi-family apartment development would need to construct greater than 451 units to violate emission significance thresholds during project operation. During operation, the proposed project would operate a new electronic billboard, which would require minimal and irregular maintenance vehicle trips which would occur only as needed (less than once per month and likely only one vehicle). Additionally, project operations would not include other sources of emissions as the proposed project would be limited to the operation of an electronic billboard and would not include other land uses, such as an industrial processing facility or a gas station. As such, operation of the proposed project would entail significantly less activity than operation of a 451-unit apartment building. Accordingly, operational criteria pollutant emissions would not be anticipated to exceed the recommended thresholds of significance. Therefore, the proposed project's long-term operational impacts would be less than significant.

### **Operational CO Hotspots**

CO emissions from project-related traffic would be the pollutant of greatest concern at the local level because congested intersections with large volumes of traffic have the greatest potential to cause high, localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when subsequent site-specific CO dispersion modeling is necessary.

The BAAQMD considers a project's local CO emissions to be less than significant if one of the following screening criteria is met:

- The project is consistent with an applicable congestion management program established by the County congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Billboards require occasional upkeep and maintenance activities, which generate vehicle trips. The long-term operation of the proposed electronic billboard would include vehicle trips with minimal and irregular maintenance activities, occurring only as needed (less than once per month and likely only one vehicle). The expected increase in traffic would not substantially increase traffic volumes at any affected intersection. Therefore, the proposed project would not exceed the CO screening criteria. Furthermore, the adjacent roadways are not located in an area where vertical or horizontal



mixing is substantially limited. Therefore, based on the above criteria, the proposed project would have a less than significant impact related to CO hotspots.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

The BAAQMD considers a sensitive receptor to be any facility or land use that includes members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. If a project is likely to be a place where people live, play, or convalesce, it should be considered a receptor. It should also be considered a receptor if sensitive individuals are likely to spend a significant amount of time there. Examples of receptors include residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. Playgrounds could be play areas associated with parks or community centers. The proposed new electronic billboard site is located in the vicinity of sensitive receptors, including single-family homes. The closest sensitive receptors are existing homes located more than 1,180 feet to the west from where project components would be placed.

The following analysis evaluates whether the proposed project would result in construction or operational-period impacts to sensitive receptors. The following three criteria were applied to determine whether project emissions would result in less than significant impacts to sensitive receptors:

- **Criterion 1:** Construction of the project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard.
- **Criterion 2:** Operation of the project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard.
- **Criterion 3:** Construction of the project would not result in an exceedance of asbestos exposure.

***Criterion 1: Project Construction Toxic Air Pollutants***

The project would generate TACs, such as DPM, during construction due to the use of off-road construction equipment. DPM is represented as exhaust emissions of PM<sub>2.5</sub> and PM<sub>10</sub>. As shown in Table 5, project construction would emit at most 0.03 and 0.02 pounds per day of PM<sub>2.5</sub> and PM<sub>10</sub>. As discussed in Impact 2.3(b), emissions during construction would not exceed the BAAQMD's

significance thresholds for PM<sub>2.5</sub> and PM<sub>10</sub> and would not be expected to result in concentrations that could exceed ambient air quality standards or contribute substantially to an existing exceedance of an ambient air quality standard. Therefore, construction of the proposed project would not result in significant emissions of TACs. Impacts relating to Criterion 1 would be less than significant.

### ***Criterion 2: Project Operation Localized Emissions***

The proposed project would entail the operation of an electronic billboard, which is not a land use which would result in substantial localized emissions. Maintenance would involve irregular trips to the sites, usually involving only one light vehicle. Furthermore, as discussed in Impact 2.3(b), the proposed project's operational vehicle trips would not result in an increase in traffic volumes such that a CO hotspot would occur. Therefore, the proposed project would not expose sensitive receptors to substantial criteria air pollutant concentrations during operation or result in localized emissions that, when combined with background emissions, would result in exceedance of any health-based air quality standard. Impacts relating to Criterion 2 would be less than significant.

### ***Criterion 3: Asbestos from Demolition***

As discussed in Section 8, Hazards and Hazardous Materials, there is no potential for asbestos-containing materials to be present within the project area because no structures currently exist in the project site. No impacts relating to Criterion 3 would occur.

- d) **Result in other emission (such as those leading to odors) adversely affecting a substantial number of people?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

The proposed electronic billboard would not be a source of other emissions, such as those leading to odors, during operations because an electronic billboard would not result in emissions of odors. For example, the project would not include sanitary sewer processing plants or coffee roasting facilities that generate significant odors. During construction, a limited number of diesel engines would be operated on the project site for limited durations. Diesel exhaust and ROGs from these diesel engines would be emitted during construction of the proposed project, which are objectionable to some; however, project construction is expected to be short-term (2 to 4 weeks), emissions would disperse rapidly from the project site, and diesel exhaust odors would be consistent with existing vehicle odors in the area. Considering this information, construction and operation of the proposed project would not create other emissions or odors adversely affecting a substantial number of people; impacts would be less than significant.

## Mitigation Measures

**MM AIR-1** In order to comply with the Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) during construction, prior to issuance of grading and construction permits, the project applicant and construction contractor shall:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered with non-potable water two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, § 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.4 Biological Resources</b> <i>Would the project:</i>				
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 or United States Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

This section evaluates potential effects on biological resources that may result from the construction of one, 60-foot-high billboard within the northwestern corner of the project site. This section does not include a biological analysis of any other potential billboard projects permitted under the proposed Ordinance. Subsequent electronic billboards would be subject to environmental review prior to their approval. Prior to the field survey, an FCS Biologist reviewed the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), a special-status species

and plant community account database; the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system; and the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database for the *Chittenden, California*, United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (Appendix C). An on-site assessment of biological resources was completed by qualified FCS Biologist, Robert Carroll, on August 13, 2021.

The habitat present within the 6-acre project site can be categorized as Urban/Developed. This habitat is classified as areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported and retains no soil substrate. Developed land is characterized by permanent or semi-permanent structures, pavement, or hardscape, and landscaped areas that often require irrigation.

The project site is situated in a highly developed area and is currently used for truck trailer parking across the majority of the site, with auto repair businesses in the southern portion of the site and a gas station in the northeastern corner of the site.

The project site abuts US-101 to the east, the Princeville Channel and an Auto Mall to the north, Automall Parkway/Chestnut Street and industrial uses to the west, and industrial uses to the south (Exhibit 3). An approximate 6-foot-high chain link fence divides the Princeville Channel from the project site. The Princeville Channel provides drainage for the south and central portions of the City and is a tributary to Llagas Creek.<sup>14</sup> The western edge of the project site, adjacent to Automall Parkway/Chestnut Street, contains various ornamental trees and planters commonly found in business parks. Vegetation observed within this area included spineless yucca (*Yucca elephantipesis*), willow (*Salix sp.*), and Mediterranean cypress (*Cupressus sempervirens*). Additionally, a row of olive trees (*Olea europaea*) is located off-site between US-101 and the project site. Outside of the western edge of the project site, the remaining areas are covered in hardscape and devoid of any vegetation.

## Impact Analysis

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 or United States Fish and Wildlife Service?**

**Less than significant with mitigation incorporated.**

## ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards

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<sup>14</sup> City of Gilroy Storm Drain System Master Plan. 2004. p.4-6

would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

#### *Special-status Plant Species Potentially Occurring within the Project Site*

The potential for plant species to occur on the project site was evaluated based on the presence of suitable habitats, soil types, and occurrences recorded by the CNPS and CNDDDB listings in the generally vicinity of the site, as well as a site survey conducted by a qualified Biologist. The Special-status Plant Species Table (Table 1; Appendix C) provides a summary of the listing status, habitat requirements, and the potential for occurrence of other sensitive plant species that have been documented within the *Chittenden, California*, USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles. A total of eight special-status plant species were evaluated for their potential to occur within the project site.

The species evaluated in the Special-status Plant Species Evaluation Table require specific habitat conditions (e.g., vernal pools, riparian woodland, chaparral, serpentine outcrops, or valley and foothill grasslands) that are not present within the project site. Because of previous development, no special-status plant species have potential to occur within the project site; therefore, no special-status plant species would be impacted by the proposed electronic billboard.

#### *Special-status Wildlife Species Potentially Occurring within the Project Site*

The potential for wildlife species to occur on the project site was evaluated based on the presence of suitable habitats, and occurrences recorded by the CNDDDB in the generally vicinity of the site, as well as a site survey conducted by a qualified Biologist. The Special-status Wildlife Species Evaluation Table (Table 2; Appendix C) provides a summary of the listing status, habitat requirements, and the potential for occurrence of other sensitive wildlife species that have been documented within the *Chittenden, California*, USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles. A total of 11 special-status wildlife species were evaluated for their potential to occur within the project site. Of the 11 species evaluated, one species, white-tailed kite (*Elanus leucurus*) has the potential to occur within the project site. This species is discussed in further detail below.

#### *White-tailed kite and other nesting birds*

The white-tailed kite is listed by the State of California as a “fully protected.” This species’ preferred habitat includes rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. This species typically forages in open grasslands, meadows, or marshes. Often found perching and nesting in isolated, dense-topped trees. The project site and the adjacent vicinity contain planted trees that provide marginal nesting habitat. The general vicinity of the project site, specifically the vacant parcel to the east of Automall Parkway and north of the Princevalle Channel (approximately 850 feet northeast of the project site), contains undeveloped grassland habitat suitable for foraging. No white-tailed kite or other raptor nests were observed during the August 2021 field survey. The nearest recorded occurrence is 2.6 miles northeast of the project site.<sup>15</sup>

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<sup>15</sup> California Department of Fish and Wildlife (CDFW). 2021. CNDDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>. Accessed August 19, 2021.

Migrating birds can be affected by human-built structures because of their propensity to migrate at night, their low flight altitudes, and their tendency to be disoriented by artificial light, which makes them vulnerable to collision with obstructions that could potentially lead to injury or mortality. In addition, birds migrating at night can be strongly attracted to sources of artificial light, particularly during periods of inclement weather. The proposed electronic billboard would not create a substantial change in illumination levels as described above in Section 2.1 above. Baseline light sources in the project area include local street lighting, parking lot lighting, other illuminated billboards at nearby auto dealerships, headlights from automobile traffic, and highway lighting structures. The proposed electronic billboard would be consistent with the illumination intensity standards in the Caltrans Outdoor Advertising Act. The proposed electronic billboard would be limited to a maximum ambient light output level of 0.3 foot-candle at 250 feet from the billboard, which is a more conservative lighting intensity standard for electronic billboards of this proposed size when compared to State standards. Additionally, the proposed electronic billboard would not be allowed to change the sign face display more than every 8 seconds, and messages would be static (i.e., not moving, or animated) resulting in changing color patterns rather than a fixed unchanging light which may be more attractive to birds. For these reasons the proposed electronic billboard would not have a significant impact on the movement of migrating birds.

The trees present on the project site may provide suitable habitat for a variety of species of nesting birds. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb nesting sites for bird species including special-status species such as the white-tailed kite as well as birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. Given the potential for these species to occur on or near the project site, implementation of MM BIO-1 through MM BIO-4 would reduce potential impacts to white-tailed kite and other nesting birds to less than significant by requiring pre-construction surveys and implementation of nest protection buffers to avoid disturbance of any active nests.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?**

**No Impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent electronic billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

The project site is developed and contains urban/developed land cover. However, the Princevalle Channel is located approximately 50 feet north of the project site. The man-made Channel has been excavated within upland habitat for the purpose of storm drainage for the City. The Channel is not applicable to this resource category and is discussed in further detail in Checklist Question C below.

The project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS and no impacts would occur from the proposed electronic billboard.

- c) **Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less than significant with mitigation incorporated.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent electronic billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

The Princevalle Channel is located approximately 50 feet north of the project site and is a tributary to Llagas Creek, which flows into the Pajaro River, which empties into Monterey Bay, a traditional navigable water of the United States. While the project site does not contain State or federally protected wetlands, construction of the proposed electronic billboard has the potential for indirect (temporary) adverse impacts to the aquatic habitat of the Channel. Potential temporary indirect impacts (during construction) include pollutant loading, increased erosion and sedimentation, and debris dispersal into the Channel. Implementation of MM BIO-5 and MM BIO-6 would reduce potential indirect adverse impacts to the aquatic habitat of the Channel to less than significant levels through avoidance and minimization measures.

