



PLANNING COMMISSION SPECIAL MEETING AGENDA

Thursday, January 16, 2025 | 6:00 PM

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA 95020

Chair: Manny Bhandal:
manny.bhandal@cityofgilroy.org

Vice Chair: Annedore Kushner:
annedore.kushner@cityofgilroy.org

Commissioners:

Stefanie Elle:
stefanie.elle@cityofgilroy.org
Joan Lewis:
joan.lewis@cityofgilroy.org

Adriana Leongardt:
adriana.leongardt@cityofgilroy.org
Monica Valdez:
monica.valdez@cityofgilroy.org

Staff Liaison: Sharon Goei, Community Development Director | sharon.goei@cityofgilroy.org

Written comments can be submitted by email to planningdivision@cityofgilroy.org. Please note that written comments will not be read out loud, but will be part of the written record.

Comments by the public will be taken on any agenda item before action is taken by the Planning Commission. Persons speaking on any matter are asked to state their name and address for the record. Public testimony is subject to reasonable regulations, including but not limited to time restrictions on particular issues and for each individual speaker. A minimum of 12 copies of materials should be provided to the Clerk for distribution to the Commission and Staff. Public comments are limited to no more than three-minutes, at the Chair's discretion.

Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to the City of Gilroy, Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00 pm on the day of a Planning Commission meeting will be distributed to the Planning Commissioners prior to or at the meeting and are available for public inspection at the Planning Division counter at City Hall, 7351 Rosanna Street. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00 pm deadline will be provided to the Planning Commission as soon as practicable.

In compliance with the American Disabilities Act (ADA), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (408) 846-0491. A sound enhancement system is available in the City Council Chambers.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this

meeting, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

Persons who wish to speak on matters set for Public Hearing will be heard when the presiding officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the hearing is closed and brought to the Planning Commission level for discussion and action. There is no further comment permitted from the audience unless requested by the Planning Commission.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9(b)(1) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also available with the agenda packet on the City website at www.cityofgilroy.org

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204 or by email at cityclerk@cityofgilroy.org.

1. **OPENING**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT ON POSTING THE AGENDA AND ROLL CALL**
4. **PUBLIC COMMENTS**

(Three-minute time limit). This portion of the meeting is reserved for persons desiring to address the Planning Commission on matters not on the agenda. The law does not permit the Planning Commission action or extended discussion of any item not on the agenda except under special circumstances. Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00pm on the day of a Planning Commission meeting will be distributed to the Planning Commission prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Planning Division at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondences received will be incorporated into the meeting record. Items received after 1:00pm deadline will be provided to the Planning Commission as

soon as practicable. All statements that require a response will be referred to staff for reply in writing.

PUBLIC HEARINGS FOR RELATED PROJECT APPLICATIONS WILL BE HEARD CONCURRENTLY AND ACTION WILL BE TAKEN INDIVIDUALLY. COMPANION PROJECTS UNDER NEW BUSINESS WILL BE TAKEN UP FOR ACTION PRIOR TO, OR IMMEDIATELY FOLLOWING THE RELATED PUBLIC HEARING. THIS REQUIRES DEVIATION IN THE ORDER OF BUSINESS AS NOTED WITHIN THE AGENDA.

5. CONSENT AGENDA

5.1. December 5, 2024 Planning Commission Meeting Minutes

6. PUBLIC HEARINGS

6.1. Staff's request of continuance of public hearing for two Tentative Map applications to subdivide approximately 6.7 acres into 42 single-family duet residential lots (TM 24-02) and approximately 41.36 acres into 84 single-family residential lots (TM 24-03) in the Glen Loma Ranch Specific Plan area.

1. Staff Report: Sharon Goei, Community Development Director
2. Public Hearing:
3. Close Public Hearing:
4. Possible Action:

Continue the public hearing, to a date uncertain, for two Tentative Map applications to subdivide approximately 6.7 acres into 42 single-family duet residential lots (TM 24-02) and approximately 41.36 acres into 84 single-family residential lots (TM 24-03) in the Glen Loma Ranch Specific Plan area.

6.2. Zoning Map amendment application to rezone an undeveloped property (APN # 810-23-005) to Residential Hillside, consistent with the 2040 General Plan Hillside Residential land use designation (Z 22-03), and a Tentative Map application to subdivide an approximately 37.54-acre site into 54 single-family residential lots (TM 22-02).

1. Staff Report: Cindy McCormick, Planning Manager
2. Public Hearing:
3. Close Public Hearing:
4. Possible Action:

Staff has analyzed the proposed project, and recommends that the Planning Commission:

- a) Consider and recommend that the City Council adopt the Mitigated Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA); and
- b) Recommend that the City Council adopt an Ordinance approving Zoning Map Amendment Z 22-03; and

- c) Adopt a resolution recommending that the City Council adopt a resolution approving Tentative Map application TM 22-02, subject to the findings, conditions, and mitigation measures provided in the draft resolution.

7. NEW BUSINESS

- 7.1. None.

8. INFORMATIONAL ITEMS

- 8.1. Planning Division Staff Approvals

9. PLANNING DIVISION REPORT

10. ASSISTANT CITY ATTORNEY REPORT

11. ADJOURNMENT To the Next Meeting of February 6, 2025 at 6:00 PM

**City of Gilroy
Planning Commission
Regular Meeting Minutes
Thursday, December 5, 2024 | 6:00 PM**

1. OPENING

Tonight's meeting was called to order by Chair Bhandal at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Bhandal led the pledge of allegiance.

3. REPORT ON POSTING THE AGENDA AND ROLL CALL

The agenda was posted on Wednesday, November 27, 2024 at 2:34 p.m.

Attendance	Attendee Name
Present	Stefanie Elle, Commissioner Adriana Leongardt, Commissioner Joan Lewis, Commissioner Kelly Ramirez, Commissioner Monica Valdez, Commissioner Annedore Kushner, Vice Chair Manny Bhandal, Chair

4. PUBLIC COMMENTS

Chair Bhandal opened public comment for items not on the agenda.

There being no speakers, Chair Bhandal closed public comment for items not on the agenda.

5. CONSENT AGENDA

5.1. November 7, 2024 Planning Commission Meeting Minutes

A motion was made by Commissioner Lewis; seconded by Chair Bhandal to approve the consent agenda.

RESULT: Pass [7 – 0]

MOVER: Commissioner Lewis

SECONDER: Chair Bhandal

AYES: Commissioner Elle, Leongardt, Lewis, Ramirez, Valdez, Vice Chair Kushner, and Chair Bhandal

6. PUBLIC HEARINGS

6.1. First Amendment to the Glen Loma Ranch Development Agreement

1.Staff Report: Cindy McCormick, Planning Manager

2.Public Hearing:

3.Close Public Hearing:

4.Possible Action:

1. Determine that the First Amendment to the Glen Loma Ranch Development Agreement does not require independent CEQA review, beyond EIR Addendum #2, undertaken in connection with the adoption of the Fourth Operating Memorandum.
2. Recommend that the City Council adopt an ordinance approving the First Amendment to the Development Agreement between the City of Gilroy and Glen Loma Corporation for the Glen Loma Ranch project to extend the term of the Development Agreement by three years.

A motion was made by Commissioner Ramirez; seconded by Chair Bhandal to:

Determine that the First Amendment to the Glen Loma Ranch Development Agreement does not require independent CEQA review, beyond EIR Addendum #2, undertaken in connection with the adoption of the Fourth Operating Memorandum.

RESULT: Pass [7 – 0]

MOVER: Commissioner Ramirez

SECONDER: Chair Bhandal

AYES: Commissioner Elle, Leongardt, Lewis, Ramirez, Valdez, and Vice Chair Kushner, Chair Bhandal

A motion was made by Commissioner Ramirez; seconded by Commissioner Valdez to:

Recommend that the City Council adopt an ordinance approving the First Amendment to the Development Agreement between the City of Gilroy and Glen Loma Corporation for the Glen Loma Ranch project to extend the term of the Development Agreement by three years.

RESULT: Pass [7 – 0]

MOVER: Commissioner Ramirez

SECONDER: Commissioner Valdez

AYES: Commissioner Elle, Leongardt, Lewis, Ramirez, Valdez, and Vice Chair Kushner, Chair Bhandal

7. NEW BUSINESS

7.1. Planning Commission Review of Metropolitan Transportation Commission Complete Streets Checklist for 2024 Climate Program Implementation Grant

1. Staff Report: Mark Johnson, Environmental Programs Manager
2. Public Comment:
3. Possible Action: Review and provide feedback on the Metropolitan Transportation Commission (MTC) Complete Street Checklist for the

proposed Electric Vehicle (EV) Charging Stations at the Gilroy Community Library.

The Planning Commission reviewed the checklist and had no comments that necessitated changes to the checklist as presented.

7.2. Zoning Ordinance Update: Preliminary Draft Planning Permits, Part 1

1. Staff Report: Cindy McCormick, Planning Manager
2. Public Comment:
3. Possible Action:

Receive the staff report and provide preliminary feedback on preliminary draft sections proposed for the comprehensive update. Preliminary recommendations should be made by an informal consensus of the Planning Commission.

The Planning Commission reviewed the first part of the preliminary draft of the comprehensive zoning code update focused on Planning permits and provided feedback. No changes were made to the draft zoning amendments.

