Initial Study/Mitigated Negative Declaration

Greenfield Drive
14 - Lot Residential Subdivision

File No. TM 16-02

Prepared by the

CITY OF GILROY
INCORPORATED MARCH 12, 1870

July 2018
# TABLE OF CONTENTS

Section 1.0 Introduction and Purpose ........................................................................................................1

Section 2.0 Project Information ..................................................................................................................2
  2.1 Project Title ........................................................................................................................................2
  2.2 Lead Agency Contact ..........................................................................................................................2
  2.3 Project Applicant .................................................................................................................................2
  2.4 Project Location ..................................................................................................................................2
  2.5 Assessor’s Parcel Number ....................................................................................................................2
  2.6 General Plan Designation and Zoning District ....................................................................................2
  2.7 Habitat Plan Designation ......................................................................................................................2
  2.8 Surrounding Land Uses .......................................................................................................................3
  2.9 Project-Related Approvals, Agreements, and Permits .........................................................................3

Section 3.0 Project Description ..................................................................................................................7

Section 4.0 Environmental Checklist and Impact Discussion ......................................................................12
  4.1 Aesthetics ..........................................................................................................................................14
  4.2 Agricultural and Forestry Resources .................................................................................................20
  4.3 Air Quality ........................................................................................................................................22
  4.4 Biological Resources ..........................................................................................................................30
  4.5 Cultural & Tribal Resources ..............................................................................................................43
  4.6 Geology and Soils ...............................................................................................................................47
  4.7 Greenhouse Gas Emissions ..................................................................................................................51
  4.8 Hazards and Hazardous Materials ....................................................................................................55
  4.9 Hydrology and Water Quality .............................................................................................................59
  4.10 Land Use and Planning ......................................................................................................................65
  4.11 Mineral Resources .............................................................................................................................68
  4.12 Noise and Vibration ...........................................................................................................................69
  4.13 Population and Housing ....................................................................................................................75
  4.14 Public Services ..................................................................................................................................77
  4.15 Recreation .......................................................................................................................................79
  4.16 Transportation/Traffic ......................................................................................................................81
  4.17 Utilities and Service Systems ..........................................................................................................84
  4.18 Mandatory Findings of Significance .................................................................................................87

Section 5.0 References ...............................................................................................................................91

Section 6.0 Lead Agency and Consultants .................................................................................................92
# TABLE OF CONTENTS

## Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0-1</td>
<td>Regional Map</td>
<td>4</td>
</tr>
<tr>
<td>2.0-2</td>
<td>Vicinity Map</td>
<td>5</td>
</tr>
<tr>
<td>2.0-3</td>
<td>Aerial Photography and Surrounding Land Uses</td>
<td>6</td>
</tr>
<tr>
<td>3.0-1</td>
<td>Site Plan</td>
<td>9</td>
</tr>
<tr>
<td>3.0-2</td>
<td>Stormwater Management Plan</td>
<td>10</td>
</tr>
<tr>
<td>3.0-3</td>
<td>Retaining Wall Locations</td>
<td>11</td>
</tr>
<tr>
<td>4.4-1</td>
<td>Setbacks and Land Cover Types</td>
<td>37</td>
</tr>
</tbody>
</table>

## Photos

<table>
<thead>
<tr>
<th>Photos</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
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<td>3 &amp; 4</td>
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## Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3-1</td>
<td>Thresholds of Significance Used in Air Quality Analyses</td>
<td>24</td>
</tr>
<tr>
<td>4.3-2</td>
<td>2017 CAP Applicable Control Measures</td>
<td>25</td>
</tr>
<tr>
<td>4.3-3</td>
<td>Criteria Air Pollutants and Precursors Screening Level Size</td>
<td>25</td>
</tr>
<tr>
<td>4.4-1</td>
<td>SCVHP Conditions and Project Applicability</td>
<td>31</td>
</tr>
<tr>
<td>4.3-1</td>
<td>Trees On-Site</td>
<td>38</td>
</tr>
<tr>
<td>4.12-1</td>
<td>City of Gilroy Permissible Maximum Indoor and Outdoor Noise Levels</td>
<td>71</td>
</tr>
</tbody>
</table>

## Appendices

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Community Risk Assessment</td>
</tr>
<tr>
<td>B-1</td>
<td>Arborist Report</td>
</tr>
<tr>
<td>B-2</td>
<td>Biological Constraints Report</td>
</tr>
<tr>
<td>B-3</td>
<td>Category 2 Stream Assessment</td>
</tr>
<tr>
<td>C</td>
<td>Archaeological Literature Search</td>
</tr>
<tr>
<td>D</td>
<td>Preliminary Geotechnical Report</td>
</tr>
<tr>
<td>E</td>
<td>Phase I Environmental Site Assessment and Soil Quality Investigation</td>
</tr>
</tbody>
</table>
SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Gilroy as the Lead Agency, has prepared this Initial Study for the Greenfield Drive Residential Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Gilroy, California.

The project proposes to subdivide an undeveloped 8.56-acre lot for future construction of 14 single family residences. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Kraig Tambornini
Community Development Department, Planning Division
7351 Rosanna Street
Gilroy, CA 95020
kraig.tambornini@ci.gilroy.ca.us

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Gilroy will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk’s Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).
SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE
Greenfield Drive 14-Lot Residential Subdivision

2.2 LEAD AGENCY CONTACT
City of Gilroy
Community Development Department
Kraig Tambornini, Senior Planner
7351 Rosanna Street
Gilroy, CA 95020-6197
(408) 846-0214
kraig.tambornini@ci.gilroy.ca.us

2.3 PROJECT APPLICANT
James Suner
The James Group
2201 Columbine Court
Gilroy, CA 95020

2.4 PROJECT LOCATION
The project site is located at the northern terminus of Greenfield Drive in the City of Gilroy. The site is located west of U.S. Highway 101 (US 101), north of West Luchessa Avenue, and is located directly south of Uvas Creek. A regional map and vicinity map of the site are shown on Figure 2.0-1 and 2.0-2, and an aerial photograph of the project site and surrounding land uses is shown in Figure 2.0-3.

2.5 ASSESSOR’S PARCEL NUMBER
APN: 808-20-008

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT
General Plan Land Use Designation: Low Density Residential
Zoning District: (R1) Single Family Residential

2.7 HABITAT PLAN DESIGNATION
Private Development Areas
Area 1: Private Development Covered
Area 4: Urban Development Greater Than Two Acres Covered

Land Cover
Mixed Riparian Forest and Woodland
Urban Suburban

Land Cover Fee Zone
Urban Areas and Fee Zone B.
2.8 SURROUNDING LAND USES

North: Open Space

South: Low Density
       Residential/Educational Facility

East: Low Density Residential/Open Space

West: Future park/Educational Facility

2.9 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Tentative Map
- Santa Clara Valley Habitat Plan Permit
- Final Map
- Grading Permit
- Tree Removal Permit
- SCVWD Encroachment Permit
SECTION 3.0  PROJECT DESCRIPTION

3.1  PROPOSED PROJECT

The project proposes to subdivide the approximately 8.56 acre project site into 14 single-family residential lots with an average lot size of 10,578 square feet to allow the future construction of 14 single family residences.¹ A conceptual site plan is shown in Figure 3.0-1.

3.1.1  Riparian Setback

The project site is located directly adjacent to the southern bank of Uvas Creek and includes a 100-foot riparian setback from the top of the creek bank and a 35-foot setback from associated riparian habitat. All 14 single-family residential lots would be located outside of the setback area. The project would create a separate 3.70-acre parcel (Parcel A) that would include the Uvas Creek channel and portions of a riparian setback area that would be dedicated to the City of Gilroy or to SCVWD.

3.1.2  Infrastructure

The project would include site regrading and construction of a road, distinguished as four road segments (proposed street names: Moses, Noah, Faith, and Hope). The roads would be thirty-six-foot-wide private streets that would provide access to all 14 single-family lots. New water and sanitary sewer mains would be placed within the road right-of-way of Greenfield Circle and connect to existing mains located in Greenfield Drive. New sidewalks would be constructed along Greenfield Circle to provide pedestrian access to the project site.

The project would also include construction of a twelve-foot-wide Class I recreational trail along the northern portion of the project site on the south side of Uvas Creek. The trail would be constructed per City of Gilroy standards and would connect to an existing Class I bicycle path located along Riverview Circle, directly east of the project site. Portions of the proposed trail would be located within the riparian setback area. The trail, creek and riparian area would be dedicated to the City of Gilroy as a 3.7-acre public park Parcel A.

Two bioretention ponds would be constructed in the southeast portion of the project site for stormwater infiltration purposes. Bioretention areas would also be installed along Greenfield Circle to treat stormwater.

3.1.3  Landscape Plan

The project would require the removal of up to 28 trees. Several trees behind lots 9 through 14 have been able to be preserved with revised grading, consisting of a double retaining wall system behind the proposed residential building pads on these lots (i.e., trees 46, 59, 74, 76, 77 and 79 as shown on HortScience Tree Assessment Plan). For location of the proposed retaining walls, refer to Figure 3.0-3. Replacement trees and new landscaping would be planted to mitigate for trees to be removed, in accordance with the City of Gilroy Consolidated Landscaping Policy and recently adopted

¹ No architectural or site design plans are proposed at this time. Approval of architectural and site design plans would be required prior to construction of the residences.
Ordinance 2018-06, amending Gilroy City Code Article 30.38 “Landscaping”. Additionally, at least a 30-foot buffer area around each residence would be required to be clear of brush, flammable vegetation, or combustible growth, with the exception of preserved individual trees that are well-pruned.

3.1.4 **Project Construction**

Construction of the project would last approximately one year. Due to existing slopes, grading on the site would require cut and fill activities. Approximately 1,063 cubic yards of cut would be reused on the site and 20,721 cubic yards of fill would be imported. Construction would occur per the City of Gilroy Code, on weekdays between the hours of 7:00 AM and 7:00 PM, and on Saturdays from 9:00 AM to 7:00 PM. Construction would not occur on Sundays or City-observed holidays.
STORMWATER MANAGEMENT PLAN

SEE SHEET 9 FOR
STORM WATER TREATMENT
DETAILS

STORMWATER TREATMENT AREA

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RETAINING WALL LOCATION

FIGURE 3.0-3
SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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

<table>
<thead>
<tr>
<th>4.1</th>
<th>Aesthetics</th>
<th>4.10</th>
<th>Land Use and Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2</td>
<td>Agricultural and Forestry Resources</td>
<td>4.11</td>
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<tr>
<td>4.3</td>
<td>Air Quality</td>
<td>4.12</td>
<td>Noise and Vibration</td>
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<td>Biological Resources</td>
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<td>Cultural &amp; Tribal Resources</td>
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<td>4.6</td>
<td>Geology and Soils</td>
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<td>Transportation/Traffic</td>
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<td>4.8</td>
<td>Hazards and Hazardous Materials</td>
<td>4.17</td>
<td>Utilities and Service Systems</td>
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<tr>
<td>4.9</td>
<td>Hydrology and Water Quality</td>
<td>4.18</td>
<td>Mandatory Findings of Significance</td>
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</table>

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.

- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

**Important Note to the Reader**

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Gilroy currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective
information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.
### 4.1 AESTHETICS

#### 4.1.1 Environmental Checklist

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

The project site is 8.56-acres of undeveloped open space consisting of mixed woodland sloping down to the north toward Uvas Creek (see Photos 1 – 7). Mature trees and shrubs are present throughout the entirety of the site. A recreational paved path terminates at the southern boundary of the project site.
The project site and neighboring property to the west are a contiguous area of open space bounded by residential neighborhoods and Las Animas Elementary School. The residences are two stories in height and include a variety of modern architectural styles. The Las Animas Elementary School is located along Greenfield Drive, just west of the project site.

Photo 1: View of project site facing northwest, and the terminus of Riverview Circle.

Photo 2: Photo of project site facing southwest with residences of Village Place seen in the background.
Photo 3: View of project site facing east towards Uvas Creek.

Photo 4: Pedestrian pathway adjacent to Greenfield Circle/Village Place, facing east.
Photo 5: View of project site facing west.

Photo 6: View of project site from western boundary facing east.
4.1.3 Impact Discussion

a) Have a substantial adverse effect on a scenic vista or degrade the existing visual character in the Hecker Pass Specific Plan Area (GP Policy 1.07) or the hillside areas (GP Policy 1.16, GP Policy 12.04)?

The project site is not located in the Hecker Pass Specific Plan Area nor is it located in a hillside area. The project is not located in an area that has been designated as a scenic vista for the City of Gilroy. (No Impact)

b) Substantially damage scenic resources viewed from Hecker Pass Highway or Pacheco Pass Highway (GP Policy 6.01, GP Policy 12.04)?

The project site is not visible from either Hecker Pass Highway or Pacheco Pass Highway. (No Impact)

c) Substantially damage scenic resources viewed from Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road (GP Policy 6.02)?

Although the project site is located in the vicinity of Uvas Park Drive, Santa Teresa Boulevard, and Miller Avenue, the site is generally not visible from these roadways due to intervening trees and development. The project site is located adjacent to an existing residential subdivision and the subdivision of the proposed project site would not represent a change in the visual character of hillsides or other scenic resources in the project area that are visible from these roadways. (Less Than Significant Impact)
d) Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101 (General Plan Policy 6.03, Action 1-H)?

The project site is located approximately one mile west of U.S. Highway 101 and the project site is not discernable from the highway. The project site is located adjacent to an existing residential subdivision and the subdivision of the proposed project site would not represent a change in the visual character of hillside or other scenic resources in the project area that are visible from the Highway. (Less Than Significant Impact)

e) Result in unattractive entrances at the principal gateways to the City (north and south Monterey Street, Highway 152/Hecker Pass Highway, Highway 152/Pacheco Pass, north and south Santa Teresa Boulevard, and at the Highway 101 interchanges at Masten, Buena Vista, Leavesley, and Tenth Street) (GP Policy 1.10 and Action 1-H)?

The project site is not located at one of the principle gateways to the City. (No Impact)

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

The project is a subdivision of an 8.56 acre site into 14 single-family residential lots and construction of 14 residential homes at a later time. The addition of 14 new homes would introduce a nominal number of exterior light fixtures and new street lighting that would comply with applicable Gilroy General Plan policies and City Lighting Standards. The project site is located adjacent to an existing residential subdivision and would not generate a new source of substantial light or glare. The project, therefore, would not adversely affect day or nighttime views in the area (Less Than Significant Impact)

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

The project site includes construction of two 5-foot tall (maximum height) retaining walls along the side boundaries of Lots 9 and 14, and extending behind the building envelopes of lots 9 – 14 facing toward the creek and riparian area. The walls would be stepped to maintain existing grade downslope to reduce grading. Six feet of separation would be provided between the walls in order to allow landscaping to be planted and soften the appearance of the wall; which is anticipated to be recommended as a condition of project approval. Open view fencing is also anticipated to be constructed to along the rear yard areas, and would be recommended as a condition of tentative map approval. The project does not include any walls or fencing higher than seven feet above the existing grade at the property line. (Less Than Significant Impact)

4.1.4 Conclusion

Project implementation would result in a less than significant impact on aesthetic resources. (Less Than Significant Impact)
4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 non-agricultural use (projects requiring a legislative act, such as zoning changes, annexation to the City, urban service area amendments, etc.)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>2, 5</td>
</tr>
<tr>
<td>b) Conflict with a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>2</td>
</tr>
<tr>
<td>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))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>2, 4</td>
</tr>
<tr>
<td>d) Result in a loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>2</td>
</tr>
<tr>
<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 2</td>
</tr>
</tbody>
</table>

4.2.2 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

According to the Santa Clara County Important Farmland 2016 Map, the site is considered “Other Land” and does not contain prime farmland, unique farmland, or farmland of statewide importance. (No Impact)

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

The project site is located within the City limits, is currently zoned for low density residential, and is not under a Williamson Act contract. (No Impact)
c) **Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?**

The project site does not contain forest or timberland resources and the proposed project would not conflict with zoning for such resources. **(No Impact)**

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

The project site does not contain forest resources and the proposed project would not convert forest land to non-forest use. **(No Impact)**

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

Existing residential and future residential uses are located south and east of the project site and the site is within the City limits. The project would not result in impacts to designated farmland or forest land or result in the conversion of forest land to non-forest use. **(No Impact)**

4.2.3 **Conclusion**

Project implementation would not result in impacts to agricultural or forestry resources. **(No Impact)**
4.3    AIR QUALITY

The following discussion is based, in part, on a Toxic Air Contaminant (TAC) Construction Report prepared by Illingworth & Rodkin, Inc. in April 2018. A copy of the report is attached as Appendix A of this Initial Study.

4.3.1    Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP)?</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1, 6, 7</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? BAAQMD indicates that any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1, 6 - 8</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1, 6 - 8</td>
</tr>
<tr>
<td>d) Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and PM$_{10}$), as determined in b. above?</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>1, 6 - 8</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>☒</td>
<td>1</td>
</tr>
</tbody>
</table>

4.3.2    Existing Setting

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.
Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as “criteria pollutants”): particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. “Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM$_{2.5}$), nor does it meet state standards for respirable particulate matter (PM$_{10}$). The Bay Area is considered in attainment or unclassified for all other pollutants.²

Toxic Air Contaminants and Fine Particulate Matter (Local Community Risks)

Besides criteria pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. TACs are primarily regulated through state and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. A chemical becomes a regulated TAC in California based on designation by the California Office of Environmental Health Hazard Assessment (OEHHA). Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air and accounts for roughly 60 percent of the total cancer risk associated with TACs in the Bay Area. Other TACs found in urban air include lead, benzene and formaldehyde.

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of Gilroy has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM$_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1 below.

### Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction</th>
<th>Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average Daily Emissions (pounds)</td>
<td>Average Daily Emissions (pounds)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Annual Emissions (tons)</td>
</tr>
<tr>
<td>ROG, NO₅</td>
<td>54</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>PM₁₀</td>
<td>82 (exhaust)</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>PM₂₅</td>
<td>54 (exhaust)</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Fugitive Dust (PM₁₀/PM₂₅)</td>
<td>Implement Best Management Practices</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>None</td>
</tr>
</tbody>
</table>

- Increased cancer risk of >10.0 in one million
- Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute)
- Ambient PM₂₅ increase: > 0.3 µ/m³
  (Zone of influence: 1,000-foot radius from property line of source or receptor)

Risk and Hazards for New Sources and Receptors (Project):
Same as operational threshold

Risk and Hazards for New Sources and Receptors (Cumulative):
Same as operational threshold

Sources: BAAQMD CEQA Thresholds Options and Justification Report (2009) and BAAQMD CEQA Air Quality Guidelines (dated May 2017).

1 For stationary source projects, modeling for CO concentrations is only required for projects emitting 100 tons per year or more of CO. Projects emitting less are assumed to not exceed the CO concentration threshold.

### 4.3.3 Impact Discussion

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

The most recent clean air plan is the 2017 Clean Air Plan (CAP). The proposed project would not conflict with the 2017 CAP because it would have emissions below BAAQMD impact thresholds (see Table 4.3-1) and would improve pedestrian facilities within the area. Because the project would not exceed the BAAQMD impact thresholds, it is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.
Table 4.3-2: 2017 CAP Applicable Control Measures

<table>
<thead>
<tr>
<th>Control Measure</th>
<th>Project Consistency with Measure Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Transportation Measures</em></td>
<td></td>
</tr>
<tr>
<td>TR9 - Bicycle and Pedestrian Access and Facilities:</td>
<td>The project would also include construction of a twelve foot-wide Class 2 recreational trail in the northern portion of the project site along the south side of Uvas Creek. The trail would be constructed per City of Gilroy standards and would connect to an existing Class I bicycle path located along Riverview Circle, directly east of the project site.</td>
</tr>
</tbody>
</table>

The project site is located in an area that is currently served by pedestrian, bicycle, and transit facilities. Future residential development would be consistent with the control measure listed in Table 4.3-2. As discussed below in further detail, (see discussion under checklist item “b”), future residential development would not exceed the BAAQMD screening levels for operational and construction air pollutant emissions. Therefore, the project would not conflict with or obstruct implementation of the 2017 CAP. (Less Than Significant Impact)

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Operational Criteria Pollutants**

Table 4.3-3 below contains the 2011 BAAQMD CEQA Air Quality Guidelines screening level sizes for various land use types/development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then a detailed air quality assessment of a project’s air pollutant emissions does not need to be prepared and the project’s air quality impacts are considered less than significant. As described in Section 3.0 Project Description, project implementation would result in the construction of 14 single-family residences. As summarized in Table 4.3-3, the single-family screening level for operational and construction criteria pollutants are 325 dwelling units and 114 dwelling units, respectively.

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Operational Criteria Pollutant Screening Size</th>
<th>Construction Criteria Pollutant Screening Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>325 du (NOₓ)</td>
<td>114 du (ROG)</td>
</tr>
<tr>
<td>Below screening threshold?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Since the proposed 14 single family residences are below the operational and construction criteria pollutant screening size, the project would not violate any air quality standard or contribute to an air quality violation. (Less Than Significant Impact)
Construction Criteria Pollutants and Dust

Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. It is anticipated that most construction, or at least the portion involving diesel equipment, would occur in 2019.

BAAQMD has established screening thresholds for the evaluation of a project’s emissions of criteria pollutants during construction. If a project is below the screening threshold size, it can be assumed the project would not result in a significant impact related to construction criteria pollutant emissions. The screening threshold for single family residences is 114 dwelling units. The project proposes to construct 14 single family residences and is therefore below the screening threshold.

For all proposed projects, BAAQMD recommends the implementation of Basic Construction Mitigation Measures, whether or not construction related emissions exceed applicable thresholds of significance for construction emissions. The proposed project includes basic construction mitigation measures, listed as best management practices (BMPs) for the purposes of this Initial Study (recommended by BAAQMD), to reduce project construction dust impacts. These measures are considered project conditions by the City and are listed below:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. 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.

4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action.
within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the above best management practices, the project would have a less than significant dustfall emissions related to construction. (Less Than Significant Impact)

**Construction TACs**

CARB identifies particulate matter from diesel fueled engines as a TAC. The health risks from TACs are a function of both concentration and duration of exposure. Typically, if heavy equipment use does not occur within 300 feet of the same receptor for six months or more, then the associated health risk is considered less than significant. The proposed project will require the use of various diesel-powered vehicles and equipment.