- 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 wildlife nursery sites?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

US-101 borders the project site to the east and Automall Parkway/Chestnut Street borders the project site to the west. The project site is bounded by a chain link fencing to the north, east, and south. These factors along with existing urban developments within the general project vicinity limit wildlife movement through the project site. Additionally, the project site is not part of or within a



wildlife movement corridor. As such, the proposed electronic billboard would not substantially interfere with the movement of wildlife, and impacts would be less than significant.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No impact.**

#### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

#### ***Proposed Electronic Billboard***

The proposed electronic billboard would be erected in the northeastern corner of the project site, in an area which is already fully developed with hardscaping. No trees or vegetation would be removed because of project construction. As such, the proposed electronic billboard would not conflict with any local policies or ordinances protecting biological resources. No impacts would occur.

- 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?**

**Less than significant with mitigation incorporated.**

#### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

#### ***Proposed Electronic Billboard***

The project site is located within the Santa Clara Valley Habitat Plan (SCVHP). The project site is within the "Urban-Suburban" land cover as defined by the SCVHP and is not located in any special-status plant and wildlife survey areas, or fee zone. With implementation of MM BIO-7, the proposed electronic billboard would not conflict with any policies of the SCVHP. The land cover type and the absence of plant and wildlife survey areas has been confirmed on the ground through the survey conducted by a qualified Biologist, as required by the SCVHP. Therefore, with implementation of MM BIO-7, potential impacts regarding adopted conservation plans would be reduced to a less than significant level.

## **Mitigation Measures**

- MM BIO-1**      If possible, to prevent impacts to the Fish and Game Code and/or Migratory Bird Treaty Act (MBTA)-protected birds, including nesting raptors, and their nests, construction work should occur outside the nesting season (generally between

February 1 and August 31). If construction (including tree and vegetation removal) cannot be conducted outside the nesting season, pre-construction surveys shall be conducted no more than 5 days before the start of work to verify the absence of active nests.

- MM BIO-2** If an active nest of a special-status bird species is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest.
- MM BIO-3** For nests of all species protected under Fish and Game Code and/or Migratory Bird Treaty Act (MBTA), construction activities shall be restricted as necessary to avoid disturbance of the nest until the young have left the nest, or the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active protected bird nest depending on the species and disturbance level as determined by a qualified Biologist) or alteration of the construction schedule.
- MM BIO-4** A qualified Biologist shall provide appropriate protection buffer sizes and locations, and the applicant shall physically mark the protection buffers using signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.
- MM BIO-5** No substances toxic to fish and wildlife shall be discharged or allowed to leach into Princevalle Channel. Reasonable precautions to protect aquatic habitats of Princevalle Channel from pollution with harmful materials (e.g., fuels, oils, lubricants, and solvents) shall be implemented. Specifically, all potentially hazardous materials shall be controlled, cleaned up, and properly disposed of in accordance with the project's water quality control permits and plans. Materials deleterious or toxic to fish and wildlife including, but not limited to, asphalt, tires, concrete, construction materials, treated wood, and creosote containing materials shall not be stockpiled within 100 feet of the Princevalle Channel. Refueling and maintenance areas for equipment shall be limited to areas 100 feet from the Princevalle Channel.
- MM BIO-6** At no time shall silt-laden runoff be allowed to enter the Princevalle Channel. Erosion control measures shall be utilized throughout all phases of construction where sediment runoff from the project may enter Princevalle Channel. Best Management Practices (BMPs) to avoid erosion and uncontrolled stormwater runoff shall be implemented. BMPs typically include silt fencing, coir rolls, and/or straw bale dikes.

- MM BIO-7**      The project applicant shall submit a Santa Clara Valley Habitat Plan (SCVHP) Coverage Screening Form to the Planning Department for review and shall complete subsequent forms, reports, and/or studies as needed.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.5 Cultural Resources and Tribal Cultural Resources</b>				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>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:</i>				
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

This section describes the existing cultural resources setting and potential effects from project implementation on the project site and its surrounding area. This section does not include a cultural analysis of any other potential billboard projects permitted under the proposed Ordinance. Subsequent billboards would be subject to environmental review prior to their approval. Descriptions and analysis in this section are based on information provided by the California Native American Heritage Commission (NAHC), Northwest Information Center (NWIC), National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks list, California Points of Historical Interest list, Built Environmental Research Directory (BERD), and the California Historical Resources Inventory. Non-confidential records search results and other correspondence are included in Appendix D.

## Northwest Information Center

A records search and literature review were conducted on August 18, 2021, at the NWIC located at Sonoma State University located in Rohnert Park, California for the project site and a 0.5-mile radius surrounding it. The purpose of this review was to access existing cultural resource survey reports, archaeological site records, historic aerial photographs, and historic maps and evaluate whether any previously documented prehistoric or historic archaeological sites, architectural resources, cultural landscapes, or other resources exist within or near the project site.

The results of the records search indicate that there are two recorded historic cultural resources within the 0.5-mile search radius, none of which are located within the project site. In addition, 25 area-specific survey reports are on file with the NWIC for the 0.5-mile search radius, but none within the project site itself, suggesting that the project site has not been previously surveyed for cultural resources. A records search map identifying the project boundaries and a 0.5-mile search radius along with relevant non-confidential records search results can be found in Appendix D.

## Pedestrian Survey and Site Visit

On August 26, 2021, FCS conducted a pedestrian survey to determine the presence of any unrecorded cultural resources within the project site. During the pedestrian survey, all areas of the exposed ground surface were examined for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, tool-making debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics). All areas of proposed development were inspected for culturally modified soils or other indicators of potential historic or prehistoric resources.

The project site was surveyed using east/west transects spaced at 15-meter intervals. Survey conditions were documented using digital photographs and field notes. The majority of the site consisted of garages and automobile repair facilities. The existing ground cover was completely hardscaped, and visibility of native soil was almost non-existent. The developed nature of the project site suggests that it has been previously excavated. No historic or prehistoric artifacts, cultural resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert, etc.) were found within the project site. Pedestrian survey photos for the project site can be found in Appendix D.

## Native American Heritage Commission

On August 20, 2021, FCS contacted the NAHC to determine whether any sacred sites were located within the project site or its vicinity. A response was received on September 9, 2021, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the project area. The NAHC included a list of nine tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by the proposed project are addressed, a letter containing project information was sent to each tribal representative on September 14, 2021. FCS received a response

on September 14, 2021, from the Tamien Nation deferring to other tribes in the area regarding potential TCRs that may be affected by the project. No additional responses have been received to date. NAHC correspondence and copies of the NAHC letters can be found in Appendix D.

## **Assembly Bill 52**

Assembly Bill (AB) 52 was signed into law on September 25, 2014, and provides that any public or private “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” TCRs include “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources.” Under prior law, TCRs were typically addressed under the umbrella of “cultural resources,” as discussed above. AB 52 formally added the category of “tribal cultural resources” to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to Senate Bill (SB) 18.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant impact on a TCR (if such a significant impact exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place
- Protecting the cultural character and integrity of the resource
- Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Permanent conservation easements with culturally appropriate management criteria

In compliance with AB 52, the City distributed letters to Native American tribes that have previously requested notification for AB 52 consultation, notifying each tribe of the opportunity to consult with the City regarding the proposed project. Consultation letters were mailed on November 23, 2021. The tribes have 30 days from receipt of the letter to respond to the City’s consultation invitation. At the time of this publication, no response has been received.

## **Cultural Resources**

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

**Less than significant impact with mitigation incorporated.**

## **Proposed Electronic Billboard Ordinance**

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards

would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

CEQA Guidelines Section 15064.5 defines “historical resources” as resources listed in the CRHR, a local register, determined significant by the Lead Agency, or determined to be eligible by the California Historical Resources Commission for listing in the CRHR. The criteria for eligibility are generally set by the National Historic Preservation Act of 1966, which established the NRHP, and which recognizes properties that are significant at the federal, State, and local levels. To be eligible for listing in the NRHP and CRHR, a district, site, building, structure, or object must possess integrity of location, design, setting, materials, workmanship, feeling, and association relative to American history, architecture, archaeology, engineering, or culture. In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible.

The results of the NWIC record search indicated that there are two recorded historical resources within a 0.5-mile radius of the project area, none of which are located in the project site itself. No additional unrecorded historical resources were found during the pedestrian survey of the project site. FCS therefore considers the potential for the proposed project to have an adverse effect on historical resources to be low.

While unlikely, subsurface construction activities always have the potential to destroy or damage previously undiscovered historical resources. Historic resources can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. Accordingly, implementation of MM CUL-1 would reduce potential impacts to historic resources that may be discovered during project construction to a less than significant level.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Less than significant impact with mitigation incorporated.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

Section 15064.5 of the CEQA Guidelines defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. A project-related significant adverse effect could occur if a project were to affect archaeological resources that fall under either of these categories.

The proposed billboard construction would require subsurface construction activities. The NWIC record search results indicate that there are no known archaeological resources within the project site or the 0.5-mile radius of the project area and the pedestrian survey did not find any evidence of potential undiscovered archaeological resources. However, the project site's proximity to a creek increases the potential for the inadvertent discovery of archaeological resources during subsurface construction. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. While FCS considers the potential for encountering archaeological resources during subsurface construction to be low, implementation of MM CUL-1 would ensure that the potential impact to resources is reduced to a less than significant level.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less than significant impact with mitigation incorporated.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

The proposed project would require subsurface construction activities. While it is highly unlikely that human remains exist within or near the project site, there is always a possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. MM CUL-2 further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with required guidelines and statutes, implementation of MM CUL-2 would reduce potential impacts on human remains to a less than significant level.

**Tribal Cultural Resources**

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:

**d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**

**Less than significant impact with mitigation incorporated.**



### **Proposed Electronic Billboard Ordinance**

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### **Proposed Electronic Billboard**

A review of the CRHR, local registers of historic resources, and NWIC record search results failed to identify any previously listed TCRs that may be adversely affected by the proposed project. However, the NAHC Sacred Lands File did produce a positive result for TCRs within the project area. The NAHC included a list of nine tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by the proposed project are addressed, a letter containing project information was sent to each tribal representative on September 14, 2021. FCS received a response from the Tamien Nation deferring to other tribes in the area regarding potential TCRs that may be affected by the project. Should any undiscovered TCRs be encountered during project construction, implementation of MM CUL-1 and MM CUL-2, which address cultural resources monitoring and inadvertent discovery of human remains, would reduce potential impacts on TCRs to a less than significant level.

- e) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Less than significant impact with mitigation incorporated.** In compliance with AB 52, the City distributed letters to Native American tribes that have previously requested notification for AB 52 consultation, notifying each tribe of the opportunity to consult with the City regarding the proposed project. Consultation letters were mailed on November 23, 2021. The tribes have 30 days from receipt of the letter to respond to the City's consultation invitation. As of the date of this document, no responses had been received. Should any undiscovered TCRs be encountered during project construction, implementation of MM CUL-1 and MM CUL-2, which address cultural resources monitoring and inadvertent discovery of human remains, would reduce potential impacts on TCRs to a less than significant level.

## **Mitigation Measures**

- MM CUL-1** An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should be present to monitor initial phases of ground disturbance. This may be followed by regular periodic or "spot-check" archaeological monitoring as determined by the Archaeologist. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an Archaeologist who meets the Secretary

of Interior's Professional Qualification Standards for archaeology has evaluated the find. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.

The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Gilroy, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.

**MM CUL-2** In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Santa Clara County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98, or

Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project area in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the NAHC;
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.6 Energy</b> <i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

#### Energy Basics

Energy use, especially through fossil fuel consumption and combustion, relates directly to environmental quality since it can adversely affect air quality and generate GHG emissions that contribute to climate change. Electrical power is generated through a variety of sources, including fossil fuel combustion, hydropower, wind, solar, biofuels, and others. Natural gas is widely used to heat buildings, prepare food in restaurants and residences, and fuel vehicles, among other uses. Fuel use for transportation is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes such as auto, carpool, and public transit; and miles traveled by these modes, and generally based on petroleum-based fuels such as diesel and gasoline. Electric vehicles may not have any direct emissions but do have indirect emissions via the source of electricity generated to power the vehicle. Construction and routine operation and maintenance of transportation infrastructure also consume energy.

Would the project:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Less than significant impact.**

#### Proposed Electronic Billboard Ordinance

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### **Proposed Electronic Billboard**

A discussion of the proposed project's energy use is presented below. Energy use consumed by the proposed project is primarily based on comparison with similar electronic billboard development projects and empirical studies which are publicly available. For the purpose of this energy analysis, the anticipated operational electricity consumption relies on information provided by the applicant. Energy calculations and supporting information are included as part of Appendix B of this Draft IS/MND.