8. INFORMATIONAL ITEMS

8.1. Planning Division Staff Approvals

There was one architectural and site review application staff approval.

9. PLANNING DIVISION REPORT

None.

10. ASSISTANT CITY ATTORNEY REPORT

None.

11. ADJOURNMENT

Chair Bhandal adjourned the meeting at 7:15 p.m.

Ariana Fabian

Ariana Fabian, Planning Technician



Community Development Department

Sharon Goei
DIRECTOR

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cityofgilroy.org | planningdivision@cityofgilroy.org

DATE: January 16, 2025

TO: Planning Commission

FROM: Sharon Goei, Community Development Director

SUBJECT: Staff's request of continuance of public hearing for two Tentative Map applications to subdivide approximately 6.7 acres into 42 single-family duet residential lots (TM 24-02) and approximately 41.36 acres into 84 single-family residential lots (TM 24-03) in the Glen Loma Ranch Specific Plan area

RECOMMENDATION

Continue the public hearing, to a date uncertain, for two Tentative Map applications to subdivide approximately 6.7 acres into 42 single-family duet residential lots (TM 24-02) and approximately 41.36 acres into 84 single-family residential lots (TM 24-03) in the Glen Loma Ranch Specific Plan area.

ANALYSIS

Several issues relative to the Tentative Map applications have been under discussion with the applicant and need to be further analyzed and discussed in-depth with the applicant.

To allow adequate analysis and discussion of the issues and reach consensus on certain conditions, staff requests to continue the public hearing to a date uncertain. Once a new date is determined, staff will re-notice the public hearing.



Community Development Department

Sharon Goei
DIRECTOR

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DATE: January 16, 2025

TO: Planning Commission

FROM: Cindy McCormick, Planning Manager

SUBJECT: Zoning Map amendment application to rezone an undeveloped property (APN # 810-23-005) to Residential Hillside, consistent with the 2040 General Plan Hillside Residential land use designation (Z 22-03), and a Tentative Map application to subdivide an approximately 37.54-acre site into 54 single-family residential lots (TM 22-02).

RECOMMENDATION:

Staff has analyzed the proposed project, and recommends that the Planning Commission:

- a) Consider and recommend that the City Council adopt the Mitigated Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA); and
- b) Recommend that the City Council adopt an Ordinance approving Zoning Map Amendment Z 22-03; and
- c) Adopt a resolution recommending that the City Council adopt a resolution approving Tentative Map application TM 22-02, subject to the findings, conditions, and mitigation measures provided in the draft resolution.

PROJECT DESCRIPTION:

The Planning Commission will provide a recommendation to the City Council regarding a proposed Zoning Map amendment (Z 22-03) to rezone a 37.5-acre undeveloped property (APN # 810-23-005) to RH (Residential Hillside), consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map (TM 22-02) to subdivide the subject property into 54 residential lots. Future applications would be submitted to construct a detached single-family residence on each lot. The project would also include a private club house that would be located on the western side of the site. The project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place. No architectural plans are proposed at this time. Future development of the individual lots will be processed through an Administrative Architectural and Site Review

application in accordance with City Code. The private club house will require a Conditional Use Permit, unless otherwise allowed through an approved Planned Unit Development, or unless otherwise allowed by City Code.

DISCUSSION AND ANALYSIS:

BACKGROUND

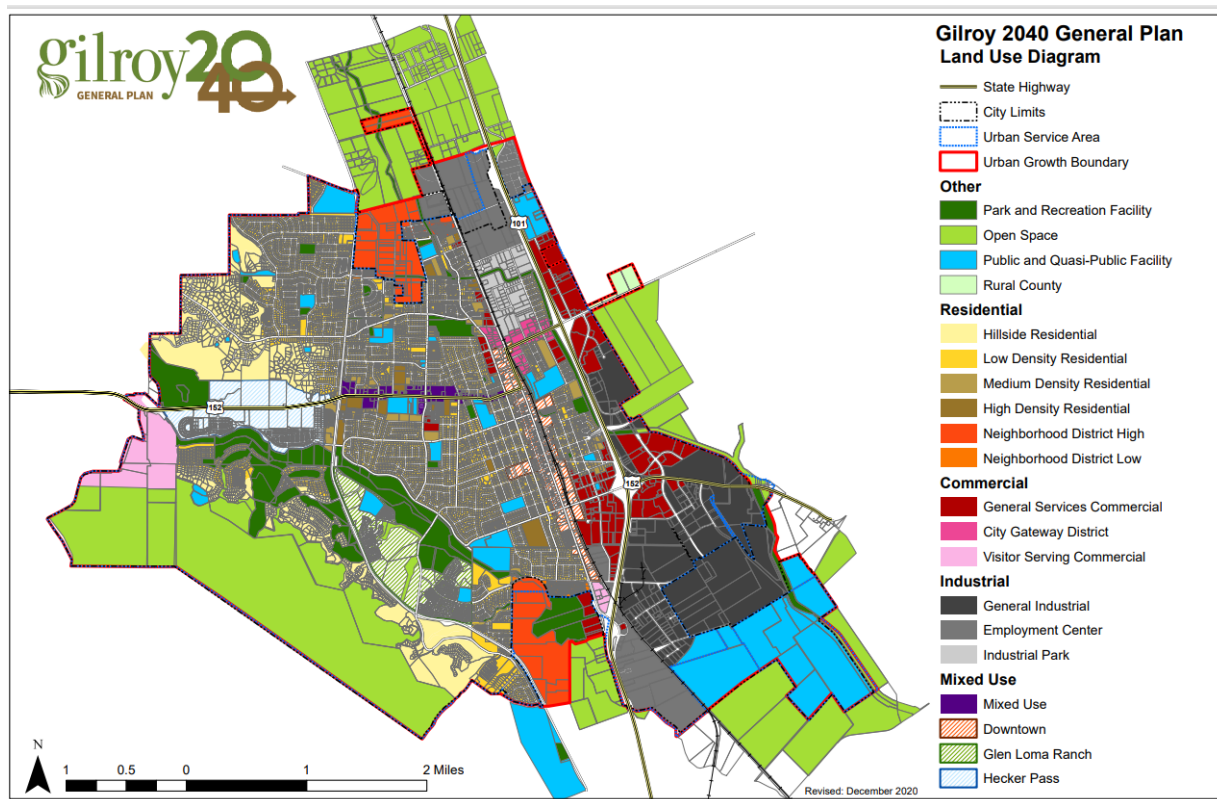
General Plan 2040 Land Use Designation: On [November 12, 2015](#), the Planning Commission held a public hearing to consider, among other actions associated with the 2040 General Plan update, land use designation changes in the City of Gilroy. Two specific properties, including the subject property, were called out in the [staff report](#) and presented during the public hearing. As noted in the staff report, the subject property was the only parcel in the Urban Service Area (USA) designated Rural Residential in the 2020 General Plan. The lone Rural Residential zoning designation was recommended to be removed due to its incompatibility with the urban-scale residential land uses planned within the USA.

Based on the predominant surrounding land use designation of Hillside Residential, the slope of the subject property, and its riparian characteristics, the site was recommended to be designated Hillside Residential, which allows <1 – 4 du/ac.

The Planning Commission recommended that the City Council change the land use designation of the subject property to Hillside Residential and, on January 4, 2016, the City Council agreed with this recommendation. Following the delay caused by the passage of Measure H (Urban Growth Boundary that protects open space and agricultural land outside City limits), the 2040 General Plan and Land Use Diagram designating the subject property as Hillside Residential was recommended for approval by the Planning Commission on October 2, 2020 and adopted by the City Council on November 2, 2020.

The adopted and certified Environmental Impact Report for the 2040 General Plan included a section on agricultural resources and noted that lands in the (A1) Agricultural Zoning District are expected to be urbanized in accordance with the General Plan. To mitigate the potential impacts to agricultural land, the City adopted an Agricultural Mitigation Policy.

Agricultural Mitigation Policy: In 2004 (amended 2016), the City adopted an Agricultural Mitigation Policy with specific criteria and guidelines to enable the continued viability of agriculture and agri-tourism in the Gilroy area. The subject property is not designated as “Prime” Farmland or lands of “Statewide Importance” by the State Department of Conservation and is therefore not subject to this policy, further illustrating that agricultural uses are not a supported use of the subject property.



Housing Accountability Act. As a housing development project proposing more than one residential unit, the Housing Accountability Act (HAA) (Government Code Section 65589.5) limits the City’s ability to “deny, reduce the density for, or render infeasible” the project unless the project: (1) is found to be in violation of an objective general plan/zoning standard; or (2) will result in a specific adverse impact to public health and safety. While conditions and requirements may be applied to further applicable goals, policies, and strategies – any conditions and requirements not based on objective standards may not make the project infeasible or reduce the number of units. Under the HAA an objective standard is one that involves “no personal or subjective judgment by a public official and [is] uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.”