**Estimated Cancer Risk and Hazards**

The air quality report evaluated the maximum-modeled diesel particulate matter (DPM and particulate matter (PM$_{2.5}$)) at the 1) maximum affected residence, 2) the Las Animas Elementary School, and 3) Gilroy High School. The modeling showed the maximum DPM concentration occurred at a single-family residence adjacent to the southeastern project site boundary. The results of the modeling were then used to compute the maximum increase cancer risk. The receptors (or locations of sensitive land uses) where the highest impacts occur is referred to as the maximally exposed individual (MEI).³

Results of the air quality modeling indicate that the maximum increased cancer risk would be 12.3 in one million, assuming infant exposure (at the Residential MEI) and 0.2 in one million for an adult exposure. The maximum cancer risk at the Las Animas Elementary School and Gilroy High School would be 0.07 and 0.05 in one million, respectively. The maximum residential excess cancer risk would be above the significance threshold of 10.0 in one million, resulting in a significant impact. (Significant Impact)

**Impact AIR-1:** Project construction activities would result in a significant community risk impact.

**Mitigation Measures:**

**MM AIR-1.1:** The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average of at least 30 percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, ³

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³ The impacts in terms of cancer risk, hazards and PM2.5 are computed at the MEI using BAAQMD-recommended methods. The cancer risk calculations are based on applying the BAAQMD-recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs.
U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.

- Generator used to provide power shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. Or their usage shall be limited to 100 hours total.

The construction contractor could use other measures to minimize construction period DPM emission to reduce the estimated cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters⁴ or alternatively-fueled equipment (i.e., non-diesel) could meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant. MM AIR-1.1 would reduce community risk impacts from TAC exposure to a less than significant level. (Less Than Significant Level with Mitigation Incorporated)

**Estimated Annual PM₂.₅ Concentration**

The maximum-modeled annual PM₂.₅ concentration, which is based on combined exhaust and fugitive dust emissions, would be 0.08 μg/m³. This maximum annual PM₂.₅ concentration would be below the BAAQMD significance threshold of greater than 0.3 μg/m³. The location of the receptor with the maximum PM₂.₅ concentration would be the same as where the maximum cancer risk would occur, as described above. (Less Than Significant Impact)

**Non-Cancer Hazards**

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) would be 0.075 μg/m³. The maximum computed HI based on this DPM concentration is 0.02, which is lower than the BAAQMD significance criterion of a HI greater than 1.0. (Less Than Significant Impact)

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

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM₁₀ and PM₂.₅. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project’s individual emissions would be cumulatively considerable. If a project exceeds the significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region’s existing air quality conditions. As discussed above (see discussion under checklist item “b”), future residential development of the project site would not exceed the screening levels for construction and operational criteria pollutants. Future construction of the site would be required to implement BAAQMD’s Best Management Practices for dust control, as described in checklist item “b”. For these reasons, future residential development of the project site would not result in

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a cumulatively considerable net increase of a criteria pollutant for which the project region is classified as non-attainment under applicable federal or state ambient air quality standard, including releasing emissions that exceed quantitative thresholds for ozone precursors. (Less Than Significant Impact)

d) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are groups of people that are more affected by air pollution that others. CARB identifies children under 15, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases as persons who are most likely to be affected by air pollution. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

The closest sensitive receptors to the project site are residences located to the south and southeast along Greenfield Drive, Alta Oak Way, and Village Place. Gilroy High School is to the north and northeast of the project site, across Uvas Creek. Las Animas Elementary School is southwest of the site, opposite Greenfield Drive at Charles Lane.

As described in checklist item “b”, project construction period would result in a significant TAC community impact, however, with implementation of best management practices during construction and MM AIR-1.1, the project would have a less than significant impact to sensitive receptors in the area. (Less Than Significant Impact with Mitigation Incorporated)

e) Create objectionable odors affecting a substantial number of people?

No new stationary odor sources are anticipated as part of future development of the site with residential uses. While construction activities can create odors, odors during construction would be temporary and would not affect a substantial number of people. The proposed project is a residential subdivision and would not be a source of objectionable odors. (No Impact)

4.3.4 Conclusion

With incorporation of best management practices and MM AIR-1.1, the project would have a less than significant air quality impact. (Less Than Significant Impact with Mitigation Incorporated)
4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an Arborist Report prepared by Hort Science in February 2017, a Biological Constraints Report prepared by H.T. Harvey & Associates in February 2017, and a Category 2 Stream Assessment prepared by H.T. Harvey & Associates in October 2017. The reports are included in this Initial Study as Appendices B-1, B-2, and B-3, respectively.

4.4.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-2, 9-11</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-2, 9-11</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-2, 9-11</td>
</tr>
<tr>
<td>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, impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-2, 9-11</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-2, 9-11</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-2, 9-11</td>
</tr>
</tbody>
</table>
4.4.2 Impacts Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (SCVHP) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The SCVHP identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

The following conditions found in the SCVHP are applicable to the proposed project:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Project Applicability and Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition 1. Avoid direct impacts on legally protected plant and wildlife species</td>
<td>Applicable. Applies to all projects.</td>
</tr>
<tr>
<td>Condition 3. Maintain hydrologic conditions and protect water quality</td>
<td>Applicable. Applies to all projects. The Project will not directly impact a stream channel or riparian habitat. The construction of a small portion of the proposed Class 2 trail would occur within the SCVHP riparian buffer (see Condition 11 below), which is an allowed exemption.</td>
</tr>
<tr>
<td>Condition 10. Fuel buffer</td>
<td>Applicable. The Project proposes to construct dwellings within an oak woodland land cover type, which requires that at least 30 ft of area around each house be cleared of brush, flammable vegetation, or combustible growth. Landscaping will be designed to meet this condition, which allows preserved individual trees and landscaping plants if these are “well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire…to a dwelling or structure”.</td>
</tr>
<tr>
<td>Condition</td>
<td>Project Applicability and Justification</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Such landscaping would also be consistent with the City of Gilroy’s Consolidated Landscape Policy.</td>
<td></td>
</tr>
<tr>
<td>Condition 11. Stream and riparian setbacks</td>
<td>Applicable. A visual of the SCVHP-required riparian setback buffer is provided in Figure 4.4-1. All aspects of the Project will adhere to this condition with the exception of the construction of a portion of Class 2 trail. Recreational trails are exempt from Condition 11 (see Chapter 6 of the SCVHP) and may be constructed within stream and/or riparian setbacks. Grading encroachment into the setback has been avoided through placement of retaining walls behind building pads for lots 9-14. (Refer to Figure 4.4-1).</td>
</tr>
<tr>
<td>Condition 12. Wetland and pond avoidance and Minimization</td>
<td>Applicable. The Project would not directly impact wetlands, but all covered projects are required to comply with this condition to avoid indirect impacts to wetlands and streams downstream of the project.</td>
</tr>
<tr>
<td>Condition 16. Least Bell’s vireo</td>
<td>Applicable. The Project site is located within an area mapped as potentially suitable by the SCVHP.</td>
</tr>
<tr>
<td>Condition 17. Tricolored blackbird</td>
<td>Applicable. The Project site is located within habitat mapped as potentially suitable by the SCVHP.</td>
</tr>
</tbody>
</table>

**Special-Status Plant and Animal Species**

The project site is located on 8.56-acres of undeveloped open space. Future development on the site would convert the following land cover types to residential development: mixed riparian woodland and forest (1.66 acres), coast live oak woodland and forest (2.86 acres), California annual grassland (3.61 acres), and ornamental woodland (0.01 acres). Approximately 0.44 acres of riverine (perennial stream) is mapped on the project site but would not be impacted from future development.

As described in Table 4.4-1, the project site is located within a habitat mapped as potentially suitable for Least Bell’s vireo and Tricolored blackbird (Conditions 16 and 17). The project would be required to comply with Conditions 16 and 17 of the SCVHP, and impacts to these species would be less than significant.
Tree-Nesting Raptors and Other Migratory Birds

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. In particular, suitable habitat for Least Bell’s vireo and the Tricolored Blackbird was identified as occurring on the project site. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Wildlife Code Sections 3503, 3503.5, and 2800. Development of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Future construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact. (Significant Impact)

Impact BIO-1: Project construction activities could result in impacts to nesting birds and raptors in the project area.

Mitigation Measures:

MM BIO-1.1: Pre-construction nesting bird surveys shall be completed prior to the start of construction activities, if construction activities are proposed to commence during the nesting season (February 1 to August 31) in order to avoid impacts to nesting birds. These surveys shall be completed by a qualified biologist no more than 14 days before construction begins during the early part of the breeding season (February 1 through April 30) and no more than 30 days before construction begins during the latter part of the breeding season (May 1 through August 31). During this survey, the biologist or ornithologist shall observe if any nesting birds are within the project area.

MM BIO-1.2: If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate an adequate buffer zone to be established around the nest, in consultation with the California Department of Fish and Wildlife. The buffer would ensure that nests shall not be disturbed during project construction.

MM BIO-1.3: The applicant shall submit a report indicating the results of the pre-construction survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of a demolition permit.

With incorporation of MM BIO-1.1 – 1.3, potential impacts to nesting raptors and/or other migratory birds would be reduced to a less than significant level. (Less Than Significant Impact with Mitigation Incorporated)
Impacts to Special-Status Species not Covered by the SCVHP

Project construction activities may disturb non-special-status species on-site, including large bat maternity colonies or roosts and San Francisco dusky footed woodrats. (Significant Impact)

Impact BIO-2: Project construction activities could result in impacts to large bat maternity colonies or roosts.

Mitigation Measures: The project would be required to implement the following mitigation measures to reduce potential impacts to bats on or near the project site to a less than significant level:

MM BIO-2.1: Bat Pre-activity Survey. Prior to any removal of trees 12 inches or greater in diameter at 4.5 feet above grade, a pre-activity survey for roosting bats will be conducted within the impact area. The survey will be conducted by a qualified bat biologist. No activities that would result in disturbance of active bat roosts will proceed prior to the completed survey. If no active roosts or maternity colonies are found, then no further action is warranted. If a large maternity colony or bat roost is presented, MM BIO-2.2 or 2.3 shall be implemented.

MM BIO-2.2: Avoidance. In order to avoid impacts, if an occupied bat roost is found in a tree that would be disturbed or removed by proposed activities, the Project may be redesigned to avoid the disturbance of the tree. If the roost is unoccupied at the time of the survey, the City may choose to install bat exclusion devices to prevent bats from taking up occupancy of the structure prior to the onset of the proposed activity. If avoidance is not feasible, MM BIO-2.3 shall be implemented.

MM BIO-2.3: Exclude Bats Prior to Disturbance. If disturbance of an active non-breeding pallid bat roost cannot be avoided, the individuals will be safely evicted between August 1 and October 15th or between February 15 and March 15. Bats may be evicted through exclusion after notifying the California Department of Fish and Wildlife. Trees with roosts that need to be removed will first be disturbed at dusk, just prior to removal that evening, to allows bats to escape the darker hours.