### **Construction**

During construction, the proposed project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. No natural gas would be utilized as part of construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during grading, paving, and building construction activities. The types of equipment could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Other equipment could include electrically driven equipment such as pumps and other tools.

Based on the California Emissions Estimator Model (CalEEMod) estimates for the proposed project, (see modeling output files in Appendix B), construction-related worker vehicle trips would consume an estimated 103 gallons of diesel and gasoline, combined, and construction-related equipment would consume an estimated 739 gallons of diesel and gasoline, combined, during project construction. Additionally, single-wide mobile office trailers, generally ranging in size from 160 square feet to 720 square feet, are commonly used in construction staging areas. The use of a 720-square-foot construction trailer would consume approximately 779 kilowatt-hours (kWh) during the 23-day construction schedule (see Appendix B for calculations).

Limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. California Code of Regulations Title 13, Sections 2449(d)(3) and 2485 limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. In addition, given the cost of fuel, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Because of the temporary nature of construction and the financial incentives for developers and contractors to implement energy-efficient practices, project construction activities would not result in wasteful, inefficient, and unnecessary consumption of energy. Therefore, the construction-related impact related to fuel and electricity consumption would be less than significant.

### **Operation**

#### **Electricity and Natural Gas**

Building operations for the proposed project would involve energy consumption for lighting and cooling fans. Based on applicant-provided information, the proposed two-sided LED billboard would be operated 24 hours per day, 365 days per year, which would result in an estimated 52,400 kWh. The proposed project is not anticipated to result in wasteful, inefficient, or unnecessary electricity

consumption as the electronic billboard would require electricity to operate and would not facilitate greater electricity consumption beyond that required for their passive operative design. Moreover, the electronic billboard would not consume natural gas and would rely on increasingly renewable energy sources consistent with SB 100. Therefore, the operational impact related to building electricity and natural gas consumption would be less than significant.

### ***Fuel***

Long-term operational energy consumption related to fuel consumption would be very minimal because the only vehicle trips would be from irregular and infrequent maintenance vehicle trips. Maintenance vehicle trips associated with the proposed project are anticipated to occur once every 1 to 2 months at most and would not result in wasteful, inefficient, or significant energy use. This impact would be less than significant.

#### **b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

A discussion of the proposed project's potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency is presented below.

### **Construction**

As described above, construction activities would involve energy consumption in various forms and would be limited by California regulations such as California Code of Regulations Title 13, Sections 2449(d)(3) and 2485 which limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. The proposed project would be required to comply with these regulations. There are no renewable energy standards applicable to construction activities for the proposed project.

Thus, it is anticipated that construction of the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, impacts would be less than significant.

### **Operation**

Additionally, the proposed project would consume electricity delivered by a California utility during operation. According to SB 100, California's renewable portfolio standard (RPS) requires that 100 percent of electricity retail sales in California be sourced with renewable energy sources by 2045.

Pacific Gas and Electric Company (PG&E) would provide the delivery of electricity to the proposed project through the existing grid. SB 32 mandates a Statewide GHG emissions reduction goal to 40 percent below 1990 levels by the year 2030. Further, Executive Order B-55-18 establishes a new Statewide goal to achieve carbon neutrality by 2045 at the latest and maintain net negative emissions after 2045.<sup>16</sup> Therefore, the proposed project would receive electricity from a utility company that meets California's RPS requirements as well as the State requirements through 2045.

In addition, the proposed project would be designed and constructed in accordance with the applicable State's Title 24 energy efficiency standards. Part 11, Chapter 4 and 5 of the State Title 24 energy efficiency standards establishes mandatory measures for nonresidential buildings, including material conservation and resource efficiency. The proposed project would be required to comply with these mandatory measures and would be constructed in accordance with City standards. Thus, the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. This impact would be less than significant.

## Mitigation Measures

None required.

<sup>16</sup> State of California. Governor Edmund G. Brown. September 10, 2018. <https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>. Accessed September 13, 2021.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.7 Geology and Soils</b> <i>Would the project:</i>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

According to the Gilroy General Plan, the three major active faults that cross the County of Santa Clara include the San Andreas, Calaveras, and Hayward Faults.

The Calaveras Fault is approximately 4.1 miles east of the project site and the San Andreas Fault is approximately 7.2 miles southwest of the project site. The Hayward Fault is over 30 miles north of the project site. The Carnadero Fault runs through the City. It has not been defined as active by the USGS, but the County of Santa Clara has mapped Fault Rupture Zones along the Fault.<sup>17</sup>

The project site is located within a seismically active region and strong ground shaking would be expected during the lifetime of the project, which could damage future improvements on the site and expose people to injury. Since the City of Gilroy lies primarily within a seismically active zone, the three major nearby earthquake faults have produced earthquakes throughout recorded history (approximately 200 years) in the City.<sup>18</sup> Although the City of Gilroy's risk associated with these faults is minor to moderate, the California Building Standards Code (CBC) contains special standards and regulations to ensure construction will be designed to withstand seismic activity. The City is located within Seismic Zone D, which is expected to experience significant effects from earthquakes, and which requires stringent standards for seismic design.<sup>19</sup>

Seismic-related ground failure most commonly occurs in areas underlain by loose, unconsolidated (e.g., sandy soils) and high groundwater levels. According to City of Gilroy 2040 General Plan EIR, the project site is not located within a State-designated Liquefaction Hazard Zone; however, the nearest liquefaction zone is approximately 900 feet east of the project site.<sup>20</sup> The liquefaction hazard areas in the City are along Uvas Creek and Llagas Creek. There are small landslide hazard areas in the northwestern and southwestern areas of the City.<sup>21</sup>

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**
  - i) **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.**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance includes regulations for height, sign area, and permitted locations of electronic billboards.

The closest active faults to the City are the San Andreas, Calaveras, and Hayward Faults. Both the San Andreas and Calaveras Faults are defined as "active" by the State Department of Conservation. The Carnadero Fault runs through the City. It has not been defined as active by the USGS, but the County

<sup>17</sup> City of Gilroy. 2020. Gilroy 2040 General Plan EIR. 3.6 Geologic Hazards. Website: <https://www.cityofgilroy.org/DocumentCenter/View/11308/Draft-EIR-Gilroy-2040-General-Plan-?bidId=>. Accessed September 22, 2021.

<sup>18</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan, Potential Hazards Element. Page PH-6.

<sup>19</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan Draft EIR. Page 3-188.

<sup>20</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan Draft EIR. Page 3-185.

<sup>21</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Potential Hazards. Page PH-6.



of Santa Clara has mapped Fault Rupture Zones along the Fault.<sup>22</sup> However, proposed locations of electronic billboards are not located within the Fault Rupture Zone.<sup>23</sup> Furthermore, all electronic billboards approved under the proposed Ordinance would be required to adhere to the the most recently adopted California Building Code and would be subject to environmental review prior to approval. Therefore, impacts would be less than significant.

### ***Proposed Electronic Billboard***

The project site would not be located within the Fault Rupture Zone.<sup>24</sup> To ensure the installation of the billboard is conducted safely, construction and design would be undertaken using standard engineering and seismic safety design techniques in accordance with the the most recently adopted California Building Code. As such, impacts would be less than significant.

#### **ii) Strong seismic ground shaking?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As previously described in Impact 2.7(a)(i), the entirety of the City of Gilroy is near three major active faults. All billboards approved under the proposed Ordinance would be required to adhere to the most recently adopted California Building Code. As such, impacts regarding strong seismic ground shaking would be less than significant.

### ***Proposed Electronic Billboard***

As described in the setting subsection above, the project site is located within a seismically active region and strong ground shaking would be expected during the lifetime of the proposed project. To avoid or minimize potential damage from seismic shaking, the proposed project shall be subject to standard engineering and seismic safety design techniques set forth in the most recently adopted California Building Code. Therefore, the impacts would be less than significant.

#### **iii) Seismic-related ground failure, including liquefaction?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As described above, the proposed Ordinance would include regulations for height, sign area, and permitted locations of electronic billboards. Electronic billboards approved under the proposed Ordinance would be subject to regulations set forth in the most recently adopted California Building Code and would be subject to environmental review prior to approval. Impacts regarding seismic-related ground failure, including liquefaction, is concluded to be less than significant.

<sup>22</sup> City of Gilroy. 2020. Gilroy 2040 General Plan EIR. 3.6 Geologic Hazards. Website: <https://www.cityofgilroy.org/DocumentCenter/View/11308/Draft-EIR-Gilroy-2040-General-Plan-?bidId=>. Accessed September 22, 2021.

<sup>23</sup> County of Santa Clara Department of Planning and Development. 2020. Geological Maps and Data. Fault Rupture Hazard Zones. Website: <https://www.sccgov.org/sites/dpd/OrdinancesCodes/GeoHazards/Pages/GeoMaps.aspx>. Accessed September 22, 2021.

<sup>24</sup> Ibid.

### ***Proposed Electronic Billboard***

Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid state after ground shaking. Variables that contribute to liquefaction include age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soils most susceptible to liquefaction are loose, uniformly graded, fine-grained sands. As mentioned in the setting, the City of Gilroy has liquefaction hazard areas along Uvas Creek and Llagas Creek—these areas are not located within the project site. The Llagas Creek Liquefaction Hazard Zone is approximately 900 feet east of the project site. The proposed project is subject to the most recently adopted California Building Code to ensure the proposed billboard would be designed to withstand seismic activity. This impact is concluded to be less than significant.

#### **iv) Landslides?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As described above, the proposed Ordinance would include regulations for height, sign area, and permitted locations of electronic billboards. As described above, there are small landslide hazard areas in the northwestern and southwestern parts of the City.<sup>25</sup> However, most of the area along US-101 and SR-152 is not located in a landslide hazard. All electronic billboards approved under the proposed Ordinance would be subject to regulations set forth in the most recently adopted California Building Code. Impacts are concluded to be less than significant.

### ***Proposed Electronic Billboard***

Small landslide hazard areas in the steep, hilly terrain occur in the northwestern and southwestern areas of the City. Potential landslide hazard areas do not occur in the vicinity of the project site. The project site is relatively flat and surrounded by development. Thus, landslide-related impacts would be less than significant.

#### **b) Result in substantial soil erosion or the loss of topsoil?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

General Plan Policy PH 2.6 requires that all new development proposals include a site plan detailing appropriate methods of erosion and deposition control during site development and subsequent use.<sup>26</sup> Standard construction practices would be followed to minimize soil erosion during construction. Impacts would be less than significant.

### ***Proposed Electronic Billboard***

Construction of the electronic billboard would include limited excavation for the installation of the electronic billboard structure. The amount of ground disturbance is estimated to be approximately

<sup>25</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Potential Hazards. Page PH-6.

<sup>26</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Potential Hazards. Page PH-7.

25 square feet. Standard construction practices would be followed to minimize soil erosion during construction. As stated above, General Plan Policy PH 2.6 requires that all new development proposals include erosion and deposition control actions during site development and subsequent use. Standard construction practices would be followed to minimize soil erosion during construction. Impacts would be less than significant.

- 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?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

Refer to subsections 2.7a through 2.7c.

***Proposed Electronic Billboard***

Refer to subsections 2.7a through 2.7c.

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

According to the City of Gilroy 2040 General Plan EIR, most soils within the Urban Growth Boundary of the City are characterized as having a moderate or high shrink-swell potential. The City's Municipal Code requires a soils investigation as part of proposed development applications. All electronic billboards approved under the proposed Ordinance would be required to adhere to the the most recently adopted California Building Code regulations. As such, no impacts would occur regarding expansive soil creating substantial direct or indirect risks to life or property.

***Proposed Electronic Billboard***

The proposed project would involve the construction of a new electronic billboard along US-101. The proposed project would not be intended for human occupancy, which precludes substantial risks to life or property as a result of expansive soils. According to the Web Soil Survey by the United States Department of Agriculture, the project site is not located on expansive soil.<sup>27</sup> The proposed project would be compliant with all applicable State and local requirements. Therefore, the impact associated with expansive soils would be less than significant.

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<sup>27</sup> United States Department of Agriculture. Web Soil Survey. Website: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed July 19, 2021.

- 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?

No impact.

***Proposed Electronic Billboard Ordinance***

New electronic billboards resulting from the Ordinance would not utilize septic tanks or alternative wastewater disposal systems. As such, no impacts would occur.

***Proposed Electronic Billboard***

The proposed project does not propose to use septic tanks or alternative wastewater disposal systems. Construction of the electronic billboard would include limited excavation for the installation and foundation of the billboard structure. As a result, no impact would occur.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No impact.