ENVIRONMENTAL ASSESSMENT: The City of Gilroy has prepared an Initial Study for the Ren Fu Villa Residential project in compliance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations §15000 et. seq.) and City of Gilroy regulations and policies. The project’s proposed land use, density, and on-site development is consistent with the Gilroy 2040 General Plan and assumptions in the 2040 General Plan Environmental Impact Report (EIR), which was certified on November 2, 2020. Pursuant to CEQA Guidelines Section 15168, the environmental review for a later activity (e.g., the proposed project) is simplified because the program EIR (1) provides the basis for determining whether the later activity may have any significant effects; (2) can be incorporated by reference to deal with regional influences, secondary effects,

cumulative impacts, broad alternatives, and other factors that apply to the General Plan program as a whole; and (3) focuses the analysis of the later activity solely on new effects which had not been considered before. In addition, pursuant to CEQA Guidelines Section 15183, CEQA mandates that projects which are consistent with the development density established by general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

Mitigated Negative Declaration (MND): In addition to contributing to the previously disclosed significant and unavoidable impacts in the Gilroy 2040 General Plan Final EIR, the project could result in additional significant effects on the environment; however, there will not be any significant effect in this case because the project is subject to a Mitigated Negative Declaration (MND). The MND includes a summary of potential significant environmental impacts and the mitigation measures proposed to avoid or reduce those impacts. The 30-day public review period began on August 2, 2024 and ended on September 3, 2024. A response to public comments on the environmental documents received prior to September 4, 2024 was posted to the project website on January 6, 2025 (organization comments) and January 9, 2025 (resident comments).

Mitigation Monitoring and Reporting Program (MMRP): The City also prepared a Mitigation Monitoring and Reporting Program (MMRP) to help ensure that the designated mitigation measures are appropriately implemented during all stages of the project including future construction and project build-out. The MMRP lists the required mitigation measures, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and a placeholder checklist for future verification of compliance.

Mitigation Measures. The proposed mitigation measures are summarized below. For the complete mitigation, including timing and measure details, please review the attached MMRP.

A. Biological Resources

As discussed in Section 4.4 (Biological Resources) of the Initial Study, the proposed project would not 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal with implementation of mitigation measures MM BIO-1 and MM BIO-2, and compliance with applicable standard conditions of approval and Habitat Plan policies and conditions (including Conditions 1, 3, 11, 12, 13, 16, 19, and 20).

MM BIO-1: Burrowing Owls. To minimize impacts on burrowing owls, the following measures will be implemented.

Preconstruction Surveys for Burrowing Owls. Preconstruction surveys for burrowing owls shall be conducted by a qualified biologist/ornithologist (funded by the project applicant) prior to the initiation of construction activities. The timing and location of the surveys is described in the MND and MMRP. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of the project impact areas, a qualified biologist/ornithologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities.

Implement Buffer Zones for Burrowing Owls. If burrowing owls are detected during the pre-activity survey, a 250-foot buffer, within which no construction-related activities shall be permissible, shall be maintained between construction activities and occupied burrows, during the timeframes established in the MND and MMRP.

Monitor Owls during Construction. If maintaining a 250-foot buffer around active owl burrows is not feasible, the buffer may be reduced if (1) the individual or nest is not disturbed, and (2) a qualified biologist/ornithologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW and USFWS prior to the initiation of construction activities in the identified 250-foot buffer areas. The plan shall include the measures identified in the MND and MMRP.

The qualified biologist/ornithologist shall submit a summary report, to the City of Gilroy, that includes the findings of preconstruction surveys, identification of any required buffers, documentation of justification for any reduced buffers and a copy of the avoidance, minimization, and monitoring plan approved by CDFW and USFWS (if applicable) prior to issuance of grading or construction permits.

MM BIO-2: MM BIO-2: Compensate for Direct, Permanent Encroachment into the Riparian Setback. Direct, permanent impacts within the 35-foot riparian setback shall be mitigated on-site at a minimum 2:1 ratio (mitigation area to impact area) through enhancement of the existing riparian corridor elsewhere on the project site. This enhancement, which shall be directed by a qualified restoration or plant ecologist (funded by the project applicant), would consist of planting or restoration of native vegetation appropriate to the site, and management of any particularly noxious occurrences of invasive plants, in a way that will enhance the structure and function of the riparian habitat. The qualified restoration or plant ecologist shall prepare a mitigation plan outlining the enhancement activities which shall be submitted to and approved by the City prior to the issuance of any construction or grading permits. The plan shall include at least three years of monitoring, following implementation of mitigation, to ensure mitigation success. The performance criteria required by this mitigation plan shall include the survival of enough planted/restored vegetation three years after implementation to ensure that enhancement has occurred at a minimum ratio of 2:1, as discussed above.

B. Cultural Resources

As discussed in Section 4.5 (Cultural Resources) of the Initial Study, with the implementation of standard conditions of approval and mitigation measures MM CUL-1 and MM CUL-2, the project would not result in significant impacts to buried archaeological or cultural resources (if encountered on-site).

MM CUL-1: Prior to the commencement of construction, the applicant shall secure the services of a qualified archaeologist. The qualified archaeologist shall prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable resources. The WEAP shall be reviewed and approved by the City's Community Development Director, or his or her designee, prior to the issuance of construction and grading permits. This program shall be provided to all construction workers as a field training prior to the beginning of ground-disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialist(s).

MM CUL-2: Ground-disturbing activities (including, but not limited to, demolition / excavation, grading, and utility trenching) shall be monitored by a qualified archaeologist to be retained by the project applicant. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find until its significance can be assessed by the qualified archaeologist. After observing a representative sample of ground-disturbing activity with no cultural resources encountered, the archaeologist may recommend that monitoring move to a part-time or intermittent schedule by mutual agreement with the City. A summary report of the monitoring results, including any protective measures implemented (see the Cultural Resources conditions of approval at the end of this MMRP), shall be submitted to the City prior to the issuance of building permits.

C. Greenhouse Gas

As discussed in Section 4.8 (Greenhouse Gas Emissions) of the Initial Study, the project would generate a significant and unavoidable VMT impact which would also result in a significant GHG impact. The project would be able to offset the GHG emissions associated with the VMT impact through implementation of mitigation measure MM GHG-1; thereby reducing its cumulative contribution to significant GHG impacts to a less than significant level.

MM GHG-1: Reduce GHG Emissions. The applicant is responsible for retaining a qualified air quality/GHG specialist to develop a GHG reduction plan to reduce GHG emissions such that the project's GHG emissions are reduced by the emissions equivalent to those produced by the rate of VMT exceeded over the threshold. These reductions shall be kept in place by the project until the City adopts a GHG reduction plan that contains goals and associated strategy to decrease emissions in a manner consistent

with meeting the State's interim 2030 GHG emissions and long-term goals. The reduction of project GHG emissions through the retirement of carbon offset credits shall satisfy the conditions described in the MND and MMRP. The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring the required offset credits, in accordance with the stated criteria, prior to final issuance of a building permit. To demonstrate compliance with such requirements, the applicant shall provide the following to the City's Community Development Director, or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner.

D. Hazards And Hazardous Materials

As discussed in Sections 4.3 (Air Quality), 4.7 (Geology and Soils), 4.9 (Hazards and Hazardous Materials), and 4.13 (Noise) of the Initial Study, the project would implement mitigation measure MM HAZ-1 and comply with all applicable conditions of approval and General Plan policies to reduce impacts to a less than significant level.

MM HAZ-1: An Environmental Professional shall prepare a Risk Management Plan (e.g., Site Management Plan) prior to issuance of a grading permit and excavation. The Plan shall establish appropriate management practices for handling the undocumented fill, including guidelines for the reuse and disposal of these materials, and protocols to segregate the lead-impacted fill and ensure that appropriate off-site disposal is completed. This Plan shall be submitted to the City for review and approval prior to issuance of grading and construction permits. Following completion of the excavation, a report documenting compliance with the Plan and summarizing the work completed on-site shall be prepared by the Environmental Professional and provided to the City for review and approval.

The project applicant shall also require the construction General Contractor to prepare a Health and Safety Plan (HSP) establishing appropriate protocols for working at the property and submit the HSP to the City prior to issuance of construction and grading permits. Workers conducting property earthwork activities in contaminated areas shall complete 40-hour HAZWOPER training course (29 CFR 1910.120). The General Contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.

E. Transportation

As discussed in Section 4.17 (Transportation) of the Initial Study, the project would generate a significant and unavoidable VMT impact. The project would implement mitigation measure MM TRN-1 to reduce its contribution to cumulative VMT impacts in the City, but not to a less than significant level. However, the 2040 General Plan EIR was adopted with a statement of overriding considerations for VMT finding that economic, legal, and social considerations of the Gilroy 2040 General Plan outweigh the significant, unavoidable impacts on VMT.

MM TRN-1: Reduce Project VMT. The project applicant shall hire a qualified transportation consultant to develop and implement Transportation Demand Management (TDM) strategies for the project to reduce the project's vehicle miles traveled (VMT) per capita to the extent feasible. These TDM strategies shall be implemented concurrently with the occupation of the completed residences on-site. A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.

Santa Clara Valley Habitat Plan: The site is subject to the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan). To determine land cover classifications present on-site, an Existing Conditions and Biological Constraints Report was prepared in May 2023 and further refined in March 2024 in the Biological Resources Report (Appendix C). Surveys were performed to verify the existing conditions on-site. The survey findings are discussed in Section 4.1.1.2 (Existing Conditions) of the Initial Study. The Initial Study includes an extensive analysis of the project's compliance with the Habitat Plan.