With implementation of MM BIO 2.1 – 2.3, the project would have a less than significant impact to roosting bats within the project area. (Less Than Significant Impact with Mitigation Incorporated)

The project site is also located within habitat suitable for the San Francisco dusky footed woodrat, a state-endangered species. Project construction may impact San Francisco dusky-footed woodrats nest habitat which would result in a significant impact. (Significant Impact)

Impact BIO-3: Project construction may result in destruction or abandonment of woodrat nests within the project footprint.
MM BIO-3.1: Woodrat Pre-Construction Surveys. Pre-construction surveys for woodrat nests shall be conducted within the impact footprint by a qualified mammologist prior to the start of work. The surveys shall be conducted between March 1st and October 31st, when woodrats are more active, and shall be conducted no more than 30 days prior to the start of work. Woodrat nests detected during the survey shall be mapped and one or more of the following measures shall be implemented:

MM BIO-3.2: Disturbance-free Woodrat Buffers. Dusky-footed woodrats are year-round residents. Therefore, avoidance mitigation is limited to redesigning the project to avoid direct impacts on woodrat nests to the extent feasible. Ideally, a minimum 10-foot buffer should be maintained between project construction activities and each nest to avoid disturbance. In some situations, a smaller buffer may be allowed if in the opinion of a qualified biologist, removing the nest would be a greater impact than the anticipated as a result of Project activities.

MM BIO-3.3: Relocation of Woodrat Nest Materials. If active woodrat nests are found within the Project boundary and avoidance is not feasible, then the woodrats shall be evicted from their nests prior to the removal of the nests and onset of ground-disturbing activities to avoid injury or mortality of the woodrats. A qualified biologist shall disturb the woodrat nest such that all woodrats would seek refuge outside of the Project activity area. Subsequently, the nest sticks shall be removed from the site, if feasible, these materials would be piled at the base of a nearby tree or shrub. The spacing between relocated nests shall not be less than 100 feet, unless a qualified biologist has determined that the habitat can support higher densities of nests.

With implementation of MM BIO-3.1 – 3.3, project construction would not result in a significant impact to San Francisco dusky-footed woodrat habitat. (Less Than Significant Impact with Mitigation Incorporated)

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

The project site supports the following land covers identified in the SCVHP: California Annual Grassland (0.10 acres), Riverine – Perennial Stream (0.44 acres), Mixed Oak Woodland and Forest (0.62 acres), and Mixed Riparian Woodland and Forest (1.66 acres) (refer to Figure 4.4-1). The SCVHP provides a mechanism by which projects can mitigate impacts to designated habitats through the payment of fees, which will then be utilized to preserve habitat elsewhere. The project site is located within Fee Zone B “Agricultural and Valley Floor”. The 2017-2018 SCVHP fees for development of Zone B lands are $13,982 per acre. The project would be required to pay all applicable SCVHP fees with project approval, e.g. prior to recordation of
Final Map. Payment of SCVHP fees would reduce the project’s impacts to agricultural and valley floor lands to a less than significant level.

Approximately 0.44 acres of the riverine land cover type occurs along the northern edge of the project site within the active channel of Uvas Creek. The swale running parallel to Uvas Creek to the north was evaluated by *H.T. Harvey & Associates* to determine if it would be identified as a Category 2 stream under the Santa Clara Valley Habitat Plan. Based on field observations, including a lack of a regular incision or other indicator (e.g. hydric soils, sediment sorting, vegetation damage etc.) of an ordinary high-water mark, the swale is not considered to be a Category 2 stream.

The project site is set back approximately 85 feet from Uvas Creek. The project is, therefore, compliant with the 35-foot riparian setback requirements of the City of Gilroy and the SCVHP, and would not result in direct adverse impacts to riparian habitat or to other sensitive natural communities. *(Less Than Significant Impact)*

c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The biological field surveys for the project did not identify any wetlands on-site. Additionally, the project site is located outside of the 35-foot riparian setback for Uvas Creek. Project construction would not temporarily or permanently impact any wetlands on-site. *(No Impact)*

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, impede the use of native wildlife nursery sites?**

The primary wildlife movement corridor in the area is Uvas Creek and associated riparian corridor, and the project would not interfere with wildlife movement along the corridor. *(Less Than Significant Impact)*
FIGURE 4.4-1

Legend
- Project Site
- Creek Centerline
- Top of Bank
- 35-ft Riparian Setback
- 100-ft Category 1 Stream Setback
- 250-ft Riparian Setback
- Retaining Wall

VHP Land Cover
- California Annual Grassland (3.61 ac)
- Mixed Oak Woodland and Forest (2.86 ac)
- Mixed Riparian Woodland and Forest (1.66 ac)
- Ornamental Woodland (0.01 ac)
- Perennial Stream (0.44 ac)

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

The project site has 85 trees, 28 of which are proposed for removal. A summary of the trees on-site is in Table 4.3-1.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Walnut</td>
<td>Juglans regia</td>
<td>6</td>
</tr>
<tr>
<td>Coast live oak</td>
<td>Quercus agrifolia</td>
<td>77</td>
</tr>
<tr>
<td>Blue oak</td>
<td>Quercus douglasii</td>
<td>1</td>
</tr>
<tr>
<td>Valley oak</td>
<td>Quercus lobate</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>85</strong></td>
</tr>
</tbody>
</table>

Project implementation would result in the loss of up to 28 trees on the site, with 57 trees to be preserved. Tree species to be removed include Coast live oak and Blue oak.

Section 6.0 of the City’s Consolidated Landscaping Policy states that the following trees are designated significant 1) existing native trees (naturally occurring in species in Gilroy) six inches or more in diameter, at a point four and one-half feet above the ground, or 2) important to the historical or visual aspect of Gilroy. The City is in the process of codifying tree protection measures contained in the policy. However, new codified standards have not been adopted. Therefore, for purposes of this review the Consolidated Landscaping Policy remains the City of Gilroy adopted threshold of significance for this impact. As such, all 28 trees to be removed are considered significant under the Consolidated Landscaping Policy. As documented in the arborist report, four of the 28 trees to be removed are in poor condition, and therefore would not require mitigation. The remaining 24 trees warrant mitigation with replacement at a 3:1 ratio. (Less than Significant Impact with Mitigation Incorporated)

**Impact BIO-4:** Removal of trees on-site identified as “significant”, per City of Gilroy standards would be considered a significant impact.

**Mitigation Measures:**

**MM BIO-4.1:** Prior to issuance of a grading permit, the applicant shall submit a final tree replacement plan to mitigate for proposed tree removals consistent with Gilroy City Code Article XXXVIII (Landscaping) and Consolidated Landscape Policy. The final plan shall identify the species, size, numbers, and locations for the replacement trees. The tree replacement program will be subject to review and approval by the Planning Manager and shall be implemented with construction of the subdivision improvements.

**MM BIO-4.2:** The project would also be required to implement tree preservation measures before and during project construction for significant trees to be
retained. These measures shall be included on all plans. Tree protection measures include:

**Design Recommendations**

1. The trees identified for preservation shall be established and plotted on all plans (including but not limited to demolition, improvement, utility, drainage, grading, landscape and irrigation plans), subject to review and comment by the Consulting Arborist.
2. Changes to plans shall be subject to review and comment by the Consulting Arborist with regard to tree impacts.
3. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. Specific TPZ zones are specifically required for the following trees located within the area of development:

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>TPZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>#8</td>
<td>5’ North. Dripline in all other directions.</td>
</tr>
<tr>
<td>#19</td>
<td>5’ North and West. Dripline in all other directions.</td>
</tr>
<tr>
<td>#31</td>
<td>5’ South. Dripline in all other directions.</td>
</tr>
<tr>
<td>#36, 37, 38</td>
<td>10’ West. Dripline in all other directions.</td>
</tr>
</tbody>
</table>

4. TPZ’s for trees not listed above shall be established at the dripline or a 10-foot radius, whichever is greater.
5. Underground services and utilities, including subdrains, water and sewer, shall be routed around the TPZ. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
6. All temporary access roads and staging for materials, equipment, etc., shall remain outside of TPZ’s.
7. Herbicides must be safe for use around trees and labeled for that use.
8. Irrigation systems must be designed so that no trenching will occur within the TPZ.

**Pre-construction Treatments**

9. Per the City’s Consolidated Landscape Policy, policies 6.2 and 6.3, the developer shall hire a certified consulting arborist for the entire span of the project. All arborist recommendations shall be drafted on the final construction, grading, or landscape plans.
10. The consulting arborist shall sign the final landscape plans authorizing this plan is consistent with the recommendations made in the arborist report.
11. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
12. Fence all trees to be retained to completely enclose the Tree Protection Zone prior to demolition, grubbing or grading. Fences shall be 6’ high chain link, mounted to steel posts firmly driven into the ground or on stanchions fastened securely with rebar staples 12” deep, as required by the City. Fences are to remain until all grading and construction is completed.

13. Trees recommended for preservation may require clearance pruning for construction. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the Best Management Practices - Tree Pruning published by the International Society of Arboriculture.

14. Structures and underground features to be removed within the Tree Protection Zone shall use the smallest equipment, and operate from outside the Tree Protection Zone. The consultant shall be on-site during all operations within the Tree Protection Zone to monitor demolition activity.

15. Apply and maintain 4-6” wood chip mulch within the Tree Protection Zone.

16. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

**During Construction**

1. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. No grading, construction, demolition or other work shall occur within the Tree Protection Zone. Any modifications must be approved and monitored by the Consulting Arborist.

3. Any excavation within the dripline or other work that is expected to encounter tree roots should be approved and monitored by the Consulting Arborist. Roots shall be cut by manually digging a trench and cutting exposed roots with a sharp saw. The Consulting Arborist will identify where root pruning is required.

4. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

5. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

6. Fences have been erected to protect trees to be preserved. Fences define a specific Tree Protection Zone (TPZ) for each tree or group of
trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consultant.

7. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.

8. Prior to grading, pad preparation and excavation work trenching may require root pruning outside of the TPZ. The Consulting Arborist shall identify where root pruning is required prior to the start of work. Roots shall be cleanly cut to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.

9. No materials, chemicals, debris or equipment shall be dumped or stored within the TPZ.

10. Any tree pruning required for clearance during construction must be performed by a Certified Arborist.

Post Construction

1. Trees preserved and replacement trees shall be monitored following construction of site improvements to assure the health of trees post construction. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required.

Implementation of MM BIO-4.1 and 4.2 will reduce impacts to tree species to a less than significant level. (Less Than Significant Impact with Mitigation Incorporated)

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?

The project site is located within the Habitat Plan study area and would be subject to all applicable Habitat Plan fees. The project site is considered a covered project under the SCVHP and is located within Fee Zone B “Agricultural and Valley Floor”. The 2017-2018 SCVHP fees for development of Zone B lands are $13,982 per acre.

Nitrogen deposition from vehicular exhaust is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The project would be required to provide a nitrogen deposition fee of $44.60 for each single-family residence constructed. With payment of the SCVHP fees and nitrogen deposition fees, the project would not conflict with the adopted HCP, NCCP, or other local, regional, or state habitat conservation plans. (Less Than Significant Impact)
4.4.3 Conclusion

Conformance with the General Plan Policies, SCVHP requirements, State and federal laws, and mitigation measures MM BIO-1 through MM BIO-4 will ensure that biological impacts from project implementation would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**
4.5  CULTURAL & TRIBAL RESOURCES

The following discussion is based in part, on an Archaeological Literature Search prepared for the site by Holman & Associates in September 2013. The report is attached as Appendix C to this Initial Study.