***Proposed Electronic Billboard Ordinance***

No known paleontological resources have been discovered in the City of Gilroy.<sup>28</sup> All electronic billboard projects would undergo separate environmental review including paleontological investigation. As such, there would be no impacts.

***Proposed Electronic Billboard***

The proposed project would require limited excavation for the installation of a new electronic billboard structure. According to the paleontological records search result for the proposed project (Appendix E), no significant paleontological resources or geologic features are expected to be encountered during the project's construction phase due to the disturbed nature of the site and the limited amount of excavation that would be required to implement the project. Therefore, no impact would occur.

## Mitigation Measures

None required.

<sup>28</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan DEIR. Page 3-151.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.8 Greenhouse Gas Emissions</b> <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed billboard is discussed below.

### ***Proposed Electronic Billboard***

The proposed project is located in the San Francisco Bay Area Air Basin, which is regulated by the BAAQMD. Projects generate GHG emissions during construction and operation (e.g., mobile emissions, emissions from generation of electricity for operations, and emissions of from the manufacturing and transport of building materials). The BAAQMD's project-level significance thresholds for operational GHG emissions were deemed appropriate to use when determining the proposed project's potential GHG impacts. The thresholds suggested by the BAAQMD for project-level operational GHG generation are as follows:

- Compliance with a qualified GHG Reduction Strategy,
- 1,100 metric tons carbon dioxide equivalent (MT CO<sub>2</sub>e) per year, or
- 4.6 MT CO<sub>2</sub>e per service population (residents plus employees) per year.

The BAAQMD's recommended thresholds of significance listed above were established based on meeting the 2020 GHG reduction targets set forth in the AB 32 Scoping Plan.<sup>29</sup> AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020; however, in 2016, SB 32 extended California's GHG reduction programs beyond 2020. SB 32 contains language to authorize the ARB to achieve a Statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. ARB approved the 2017 California's Climate Change Scoping Plan update,<sup>30</sup> which outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels.

Because the proposed project would be constructed after 2020, the BAAQMD quantitative thresholds of significance listed above was adjusted to a "substantial progress" threshold that was calculated based on the SB 32 target of 40 percent below 1990 levels (i.e., 60 percent of 1990 levels). Therefore, the mass emission threshold of significance applied in this analysis is 660 MT CO<sub>2</sub>e per year ( $1,100 \times 0.60 = 660$ ). If operation of the proposed project would generate GHG emissions that exceed this significance threshold, the proposed project would be considered to have a significant impact related to GHG emissions.

Lastly, the BAAQMD does not have a recommended threshold of significance for construction-related GHG emissions, which are short-term emissions and therefore would not significantly contribute to the long-term cumulative GHG emissions impacts of the proposed project. To account for construction-related GHG emissions, construction emissions are converted to an average annual emissions amount by amortizing them over the anticipated service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.<sup>31</sup>

In general, this analysis is restricted to GHGs identified by AB 32, which include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Construction and operation of the proposed project are addressed separately below.

## Construction GHG Emissions

During project construction, GHGs would be generated by construction activities such as site clearing, operation of heavy-duty construction vehicles, materials and debris hauling, paving, and construction worker vehicle trips. These emissions would be considered short-term in duration. The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions; however, the BAAQMD does recommend that lead agencies quantify, disclose, and provide a significance determination for construction-related GHG emissions. Therefore, the construction emissions presented herein are averaged over a 30-year anticipated lifetime for the project and added to the proposed project's operational GHG emissions.

<sup>29</sup> California Air Resources Board (ARB). 2008. Climate Change Scoping Plan. December. Website: [https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf). Accessed September 13, 2021.

<sup>30</sup> California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. Website: [https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf). Accessed March 18, 2021.

<sup>31</sup> International Energy Agency (IEA). 2008, July. Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings.

Construction emissions were estimated using CalEEMod (Version 2020.4.0). Construction assumptions used to estimate GHG emissions are consistent with those used to estimate air pollutant emissions, as described under Impact 2.3(b). Table 6 shows that GHG emissions generated by project construction were estimated to be approximately 6 MT CO<sub>2</sub>e, which is equal to less than 1 MT CO<sub>2</sub>e per year for the 30-year anticipated lifetime of the proposed project.

**Table 6: Construction GHG Emissions**

Construction Phase	Total MT CO <sub>2</sub> e/year
<b>Proposed New Electronic Billboard Site</b>	
Grading	1
Building Construction (Installation of Billboard)	4
Paving	<1
<b>Total Construction Emissions</b>	<b>6</b>
<b>Amortized over 30 Years</b>	<b>&lt;1</b>
Notes: Because of rounding, total MT CO <sub>2</sub> e may be marginally different from California Emissions Estimator Model (CalEEMod) Output. MT CO <sub>2</sub> e = metric tons of carbon dioxide equivalents Source: CalEEMod Output (Appendix B).	

## Operational GHG Emissions

Operational or long-term GHG emissions occur over the life of the proposed project. Sources for operational emissions include:

- **Motor Vehicles:** These emissions refer to tailpipe exhaust from the cars and trucks that would travel to and from the project site.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the proposed project.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the proposed project.

Motor vehicle, water, and waste sources of GHG emissions would be negligible during operation. LED electronic billboards (programmable electronic signs) are subject to energy efficiency requirements under Title 24 of the California Code of Regulations. The billboard is required to be dimmable, which would reduce energy use and GHG emissions associated with the generation of electricity. The proposed new electronic billboard would be illuminated 24 hours per day, 365 days per year. The light levels emitted from the billboard would be set to adjust based on ambient light conditions at any given time (i.e., nighttime versus daytime). According to applicant-provided information, a typical Outfront Media billboard would result in an estimated annual electricity demand of 26,200

kWh/year per LED facing. Therefore, it is assumed that the billboard, which consists of two facings, would use up to a total of 52,400 kWh, or 52.4 megawatt-hours (MWh) per year. PG&E would supply the electricity needed to illuminate the billboard.

Billboards require occasional upkeep and maintenance activities, which generate vehicle trips and resulting GHG emissions. These mobile source GHG emissions are difficult to quantify as no data is available at the time of this analysis to accurately represent these maintenance trips. As calculated and contained in Appendix B, electricity consumption resulting from operation of the proposed project would result in approximately 5 MT/year of CO<sub>2</sub>e. By incorporating the amortized annual GHG emissions to account for construction emissions, the proposed project would generate up to 6 MT CO<sub>2</sub>e per year. Additionally, the energy consumption calculations shown in Appendix B demonstrate that the project would not result in a substantial increase in electricity demand and resulting GHG emissions. The project's expected net annual GHG emissions of approximately 6 MT CO<sub>2</sub>e/year would not exceed the 660 MT CO<sub>2</sub>e/year threshold, and therefore GHG impacts related to the operation of the proposed project would be less than significant.

**b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed billboard is discussed below.

***Proposed Electronic Billboard***

The City of Gilroy has not adopted a qualified GHG reduction plan, but the City's 2040 General Plan contains the Natural and Cultural Resources Element, which contains goals and policies to reduce energy consumption and GHG emissions. There are several policies related to energy, most of which relate to energy use in commercial or residential buildings. None of the policies would be directly applicable to operation of the proposed new electronic billboard. The 2017 Clean Air Plan is also applicable to the project because the project site is located within the BAAQMD planning area. As described in Impact 2.3(a), none of the control measures contained in the 2017 Clean Air Plan are applicable to the operation of electronic billboards. As discussed in Impact 2.3(b), the proposed project would implement all BMPs for construction activities and would be consistent with the assumptions in the AQP after implementation of MM AIR-1. Furthermore, the proposed project would not include any special features that would disrupt or hinder implementation of the AQP control measures.

The proposed project would not conflict with the policies, regulations, or guidelines in the City's General Plan, Bay Area Clean Air Plan, or any other applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Furthermore, as discussed in Impact 2.7(a), the proposed



project would not generate substantial GHG emissions during construction or operation. Therefore, this impact would be less than significant.

### **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.9 Hazards and Hazardous Materials</b> <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

Permitted locations for the proposed electronic billboards would be property designated as General Services Commercial or City Gateway District, and located within 660 feet of US-101 and SR-152. These areas contain commercial and industrial land uses. Vehicles could transport hazardous materials along US-101, SR-152, and adjacent roadways.

According to the Hazardous Waste and Substances Site List from the Department of Toxic Substances Control (DTSC), there are no known Cortese List (§ 65962.5(a)), sites located in the City of Gilroy.<sup>32</sup> The Cortese List contains hazardous waste and substance sites including public drinking water wells with detectable levels of contamination, sites with known underground storage tanks (USTs) having a reportable release, solid waste disposal facilities from which there is a known migration, hazardous substance sites selected for remedial action, historic Cortese sites, and sites with known toxic material identified through the abandoned site assessment program.

Specific to the proposed billboard site, the nearest potential hazardous site is the Garden Valley Foods cleanup site (T0608500013) located approximately 0.5-mile northwest of the site at 7050 Monterey Street. Its cleanup status is complete as of 2013.<sup>33</sup> The closest airport to the project site is Frazier Lake Airport, located approximately 5.5 miles southeast of the project site.

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. All electronic billboards approved under the proposed Ordinance would be required to conform to Title 49 of the Code of Federal Regulations as well as United States Department of Transportation (USDOT), State of California, and local laws, ordinances, and procedures. As such, the proposed Ordinance would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impact would occur.

### ***Proposed Electronic Billboard***

Construction of the proposed electronic billboard may involve the use, transport, and disposal of hazardous materials such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances typically used during construction. Construction of the electronic billboard would also require the use of gasoline- and diesel-powered heavy equipment such as bulldozers, backhoes, water pumps, and air compressors.

<sup>32</sup> EnviroStor. 2021. DTSC Hazardous Waste and Substances Site List. Website: [https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business\\_name=&main\\_street\\_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site\\_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal\\_superfund=&state\\_response=&voluntary\\_cleanup=&school\\_cleanup=&operating=&post\\_closure=&non\\_operating=&corrective\\_action=&tiered\\_permit=&evaluation=&spec\\_prog=&national\\_priority\\_list=&senate=&congress=&assembly=&critical\\_pol=&business\\_type=&case\\_type=&searchtype=&hwmp\\_site\\_type=&cleanup\\_type=&ocierp=&hwmp=False&permitted=&pc\\_permitted=&inspections=&complaints=&censustrack=&cesdecile=&scho ol\\_district=&orderby=upper%28business%5Fname%29](https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocierp=&hwmp=False&permitted=&pc_permitted=&inspections=&complaints=&censustrack=&cesdecile=&scho ol_district=&orderby=upper%28business%5Fname%29). Accessed July 20, 2021.

<sup>33</sup> California State Water Resources Control Board (State Water Board). 2021. GeoTracker—Garden Valley Foods (T0608500013). Website: [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0608500013](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608500013). Accessed July 20, 2021.

If not appropriately managed, accidental spills of these hazardous materials could result in a significant impact.

Any handling of hazardous materials would be limited in both quantity and concentrations. Furthermore, project implementation would be required to conform to Title 49 of the Code of Federal Regulations, USDOT, State of California, and local laws, ordinances, and procedures.

Operation of the project would require sporadic maintenance, but this maintenance would not involve the use of any hazardous materials with the potential to significantly impact the public. Therefore, impacts would be less than significant.

- 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?**

**Less than significant impact.**

#### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. All electronic billboards approved under the proposed Ordinance would be required to conform to Title 49 of the Code of Federal Regulations as well as USDOT, State of California, and local laws, ordinances, and procedures. As such, the proposed Ordinance would not create hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impact would occur.

#### ***Proposed Electronic Billboard***

As described above, construction activities would require the use and transport of potentially hazardous materials including oils and combustible fuels, but would not be stored in large quantities on-site. The applicant and its contractors would be required to comply with all relevant local, State, and federal regulations related to the handling, transport, and storage of hazardous materials.

Disturbance of on-site soils at the project site would be limited to soil removal in the immediate area required to install a foundation for the electronic billboard. Operation of the proposed project, which entails the changing of messages on electronic billboard faces and sporadic maintenance by a de minimis number of workers and trucks, would not involve the use of any hazardous materials with the potential to significantly impact the public. Thus, impacts associated with the release of hazardous materials into the environment through reasonably foreseeable upset and accident conditions would be less than significant.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

All electronic billboards approved under the proposed Ordinance would be required to conform to Title 49 of the Code of Federal Regulations, USDOT, State of California, and local laws, ordinances, and procedures. While the construction of electronic billboards may involve the use of hazardous substances, conformance with these regulations would reduce the impacts of these hazardous substances. In addition, electronic billboards would only be permitted on properties designated as General Services Commercial or City Gateway District and would not be sited on school properties. As such, the proposed Ordinance would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste near an existing or proposed school. Impacts would be less than significant.