Following that analysis, the applicant revised the tentative map to include riparian easements to prohibit encroachment into riparian setback areas within the individual lots. Any unmitigated encroachment would require an exception from the Habitat Plan Agency. If the exception is not granted under the Habitat Plan, the project shall modify the project design to comply with Habitat Plan requirements.

HT Harvey, the consultant that prepared the Biological Resources Report and associated mitigation measures for the project will prepare all required Habitat Plan application materials and requirements including the coverage screening form, fees and conditions worksheet, and formal application.

STAFF ANALYSIS

The project has been reviewed by all City departments (e.g., Fire, Police, Engineering, Building, and Planning) and applicable agencies (e.g., Valley Water). Based on this review, conditions of approval have been prepared in conformance with the requirements of City Code.

Subject Property and Surrounding Land Uses: The 37.5-acre site is presently undeveloped. The following table identifies the existing land uses and the General Plan and Zoning designations of the project site and surrounding properties.

LOCATION	EXISTING LAND USE	GENERAL PLAN	ZONING
Project Site	Undeveloped	Hillside Residential	A1 - Agriculture District
North	Residential uses	Glen Loma Ranch Specific Plan	Glen Loma Ranch Specific Plan
South	Residential uses	Hillside Residential	RH - Residential Hillside
East	Residential uses, Church	Low Density Residential	R1 - Single Family Residential
West	Limited public utility infrastructure facilities	Hillside Residential and Open Space	RH - Residential Hillside

Proposed Street Names: The names of the new private streets have been reviewed and approved by the City of Gilroy Street Naming Task Force, which includes representatives from the Police, Fire, Engineering, Building, and Planning Divisions.

Tentative Map Application TM 22-02: TM 22-02 would subdivide an approximately 37.5-acre site for development of 54 detached single-family residential units. The subject property (APN # 810-23-005) is located south of Santa Teresa Boulevard and north/northeast of Miller Avenue. The parcel is undeveloped, and currently contains vegetation, a pond, creek and creek bed, debris, and storage containers. Surrounding land uses include residential uses to the north, east, and south, and a church to the east.

Density: The Gilroy 2040 General Plan (General Plan) land use designation for the project site is Hillside Residential, which allows for development of residential uses at a density of one to four dwelling units per net acre (du/ac). The proposed density is approximately 3.18 units per net acre, which is within range of the allowable density.

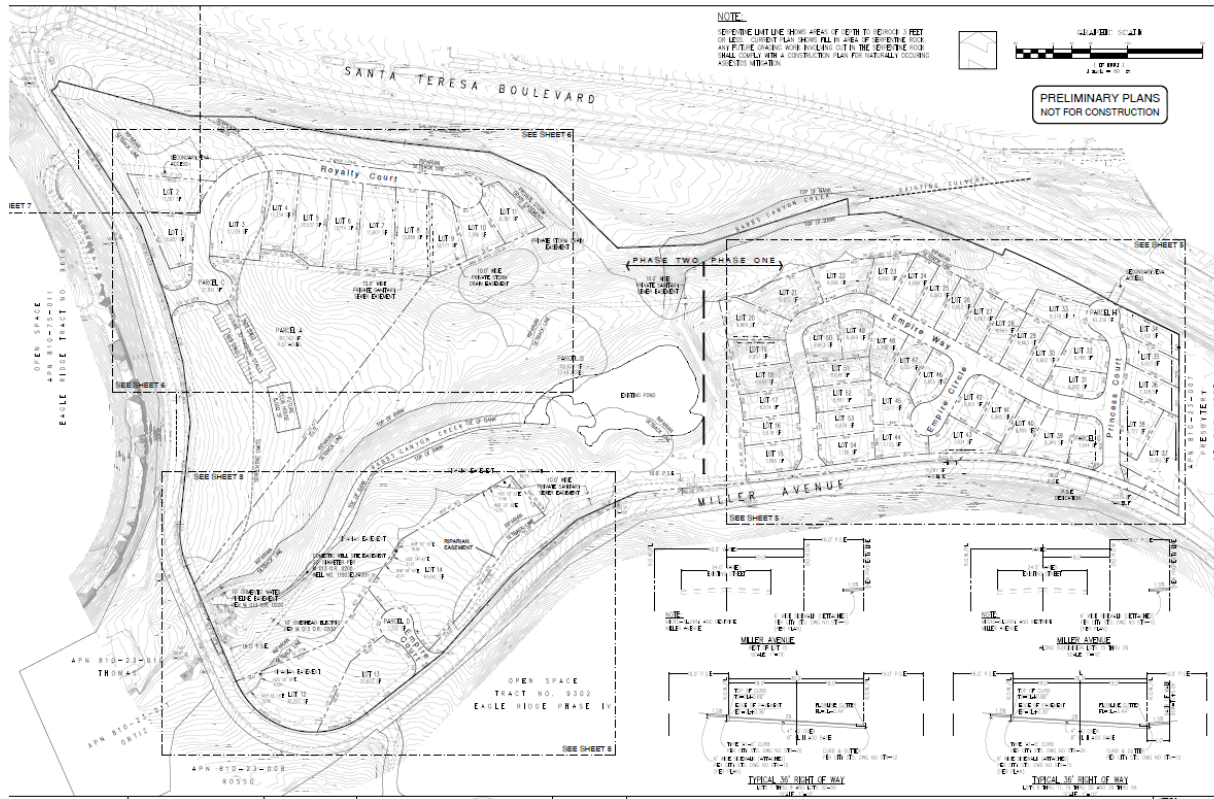
A gross acre is an acre of land, including streets and right-of-ways, designated for a specific use. A net acre is the remaining land excluding streets, public right-of-ways, non-residential land uses (e.g., preserved open space) and other public facilities. In urban areas net acreage is normally 20 to 25 percent less for a given area than gross acreage; however the net acreage of this site is much lower due to the non-residential open space on the property. After deducting the private streets (2.46 acres), open space (17.72 acres), and Miller Avenue Right-of-Way (0.35 acres), the remaining net acreage is approximately 16.97 net acres. Therefore, the proposed density is approximately 3.18 units per net acre (54 units / 16.97 net acres).

Open Space/Preserved Area: Approximately 47 percent of the site (17.72 acres) will be maintained as preserved open space, natural vegetation, creek, and riparian habitat area.

Site Layout, Lot Sizes and Phasing: The project would be developed in two phases, following review and approval of an Architectural and Site Review permit application, grading permit, and building permit. Phase 1 would include construction of 40 residences on the eastern half of the site (“eastern residences”). The lot areas for the eastern residences would range from approximately 6,660 to 12,070 square feet. The project would also construct a seven-foot-tall sound wall or equivalent feature (e.g., landscaped berm) along the northern and eastern property boundaries. Phase 2 would include construction of the remaining 14 residences on the western half of the site (“western residences”) in two groups. The northwestern group would include 11 residences and the southwestern group would include three (3) residences. The northwestern group would be located north of the creek bed, and the southwestern group would be located south of the creek bed. The lot areas for the western residences would range from approximately 8,990 to 61,050 square feet.

Site Access, Circulation, and Parking: Primary vehicle access to the project site would be provided via four new streets off Miller Avenue. In phase 1, Empire Way and Princess Court would provide access to the 40 eastern residences. Princess Court would be a north-south street that terminates at the northern site boundary in a cul-de-sac. Secondary access for emergency vehicles only would be provided via Princess Court from Santa Teresa Boulevard. Empire Way extends from Miller Avenue to the north, then curves to the east to intersect with Princess Court. Access to a new cul-de-sac, Empire Circle, would also be provided from Empire Way. In phase 2, the northwestern group of residences would be accessed via the newly constructed Royalty Court, and the southwestern group of residences would be accessed via the newly constructed Empire Court. Vehicle access to the club house would be provided through a separate driveway off Royalty Court. This driveway would lead to a dedicated parking lot with 30 stalls for club house visitors. Parking for each of the residences would be provided consistent with City Code requirements. Pedestrian access to the residences would be provided via new sidewalks on Miller Avenue and the new streets.

Site Improvements: The project would construct new domestic water, storm drain, and sanitary sewer connections for each residence. The existing overhead electrical lines on the site would be undergrounded, and these lines would provide electric service to the site. The new sidewalks constructed along Miller Avenue would be approximately six feet wide. The project would also install streetlights at each of the new intersections with Miller Avenue.



PLANNING COMMISSION REVIEW: Pursuant to Gilroy City Code (GCC) Section 21.41 (Action on Tentative Map) and Article 30.52 (Amendment to the Zoning Ordinance), the Planning Commission shall hold a public hearing and submit its timely recommendation to the City Council (tentatively scheduled for February 24, 2025).

Staff is recommending approval of both entitlements, however the Tentative Map and Zoning Map Amendment application (either or both) may be denied by the Planning Commission. If the Zoning Map application is denied, including a denial without prejudice, the Planning Commission shall adopt a Resolution. In the case of a recommendation of approval, the Planning Commission shall make findings demonstrating that the Zoning Map Amendment is necessary to carry out the general purpose of the Zoning Ordinance and applicable General Plan goals and policies. The Tentative Map can be denied if the proposed development is a use prohibited by City Code, statute, law or other valid regulation, or if the land is subject to severe flood hazard or severe inundation; or if any of the negative findings from the Subdivision Map Act can be made.