4.5.1  Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3, 12</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 12</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 12</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of dedicated cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 12</td>
</tr>
<tr>
<td>e) 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:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 12</td>
</tr>
<tr>
<td>2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 12</td>
</tr>
</tbody>
</table>
4.5.2 Existing Setting

4.5.3 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

The project site is undeveloped open space. There are no historic resources on or adjacent to the site. (No Impact)

b) Cause a substantial adverse change in the significance of an archaeological resource?

An archaeological literature review was completed at the Northwest Information Center (NWIC file no. 13-0439) on September 16, 2013. There are no archaeological sites recorded on the project site, but there are several recorded within a quarter mile of the site. ScL-85 and 86 are recorded within 100 feet of the northeast corner of the site near Thomas Road. Three additional prehistoric sites, ScL-243, 244 and 639, are found on the edge of Santa Teresa Road in the vicinity of Babbs Canyon.

A visual inspection of the project site was completed on September 17, 2013. No evidence of cultural resources was observed on the site.

Although the project site does not contain known archaeological deposits, the site may contain unknown archaeological deposits due to its location adjacent to Uvas Creek. Future construction activities on the site could significantly impact cultural resources, if they are encountered. The City requires the following standard conditions to reduce potential impacts to archaeological resources to a less than significant level

**Standard Conditions:** The following standard permit conditions will apply to future Planning permits for development of the site to reduce or avoid impacts to subsurface cultural resources:

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

Implementation of standard conditions will ensure future development of the site with residential uses will not significantly impact archaeological resources. (Less Than Significant Impact)

c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

There are no known paleontological resources and no unique geologic features on the project site.
However, this does not preclude the possibility that resources are encountered during construction activities. The following Standard Condition would therefore, be required to reduce or avoid potential impacts to subsurface cultural resources:

**Standard Conditions:**

- In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 meters (165 feet) of the discovery and a qualified professional or paleontologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant materials.

Implementation of standard conditions will ensure future development of the site with residential uses will not significantly impact paleontological resources. (Less Than Significant Impact)

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

While there are no records that the site has ever been used for cemetery purposes, it is possible that human remains could be discovered during project construction, specifically during any grading or trenching activities. The following standard conditions would apply to future development of the project site to reduce or avoid potential impacts related to the discovery of human remains:

**Standard Conditions:**

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

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is:

1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

As described above, a review of the Northwest Information Center of the California Historical Resource Information system (NWIC) did not identify prehistoric resources on or adjacent to the
project site. To date, no California Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of Gilroy regarding projects in the area and their effects on a tribal cultural resource. The project, therefore, is not anticipated to result in a substantial adverse effect on a tribal cultural resource. (Less Than Significant Impact)

4.5.4 Conclusion

Project implementation would not result in impacts to cultural or tribal resources. (Less Than Significant Impact)
4.6  GEOLOGY AND SOILS

The following discussion is based, in part, on a Preliminary Geotechnical Report prepared by UPC, LLC for the project in August 2013. A copy of the report is attached as Appendix D to this Initial Study.

4.6.1  Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Rupture of a known earthquake fault, as described 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)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>2. Strong seismic ground shaking?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>3. Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>4. Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>1-3, 13</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3, 13</td>
</tr>
</tbody>
</table>
4.6.2 **Impact Discussion**

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?**

The project site is not located within a fault rupture zone or in a landslide hazard zone area. The nearest active fault is the Sargent fault, located about two miles to the southwest. Other active faults in the vicinity of the site include the Calaveras fault, approximately five miles to the northeast and the San Andreas fault, located about six miles southwest.

Due to the proximity of the site to the Sargent fault and other active faults, it is likely that the site will experience strong ground shaking from a moderate to severe earthquake. The project would be required to prepare a design-level geotechnical investigation prior to issuance of a grading permit.

To avoid or minimize potential damage from seismic activity, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit of Public Works clearance. The structural designs for the proposed development shall account for repeatable horizontal ground accelerations. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code, as adopted or updated by the City. The project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

With implementation of recommendations identified in the design-level geotechnical report and compliance with the California Building Code, the project would not exacerbate existing geologic hazards on the project site. **(Less Than Significant Impact)**

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

**Soil Erosion**

The proposed subdivision and future residential development of the site would disturb the ground and expose soils, thereby, increasing the potential for wind or water-related erosion and sedimentation at the site until construction is complete. The City’s NPDES General Permit for construction, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures. Future construction activities would be subject to the requirements of the General Permit, City’s urban runoff policies, and the Municipal Code and, therefore, the future development would have a less than significant soil erosion impact. **(Less Than Significant Impact)**
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Liquefaction is the temporary transformation of saturated cohesionless soil into a viscous liquid during strong ground shaking from a major earthquake. The geotechnical report did not find evidence of historic ground failure due to liquefaction at the site. The project site’s risk for liquefaction is therefore, considered to be low. The project site is not located in an area subject to landslides.

The project site slopes from a significantly wooded knoll at the end of Greenfield Drive, downward to the north toward Uvas Creek; with an overall drop in elevation in excess of 80 feet. The area of residential lot development would be within the more significant sloped portions of the site, and setback from the creekbank. As noted in the project description the site includes a small amount of cut and 20,721 cubic yards of fill. Excavation generally is less than two-feet in depth which occurs at the entry to the site to extend Greenfield Drive into the development. The more significant amounts of fill are proposed for the downslope lots and street; with fill in lots 3-14 generally ranging from 1 to 12 feet. The depth of fill varies greatly across the lots, as necessary to create level building pads, roads and drainage improvements.

The existing slopes do not show signs of significant instability. Proposed cut and fill slopes would be designed to keep the project from adding slope instability during construction. As described in response a), the project would be constructed in conformance with the design-level geotechnical report and California Building Code, potential impacts would be reduced to a less than significant level. (Less Than Significant Impact)

d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

The relatively flat and middle portion of the project site is covered by about two feet of light brown to brown, medium dense silty sand/sandy silt with some clay. These soils are underlain by highly weathered, friable to weak, gravelly sandstone, silty sandstone, and sandy siltstone, about two feet below the surface. The southern portion of the site contains undocumented fill around the small hill. A retaining wall uphill from the proposed 12-foot Class I trail would be constructed to prevent soil expansion downslope towards Uvas Creek.

As described in response a), the project would prepare a design-level geotechnical investigation and be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of Gilroy. The residences shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code, as adopted or updated by the City. Adherence to the geotechnical report and applicable Building and Fire Codes would ensure that future buildings on the site are designed properly to account for the presence of expansive soils on the site. (Less Than Significant Impact)

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?
The project site is located within a suburban area of Gilroy where sewers are available to dispose wastewater from the project site. Therefore, the site will not need to support septic tanks or alternative wastewater disposal systems. (No Impact)

4.6.3 Conclusion

With adherence to recommendations in the project-specific geotechnical report and grading permit, the project would result in less than significant geology, soils, and seismicity impacts. (Less Than Significant Impact)
4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>1-3, 6-7</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>1-3, 6-7</td>
</tr>
</tbody>
</table>

4.7.2 Existing Setting

4.7.2.1 Regulatory Framework

Federal

Clean Air Act

The US EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The US Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al., ruled that carbon dioxide (CO₂) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of greenhouse gases (GHGs). Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill (SB) 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state’s Climate Change Scoping Plan. The updated plan
will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.\(^5\)

**Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases**

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.\(^6\)

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region’s Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013 *Plan Bay Area*, established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan area related to reducing GHG emissions, improving transportation access, maintaining the region’s infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

**Regional**

**Bay Area Air Quality Management District**

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. Several key activities of BAAQMD related to GHG emissions are described below.

- *Regional Clean Air Plans*: BAAQMD and other agencies prepare clean air plans as required under the state and federal Clean Air Acts. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the state of California, the 2017 CAP lays the groundwork for the BAAQMD’s long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease

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\(^6\) The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.
emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

**BAAQMD CEQA Air Quality Guidelines:** The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Gilroy and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing greenhouse gas emissions, mitigation measures, and background information.

4.7.3 **Impact Discussion**

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

**Overview of Impact Assessment**

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

The following discussion focuses on whether project GHG emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of Gilroy and statewide efforts to curb GHG emissions. For the purposes of this analysis, the projected emissions from the assumed construction and occupancy of 14 single family residences were estimated and compared to project-level thresholds developed by BAAQMD. The BAAQMD CEQA Air Quality Guidelines (revised May 2017) include quantitative thresholds for GHG emissions.

**Construction Greenhouse Gas Emissions**

Future development of the project site would result in GHG increases associated with construction activities including operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of Gilroy nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition (this analysis assumes a total of 12 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. (**Less Than Significant Impact**)
Operational Greenhouse Gas Emissions

The 14 single family residences proposed by the project is below the BAAQMD screening level for operational GHG emissions for single family residential dwelling units (i.e., 56 dwelling units); therefore, future development of the project site would not result in a significant operational GHG emissions impact.  (Less Than Significant Impact)

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

As discussed above, the State of California has an adopted Climate Change Scoping Plan for AB32 and a Climate Change Scoping Plan for SB32, to establish statewide greenhouse gas emissions thresholds for projects constructed and operational by the end of 2020 and 2030, respectively. Since it is anticipated that the project would be constructed and operational prior to the end of 2020, the project would be subject to the AB32 Climate Change Scoping Plan. Greenhouse gas emissions are also addressed in the adopted 2017 CAP and Plan Bay Area. The CARB-approved AB 32 Climate Change Scoping Plan outlines a comprehensive set of actions intended to reduce overall greenhouse gas emissions in California, improve the environment, reduce dependence on oil, diversify California’s energy sources, save energy, create new jobs, and enhance public health. The Scoping Plan includes recommended actions for reducing greenhouse gas emissions. While the Scoping Plan focuses on measures and regulations at a statewide level, local governments play a key role in implementing many of the strategies contained in the Scoping Plan, such as energy efficient building codes, local renewable energy generation, and recycling programs. The proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in the AB 32 Climate Change Scoping Plan. The project would comply with requirements of the Green Building Standards Code, and the proposed residences would be constructed in conformance with CALGreen and Title 24. The project, therefore, would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. (Less Than Significant Impact)

4.7.4 Conclusion

Project implementation would have a less than significant impact to greenhouse gas emissions.  (Less Than Significant Impact)
4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment and Soil Quality Investigation prepared by Cornerstone Earth Group in September 2013. A copy of this report is attached as Appendix E of this Initial Study.

4.8.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>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, will it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>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, will the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1-3, 14</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3, 14</td>
</tr>
</tbody>
</table>
4.8.2 **Existing Setting**

4.8.2.1 **Historical Uses of the Project Site**

The project site was historically used as agricultural land with a residential structure located on the southwestern portion of the site.

4.8.2.2 **Current Uses of the Project Site**

The existing project site is undeveloped land.

4.8.2.3 **On-Site Sources of Contamination**

**Former Agricultural Uses,**

As noted above, the project site was historically used for agricultural purposes, which could have resulted in elevated levels of pesticide residues in the near-surface soils on the project site. Soil sampling collected during the Phase I report for the project tested for the presence of pesticides and metals associated with former agricultural uses. Results of the soil sampling indicated that the detected pesticide concentrations did not exceed the respective residential California Human Health Screening Level thresholds, and metal concentrations were found to be consistent with typical background concentrations.

4.8.2.4 **Off-Site Sources of Contamination**

There are no off-site sources of contamination within the project vicinity.  