### ***Proposed Electronic Billboard***

As described above, construction of the proposed project would involve the use of some hazardous materials. However, there are no schools within one-quarter mile of the project site. The nearest school to the project site is Eliot Elementary School located approximately 0.75 mile north of the site. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within 0.25 mile of an existing or proposed school. Thus, impacts would be less than significant.

- 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?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List, maintained by the DTSC. As discussed in the setting subsection above, the results of the database search determined there are currently no Cortese sites located on or in the City of Gilroy. Subsequent billboards would also undergo environmental review which would analyze impacts related to hazardous material sites. No impact would occur.

### ***Proposed Electronic Billboard***

As discussed above, there are no Cortese sites located on or in the vicinity of the project site. The EnviroStor database indicated that there are no known Cortese sites located within the City.<sup>34</sup> As a result, no impact would occur.

<sup>34</sup> EnviroStor. 2021. DTSC Hazardous Waste and Substances Site List. Website: [https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business\\_name=&main\\_street\\_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site\\_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal\\_superfund=&state\\_response=&voluntary\\_cleanup=&school\\_cleanup=&operating=&post\\_closure=&non\\_operating=&corrective\\_action=&tiered\\_permit=&evaluation=&spec\\_prog=&national\\_priority\\_list=&senate=&congress=&assembly=&critical\\_pol=&business\\_type=&case\\_type=&searchtype=&hwmp\\_site\\_type=&cleanup\\_type=&ocierp=&hwmp=False&permitted=&pc\\_permitted=&inspections=&complaints=&censustract=&cesdecile=&school\\_district=&orderby=upper%28business%5Fname%29](https://www.envirostor.dtsc.ca.gov/public/search.asp?page=1&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocierp=&hwmp=False&permitted=&pc_permitted=&inspections=&complaints=&censustract=&cesdecile=&school_district=&orderby=upper%28business%5Fname%29). Accessed July 20, 2021.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No impact.

***Proposed Electronic Billboard Ordinance***

As stated previously, electronic billboards would only be permitted on properties designated as General Commercial Services and Gateway District, which are more than 2 miles from Frazier Lake Airport. Therefore, no impact would occur.

***Proposed Electronic Billboard***

As previously discussed, the project site is located further than 2 miles from the closest airport. Therefore, no impact would occur.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact.

***Proposed Electronic Billboard Ordinance***

The City actively participates in maintenance protocols outlined in the 2017 Santa Clara County Operational Area Hazard Mitigation Plan which the City of Gilroy adopted in 2018.<sup>35</sup>

The 2017 Santa Clara County's Operational Area Hazard Mitigation Plan does not include evacuation routes, however, US-101 would serve as an evacuation route in case of emergency. All billboards approved under the proposed Ordinance would be required to conform to Title 49 of the Code of Federal Regulations, USDOT, State of California, and local laws, ordinances, and procedures. Additionally, the City of Gilroy 2040 General Plan EIR determined that jurisdictions within the County would adhere to the adopted Santa Clara County Operational Area Emergency Operations Plan which outlines response protocols for emergencies. The proposed Ordinance itself would not impede an emergency response plan. The construction of electronic billboards resulting from the proposed Ordinance may have the potential to physically interfere with an emergency response or evacuation plan. However, each proposed electronic billboard would undergo environmental review prior to approval to ensure impacts related to emergency response are properly analyzed and mitigated. As such, impacts would be less than significant.

***Proposed Electronic Billboard***

The proposed project would not interfere with any adopted emergency response plan or emergency evacuation plan. Though project plans for construction are unknown at this time, it is anticipated that the potential electronic billboard could, as a worst-case scenario, involve a temporary roadway closure at the project site location on Automall Parkway. As a result, impacts would be less than significant.

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<sup>35</sup> Santa Clara County. Santa Clara County Operational Area Hazard Mitigation Plan – Volume I. 2017.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than significant impact.

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would allow up to two billboards to be constructed within 660 feet of US-101 and SR-152. All possible locations for electronic billboards are within an urbanized area and therefore not located near or in the vicinity of wildlands. Therefore, impacts would be less than significant.

***Proposed Electronic Billboard***

There are no wildlands located within or near the project site. Therefore, the proposed project would not expose people or structures either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The project site has an extensive history of development with minimal landscaping. Therefore, no impacts would be less than significant.

## Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.10 Hydrology and Water Quality</b> <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

The project area is urbanized and is primarily covered with impervious surfaces in the form of buildings, paved roadways, and paved lots. Within the City of Gilroy, annual average rainfall is approximately 20 inches.<sup>36</sup> The existing local stormwater network collects precipitation and provides

<sup>36</sup> City of Gilroy. n.d. Community Profile. Website: <https://www.cityofgilroy.org/355/About-Gilroy#:~:text=Nestled%20at%20the%20southern%20end%20of%20the%20Santa,with%20an%20average%20rainfall%20of%20about%2020%20inches>. Accessed July 21, 2021.



drainage within the project area. The only surface bodies of water that exists in the surrounding project area is the Llagas Creek, located approximately 1.23 miles to the northeast. No surface bodies of water traverse the project site. The project site is paved and therefore impervious.

Would the project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

**Less than significant impact.**

#### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The proposed amendment would not involve changes to the existing environment. All electronic billboards approved under the proposed Ordinance would be required to conform to the Gilroy Municipal Code and the Water Conservation Ordinance<sup>37</sup>, as well as federal, State, and local laws, ordinances, and procedures. Therefore, impacts would be less than significant.

#### ***Proposed Electronic Billboard***

Construction of the proposed electronic billboard would involve minimal ground disturbance at the project site. Construction activities could allow surface water to carry small quantities of pollutants (e.g., oil or fuel used in construction equipment) off-site, thereby potentially affecting local waterways by degrading water quality, however, the proposed project would involve construction activities for short durations and would not substantially affect water quality standards. Excavated soils would be hauled to a landfill and no exposed soils would remain on-site. As such, a limited amount of soil would be exposed during the brief construction period associated with excavation activities. Construction of the proposed project would result in less than significant impacts related to water quality standards.

Once the proposed electronic billboard is constructed, the site would be repaved, and the impervious surface area would be consistent with current conditions. Once constructed, the proposed project would not affect water quality or result in a violation of waste discharge requirements. Proper operation and maintenance of the electronic billboards would continue to ensure that such structures do not contribute pollutants to stormwater runoff. Therefore, impacts would be less than significant.

- b) **Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less than significant impact.**

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<sup>37</sup> City of Gilroy. 2016. Water Conservation Ordinance (Ordinance No. 2016-15). Website: <https://www.cityofgilroy.org/DocumentCenter/View/6145/Ordinance-2016-15?bidId=>. Accessed November 29, 2021.

### ***Proposed Electronic Billboard Ordinance***

All electronic billboards approved under the proposed Ordinance would be required to conform to the Gilroy Municipal Code and the Water Conservation Ordinance<sup>38</sup>, as well as federal, State, and local laws, ordinances, and procedures. Furthermore, operation of electronic billboards typically does not involve the use of water or groundwater sources. Therefore, impacts would be less than significant.

### ***Proposed Electronic Billboard***

The proposed project would not utilize groundwater sources, and there would not be a need to drill wells to supply water. The installation of a new electronic billboard would not add to existing impervious surface conditions since it would be located in an existing paved area. Operation of the proposed project would not impact groundwater supplies or interfere with groundwater recharge. Therefore, no impact would occur.

- c) **Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
  - (i) **result in substantial erosion or siltation on- or off-site;**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not cause substantial erosion or siltation. Typically, the construction of electronic billboards does not involve a significant amount of ground disturbance. Furthermore, General Plan Policy PH 2.6 requires that all new development proposals include a site plan detailing appropriate methods of erosion and deposition control during site development and subsequent use.<sup>39</sup> Thus, impacts would be less than significant.

### ***Proposed Electronic Billboard***

The project site is currently paved and consists of impervious surfaces. Construction of the billboard's foundation structure would result in a limited footprint area, which would not result in substantial erosion or siltation on- or off-site. Therefore, the impact would be less than significant.

- (ii) **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As previously stated, the proposed Ordinance would allow for the construction of up to two electronic billboards in the City of Gilroy, which would not substantially increase the amount of

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<sup>38</sup> Ibid.

<sup>39</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Potential Hazards. Page PH-7.

surface runoff. In addition, subsequent billboards would require environmental review which would analyze and mitigate any potential surface runoff. Impacts would be less than significant.

### ***Proposed Electronic Billboard***

As previously stated, the electronic billboard's foundation structure would have a limited construction footprint area. Construction of the electronic billboard would not substantially impact the amount of runoff from the site nor increase the impervious surface area compared to existing conditions. Therefore, project implementation would not substantially increase the rate of runoff water that would result in flooding on- or off-site. Impacts would be less than significant.

- (iii) **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;**  
**or**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

All electronic billboards approved under the proposed Ordinance would be required to conform to the Gilroy Municipal Code and the Water Conservation Ordinance,<sup>40</sup> as well as federal, State, and local laws, ordinances, and procedures. Additionally, this amendment would allow for the construction of up to two electronic billboards in the City of Gilroy, which would not create a substantial amount of runoff water. Subsequent billboards would require environmental review which would analyze and mitigate any potential surface runoff. Impacts would be less than significant.

### ***Proposed Electronic Billboard***

As previously stated, the project site is currently paved, and the electronic billboard foundation would have a limited construction footprint area, which would not substantially impact the amount of runoff from the site nor increase the impervious surface area, compared to existing conditions. Therefore, project implementation would not substantially contribute to runoff water, which would exceed the capacity of existing drainage systems or provide sources of polluted runoff. Impacts would be less than significant.

- (iv) **impede or redirect flood flows?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not impact on flood flows. The Urban Growth Boundary of the City includes areas located within the 100-year Federal Emergency Management Agency (FEMA) floodplains. The following areas within the Urban Growth Boundary are located within the 100-year floodplain: Open Space in proximity to Uvas Creek and Llagas Creek, General Industrial, Employment

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<sup>40</sup> City of Gilroy. 2016. Water Conservation Ordinance (Ordinance No. 2016-15). Website: <https://www.cityofgilroy.org/DocumentCenter/View/6145/Ordinance-2016-15?bidId=>. Accessed November 29, 2021.

Center and Public/Quasi-Public facilities that are east of US-101, and park and recreation facilities south of Luchessa Avenue. The permitted locations in the proposed Ordinance only allows for billboards to be constructed in the General Services Commercial or City Gateway District. All electronic billboards approved under the proposed Ordinance would also be required to conform to the Gilroy Municipal Code Chapter 27E, Floodplain Management Ordinance. As a result, no impact would occur.

### ***Proposed Electronic Billboard***

The FEMA flood maps identify areas that are prone to flooding. The project site corresponds to Flood Insurance Rate Map (FIRM) 06085C0756H,<sup>41</sup> and is designated as Flood Zone AH (1 percent annual chance of shallow flooding where average depths are between one and three feet). Although the project site is located within a flood hazard zone, the proposed project would not change the amount of impervious surfaces compared with current conditions. The project would have a small footprint and would not have an impact on flows. Therefore, impacts would be less than significant.

#### **d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

Tsunami inundation would not occur because the project site and the City is over 15 miles east of the Pacific Ocean. A seiche is a seismically or wind-induced wave on an enclosed body of water such as a lake or reservoir. There are no lakes within the City. Therefore, impacts related to the release of pollutants due to project inundation would be less than significant.

### ***Proposed Electronic Billboard***

As discussed above, although the project site is located within Flood Zone AH, the proposed project would include minimal ground disturbance during the construction period and would be repaved post-construction. Therefore, impacts related to the release of pollutants due to project inundation would be less than significant.

#### **e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

All electronic billboards approved under the proposed Ordinance would be required to conform to the City of Gilroy's 2040 General Plan policies and the Gilroy Municipal Code, as well as State of California, and local laws, ordinances, and procedures. The proposed billboard ordinance would not conflict with an existing water quality control plan or sustainable groundwater management plan. As a result, no impact would occur.

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<sup>41</sup> Federal Emergency Management Agency (FEMA). 2020. FEMA Flood Map Service Center. Website: <https://msc.fema.gov/portal/search#searchresultsanchor>. Accessed July 21, 2021.