Staff has provided the recommended findings for approval for both entitlements based on substantial evidence in the record that support a recommendation of approval.

ZONING MAP AMENDMENT (Z 22-03) ANALYSIS

The project proposes a Zoning Map Amendment to rezone the property to RH (Residential Hillside) to allow for immediate consideration of the proposed project.

Staff is recommending approval of Z 22-03. However, the Zoning Map can be denied if the Planning Commission determined that the Zoning Map Amendment would not carry out the general purpose of the Zoning Ordinance and applicable General Plan goals and policies. A discussion of the project's consistency with the General Plan is discussed further in this staff report.

Furthermore, pursuant to Government Code 65860(a), a City's Zoning Ordinance shall be consistent with the City's General Plan. Under 65860(c)(2), if a local agency (City) receives a development application for a project that has a zoning designation that is inconsistent with the General Plan, the City shall amend the Zoning Ordinance. The City shall not enforce zoning that is inconsistent with the General Plan. The City shall also "facilitate and accommodate development at the density allowed on the site by the General Plan and proposed by the development project".

The subject property would be rezoned with or without the proposed project consistent with the adopted 2040 General Plan Hillside Residential land use designation, as part of the planned update of the Gilroy Zoning Map and Zoning Ordinance. The intent of the Residential Hillside district is to: (a) to protect the public health, safety, and welfare in regard to hillsides and hillside development; (b) to protect the views and vistas of surrounding hillsides, hilltops and ridge lines; (c) to protect the natural settings and terrain of Gilroy's hills and valleys; and (d) to coordinate with regional and county plans, and implement all city policies, guidelines, and plans pertaining to hillside development.

As noted in the background section of this staff report, rezoning the subject property was explicitly discussed by the Planning Commission and City Council prior to adoption of the 2040 General Plan. The adopted and certified Environmental Impact Report for the 2040 General Plan included a section on agricultural resources and noted that lands in the Agricultural Zoning District are expected to be urbanized in accordance with the General Plan. The City adopted an Agricultural Mitigation Policy to mitigate the potential impacts of urbanizing agricultural land; however, the property is not subject to that Policy because the property is not considered Prime Farmland or Farmland of Statewide Importance, further illustrating that the subject property is not intended to be preserved for agricultural uses. Viable agricultural lands are protected through the City's Urban Growth Boundary.

General Plan Consistency: The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, commercial, industrial, agricultural, public, and open space uses. Pursuant to Gilroy City Code Section 30.1.40 9 (Relationship of the Zoning Ordinance and the General Plan), the Zoning Ordinance shall be consistent with the Gilroy General Plan. Where inconsistencies do exist, the General Plan shall control the use and development of such land until such time as the City Council revises the Zoning Ordinance to achieve consistency. The Zoning Ordinance is the primary tool by which the city implements the policies of the General Plan. The Zoning Ordinance controls the use, type, bulk, height, space and location of buildings and land within the designated Zoning District.

General Purpose of the Zoning Ordinance: Pursuant to Section 30.1.10 (Statement of intent), the intent of the Zoning Ordinance is to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and in particular: assist in providing a definite comprehensive plan for sound and orderly development, and to guide and regulate each development in accordance with the general plan and the objectives and standards set forth therein; protect and improve the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas of Gilroy; provide light, air, privacy and convenience of access to property; and to promote safety from fire and other dangers; prevent overcrowding of land and undue congestion of population; regulate the location of buildings and the use of buildings and land so as to prevent undue interference with existing or prospective traffic movements on public thoroughfares; and prezone unincorporated territory adjoining the city for the purpose of determining the zoning that shall apply to such property in the event of subsequent annexation to the city.

Site Development. As discussed in Section 4.1 (Aesthetics) on pages 16 through 29 of the Final Initial Study/MND), the project would comply with the design and siting criteria specified in the Residential Hillside Zoning District regulations (Article IX) and in the City's adopted Hillside Development Guidelines (Section 30.9.60) by minimizing alterations to existing contours, maintaining as many existing trees as feasible, using colors and materials compatible with the surrounding landscape, and complying with the City's street standards. Compliance with these City policies, guidelines, and regulations would ensure that the project would be consistent with the City's requirements for development in hillside areas. The project will also be required to comply with General Plan Policy LU 3.9 (Hillside Development) by minimizing grading to retain a natural hillside setting, clustering the dwelling units, and designing the private streets within the development to preserve the ecological and scenic character of the hillsides.

Height and Setback Requirements. Structures shall be limited to a maximum height of thirty (30) feet measured from grade along the perimeter of the dwelling to the ridge of the roof. Building setbacks shall adhere to the (R1) single-family residential standards or as specified in any Planned Unit Development (PUD) requested by the applicant and approved by the City Council upon recommendation by the Planning Commission. A PUD may be desirable due to the unique riparian setback requirements, clustering of residential homes, and plans for a private clubhouse.

TENTATIVE MAP (TM 22-02) ANALYSIS

The project proposes to subdivide an approximately 37.5-acre site for development of 54 detached single-family residential units.

Staff is recommending approval of TM 22-02. However, the Tentative Map can be denied if the proposed development is a use prohibited by City Code, statute, law or other valid regulation, or if the land is subject to severe flood hazard or severe inundation; or if any of the negative findings from the Subdivision Map Act can be made. As noted below, the proposed development would not be subject to severe flood hazard or severe inundation. A list of the negative findings in support of the project is discussed further in this staff

report and provided in the attached draft resolution for the Tentative Map.

Flood Zone: According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone D, which indicates an area with unknown flood risks; however the project site is not located within a 100-year flood zone or considered a special hazard flood zone. The project site is not located within any dam failure inundation area. Furthermore, the General Plan EIR concluded that implementation of General Plan goals and policies and compliance with the City Code, the City's Floodplain Management Ordinance, and RWQCB storm water infiltration requirements would reduce flood risk to a less than significant level. Therefore, approval of the Tentative Map can be supported as it relates to flood hazards.

Tentative Map Findings: Pursuant to Government Code section 66473.5, for a city to approve a subdivision map, it must make a finding that a proposed subdivision is consistent with its general plan. Government Code Section 66474 further provides that a city shall deny approval of a tentative tract or parcel map if it makes any one of seven specific "negative" findings. Thus, for a city to approve a tentative tract or parcel map, it must find the inverse of the following seven "negative" findings in section 66474.

- a. *That the proposed subdivision is not consistent with applicable general and specific plans as specified in [Section 65451](#).*
- b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
- c. *That the site is not physically suitable for the type of development.*
- d. *That the site is not physically suitable for the proposed density of development.*
- e. *That the design of the proposed subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*
- f. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*
- g. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

As provided in attached draft resolution for the Tentative Map (TM 22-02) and the information below, the above seven findings can be made in the negative, supporting a Planning Commission recommendation of approval, as conditioned in the attached draft resolution, including all mitigation measures.

As described under the General Plan Consistency analysis, the proposed Tentative Map (TM 22-02) is consistent with the intent of the goals and policies of the Gilroy 2040 General Plan (Findings *a.* and *b.*). Physical suitability for the type of development proposed was analyzed in the Initial Study for the project (Finding *c.*). The adopted Gilroy 20240 General Plan and EIR anticipated a Hillside Residential development on the property with a density up to four units per acre and the proposed development has a density of approximately 3.18 units per net acre (Finding *d.*). The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife or cause serious public health problems because the proposed Tentative Map includes appropriate conditions of approval and mitigation measures in conformance with the Initial Study and Mitigated Negative Declaration for the project (Findings *e.* and *f.*). Pursuant to the conditions of approval for the project, all new, relocated, alternate, or abandoned easements shall be reviewed and approved by the Gilroy Engineering Division or the appropriate governmental agency (e.g., utility company) (Finding *g.*).

GENERAL PLAN CONSISTENCY

The proposed Zoning Map Amendment (Z 22-03) and Tentative Map application (TM 24-02) are consistent with the goals and policies of the General Plan, as discussed below:

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
Gilroy 2023-2031 Housing Element	
Housing Element Goal 1 (Housing Production). Provide adequate residential sites to accommodate projected housing needs and encourage the production of a variety of housing types. Housing Element Goal 2 (Removal of Government Constraints). Remove or reduce governmental constraints to the development, improvement, and maintenance of housing where feasible and legally permissible.	The proposed Zoning Map Amendment and Tentative Map application would potentially add 54 new single-family residential units to the City's housing stock. The current zoning designation is not consistent with the Gilroy 2040 General Plan Hillside Residential land use designation, acting as a constraint to the development of housing on the subject property as envisioned by the Gilroy 2040 General Plan. The Zoning Map amendment shall be processed with or without the project pursuant to Government Code 65860 (Zoning ordinances consistent with general plan) and City Code Section