4.8.3 **Impact Discussion**

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

   Future residential development after the subdivision of the property would not result in hazardous materials being transported, used, or disposed of in such quantities to result in a significant hazard to the public. During construction and at the conclusion of the construction for the subdivision, the project would not require the transport, use, or disposal of hazardous materials. (Less Than Significant Impact)

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?**

   The proposed residential project would not include the storage or use of hazardous materials that could be released into the environment in sufficient quantities to create a significant hazard.

   Construction of the project would result in the disturbance of soils formerly used for agricultural production. As described previously, soil sampling was completed on the site to test for the

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presence of pesticides and metals associated with former agricultural uses. Detected pesticide concentrations did not exceed relevant thresholds, and detected metal concentrations were consistent with typical background levels. Project implementation, therefore, would not create a significant hazard to the public or environment from hazardous materials. (Less Than Significant Impact)

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

The nearest public school to the project site is Las Animas Elementary School, located approximately 375 feet to the southwest. Future development of the site with residences would not use or emit significant quantities of hazardous materials. Constructed related impacts would be the same as discussed for impact b) above. (Less Than Significant Impact)

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, will it create a significant hazard to the public or the environment?

The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There were no off-site spill incidents that were reported that would appear likely to significantly impact soil or ground water beneath the project site. (No Impact)

e) Result in a nearby airport-related safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor is it within two miles of public or private airport or airstrip. Therefore, future development of the site with residential uses would not result in a safety hazard for people related to airport activities. (No Impact)

f) Result in a private airstrip-related safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor is it within two miles of public or private airport or airstrip. Therefore, future development of the site with residential uses would not result in a safety hazard for people related to airport activities. (No Impact)

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

Future residential development of the site would not physically interfere with an adopted emergency response or evacuation plan. (No Impact)

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
The project is not located within a very high fire hazard severity zone, and all plans submitted to the City would receive fire safety plan checks from the Gilroy Community Development Department. The fire plan check would include review of building materials and emergency access to protect against fire. The open space Parcel A would be dedicated to the City or to SCVWD for vegetation management to reduce fire risk. (Less Than Significant Impact)

4.8.4 Conclusion

Future residential development of the site would not result in hazards or hazardous materials impact. (Less Than Significant Impact)

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### 4.9 HYDROLOGY AND WATER QUALITY

#### 4.9.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 15</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3, 15</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
</tbody>
</table>
4.9.2 Setting

4.9.2.1 Hydrology and Drainage

The project site is located in the Uvas-Carnadero Creek watershed. The site is undeveloped open space, and stormwater is either absorbed on-site or flows into Uvas Creek.

4.9.2.2 Flooding and Other Hazards

The upland portion of the project site is not located within a 100-year floodplain.9 The portion of the project site adjacent to the bank of Uvas Creek is located within the designated special flood hazard area subject to inundation by the one percent annual chance flood. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the majority of the project site is mapped Zone X, areas of moderate flood hazard, between the limits of the 100-year and 500-year floods with a one percent and 0.2 percent annual chance of flood. The remainder of the site is located in Zone AE, areas that are inundated by a one percent annual chance flooding. The portion of the project site mapped AE is adjacent to Uvas Creek.

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site’s inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The project site is sloped downward towards Uvas Creek and would therefore, be subject to mudflows during wet weather events.

4.9.2.3 Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site flows as sheets towards Uvas Creek.

4.9.3 Impact Discussion

a) Violate any water quality standards or waste discharge requirements?

Construction-Related Water Quality Impacts

At the time of future residential development, construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Since project implementation would result in disturbance to more than one acre of soil, the City would file a Notice of Intent and Permit Registration Documents for authorization of project construction.

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activities under the State Water Resources Control Board (SWRCB) Construction General Permit (Order No. 2009-0009-DWQ/NPDES Permit No. CAS000002, and all amendments).

**Post-Construction Water Quality Impacts**

Residential development on-site would be required to comply with the City of Gilroy’s Stormwater Management Plan, VHP requirements (Table 6-2: Aquatic Avoidance and Minimization Measures), and the CCRWQCB’s stormwater requirements, as applicable. Stormwater runoff from future development of the site would be required to drain into treatment areas prior to entering the storm drainage system. Treatment facilities would be numerically sized and would have sufficient capacity to treat the residential roof runoff prior to entering the storm drainage system consistent with the City’s Stormwater Management Plan. With implementation of a stormwater control plan consistent with CCRWQCB’s stormwater requirements, residential development on the site would have a less than significant water quality impact. *(Less Than Significant Impact)*

**b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?**

The project site is not located on a groundwater recharge zone, as identified by the Santa Clara Valley Water District. Development on the site would not the need to pump groundwater from the site and would not interfere with groundwater recharge. *(Less Than Significant Impact)*

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?**

Residential development of the site would be required to comply with the Central Coast Regional Water Quality Control Board’s (CCRWQCB) current stormwater requirements and would comply with the stormwater control plan prepared for the project. Implementation of the stormwater control plan would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on- and off-site during project construction and operation. *(Less Than Significant Impact)*

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?**

As stated above, residential development of the site would be required to comply with the CCRWQCB’s current stormwater requirements, which would prevent potential flooding from surface runoff from project development. *(Less Than Significant Impact)*
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Project implementation would result in an increase of approximately 63,391 sf of impervious surfaces, compared to the existing undeveloped site. Runoff on-site would be direct towards one of nine bioretention areas on-site. Bioretention areas would convey stormwater to a 783 cubic yard bioretention pond on-site to be treated prior to connecting to the 18-inch storm drain in Riverview Circle. The amount of runoff generated by 14 single-family residences would represent a marginal increase in the amount of runoff treated by the City’s storm drain system. The City’s storm drain system would have adequate capacity to serve development of the site, which is a part of a larger residential neighborhood and bordered by residential development to the east and west. (Less Than Significant Impact)

f) Otherwise substantially degrade water quality?

**Construction-Related Water Quality Impacts**

At the time of development, construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would disturb more than one acre of soil and, therefore, compliance with the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities is required. As part of development of the proposed project, a Notice of Intent (NOI) would be submitted to the CCRWCB. Prior to initiation of construction or demolition activities a Storm Water Pollution Prevention Plan (SWPPP) would be prepared in accordance with the NPDES requirements. The SWPPP would identify specific Best Management Practices (BMPs) that would be used at the project site to treat and control stormwater, reduce sedimentation, and prevent erosion.

**Project Conditions:** Conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project, with the implementation of the SWPPP and project conditions, would not result in significant construction-related water quality impacts. (Less Than Significant Impact)

Adherence to the NPDES General Permit guidelines would reduce potential degradation of water quality from construction activities to a less than significant level. (Less Than Significant Impact)
Post-Construction Water Quality Impacts

Construction of the proposed project would result in an increase of approximately 63,391 square feet of impervious surface. The project would be constructed with low impact development (LID) design strategies which include optimization of site layout to allow for more open space and preservation of Uvas Creek. The project would also incorporate permanent and operational source control best management practices which include marking inlets with “No Dumping Flows to Creek” signage, designing landscape to minimize irrigation and runoff, and promote surface infiltration, as described in the project’s Stormwater Control Plan. With incorporation of post-construction operational control measures, the project would have a less than significant to water quality. (Less Than Significant Impact)

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

A portion of the project site is located within the 100-year flood hazard area however, this portion of the project site would not contain housing or structures. The project therefore, would not place housing within a 100-year flood zone. (Less Than Significant Impact)

h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

As described previously, the project would not be placing housing structures or substantial fill in a 100-year flood hazard area and would not, therefore, impede or redirect flood flows from the construction of those structures. Portions of lots 9-14 would extend to the edge of the floodplain. However, these areas are outside of the proposed building envelopes, separated from the private yard areas by the proposed double retaining wall system. These areas would be restricted as unbuildable private open space to be maintained as natural landscaped areas with open fencing at the boundary of the lots. A tentative map condition is anticipated to be required to restrict use of this area and limit the type of fencing to open view fencing. (Less Than Significant Impact)

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project site is approximately 200 to 280 feet above mean sea level. While the project site is located in an area subject to inundation in the event of a complete dam failure at Uvas Reservoir, the Santa Clara Valley Water District’s comprehensive dam safety program and emergency action plan ensures public safety. Residential development on the site would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure.10 (Less Than Significant Impact)

j) Result in inundation by seiche, tsunami, or mudflow?

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The project site is a steep hillside that ranges from approximately 200 to 280 feet above mean sea level, upslope of the nearest body of water, Uvas Creek. The project site is not located within a designated tsunami inundation zone. Future residential development of the project site, therefore, would not be subject to inundation by seiche, tsunami, or mudflows. (No Impact)

4.9.4 Conclusion

With incorporation of project conditions, the project would have a less than significant impact to hydrology and water quality. (Less Than Significant Impact)
### 4.10 LAND USE AND PLANNING

#### 4.10.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1-3</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1-3</td>
</tr>
</tbody>
</table>

#### 4.10.2 Existing Setting

##### 4.10.2.1 Applicable Plans, Policies, and Regulations

**General Plan Land Use and Zoning**

The project site is designated *Low Density Residential* in the City’s General Plan. Lands designated *Low Density Residential* are intended for single-family detached homes, with lot sizes ranging from 6,000 square feet to 14,500 square feet. Density on-site is limited to 3 to 7.25 dwelling unit per acre. Appropriate uses identified in the General Plan include single-family detached homes as well as duplexes and secondary dwelling units.

The project site is located within a *(R1)* *Single Family Zoning District*. The zoning district is intended for provide for areas within the city that may be used for single-family and very low density clustered housing. The average density is intended to be between 3 and 7.25 dwelling units per acre.

**Santa Clara Valley Habitat Plan**

The Santa Clara Valley Habitat Plan (SCVHP) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The SCVHP identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of...
planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

**SCVHP Land Designation**

The project site is located within the SCVHP study area and is designated as *Mixed Oak Woodland and Forest* land.

**4.10.3 Impact Discussion**

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

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project site is located within an existing developed area with residences and a school. The project would construct a 12-foot wide Class I trail to connect to the existing Class I bicycle path located along Riverview Circle, directly east of the project site. Since the project would be located in an area with similar uses and patterns of development, the project would not physically divide an established community. *(No Impact)*

b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

The project site is designated *Low Density Residential* in the City’s General Plan and is located within the *(R1)* Single Family Zoning District. The project would construct 14 single-family residential homes, which would be consistent with both the City’s land use designation and zoning for the site.

The northeastern portion of the project site is located within the riparian setback zone of Uvas Creek. The City of Gilroy has a required minimum setback of 100 feet from the Uvas Creek riparian corridor for the Glen Loma Ranch Specific Plan Area which occurs adjacent to and immediately west of the site. Additionally, the same 100-foot setback requirement was included for the Uvas Creek corridor within the Hecker Pass Specific Plan Area. The project would not place structures within the riparian setback zones and would therefore, not conflict with the City of Gilroy’s intent of avoiding or mitigation potential environmental effects in the riparian zone of Uvas Creek. *(Less Than Significant Impact)*

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The project site is on lands designated as *Mixed Oak Woodland and Forest* under the Santa Clara Valley Habitat Plan (SCVHP). As described in Section 3.4 *Biological Resources*, through payment of applicable SCVHP development fees, the project would not result in significant impacts to any of the covered species in the SCVHP. The project would be required to comply with Conditions 1, 3, 10, 11, 12, 16, 17, 19, and 20 of the adopted SCVHP. Additionally, the project would be required to pay a Nitrogen Deposition Fee proportional to the number of homes
to be constructed. Through compliance with applicable standard SCVHP Conditions, as a requirement of the project, and payment of the applicable fees, the project would not conflict with the SCVHP Habitat Plan. (Less Than Significant Impact)

4.10.4 Conclusion

With payment of applicable SCVHP fees and adherence to the riparian setback requirements, the project would result in a less than significant land use impact. (Less Than Significant Impact)
4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3</td>
</tr>
</tbody>
</table>

4.11.2 Impact Discussion

a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?