### ***Proposed Electronic Billboard***

The proposed project would result in minimal ground disturbance at the project site. Development of the project site would not substantially change the amount of impervious surface area and there would be no change in impervious surface area at the site, which is already paved. Furthermore, the electronic billboard would not utilize any materials or equipment that could lead to surface water pollution. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

### **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.11 Land Use and Planning</b> <i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

Under the proposed Ordinance, up to two electronic billboards would be allowed in the City. Permitted locations for the proposed billboards would be property designated as General Services Commercial or City Gateway District, and located within 660 feet of US-101 and SR-152. These locations are within an established urban community that has a history of development. The proposed electronic billboard site is currently developed and located on Automall Parkway, adjacent to US-101.

Would the project:

a) **Physically divide an established community?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The physical division of an established community typically refers to the construction of a physical feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road or bridge, that would impair mobility within an existing community or between a community and outlying area. The electronic billboards would only be allowed on properties designated as General Services Commercial or City Gateway District and would be located within 660 feet of US-101 and SR-152. It is the intent of the proposed Ordinance to facilitate the development of electronic billboards and to allow them only in areas that would complement or serve the existing commercial area within the City. Thus, electronic billboards would not be permitted in areas where they would create a division in an established community. No impact would occur.

### ***Proposed Electronic Billboard***

The proposed electronic billboard would be located on a parcel designated General Services Commercial and is surrounding by industrial uses. The proposed billboard would not physically divide an established community, nor would it impair mobility within an existing community.

Therefore, installation of the electronic billboard would not result in the division of an established community. No impact would occur.

- b) **Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**Less than significant impact.**

#### ***Proposed Electronic Billboard Ordinance***

The City of Gilroy's Sign Ordinance does not currently address electronic billboards and no electronic billboards exist within the city limits. The proposed project would create a new Ordinance and revise existing City Code Sections 30.37.30 (Prohibited Signs), 30.37.50 (Commercial and Industrial districts), and 30.37.51 (Freeway Oriented Signs) to allow electronic billboards. The proposed Ordinance would allow up to two electronic billboards within city limits. The proposed amendments to the Sign Ordinance would ensure conformity with the proposed Ordinance. Therefore, impacts would be less than significant.

#### ***Proposed Electronic Billboard***

The proposed electronic billboard would be subject to additional stipulations including height and size of sign face. Per the proposed Ordinance, the electronic billboards shall not exceed a maximum height of 75 feet above grade and shall have a maximum electronic billboard area of 672 square feet per side. The sign face display would not be allowed to change more often than every 8 seconds, and messages would be static (i.e., not moving or animated). The minimum permitted distance between electronic billboards shall be 1.5 miles.

The proposed billboard structure would be 60 feet in height. The displays on the billboard would be mounted on a supporting column that would be approximately 51 feet tall. The billboard frame would be 14 feet high and 48 feet wide. These measurements would be in conformance with the proposed Ordinance. In addition, the proposed project would be subject to the Caltrans Outdoor Advertising Act and Section 5403(g) of the Business and Professions Code. The project's compatibility with these standards would minimize impacts that could potentially affect policies or regulations that were adopted to avoid or mitigate environmental effects. Thus, impacts would be less than significant.

### **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.12 Mineral Resources</b> <i>Would the project:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

The City of Gilroy 2040 General Plan does not identify any mineral deposits or resources. Therefore, the project area does not support mineral extraction activities and the project site does not contain nor is it adjacent to any mineral deposits.

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?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

As previously stated, the Gilroy 2040 General Plan does not identify any mineral resources or deposits. With no mineral deposits located in the City, the proposed Ordinance would not result in the loss of a known mineral resource that would be of value to the region and the residents of the State. No impact would occur.

### ***Proposed Electronic Billboard***

The project site does not support mineral extraction activities and no known mineral deposits exist within the project site. Therefore, implementation of the proposed project would not 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. No impact would occur.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No impact.**



### ***Proposed Electronic Billboard Ordinance***

As previously discussed in Impact 12(a), the Gilroy 2040 General Plan does not identify any mineral resources or deposits in the City. Therefore, the proposed Ordinance would not result in the loss of availability of a locally important mineral resource recovery site delineated on a general plan or other land use plan. No impact would occur.

### ***Proposed Electronic Billboard***

The project site does not support any mineral extraction activities, and no known mineral deposits exist within the project site. Therefore, implementation of the proposed project would not result in the loss of availability of a locally important mineral recovery site delineated in a local general plan, specific plan, or other land use plan. No impact would occur.

## **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.13 Noise</b> <i>Would the project result in:</i>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

The proposed new electronic billboard site is located adjacent to US-101, which is a major highway. The consistent use of this roadway by vehicles results in steady ambient noise levels.

### Characteristics of Noise

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds that we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of the loudness of sound is the dB. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans, it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level ( $L_{dn}$ ) and the

Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level ( $L_{eq}$ ) is the average sound energy of time-varying noise over a sample period and  $L_{max}$  is the maximum instantaneous noise level occurring over a sample period.

### **Regulatory Framework**

The proposed billboard site is located within the City of Gilroy. The City of Gilroy addresses noise in the Potential Hazards Element of the General Plan<sup>42</sup> and in the City Municipal Code.<sup>43</sup>

#### *City of Gilroy 2040 General Plan*

The Potential Hazards Element includes standards to provide compatible noise environments for new development or redevelopment projects and to control excessive noise exposure of existing developments. Noise-related goals, policies, actions, and standards provided in the Potential Hazards Element provide the basis for decision-making on determining land use compatibility with noise sources associated with the proposed project, as well as mitigation requirements.

The Potential Hazards Element policies that address noise include Policy PH 6.4, which requires that mitigation measures shall be required for new development projects that exceed the following criteria:

- Cause the  $L_{dn}$  of a residential area to exceed 60 dBA<sup>44</sup> outdoors or 45 dBA indoors.
- Cause the  $L_{dn}$  of a commercial area to exceed 65 dBA outdoors or 61 dBA indoors.
- Cause the  $L_{dn}$  of an industrial area to exceed 76 dBA outdoors. For indoors industrial areas, a noise level of 65 dBA is not to be exceeded more than 10 percent of the time, while a noise level of 60 dBA is not to be exceeded more than 50 percent of the time.

Furthermore, General Plan Policy PH 6.10 requires that proposed development projects assess potential construction noise impacts on nearby sensitive uses and to minimize impacts on those uses, to the extent feasible. General Plan Policy 6.12 requires that mitigation measures be implemented to ensure that no vibration-related damage or disturbance to structures of sensitive receptors would occur. It also requires that proposed residential and commercial projects located within 200 feet of existing major freeways conduct a ground vibration noise evaluation consistent with City-approved methodologies.

General Plan Policy 6.11 requires that all construction be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturdays.

<sup>42</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan. Website: <https://www.cityofgilroy.org/DocumentCenter/View/11309/Gilroy-2040-General-Plan-39-MB?bidId=>. Accessed August 6, 2021.

<sup>43</sup> City of Gilroy. 2021. Gilroy City Code. Website: <https://www.codepublishing.com/CA/Gilroy/>. Accessed August 6, 2021.

<sup>44</sup> The Outdoor sound levels for residential properties shall be held to 60-dBA LDN, or a maximum of 70-dBA if all of the following findings can be made: (1) That feasible sound attenuation measures have been incorporated in the project design; (2) That potential noise levels are part of the developer's disclosure to future residents; (3) That interior noise limits established by the General Plan are strictly maintained; and (4) Potential noise levels will not jeopardize the health, safety, and general welfare of the public.

### *Gilroy City Code*

Zoning Ordinance Section 30.41.31 also outlines Maximum Outdoor Noise Levels for residential, commercial, and industrial land uses. The City Code states that for commercial and industrial noise impacting residentially zone properties, noise is limited to a maximum of 70 dBA ( $L_{10}$ ) measured at the residential property line.

Section 16.38 of the City Code states that construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday. Construction activities shall not occur on Sundays or City holidays.

Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### ***Proposed Electronic Billboard***

**Short-term Construction Noise Impacts.** For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels outside of the permissible hours for construction (7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 7:00 p.m. on Saturdays) that would result in annoyance or sleep disturbance of nearby sensitive receptors.

The proposed electronic billboard would be located at the northwestern corner of the 6400 block of Automall Parkway. This location does not currently contain an existing billboard, so as part of the project a new sign would be constructed which would result in ground disturbance within the project boundaries.

The site preparation phase, which includes excavation and foundation construction activities, would generate the highest noise levels, because that is the phase in which the noisiest construction equipment would operate at the site. The heaviest types of construction equipment expected to be used in construction of this project include an auger drill rig, a backhoe, and a crane. The use of impact equipment, such as pile drivers, is not expected to be used during construction of the project. According to the FHWA Highway Construction Noise Handbook, the typical maximum noise level generated by an auger drill rig is assumed to be 85 dBA  $L_{max}$  at 50 feet from this equipment. Each backhoe would generate 80 dBA  $L_{max}$  at 50 feet. The maximum noise level generated by cranes is approximately 85 dBA  $L_{max}$  at 50 feet.

Because of the size of the construction footprint and the methods for installation, it is expected that only one of these heaviest pieces of construction would operate at a single time during the construction process (i.e., simultaneous operation of multiple pieces of these pieces of construction equipment would not occur). Therefore, a reasonable worst-case noise level during construction would be 85 dBA  $L_{max}$  at a distance of 50 feet from the construction footprint.

The nearest residential receptors to the proposed construction boundaries are the single-family residences located approximately 1,795 feet west of the project boundary. At this distance, reasonable worst-case construction noise levels from operation of the crane as measured at the nearest residential property line would attenuate to below 54 dBA  $L_{max}$  intermittently when the crane equipment is operating at maximum power. These noise levels would not result in annoyance or sleep disturbance of these residential sensitive receptors.

All of these reasonable worst-case construction noise levels would be intermittent as the equipment would typically only operate at full power for 2- to 3-minutes at a time. These noise levels would not be considered substantial and would not be expected to result in any perceptible increase in the ambient noise levels as measured at this nearest sensitive receptor. Furthermore, the proposed project shall comply with Noise Ordinance Section 16.38, which states that construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday and that construction activities shall not occur on Sundays or City holidays. Therefore, the effect of construction activity on hourly or daily ambient noise levels, as measured at the nearest sensitive receptors, would not result in a substantial increase in ambient noise levels in excess of established standards, and impacts would be less than significant.

**Long-term Operational Noise Impacts** The proposed new electronic billboards are not designed to emit any sound, and the proposed project would not generate any regular vehicle trips. Therefore, the proposed project would not generate a substantial permanent increase in ambient noise levels in the vicinity of the project. No impact would occur.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent electronic billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

***Proposed Electronic Billboard***

A significant impact would occur if the proposed project would generate groundborne vibration or groundborne noise levels in excess of applicable standards. Policy 6.12 of the General Plan requires a vibration impact assessment for proposed development projects in which heavy-duty construction equipment would be used within 200 feet of an existing structure or sensitive receptor. Policy 6.13 of

the General Plan requires that proposed residential and commercial projects located within 200 feet of existing major freeways and railroad lines to conduct a ground vibration and vibration noise evaluation consistent with City-approved methodologies. The project is within 200 feet of an existing structure and within 660 feet of US-101. However, the City of Gilroy has not adopted specific threshold criteria for construction or operational groundborne vibration impacts. Therefore, for purposes of this analysis, the Federal Transit Administration's (FTA's) construction vibration impact criteria are utilized.<sup>45</sup> For operational impacts, a significant impact would occur if proposed project ongoing activities would produce groundborne vibrations that are perceptible without instruments by a reasonable person at the property lines of the site.

*Short-term Construction Vibration Impacts.*

For purposes of this analysis, a significant impact would occur if the proposed project would generate groundborne vibration or groundborne noise levels in excess of the FTA impact assessment criteria for construction (0.2 in/sec peak particle velocity [PPV] for non-engineer timber and masonry buildings).

Of the variety of equipment that would be used during construction, cranes would produce the greatest groundborne vibration levels. Cranes can produce groundborne vibration levels ranging up to 0.051 in/sec PPV at 25 feet from the operating equipment.<sup>46</sup> Impact equipment (e.g., pile drivers) is not expected to be used during construction of the proposed project.

The project location does not currently contain an existing sign, so, as part of the project, a new sign would be constructed which would result in ground disturbance within the project boundaries.

The crane used to install the new billboard could operate as close as 145 feet from the nearest façade of any existing structure within or adjacent to the project boundaries. At this distance, groundborne vibration levels from operation of the crane would attenuate to approximately 0.07 in/sec PPV. This is well below the FTA's damage threshold criteria of 0.2 in/sec PPV for adjacent structures, buildings of non-engineered timber and masonry construction. Therefore, impacts resulting from construction-related groundborne vibration levels would be less than significant.