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
	30.1.40(b) (Relationship of the Zoning Ordinance and the general plan).
Gilroy 2040 General Plan Land Use (LU) Policies	
LU 1.1 Pattern of Development Ensure an orderly, contiguous pattern of development that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities. LU 1.2 Residential Growth. Encourage new residential development to locate within the existing Urban Service Area prior to considering expansion of the Urban Service Area. LU 1.8 Vacant and Underutilized Sites. Monitor vacant and underutilized residential and non-residential land to encourage infill development on those sites. LU 1.11 Contiguous Development. Strongly discourage development that is not contiguous with existing urban development.	The property will be developed in two phases and organized in three compact clusters to limit the amount of grading and preserve the main biological features on-site, including the creek, pond, and associated natural flora. Detached single-family homes are compatible with the surrounding detached single-family homes. The subject property is located in the City's existing Urban Service Area and the City's Urban Growth Boundary. The subject property is currently vacant and underutilized which has caused some public nuisance issues including trespassing and unhoused activity prompting service calls to the Gilroy Police Department. The subject property is surrounded by residential uses to the north, east, and south, and a church to the east. The property is also surrounded by Santa Teresa Boulevard to the north and Miller Avenue to the west and south.
LU 3.2 Connectivity. Encourage new residential development to incorporate design features that promote walking and connectivity between blocks.	The project would construct new, approximately six-foot-wide sidewalks along the project frontage on Miller Avenue and along the new internal roads on-site, enhancing the existing pedestrian network on and adjacent to the site.
LU 3.9 Hillside Development. Minimize grading to new developments to retain a natural hillside setting.	The project would redevelop the hillside area between Miller Avenue and Santa Teresa Boulevard with low-density housing,

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
Clustered dwelling units in hillside areas shall be encouraged. Encourage roadways that pass through subdivisions and individual sites in hillside areas to be designed to preserve the ecological and scenic character of the hillsides.	consistent with the site's General Plan designation. This development would be organized in three clusters to preserve the main biological features on-site including the creek, pond, and associated natural flora, avoid development within most of the riparian setback areas and get an exception for any encroachment, consistent with the Habitat Plan. The project would comply with the design and siting criteria specified in the Residential Hillside Zoning District regulations and in the City's adopted Hillside Development Guidelines by minimizing alterations to existing contours, maintaining as many existing trees as feasible, using colors and materials compatible with the surrounding landscape, and complying with the City's street standards. In addition, the project would undergo the Architectural and Site Review process to ensure impacts to the scenic character of the site and surrounding area are limited to the extent feasible.
LU 3.11 Noise Mitigation Design. When requiring noise impact mitigation as a part of new and/or expanded development, promote the use of techniques less visually intrusive than sound walls, including but not limited to site design techniques, earth berms, and sound attenuation fencing with wood or other materials that are more compatible with the site and surrounding area.	The project would construct a seven-foot-tall sound wall or equivalent feature (e.g., landscaped berm) on portions of the northern and northeastern property boundaries of the property. The soundwall would be designed to incorporate landscape buffers, consistent with the requirements of the City's Sound Attenuation Policy. The design of the soundwall and landscaped buffer will be reviewed when architectural plans are submitted for City review.
LU 6.3 Agricultural Uses within the Planning Area. Encourage agriculture on land designated as "Rural County" as a compatible use in undeveloped portions of the Planning Area.	The property is not designated as Rural County in the General Plan and is therefore not intended for agricultural uses. The site will be rezoned from A1 (Agricultural District) to RH (Residential Hillside), consistent with the

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
LU 6.7 Agricultural Mitigation. Maintain and implement an Agricultural Mitigation Program to protect productive agricultural lands outside the Urban Growth Boundary from urban encroachment and to establish the mitigation requirements for loss of agricultural lands to new development.	General Plan Hillside Residential land use designation. The subject property is located within the Urban Growth Boundary and is not subject to the City's Agricultural Mitigation Policy because the site is not designated as not considered Prime Farmland or Farmland of Statewide Importance, further illustrating that the subject property is not intended to be preserved for agricultural uses.
LU 8.6 Utility Undergrounding. Proceed with the undergrounding of existing overhead utility lines throughout the city, as funding allows, and require undergrounding of utilities in all new developments.	The existing overhead electrical lines would be undergrounded to provide service to the new residential units. The undergrounding will also improve the aesthetic character of the project and surrounding area.
LU 8.8 Clustered Development. Encourage clustered development as a strategy for achieving desired densities while protecting fragile environmental habitats or natural features creating amenity open spaces and achieving other community design goals.	The residential development on-site would be organized in three compact clusters to limit the amount of grading required and preserve the main biological features on-site, including the creek, pond, and associated natural flora.
Gilroy 2040 General Plan Mobility (M) Policies	
M 1.4 Residential Traffic. Protect residential streets from excess traffic. M 1.10 Private Streets. Require private streets to function similar to public streets. Private streets shall include sidewalks, street trees, and promote connectivity. M 5.1 Standard Level of Service (LOS). Maintain traffic conditions at LOS C or better at Gilroy intersections and roadways, allowing some commercial and industrial areas (e.g.,	The project would construct new, approximately six-foot-wide sidewalks along the project frontage on Miller Avenue and along the new internal roads on-site, enhancing the existing pedestrian network on and adjacent to the site. The applicant shall also install new curb and gutter as part of the project. The applicant shall plant street trees along the project frontage to match the City of Gilroy's Street Tree Plan. The environmental analysis for the project studied existing, project level and cumulative traffic conditions at three intersections located

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
downtown Gilroy, First Street corridor) to operate at LOS D or better. Existing LOS D areas within City include the Gilroy Premium outlets, Gilroy Crossings, and Regency Commercial areas. Exceptions to this standard will be allowed only where the City Council determines that the improvements needed to maintain the City's standard level of service at specific locations are infeasible.	at Miller Avenue and Santa Teresa Boulevard (roundabout), Thomas Road and Santa Teresa Boulevard (signalized), and Thomas Road and Mesa Road (unsignalized). The results of the intersection Level of Service (LOS) analysis show that all of the study intersections currently operate and are projected to continue to operate at acceptable levels of service during the peak hours with the project under all study conditions. Therefore, the proposed project would not have an adverse LOS effect on any of the study intersections. LOS is a description of traffic flow from the driver's perspective based on factors such as speed, travel time, delay, and freedom to maneuver.
Gilroy 2040 General Plan Natural and Cultural Resources (NCR) Policies	
NCR 1.1 Habitat Plan Compliance. For all covered activities throughout the city, comply fully with permit conditions of the Santa Clara Valley Habitat Plan. This will protect natural resources by minimizing impacts on sensitive natural communities and 18 covered species, facilitating wildlife movement, and establishing stream setbacks and buffers. Associated permit fees will be used for reserve system preservation, habitat enhancement and restoration, and adaptive management and monitoring.	The project shall comply with all applicable Habitat Plan conditions to reduce impacts to sensitive natural communities on-site. In addition, the project would pay land cover fees for all affected land cover types, including specialty impact fees for impacts to mixed riparian woodland and forest, seasonal wetland, serpentine bunchgrass grassland, and serpentine rock outcrop land cover types. Payment of these fees would contribute to the Habitat Plan's conservation program, which includes habitat acquisition, restoration, preservation, and management targeted at these sensitive habitat types in the region.
NCR 1.2 Stream Protection. In concert with the Habitat Plan, protect the ecological, aesthetic, and recreational value of the streams that flow through the Gilroy Planning Area. Areas required for riparian setbacks shall be dedicated to Valley Water in fee or easement, or incorporated into	Babbs Canyon Creek is classified as an intermittent stream with a short hydroperiod and shallow depth of water during the wet season. Another unnamed creek that is a tributary to Babbs Canyon Creek runs along the northern boundary of the site. The manmade pond in the center of the site is fed by Babbs Canyon Creek and drains through

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
private open space to be preserved and maintained by future development projects. Access to streams should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat.	coastal and valley freshwater marsh habitat areas that are associated with Babbs Canyon Creek. For Category 2 streams, including Babbs Canyon Creek and its tributaries on the project site, the Habitat Plan requires a setback of 35 feet from the top of bank, or, if riparian habitat is present, 35 feet from the riparian edge. The setback is applicable to all proposed project components including the new residential units, clubhouse, streets, parking area, and other structures. The only project component allowed in a riparian setback area would be the proposed sidewalks, which are exempt from the setback requirements. Once the design of the residences and club house on-site is finalized, the project would undergo the Architectural and Site Review process to ensure that all design features and construction activities are consistent with the requirements and procedures outlined in the Habitat Plan and the Guidelines and Standards for Land Use Near Streams, where applicable.
NCR 1.3 Riparian Setbacks. Riparian setback areas shall be required of all new development, consistent with the requirements of the Habitat Plan and other City regulations. Exceptions to the riparian setbacks requirements may be allowed in a minority of cases, with the approval of the City Council, consistent with the Habitat Plan.	The project would result in permanent impacts to 0.47 acre of the riparian setback areas on-site. However, 0.04 acre of that would include the new sidewalks, which are an allowable use within riparian setbacks under the Habitat Plan. The remaining encroachment, approximately 0.43 acre, would result from development of the residential lots, whose margins overlap the setback boundary at various locations throughout the site. To develop within these encroachment areas, the project would apply for an exception to the Habitat Plan requirements. However, to minimize encroachment into the riparian setback, the applicant modified the site plan / tentative map to include a riparian easement for any riparian setback area that