The project site is not located in an area of Gilroy with known mineral resources. (No Impact)

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?

The project site is not located in an area of Gilroy with known mineral resources. (No Impact)

4.11.3 Conclusion

The proposed project would not result in the loss of a known mineral resource. (No Impact)
4.12  NOISE AND VIBRATION

4.12.1  Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>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, will the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
</tbody>
</table>

4.12.2  Environmental Setting

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: \( L_{eq} \), \( L_{max} \), DNL, and CNEL. \( L_{eq} \) stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly but \( L_{eq} \) can describe any series of noise events in arbitrary duration. \( L_{max} \) is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.
In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The DNL (day/night average sound level) descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

**Fundamentals of Vibration**

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses Peak Particle Velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) are used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life; these two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic (e.g., minor cracking of building elements), or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.
4.12.2.1 Regulatory Setting

City of Gilroy General Plan

The following City of Gilroy General Plan outdoor noise standards are identified as permissible for maximum indoor and outdoor day-night average noise levels.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Outdoor L_{DN} (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60 (^1)</td>
</tr>
<tr>
<td>Commercial</td>
<td>65</td>
</tr>
<tr>
<td>Industrial</td>
<td>76</td>
</tr>
</tbody>
</table>

Notes:
\(^1\) The outdoor sound levels for residential properties shall be measured from a location which is no less than:
- 15 feet outside the rear-most household wall;
- 20 feet outside the front-most proposed household wall;
- 6 feet outside the side-most proposed household walls; and
- 10 feet outside the side-most proposed household wall when adjacent to a street

4.12.3 Impact Discussion

4.12.3.1 Thresholds of Significance

A project would result in a significant noise impact if noise levels generated by the project conflict with adopted environmental standards or plan, if the project would generate excessive groundborne vibration levels, or if ambient noise levels at sensitive receptors would be substantially increased over a permanent, temporary, or periodic basis. The following criteria were used to evaluate the significance of environmental noise resulting from project implementation:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.
- A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in “architectural” damage to normal buildings or railroad train vibration would exceed the Federal Transportation Authority thresholds.
- A significant impact would be identified if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if existing plus project noise levels would be 3 dBA L_{dn} or greater where exterior noise levels would exceed the normally acceptable noise level standard (60 dBA L_{dn}) or if existing plus project noise levels would be 5 dBA L_{dn} or greater where noise levels would remain at or below the normally acceptable noise level.
- A significant noise impact would be identified if construction related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq}, and the ambient by at least 5 dBA L_{eq}, for a period greater than one year would constitute a significant temporary noise increase at noise-sensitive residential land uses.
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Project-Generated Operational Noise

Project operational noise would include any noise that would potentially affect existing noise-sensitive receptors in the vicinity of the project site, such as trips to and from residences. The project would generate approximately 11 AM peak hour trips and 14 PM peak hour trips, and 140 average daily trips. The nearest noise-sensitive receptors include the adjacent residences on the east, west, and south boundaries of the project site. The City of Gilroy General Plan has established a normally acceptable noise level of 60 dBA DNL at outdoor use areas of residential land uses.

Given the few number of residences being proposed for construction relative to the entire residential development, project implementation would not result in noticeable noise level increases.

Construction Noise

Construction of the proposed project would generate noise and would temporarily increase noise levels in the surrounding area and riparian corridor. The significance of noise impacts during construction and demolition depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors.

Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Typical hourly average construction noise levels are about 75 to 80 dBA measured at a distance of 100 feet from the center of the site during busy construction periods (e.g. earth moving equipment, impact tools, etc.). Construction noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor.

Construction noise impacts are more significant when construction occurs during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts extended periods of time. Based upon the materials submitted by the applicant and the size of the development, which can be completed in a single phase, the development of the lots could be completed in 12 months, once final map and permit approvals are obtained. Construction activities would be audible at the existing residential uses in the vicinity of the project site.
The following standard conditions would be included in the project to reduce construction noise impacts on neighboring properties:

**Project Conditions:**

- Limit construction activity to weekdays between 7:00 AM and 7:00 PM and Saturdays between 9:00 AM and 7:00 PM, with no construction on Sundays and City holidays;
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area;
- Construct sound walls or other noise reduction measures prior to developing the project site;
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;
- Prohibit all unnecessary idling of internal combustion engines;
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.  *(Less Than Significant Impact)*

b) **Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?**

Short-term vibration noise would be generated during project construction from the use of heavy equipment or impact tools (e.g. jackhammers, hoe rams). Heavy tracked vehicles (e.g., excavators) can also generate perceptible ground-borne vibration levels. The City of Gilroy has not identified quantifiable vibration limits that can be used to evaluate the compatibility of land uses with vibration levels experienced at a project site.

Future project construction would not include pile driving activities and is not anticipated to be a source of substantial vibration. With implementation of the standard permit conditions listed in question “a”, above, the project would not result in significant vibration impacts. *(Less Than Significant Impact)*

c) **Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

A permanent increase of three dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact. As described in answers to questions “a”, the project would result in an increase of 11 AM peak hour trips and 14 PM peak hour trips, with a total of 140 average daily trips. Project trip generation would be nominal relative to the traffic generated by the surrounding Glen Loma residential development. The project, therefore, would not result in a substantial permanent impact to ambient noise levels in the project vicinity. *(Less Than Significant Impact)*
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction noise from future development of the project site would temporarily increase ambient noise levels in the project area. Incorporation of the standard project conditions, as described in question “a”, would avoid potentially significant temporary or periodic construction-related noise during future residential development of the site. (Less Than Significant Impact)

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, will the project expose people residing or working in the project area to excessive noise levels?

The project is not located within the South County Airport Comprehensive Airport Land Use Plan (CALUP), prepared for the San Martin Airport. San Martin Airport is located in Santa Clara County north of the City of Gilroy boundary and over 5 miles from the project site. Hollister Municipal Airport in San Benito County is located more than 10 miles to the southeast. There are no public or private airports within the area that would impact the project site. (No Impact)

f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports within the area. (No Impact)

4.12.4 Conclusion

Project implementation would not result in significant noise or vibration impacts. (Less Than Significant Impact)
4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial 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)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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<td>1-3</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
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<td>1-3</td>
</tr>
</tbody>
</table>

4.13.2 Impact Discussion

a) Induce substantial 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)?

The project is the subdivision of an 8.56-acre parcel and future construction of 14 new single-family residential homes adjacent to an existing larger residential development known as the Glen Loma Specific Plan. The site would be accessible from within streets of the Villagio Subdivision, via Greenfield Drive. The construction of 14 new single-family homes would accommodate approximately 48 new residents and would not substantially increase the City of Gilroy’s existing population of 55,936 persons. (Less Than Significant Impact)

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The project site is currently undeveloped land adjacent to an existing larger residential development, the Glen Loma Specific Plan. Subdivision of the land and construction of new residential homes would not result in the displacement of housing. (No Impact)

---

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As stated in response to question “b”, the project site is undeveloped. Project implementation, therefore, would not result in the displacement of people. (No Impact)

4.13.3 Conclusion

Project implementation would not result in significant impacts to the population and housing supply for the City of Gilroy. (Less Than Significant Impact)
4.14 PUBLIC SERVICES

4.14.1 Environmental Checklist

Would the project

**a)** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:

- Fire Protection? [ ] [ ] [X] [ ] 1-3
- Police Protection? [ ] [ ] [X] [ ] 1-3
- Schools? [ ] [ ] [X] [ ] 1-3
- Parks? [ ] [ ] [X] [ ] 1-3
- Other Public Facilities? [ ] [ ] [X] [ ] 1-3

4.14.2 Impact Discussion

**a)** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 public services?

The project is the subdivision of an 8.56-acre undeveloped parcel and future construction of 14 single-family residential structures. The nearest fire station to the project site is the Gilroy Fire Department, located at 7070 Chestnut Street, approximately two miles east of the site. The nearest police station to the project site is located at 7301 Hannah Street, approximately two miles north of the site. The nominal increase in the population (approximately 48 residents) that would occur from project implementation would not exceed the ability for the Gilroy Fire and Police Departments to serve the population of Gilroy. *(Less Than Significant Impact)*

The project would be served by public schools within the Gilroy Unified School District. The nearest schools to the project site are Las Animas Elementary School, located at 6550 Cimino Street, approximately 0.3 miles southwest of the site; Solarsono Middle School, located at 7121 Grenache Way, approximately 2.4 miles north of the site; and Gilroy High School, located at 750 West 10th Street, approximately 1.5 miles from the project site. The project would generate approximately four elementary students (kindergarten through sixth grade), two middle school
students (seventh and eighth grades), and two high school students. Given the nominal number of students the project would be expected to generate, the project would not have a significant impact to public schools in the area. (Less Than Significant Impact)

The nearest park to the project site is Cydney Casper Park located at Las Animas Elementary School, approximately 375 feet southwest of the project site. The TEEC building at Christmas Hill Park, located at 7040 Miller Avenue approximately 0.9 miles northwest of the site, has a meeting room and multi-use area facilities. The nearest community center to the project site is the Wheeler Community Center, located at 270 West 6th Street, approximately two miles northeast of the project site. Given the relatively few number of residents generated from project implementation, the project is unlikely to have a noticeable impact on the park and community facilities in the area. (Less Than Significant Impact)

4.14.3 Conclusion

Project implementation would not result in significant impacts to public services. (Less Than Significant Impact)
4.15 RECREATION

4.15.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Source(s)</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 will occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
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<td>1-3</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1-3</td>
</tr>
</tbody>
</table>

4.15.2 Impact Discussion

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

As described in Section 4.13 Population and Housing, the construction of 14 new single family residences would nominally increase the total population of the City of Gilroy by approximately 48 residents. Future residential development on-site would result in a slight increase in demand for park facilities within the City. The nearest parks to the project site include the newly constructed Cydney Casper Park at Las Animas Elementary School (adjacent to Greenfield Drive) and Christmas Hill Park located nearby on Miller Avenue to the west. The project would provide over 3 acres of land for public use along Uvas Creek that includes a new trail connection. The City has sufficient parklands for planned development in the area. Thus, the use of existing and planned parklands by residents in the 14-lot residential subdivision would not cause any substantial or accelerated physical deterioration of park facilities. **(Less Than Significant Impact)**

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

Future residential development on-site would result in a slight increase in demand for park facilities within the city. The project does not propose construction of recreational facilities and no new off-site recreational facilities would be required to serve the incremental population increase that would result from project implementation. The project would be required to comply with City policy for parkland dedication or payment of in-lieu fees. The project, therefore, would not result in the construction of new recreational facilities with the potentially to adversely affect the physical environment. **(Less Than Significant Impact)**
4.15.3 Conclusion

Future residential development would not result in significant impacts to recreational facilities. 
(Less Than Significant Impact)
4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
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<td>☐</td>
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<td>☐</td>
<td>1-3, 16</td>
</tr>
<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<td>1-3</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
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<td>☒</td>
<td>1-3</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?</td>
<td>☐</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1-3</td>
</tr>
<tr>
<td>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

4.16.2 Existing Setting

4.16.2.1 Existing Roadway Network

Regional access to the project area is provided by Santa Teresa Boulevard. Santa Teresa Boulevard is a two lane high-trafficked thoroughfare extending from Morgan Hill to south Gilroy.