*Operational Vibration Impacts.*

Implementation of the project would not include any permanent sources of vibration that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the vicinity of the project site. Therefore, operational groundborne vibration impacts would be less than significant.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No impact.**

<sup>45</sup> Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

<sup>46</sup> Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

### **Proposed Electronic Billboard Ordinance**

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent billboards would be subject to environmental review prior to approval. Analysis specific to the construction of the proposed electronic billboard is discussed below.

### **Proposed Electronic Billboard**

A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels for a project located in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

The project site is not located within the vicinity of a private airstrip. The closest airport to the project site is Frazier Lake Airport, located approximately 5.5 miles southeast of the project site. The project sites are also not located within the 65 dBA CNEL airport noise contours of any public or public use airport. As such, operation of the project would not expose people working at the project site to excessive noise levels associated with public airport or public use airport noise. Therefore, no impact related to exposure of persons residing or working at the project site to excessive noise levels associated with airport activity would occur.

### **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.14 Population and Housing</b> <i>Would the project:</i>				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

According to the California Department of Finance, the City of Gilroy's estimated population for 2021 is 56,599.<sup>47</sup>

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)?**

**No impact.**

### **Proposed Electronic Billboard Ordinance**

The proposed Ordinance would not involve construction of homes or the extension of infrastructure. Therefore, the updated Ordinance would not induce population growth directly or indirectly. Therefore, no impact would occur.

### **Proposed Electronic Billboard**

The construction of an electronic billboard would not involve construction of homes or the extension of infrastructure. Therefore, the proposed project would not induce population growth directly or indirectly. No impact would occur.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No impact.**

<sup>47</sup> Department of Finance. 2021. E-1 Population Estimates for Cities, Counties, and the State—January 1, 2020, and 2021. <https://dof.ca.gov/Forecasting/Demographics/Estimates/e-1/>. Accessed July 6, 2021.



### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

### ***Proposed Electronic Billboard***

The proposed electronic billboard would be located on a parcel designated as General Services Commercial. The parcel is currently used for truck trailer parking, auto repair businesses, and a gas station. No housing units exist on-site. Therefore, project implementation would not displace any existing housing or people or necessitate the construction of replacement housing elsewhere. No impact would occur.

## **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.15 Public Services</b> <i>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:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

Fire services in the City of Gilroy are provided by the Gilroy Fire Department (GFD). Law enforcement services are provided by the City of Gilroy Police Department.<sup>48</sup> The project site is located within the Gilroy Unified School District. There are no fire, police, schools, or other public facilities located on the proposed electronic billboard project site.

**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?

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

All electronic billboards approved under the proposed Ordinance would be constructed in conformance with the CBC, the California Electrical Code, and the California Fire Code in order to reduce potential fire hazards. The proposed Ordinance would not increase demand for fire protection and would not result in the need for new or physically altered facilities. Therefore, impacts would be less than significant.

<sup>48</sup> City of Gilroy. 2020. City of Gilroy General Plan—Public Facilities and Services. Page PFS-14-15.

### ***Proposed Electronic Billboard***

The GFD is located at 7070 Chestnut Street, approximately 1.2 miles north of the project site. Electronic billboards present a potential fire hazard due to thermal heat that accumulates in the screen system. Therefore, the proposed project may increase demand for fire protection at the project site. However, the proposed electronic billboard would be constructed in conformance with the most recently adopted California Building Code, California Electrical Code, and the California Fire Code, which would reduce potential fire hazards. As such, the proposed electronic billboard would not adversely impact service ratios, response times, or other GFD performance standards and thus, would not result in the need for new or expanded fire protection facilities. Impacts would be less than significant.

#### **b) Police protection?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

As stated previously, the proposed Ordinance would not result in an increase in population and therefore, would not increase the demand for police protection. No impact would occur.

### ***Proposed Electronic Billboard***

The Gilroy Police Department is located approximately 1.6 miles northwest of the project site at 7301 Hanna Street. The proposed project would not result in an increase in population. Although the new electronic billboard could create a potential site for graffiti and a limited incremental increase in need for police services, impacts would be less than significant.

#### **c) Schools?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not directly or indirectly increase the population and, thus, would not increase demand for school facilities. Therefore, no impact would occur.

### ***Proposed Electronic Billboard***

The proposed project is served by the Gilroy Unified School District. The proposed project would not result in an increase in population, and thus would not result in an increased demand for school facilities. No impact would occur.

#### **d) Parks?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not directly or indirectly increase the population and thus, would not increase demand for parks or recreational facilities. No impact would occur.

***Proposed Electronic Billboard***

The proposed project would not result in an increase in population, and thus would not result in an increased demand for existing park facilities. Therefore, this project would not necessitate the construction of new parks facilities. No impact would occur.

**e) Other public facilities?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not directly or indirectly increase the population and, thus, would not increase demand for other public facilities. No impact would occur.

***Proposed Electronic Billboard***

The proposed project would not result in an increase in population, and thus would not result in an increased demand for other public facilities. Therefore, this project would not necessitate the construction of new public facilities. No impact would occur.

**Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.16 Recreation</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

The project site is located in an urbanized, developed environment that is adjacent to US-101. The closest park or recreational facility is Gilroy Sports Park, located approximately 0.6 mile from the project site.

- 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?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not lead to an increase in population or long-term employment, and, therefore, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

### ***Proposed Electronic Billboard***

The proposed project involves the construction of an electronic billboard in an industrial area. The proposed electronic billboard would not generate new residents that could increase the demand and use of nearby parks or recreational facilities. Thus, no impact would occur.

- 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?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not result in any housing development and would not result in any long-term employment opportunities that would potentially increase the demand for recreational facilities and services. Therefore, the proposed project would not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

### ***Proposed Electronic Billboard***

As discussed above in Impact 2.16(a), the proposed project that would construct an electronic billboard in an industrial area. It would not generate new residents or create long-term employment opportunities that could increase the demand and use of nearby parks. Therefore, construction or expansion of recreational facilities would not be required. No impact would occur.

## **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.17 Transportation</b> <i>Would the project:</i>				
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

The project site is between Automall Parkway and US-101 in the City of Gilroy.

Would the project:

- a) **Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Less than significant impact.**

### **Proposed Electronic Billboard Ordinance**

The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The updated text would not involve changes in the existing environment. Analysis specific to the construction of the proposed billboard is discussed below.

### **Proposed Electronic Billboard**

Construction-related traffic, including truck and construction worker trips, would be minimal and would not substantially affect traffic conditions during the short duration of project construction. A crane used for the construction of the proposed electronic billboard and other construction activities would be staged on the project site and would not affect the public right-of-way. Because the electronic billboard would not require manual change of images comparably to static billboards, it is anticipated that maintenance trips would be less frequent and of shorter duration. These trips would occur only as needed (less than once per month and likely only one vehicle). Therefore, the proposed project would not increase traffic congestion on the surrounding roadways or freeways or

affect level of service standards at nearby intersections and would not conflict with a program plan, ordinance or policy addressing the circulation system. Thus, impacts would be less than significant.

**b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance (Article LV) would include new regulations related to electronic billboards while amendments to Code Sections 30.37.30 (Prohibited Signs), 30.37.50 (Commercial and Industrial Districts), and 30.37.51 (Freeway Oriented Signs) would allow electronic billboards in accordance with the new Ordinance. The proposed Ordinance would allow up to two electronic billboards within city limits. The proposed Ordinance would not directly or indirectly have an impact on transportation guidelines set forth in CEQA Section 15064.3, subdivision (b).

***Proposed Electronic Billboard***

According to CEQA Guidelines Section 15064.3, subdivision (b)(1), Vehicle Miles Traveled (VMT) exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within 0.5-mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease VMT in the project area compared to existing conditions should be considered to have a less than significant transportation impact. Because of the nature of the proposed project, there would be a negligible change in the traffic distribution over existing conditions. CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The proposed project is not a transportation project. Therefore, no impact would occur.

CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. The only vehicle trips that would be generated would be those during construction of the new electronic billboard, which would involve negligible traffic, generated largely during off-peak hours. In terms of project operation, periodic maintenance would be required at the project site, which would also generate negligible traffic. As a result, the proposed project would not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines No impact would occur.

**c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not require the alternation or construction of existing roadways or driveways and, thus, would not have impact related to sharp curves or dangerous intersections. Therefore, impacts would be less than significant.



### ***Proposed Electronic Billboard***

The proposed project would not require the alteration or construction of roadways, and no impact related to sharp curves or dangerous intersections would occur. The proposed electronic billboard would be required to adhere to Caltrans Outdoor Advertising Act requirements and OAAA recommendations that govern illumination so as not to interfere with drivers' visibility. Furthermore, in accordance with the Ordinance, electronic billboards would have a required minimum distance of 1.5 miles between billboard construction sites. These requirements are designed to reduce hazards from electronic billboards to the drivers on the surrounding roadways at the project site. Thus, the impacts would be less than significant.

#### **d) Result in inadequate emergency access?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

With adherence to procedures in the 2017 Santa Clara County Operational Area Hazard Mitigation Plan adopted by the City of Gilroy, the proposed project would not conflict with the General Plan safety policies. Therefore, impacts that would result in inadequate emergency access would be less than significant.

### ***Proposed Electronic Billboard***

The proposed electronic billboard would not block or interfere with emergency access. A crane used for the construction of the new electronic billboard would be staged on the project site and would not occur within public right-of-way. Additionally, with adherence to procedures in the 2017 Santa Clara County Operational Area Hazard Mitigation Plan, the proposed project would not conflict with the General Plan safety policies. Once the electronic billboard is operational, due to the nature of the project, the proposed electronic billboard would not have impacts related to emergency access. Therefore, no impacts would occur.

## **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.18 Utilities and Service Systems</b> <i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

### Setting

The City of Gilroy provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns, operates, and maintains its own water distribution system and relies solely on groundwater for its current supply.

The City of Gilroy also owns and operates the wastewater collection system that serves the City and discharges wastewater flows to the South County Regional Wastewater Authority (SCRWA) treatment plant located in the unincorporated area adjacent to the southerly city limits of the City.<sup>49</sup> In addition, the City owns and operates a single retention basin for its stormwater drainage system that serves the City.

<sup>49</sup> City of Gilroy. 2020. City of Gilroy 2040 General Plan—Public Facilities and Services. Page PFS-8.

For solid waste and recycling collection, material is briefly held at the San Martin transfer station until it is transported to a landfill or a material recovery facility.

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not construct habitable structures, nor would it include the generation of solid waste or wastewater. The proposed Ordinance does not involve the generation or demand for a water supply. Therefore, no impact would occur.

***Proposed Electronic Billboard***

Stormwater runoff sheet flows to the street where it is collected by the local storm drain system. Construction and operation of the proposed electronic billboard would require minimal demand on water, wastewater, stormwater, and other facilities due to the nature of the project, short-term duration of construction activities, small area of the project site, and unchanged permeable surface area. Therefore, relocation or construction of these facilities would not be required.

The proposed electronic billboard would use electrical power service that is provided by PG&E. The proposed project would not involve the construction of habitable structures in which occupants would generate a demand water and electricity or generate wastewater.

Furthermore, the proposed project is located on a developed site that already has electrical lines along Automall Parkway/Chestnut Street. Therefore, electrical lines and connections would not be constructed off-site. The proposed electronic billboard would be installed pursuant to current electrical codes, including Title 24 of the State Building Code. These standards would ensure that electrical energy would be used efficiently. No new or expanded electrical, natural gas, or telecommunications facilities would be required as a result of the proposed project. Thus, no impact would occur.

- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not generate demand for water. Therefore, no impact would occur.

### ***Proposed Electronic Billboard***

The proposed project would not create a demand for water during its operation. As previously mentioned, the proposed project would not construct habitable structures in which occupants would use water supplies. Construction and operation of the proposed project would not result in existing water systems exceeding capacity during normal, dry, or multiple dry years or require the construction of new facilities or expansion of existing facilities. Impacts would be less than significant.

- c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**No impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not generate demand for wastewater services and would not require the construction of or the expansion of new wastewater treatment facilities. Therefore, no impact would occur.

### ***Proposed Electronic Billboard***

The proposed project would not generate wastewater during its construction or operation. Therefore, the proposed project would not generate demand for wastewater services and would not require the construction of new wastewater treatment facilities or expansion of existing facilities. Thus, no impact would occur.