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
	encroaches into a proposed property line for the individual residential lots; thereby reducing the encroachment to only the sidewalk area which are allowed to encroach. With implementation of mitigation measure MM BIO-2, the project would compensate for the encroachments into the riparian setback area on-site by enhancing portions of the abundant riparian setback areas remaining on-site.
NCR 1.4 Plant and Wildlife Habitats In concert with Habitat Plan requirements, preserve important plant and wildlife habitats, including streams and riparian habitats, wildlife movement corridors, heavily vegetated hillside areas, unique ecosystems (such as oak woodlands and serpentine substrates), and significant nesting/denning sites for native wildlife.	Special-status plant surveys were completed on-site and determined that special-status plants are not present on-site and would not be significantly impacted by the project. The project site does not support regionally important dispersal movement by large, mobile wildlife species, therefore, no significant impacts on wildlife movement would result from the project. Agricultural and urban development over the last century have curtailed cross-valley movement near the project site. While riparian habitat is present on-site, it lacks direct connectivity (both terrestrial and hydrological) to larger, more diverse riparian corridors in the region. Based on these factors, it does not currently function as a biologically significant movement corridor. The proposed project has the potential to affect small-scale, local movement by animals that currently reside on the site and surrounding suburban and agricultural areas. However, this impact would not be significant because these animals are commonly occurring, primarily urban-adapted, and regionally abundant species. In addition, the project would pay impact fees pursuant to Habitat Plan requirements which would fund the Habitat Plan's Reserve System. This

POLICY #, TITLE AND SUMMARY	CONSISTENCY ANALYSIS
	Reserve System would protect and enhance movement pathways on a regional scale, including natural communities inside and outside of the Reserve System.
NCR 1.10 Light Pollution. Encourage measures to limit light pollution from outdoor sources, and direct outdoor lighting downward and away from wildlife habitat areas.	Parking lot and exterior light fixtures shall be full cutoff type so that lighting is directed downward only, prohibiting spillover light beyond property lines, or towards the riparian corridor on-site, or from being directed upward into the sky.
Gilroy 2040 General Plan Public Facilities and Services (PFS) Policies	
PFS 1.11 Development Impact Fees Require applicants for new development to pay Development Impact Fees for traffic circulation, water, wastewater, storm water and public facilities to offset the costs of expanding these as detailed by the impact fee nexus study. PFS 3.6 Water Infrastructure Ensure that water infrastructure is in place or required in conditions of approval prior to approving new development.	The Tentative Map resolution includes a condition of approval requiring Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact Fees. The draft resolution also includes several conditions of approval to ensure that the project meets the needs of future residents in the proposed development, including but not limited to grading and drainage, utilities, water lines and related facilities, water quality, stormwater, and public improvements (e.g., frontage improvements).

PUBLIC NOTICING:

On July 29, 2024, staff mailed 159 notices to residents and property owners within a 500-foot radius of the subject property, utilizing data from the County Assessor. The notice contained a general description of the project, a statement of intent to adopt a Mitigated Negative Declaration (MND) for the project in accordance with the California Environmental Quality Act (CEQA), the review period for comments, and the online URL and physical location where the CEQA documents can be reviewed.

On August 1, 2024, staff sent a copy of the Notice of Intent to adopt a Mitigated Negative Declaration to the following organizations: Valley Water, Bay Area Air Quality Management District, Gilroy Unified School District, Pacific Gas & Electric, California Regional Water Quality Control Board Central Coast Region, California Department of Fish & Wildlife Central Coast Region, and other organizations requesting notice.

On August 1, 2024, staff recorded the Notice of Intent to adopt a Mitigated Negative Declaration with the Santa Clara County Clerk-Recorder and also uploaded the CEQA Initial Study and the Notice of Intent to the California Office of Planning and Research web portal which is then distributed to 15 governmental agencies.

On December 23, 2024, staff sent a notice regarding the proposed tentative map and advertising the January 16th Planning Commission meeting and the February 24th City Council meeting to the following organizations: Charter Communications, Verizon Communications, Pacific Gas & Electric Company, Gilroy Unified School District, Gavilan College, Valley Water, Santa Clara County Roads and Airports Department, and Santa Clara Valley Transportation Agency (VTA).

On December 26, 2024, staff mailed 159 notices to residents and property owners within a 500-foot radius of the subject property, utilizing data from the County Assessor. The notice contained the date, time, and location of the January 16th Public Hearing, a general description of the project, the CEQA determination, and the online URL for the dedicated project website where more information about the project, including the CEQA documents can be reviewed.

On January 3, 2025, a notice was published in the Gilroy Dispatch with the date, time, and location of the January 16th Public Hearing, a general description of the project, the CEQA determination, and the online URL for the dedicated project website where more information about the project, including the CEQA documents can be reviewed..

On January 6, 2024, staff emailed a response to comments to each of the five organizations who had provided comments on the Draft Initial Study and Mitigated Negative Declaration (MND), as provided under the public comments section below.

On January 6, 2024, staff published the organizational comments and City response on the project's dedicated webpage.

On January 10, 2025, staff sent an email to each of the residents that had previously provided comments with a copy of the City's response, a link to the Planning Commission staff report and packet, and a link to the dedicated project webpage for more information including the CEQA documents.

The property has also been posted with two on-site 4-foot by 8-foot billboard signs notifying passersby of pending development. In addition, the Planning Commission public hearing packets are available through the City's webpage, and the City has created a dedicated webpage for the proposed development, as noted above.

Public Comments (as of January 8, 2025)

Resident Comments: Between August 27, 2024 and September 4, 2024, the City received 16 letters from residents following the July 29, 2024 notice. All comments on the project (including any future comments) will be considered by the Planning Commission and City Council prior to making a decision on the project. A copy of all of the comment letters has been attached to this staff report along with a response to the comments organized into 11 broad categories since many of the comments were similar

in nature. The comments can generally be summarized into the following broad categories: General Plan compliance and Guiding Principles / Rezoning from Agriculture to Hillside Residential; hillside preservation measures; views, 7' tall sound wall; traffic; noise; strain on existing infrastructure including roads, schools, water, sewer, police, and fire; natural habitats / wildlife movement; light pollution; Fire Department use of pond; and public notice.

Organization Comments: Between August 26, 2024 and September 4, 2024, the City received four (4) comment letters from governmental agencies and one (1) comment letter from a local advocacy group following the Notice of Intent to adopt the Mitigated Negative Declaration (MND). Comment letters were received from California Fish and Wildlife, Caltrans, the Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter (together), Valley Water, and the Gilroy Bicycle Pedestrian Advisory Committee. A copy of all of the comment letters has been attached to this staff report along with a response to the comments.

NEXT STEPS / APPEAL PROCEDURE:

If the Planning Commission recommends approval, the City Council is the decision-making body for approval of the application, including both the Tentative Map and the Zoning Map Amendment. If the Planning Commission denies the application (which is not recommended), the decision shall be final and conclusive unless appealed to the City Council. In such case, staff would likely need to schedule another public hearing to prepare and adopt a resolution of denial. The project is tentatively scheduled for the February 24, 2025 City Council meeting.

The Engineering Division will process the final map in accordance with the Subdivision Map Act and City Code Chapter 21 (Subdivisions and Land Development) once the tentative maps have been approved. In accordance with Section 21.41(i) of the Gilroy City Code, initial approval of a tentative map is valid for twenty-four (24) months. Such approval may only be extended at the Council's discretion.