The project site is currently undeveloped and is not accessible by vehicles. Greenfield Drive terminates at the southern border of the site.
4.16.2.2  Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area consist of sidewalks along Riverview Circle and Greenfield Drive. There is an existing Class I bicycle path located along Riverview Circle, directly east of the project site.

4.16.2.3  Transit Service

Existing transit service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). The nearest bus route serving the project area is Route 18 which runs from the Gilroy Transit Center to Gavilan College with a stop near the project site at Thomas & Oakbrook. The Thomas & Oakbrook bus stop is located approximately 0.7 miles south of the project site.

4.16.3  Impact Discussion

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The introduction of 14 new single family residences would marginally contribute to vehicle traffic within the larger adjacent Glen Loma Ranch residential area which has approximately 1,643 residential units. Development of the project site with 14 single-family residences would generate approximately 11 AM peak hour trips (three inbound, eight outbound), and 14 PM peak hour trips (nine inbound, five outbound), for a total of approximately 140 average daily trips. The total trips generated are less than the Congestion Management Program (CMP) threshold of 100 net new daily project trips, the project would not be required to prepare a traffic impact analysis. However, as a standard City requirement all new development must pay its fair share cost toward funding of traffic improvements required to accommodate full buildout under the general plan (consistent with the City of Gilroy Comprehensive Fee Schedule, revised July 1, 2018). The current development impact fee is $11,561.00 per residential unit, which is due with the permit request. Thus, payment of the development impact fee would ensure the project would not conflict with an adopted plan, ordinance, or policy related to the effectiveness of the circulation system. (Less Than Significant Impact)

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways?

There are no streets within the vicinity of the project that are designated County Congestion Management Agency roads or highways. The project, therefore, based on the low peak hour trip generation of the project and the absence of CMP intersections in the vicinity of the site, the project would not conflict with a congestion management program. (No Impact)

---

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The project site is not located within an airport land use plan and does not propose to construct buildings that would obstruct air space. The project, therefore, would not result in a change in air traffic patterns. (No Impact)

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

The project would construct Greenfield Circle, a thirty-six-foot-wide private street that would provide access to all 14 residences and would connect to Greenfield Drive. The project, therefore, would not increase hazards due to project design. The project site plan would be reviewed by the Gilroy Fire Department to ensure that the design would be compatible with Fire Code and would not be designed to increase hazards on-site. (No Impact)

e) Result in inadequate emergency access?

As mentioned in the response to question “d”, the project site plan would be reviewed by the City of Gilroy’s Fire Department for safety and adequate access for emergency vehicles. The project, therefore, would not result in inadequate emergency access. (No Impact)

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The project proposes construction of a twelve-foot wide Class I recreational trail (constructed separate from street) in the northern portion of the site along the south side of Uvas Creek. The trail would be constructed per City of Gilroy standards and would connect to an existing Class I bicycle path located along Riverview Circle, directly east of the project site. The project would construct internal sidewalks along the new Greenfield Circle that would connect with the existing neighborhood sidewalks. Project implementation would result in an improvement to bicycle and pedestrian facilities in the area.

Santa Clara Valley Transit Authority provides service to the project site via Route 18 Gilroy Transit Center to Gavilan College. Route 18 stops at Thomas & Oakbrook, approximately 0.6 miles south of the project site. Since the project would not generate a substantial increase in residents, the project would have a less than significant impact on transit facilities. (Less Than Significant Impact)

4.16.4 Conclusion

Project implementation would not result in significant transportation related impacts. (Less Than Significant Impact)
## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
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<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>e) 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?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1-3</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
<td>1-3</td>
</tr>
</tbody>
</table>

### 4.17.2 Impact Discussion

#### a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The project site is undeveloped open space and is not currently served by utilities. Sanitary sewer lines within the project area are owned and maintained by the City of Gilroy. Wastewater collection is provided by the City of Gilroy and South County Regional Wastewater Authority (SCRWA).

The project would connect to an existing sanitary sewer line in Greenfield Drive and Riverview Circle. Wastewater from the project would be transported through existing sanitary sewer pipelines to the South County SCRWA for treatment. The SCRWA completes tertiary treatment
of all wastewater to remove impurities before the effluent is released to the SCRWA’s percolation ponds.

The project site is currently undeveloped open space. While future residential development would increase wastewater generation on the site, the project would not exceed the Central Coast Regional Water Quality Control Board’s (RWQCB) treatment requirements for the South County SCRWA. (Less Than Significant Impact)

b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Water service is provided to the project area by the City of Gilroy Water Department. The project would connect to an existing water main in Greenfield Drive. Future development of the project site with residential uses would not substantially increase water or wastewater volumes such that new or expanded facilities would be required. The project, therefore, would not have a significant impact related to the provision of water and sewer service for the project. (Less Than Significant Impact)

c) **Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

The project site is undeveloped open space and is entirely pervious. Runoff from the site currently directly enters the ground or travels downslope towards Uvas Creek.

The project includes nine bioretention basins that would capture and treat stormwater runoff from the site (refer to Figure 3.0-2). Stormwater would then be conveyed to existing stormwater lines in Greenfield Drive. Future development of the site would comply with the City of Gilroy’s National Pollutant Discharge Elimination System (NPDES) General Construction Permit, issued by the Central Coast RWQCB. The NPDES General Construction Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control project runoff, erosion, and sedimentation from the site during and post construction. With adherence to the NPDES General Construction permit, project implementation would remove pollutants in runoff from the site and would reduce the rate and volume of runoff from two year storm events, to levels that are at existing conditions. For these reasons, development of the project site would not exceed the capacity of the existing storm drainage system serving the project area. (Less Than Significant Impact)

d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

The project site is currently undeveloped open space. Future residential development would generate a water demand of approximately 7,920 gallons per day for the 14 residences on the site, which was accounted for in the City’s 2015 Urban Water Management Plan for future growth in
the City. Project implementation therefore, would not result in a significant impact to water supplies in the project area. (Less Than Significant Impact)

e) 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?

Project implementation would result in a marginal increase (approximately 6,732 gallons of wastewater) in wastewater generated in the project area. Future residential development of the site would not substantially increase wastewater volumes such that the wastewater treatment provider would not be able to serve the project site. (Less Than Significant Impact)

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

The City of Gilroy contracts with Recology South County to provide curbside recycling, garbage, and organic waste collection services. Solid Waste from the City is currently disposed of at the John Smith Landfill near Hollister. The John Smith Landfill is a Class III Landfill with a permitted capacity of 9.354 million cubic yards. As of November 2012, the facility still has approximately 4,625,827 cubic yards remaining. Class III landfills accept municipal solid waste, industrial solid waste, sewage sludge, nonhazardous municipal solid waste incinerator ash and other nonhazardous waste. The John Smith Landfill has sufficient permitted capacity to accommodate the project’s solid waste disposal needs.

Projects requiring a building or demolition permit that involve 5,000 square feet or more are required to recycle or divert from disposal at a landfill at least 50 percent of the construction debris resulting from the construction or demolition (Article V of Chapter 12 of the Gilroy Municipal Code). The project would be required to comply with this provision of the Municipal Code. (Less Than Significant Impact)

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Project implementation would result in the generation of solid waste from new residents. As described in response f), solid waste generated would be collected by Recology South County services. Recology South County is required to comply with local, state, and federal statutes regulations related to solid waste. Thus, the project would comply with the applicable local, state, and federal statutes and regulations. (Less Than Significant Impact)

4.17.3 Conclusion

Project implementation would not result in significant impacts related to utilities and service systems. (Less Than Significant Impact)

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16 Ibid.
17 Wastewater generation rate is assumed to be approximately 85 percent of daily water demand.
4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

<table>
<thead>
<tr>
<th>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
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<td>1-16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>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)?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
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<tbody>
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<td>1-16</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
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</tr>
</tbody>
</table>

4.18.2 Impact Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As described in Section 4.5 Cultural Resources, there are no structures on-site. Project implementation therefore, would not eliminate historical resources. Standard permit conditions would be implemented in the event buried cultural resources were encountered during site preparation and grading.

Biological impacts resulting from the project, including habitat loss for special-status species and potential disturbance to non-special status species (e.g. nesting birds, San Francisco dusky-footed woodrats), would be reduced to a less than significant impact with payment of applicable Santa Clara Valley Habitat Agency fees and mitigation measures including pre-construction surveys and implementation of a tree protection plan. Payment of fees to the Habitat Agency would offset project impacts by contributing funds to acquire land for land preservation for species.
protection. The project therefore, does not have the potential to degrade the environment to a level that would substantially reduce habitat of fish and/or wildlife species. (Less Than Significant Impact with Mitigation Incorporated)

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of Gilroy were designed such that a project-level impact would also be a cumulatively considerable impact. The proposed project would not result in significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The project would incorporate mitigation measures to reduce impacts related to construction Toxic Air Contaminants (MM AIR-1.1 – 1.3).

With implementation of standard permit conditions, the proposed residential development would not result in impacts related to cultural resources, geology and soils, hydrology and water quality, and noise and vibration such that the project would contribute to significant cumulative impacts to those areas.

The proposed project may contribute to cumulative impacts identified in the Glen Loma Ranch Specific Plan EIR, specifically impacts related to traffic. Based on the limited AM and PM peak hour trip generation (11 AM peak hour, 14 PM peak hour) associated with the project, the project would not result in a new cumulative traffic impact, nor would it have a considerable contribution to a previously identified cumulative impact.

Biological impacts would be reduced via payment of applicable SCVHA fees which would be used towards acquisition of lands for plant and animal species and habitat preservation. The project, therefore, would not result in significant cumulative biological impacts. (Less Than Significant Impact with Mitigation Incorporated)

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular
individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include community risks from construction equipment air emissions, soil and seismic hazards, and noise. Implementation mitigation measures and standard permit conditions, however, would ensure these impacts are less than significant to residential development on the site. No other direct or indirect adverse effects on human beings have been identified. (Less Than Significant Impact with Mitigation Incorporated)
Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
SECTION 5.0 REFERENCES


6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Gilroy
   Community Development Department
   Kraig Tambornini, Senior Planner

6.2 CONSULTANTS

Environmental Consultants and Planners
   Akoni Danielsen, Principal Project Manager
   Michael Lisenbee, Senior Project Manager
   Caroline Weston, Associate Project Manager
   Zach Dill, Graphic Artist

H.T. Harvey & Associates
Ecological Consultants
   Kelly Hardwicke, Principal, Senior Plant and Wetlands Ecologist

Illingworth & Rodkin, Inc.
Acoustical and Air Quality Consultants
   James Reyff, Principal
   Bill Popenuck