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less than significant impact.**

### ***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would not generate excess solid waste or impair the attainment of solid waste reduction goals. Therefore, no impact would occur.

### ***Proposed Electronic Billboard***

The proposed project would generate construction debris. The San Martin transfer station accepts construction debris. Minimal solid waste would be generated during operation at the project site. AB 939, the Integrated Waste Management Act, requires a 50 percent of diversion of solid waste from landfills. The Santa Clara Integrated Waste Management Plan is consistent with AB 939 with the countywide goal to be reduced by 50 percent. Additionally, Recology South Valley collects and then transfers solid waste and recyclables to the San Martin transfer station. The transfer station would have sufficient capacity to receive solid waste materials that are diverted for resource recovery. Total capacity for the John Smith Road Landfill in the City is 9.3 million cubic yards, as of 2018, the remaining capacity was 3.5 million cubic yards. The maximum permitted tonnage per day at the landfill is 1,000 tons. Therefore, through compliance of AB 939, the proposed project would not

generate excess solid waste or impair the attainment of solid waste reduction goals during construction and operation. Impacts would be less than significant.

- e) **Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

The proposed Ordinance would be consistent with policies and actions stated in the Gilroy 2040 General Plan Public Facilities and Services Element. Therefore, impacts related to compliance with federal, State, and local management and reduction statutes and regulations would be less than significant.

***Proposed Electronic Billboard***

Solid waste disposal would follow the requirements of the franchised waste hauler (Recology South Valley), which must adhere to federal, State, and local statutes and regulations related to the collection of solid waste. As discussed above, the proposed project would comply with all State and local waste diversion requirements such as AB 939, AB 341, and SB 1016. The proposed project would also be consistent with policies and actions stated in the Gilroy 2040 General Plan Public Facilities and Services Element and the Gilroy Municipal Code regarding solid waste collection and disposal. As such, impacts would be less than significant.

**Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.19 Wildfire</b> <i>If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Evaluation

### Setting

According to the California Department of Forestry and Fire Protection (CAL FIRE), the City of Gilroy is not identified as a Very High Fire Hazard Severity Zone (VHFHSZ).<sup>50</sup> The City of Gilroy is identified as a Local Responsibility Area (LRA) and a Non-VHFHSZ.

The City of Gilroy 2040 General Plan discusses that the City is susceptible to wildfires in the “wildland-urban interface” areas of Gilroy and could lead to heavy smoke conditions that may require emergency management.<sup>51</sup> The City actively participates in maintenance protocols outlined in the 2017 Santa Clara County Operational Area Hazard Mitigation Plan.<sup>52</sup>

Would the project:

<sup>50</sup> California Department of Forestry and Fire Protection (CAL FIRE). 2007. Santa Clara County–Fire Hazard Severity Zones in SRA. Website: [https://osfm.fire.ca.gov/media/6766/fhszs\\_map43.pdf](https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf). Accessed July 7, 2021.

<sup>51</sup> City of Gilroy. 2020. Gilroy 2040 General Plan, Potential Hazards. Page PH-8-9.

<sup>52</sup> Santa Clara County. Santa Clara County Operational Area Hazard Mitigation Plan. 2017.

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than significant impact.**

**Proposed Electronic Billboard Ordinance**

The proposed Ordinance would include electronic billboard regulations for height, sign area, and permitted locations. The proposed amendment would not substantially impair an adopted emergency response plan or emergency evacuation plan. Thus, no impact would occur.

**Proposed Electronic Billboard**

According to CAL FIRE's Fire Hazard Severity Zones map, the proposed electronic billboard would be located in an LRA. During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which could potentially impede evacuation or emergency vehicle access. The Gilroy 2040 General Plan does not identify any wildfire evacuation plans. US-101 would also serve as an evacuation route in case of emergency. Given there are several alternate routes that provide access to US-101, construction of the proposed project would not impede the evacuation route.

With adherence to procedures in the 2017 Santa Clara County Operational Area Hazard Mitigation Plan, the proposed project would not conflict with the Gilroy 2040 General Plan safety policies. During operation, the proposed electronic billboard would not impair an adopted emergency response plan or emergency evacuation plan. Therefore, impacts related to emergency response and evacuation would be less than significant.

**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?**

**Less than significant impact.**

**Proposed Electronic Billboard Ordinance**

Regulations resulting from the proposed Ordinance would not exacerbate wildfire risks and, therefore, no impact would occur.

**Proposed Electronic Billboard**

The project site is not located in or near any a State Responsibility Area or a VHFHSZ. The area surrounding the project site is mostly industrial. The project site is surrounded by urban development and is relatively flat. The project site does not have steep terrain or any unmanaged open space area that would be prone to wildfires.

The 2017 Santa Clara County Operational Area Hazard Mitigation Plan indicates the western hillside area of the City is subject to special development controls that would help reduce potential loss of life and property in the event of a wildfire. However, the proposed electronic billboard would be

located in the eastern portion of the City, which is less susceptible to wildfires, and would not be required to adhere to these development controls.

In addition, the project site has not previously experienced wildfire. Given that the project site is not located in or near an area of steep terrain, the project site would not be prone to greater wildfire risk. Therefore, impacts would be less than significant.

- 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?**

**Less than significant impact.**

***Proposed Electronic Billboard Ordinance***

Regulations resulting from the proposed Ordinance would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or result in temporary or ongoing environmental impacts. Therefore, no impact would occur.

***Proposed Electronic Billboard***

The proposed project would not involve the installation of new roads or power lines. The proposed electronic billboards could include the installation of new utility lines such as electric. These utility lines would be located below ground surface on-site, which would reduce fire risk. Thus, impacts would be less than significant.

- 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?**

**No impact.**

***Proposed Electronic Billboard Ordinance***

Regulations resulting from the proposed Ordinance would not expose people or structures to significant risks, including flooding or landslides. Therefore, no impact would occur from the proposed Ordinance.

***Proposed Electronic Billboard***

The project site is located within a flat, urbanized area and is not susceptible to landslides or flooding. The project site is located in Flood Zone AH—which according to FEMA, refers to areas subject to inundation by 1 percent annual chance shallow flooding where average depths are between one and three feet.<sup>53</sup> Therefore, the proposed project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur.

<sup>53</sup> Federal Emergency Management Agency (FEMA). 2020. National Flood Hazard Layer FIRMette-06085C0756H. Website: [https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl\\_print/mscprintb\\_gpserver/jc95f026426cf4460928a50ad24e1e9bf/scratc/FIRMETTE\\_b1949961-55dc-48d7-9452-5b67a8332148.pdf](https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprintb_gpserver/jc95f026426cf4460928a50ad24e1e9bf/scratc/FIRMETTE_b1949961-55dc-48d7-9452-5b67a8332148.pdf). Accessed August 11, 2021.



## **Mitigation Measures**

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>2.20 Mandatory Findings of Significance</b>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Environmental Evaluation

- 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?**

**Less than significant impact with mitigation incorporated.** The proposed Ordinance would only relate to new electronic billboard requirements and regulations. The Ordinance would not involve changes to the existing environment and subsequent electronic billboards would be subject to environmental review prior to approval. As related to the proposed electronic billboard, as described in Section 2.4, Biological Resources, the proposed project would not result in significant environmental impacts to wildlife or plant species. There are no known special-status species on the billboard construction site, though this analysis provides for mitigation in the event any nests are encountered and to avoid impacts on the Princeville Channel. The proposed project would be compliant with the SCVHP and required mitigation.

In addition, the proposed project would not adversely affect geology/soils or hydrology/water quality in any significant matter. The project includes mitigation and avoidance measures to reduce construction-related impacts related to historical and archaeological resources. Therefore, with

implementation of mitigation measures referenced the proposed project would not substantially degrade the quality of the environment at a project- or cumulative-level in terms of biological resources, geology/soils, hydrology/water quality, or cultural resources.

- 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)?**

**Less than significant impact with mitigation incorporated.** The combined effects of past, current, and future projects in the project area in combination with the proposed project—proposed Ordinance and installation of a new electronic billboard in an urban area of the City—would not result in significant cumulative impacts.

Operation of the proposed project would involve the display of messages on a two-sided electronic billboard near US-101. Operation entails no noise production, minimal maintenance traffic, and no emissions. The project’s lighting would have the potential to cumulate with other reasonably foreseeable projects, but the proposed project’s lighting specifications (limiting operation to a maximum of 0.3 foot-candle at 250 feet) takes account of existing ambient lighting. Moreover, the brightness of the LED sign faces would be dimmable to reflect ambient light conditions. Separately, there are no reasonably foreseeable development projects in the immediate vicinities of the project site that would have lighting impacts that could cumulate with the proposed project’s lighting.

With respect to electricity usage, the LED lighting used in the proposed billboard would meet Title 24 requirements for energy efficiency. While the signs electricity usage is associated with off-site emissions where power is generated, the Draft IS/MNDs analysis of greenhouse gases demonstrate the proposed project falls well below applicable BAAQMD thresholds, which account for cumulative impacts of climate change. Therefore, the proposed project, because of its size and utilization of energy-efficient lighting, would not make a cumulatively considerable contribution to cumulative GHG emissions or result in an overall impact to local and regional levels of GHG emissions.

With respect to construction, the construction activities necessary to construct the electronic billboard, would require very little equipment and would have a construction timeframe of four weeks. However, as detailed in this Draft IS/MND, equipment related to construction would result in dust, noise, risks related to the handling of hazardous materials, and potential impacts to cultural resources. Accordingly, the proposed project includes BAAQMD-recommended mitigation and avoidance measures (MM AIR-1) to reduce temporary, construction-related impacts related to air quality. This measure ensures not only that the proposed project, individually, would not have a significant impact, but that it would not make a considerable contribution to any cumulative impact. The proposed project does not contemplate activities within close proximity of any reasonably foreseeable construction projects (i.e., at least 1,000 feet), and so the potential for cumulative impacts to occur is low to non-existent. Therefore, with implementation of the foregoing mitigation measures, the proposed project would not result in adverse impacts at a project- or cumulative-level in terms of air quality or GHG emissions.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

**Less than significant impact with mitigation incorporated.**

As detailed throughout this Draft IS/MND, most environmental impacts were determined to be less than significant. Some mitigation measures were identified in order to bring direct and indirect impacts to human beings to less than significant levels. In addition to MM AIR-1 discussed above which would reduce construction impacts related to air quality, the proposed project would include MM AES-1 to minimize light and glare and traffic hazards for vehicle drivers along US-101. With the incorporation of mitigation measures, the proposed project would not make sizable contributions to aesthetics, air quality, biological resources, or cultural resources. In addition, the proposed project would not affect geology/soils, hydrology, noise, greenhouse gas emissions, land use, transportation, public services, utilities, wildfire, recreation, hazards and hazardous materials, mineral resources, agriculture/forestry resources, or population/housing balance. The proposed project would not cause direct or indirect substantial adverse effects on human beings at a project- or cumulative-level in terms of any of the listed environmental checklist items evaluated in this Draft IS/MND.

## Mitigation Measures

Refer to mitigation identified for Aesthetics, Air Quality, Biological Resources, and Cultural Resources.

## SECTION 3: LIST OF PREPARERS

### FirstCarbon Solutions

1350 Treat Boulevard, Suite 380  
Walnut Creek, CA 94597  
Phone: 925. 357.2562

Project Director ..... Glenn Lajoie  
Project Manager ..... Tsui Li  
Environmental Services Analyst..... Maddie Dolan  
Environmental Services Analyst..... Regan Del Rosario  
Senior Air Quality and Noise Scientist .....Phillip Ault  
Air Quality Specialist..... Lance Park  
Air Quality Analyst .....Spencer Pignotti  
Director of Cultural Resources.....Dana DePietro  
Archaeologist..... Stefanie Griffin  
Archaeologist..... Ti Ngo  
Senior Biologist..... Bernhard Warzecha  
Biologist .....Robert Carroll  
Senior Editor ..... Susie Harris  
Word Processor ..... Melissa Ramirez  
GIS/Graphics ..... Karlee McCracken

Appendices available upon request

Contact:

Cindy McCormick

408-846-0253

[cindy.mccormick@cityofgilroy.org](mailto:cindy.mccormick@cityofgilroy.org)

**Appendix A:**  
**Proposed Electronic Billboard Ordinance**





**Appendix B:**  
**Air Quality, Greenhouse Gas Emissions, and Energy Analysis**  
**Supporting Information**



## **Appendix C: Biological Resources Analysis Supporting Information**



## **Appendix D: Cultural Resources Analysis Supporting Information**



## **Appendix E: Paleontological Resources Analysis Supporting Information**