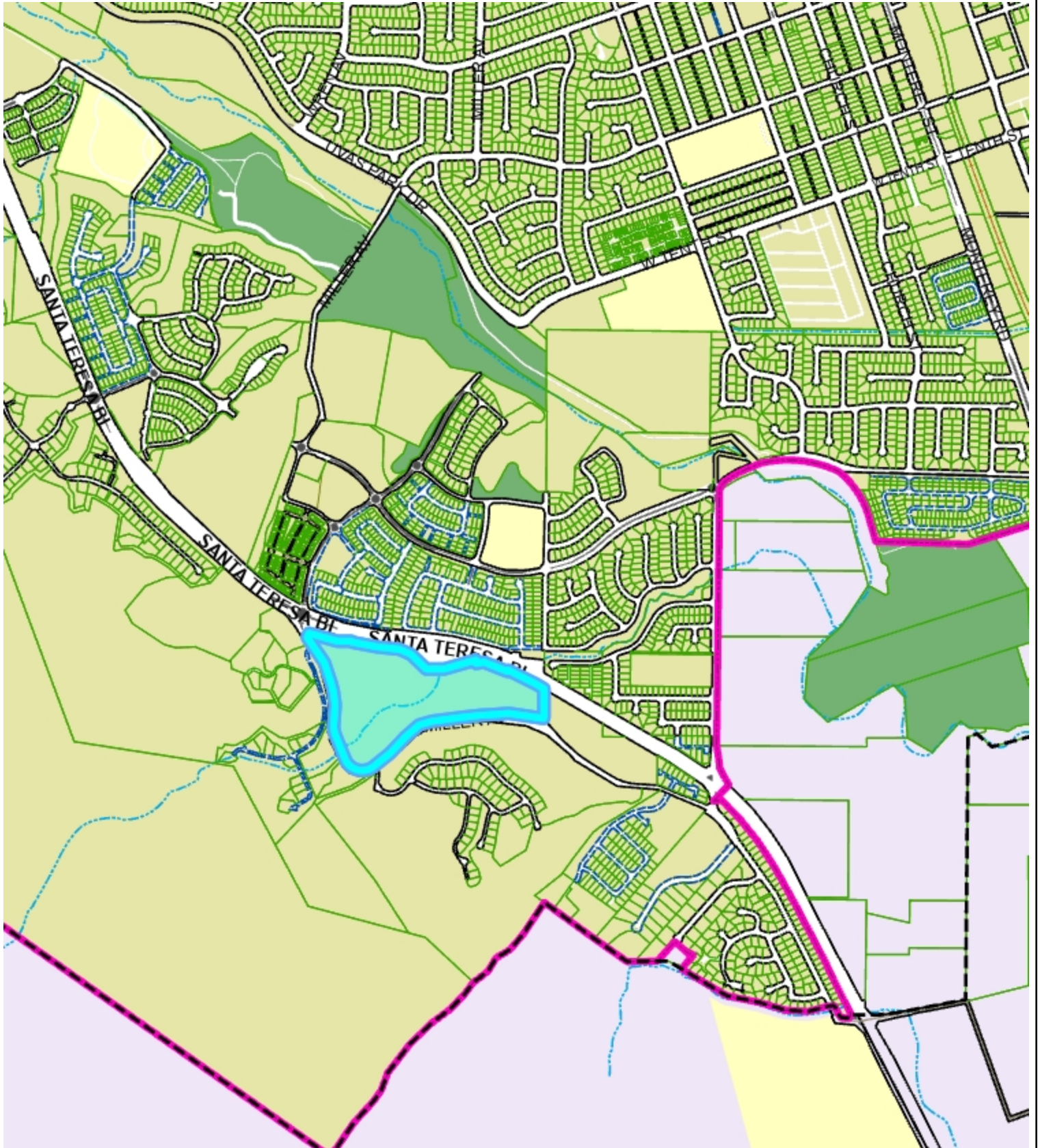
ATTACHMENTS

1. Location Map
2. Tentative Map plans
3. Draft Tentative Map (TM 22-02) Resolution
4. Draft Zoning Map Amendment (Z 22-03) Ordinance
5. Draft Zoning Map Amendment Exhibit A
6. Resident comments (and City response) as of January 8, 2025
7. Organization comments (and City response) as of January 8, 2025
8. Mitigated Negative Declaration (MND)
9. Mitigation Monitoring and Reporting Program (MMRP)
10. [Final Initial Study](#) (link)
11. [Appendix A: Construction Health Risk and Greenhouse Gas Emissions Assessment](#) (link)

12. [Appendix B: Arborist Report](#) (link)
13. [Appendix C: Biological Resources Report](#) (link)
14. [Appendix D: Geotechnical Reports](#) (link)
15. [Appendix E: Phase I/II Environmental Site Assessments](#) (link)
16. [Appendix F: Environmental Noise Assessment and Peer Review](#) (link)
17. [Appendix G: Transportation Analysis](#) (link)

Ren Fu Villa Residential Project

City of Gilroy



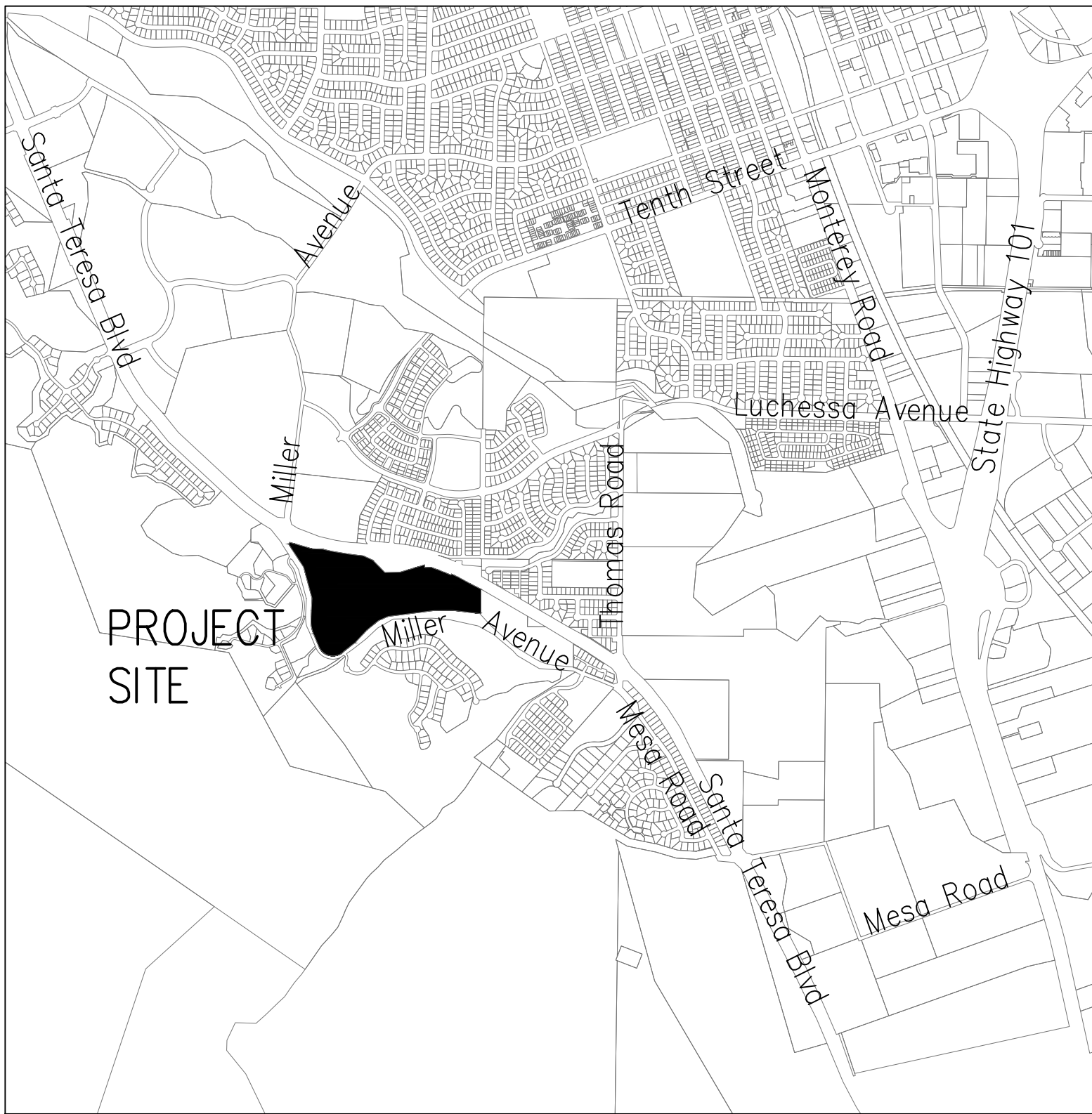
0.5 0 0.25 0.5 Miles

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Gilroy, GIS Services

1: 16,000

Note: Map is for reference purposes only.

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VICINITY MAP
NO SCALE

Parcel Table	
Parcel #	Area
A	187,142 SF
B	761,677 SF
C	37,621 SF
D	7,292 SF
E	15,187 SF
F	3,039 SF
G	7,044 SF
H	62,339 SF

Parcel Table	
Parcel #	Area
1	8,987 SF
2	11,301 SF
3	17,379 SF
4	11,334 SF
5	12,537 SF
6	13,114 SF
7	13,907 SF
8	13,888 SF
9	10,177 SF
10	7,786 SF
11	9,387 SF
12	36,297 SF
13	20,623 SF
14	61,041 SF
15	7,666 SF
16	6,678 SF
17	6,674 SF
18	6,682 SF
19	6,937 SF
20	9,864 SF

Parcel Table	
Parcel #	Area
21	10,650 SF
22	8,696 SF
23	6,850 SF
24	6,699 SF
25	6,663 SF
26	6,663 SF
27	6,663 SF
28	6,663 SF
29	6,663 SF
30	6,662 SF
31	6,982 SF
32	6,768 SF
33	9,379 SF
34	7,102 SF
35	6,833 SF
36	7,328 SF
37	12,061 SF
38	8,727 SF
39	8,345 SF
40	6,856 SF

Parcel Table	
Parcel #	Area
41	6,985 SF
42	6,851 SF
43	7,834 SF
44	7,123 SF
45	7,577 SF
46	6,665 SF
47	6,661 SF
48	6,740 SF
49	6,669 SF
50	6,663 SF
51	6,678 SF
52	6,667 SF
53	6,678 SF
54	7,106 SF

GRADING QUANTITIES		TOTAL PROJECT	CUT	22,310± C.Y.
			FILL	10,339± C.Y.
LOTS 1-11	LOT 12-14	LOTS 15-53	LOT GRADING	
ROAD	ROAD	ROAD	CUT	54± C.Y.
CUT	545± C.Y.	CUT	54± C.Y.	11,524± C.Y.
FILL	2,992± C.Y.	FILL	115± C.Y.	6,174± C.Y.
POND	POND	PONDS	CUT	1,053± C.Y.
CUT	476± C.Y.	CUT	0± C.Y.	
FILL	277± C.Y.	FILL	76± C.Y.	243± C.Y.

NOTE:

WHERE THE FIRM OF HANNA & BRUNETTI DOES NOT PROVIDE CONSTRUCTION STAKES, SAID FIRM WILL ASSUME NO RESPONSIBILITY WHATSOEVER FOR IMPROVEMENTS CONSTRUCTED THEREFROM.

NOTE TO CONTRACTOR

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

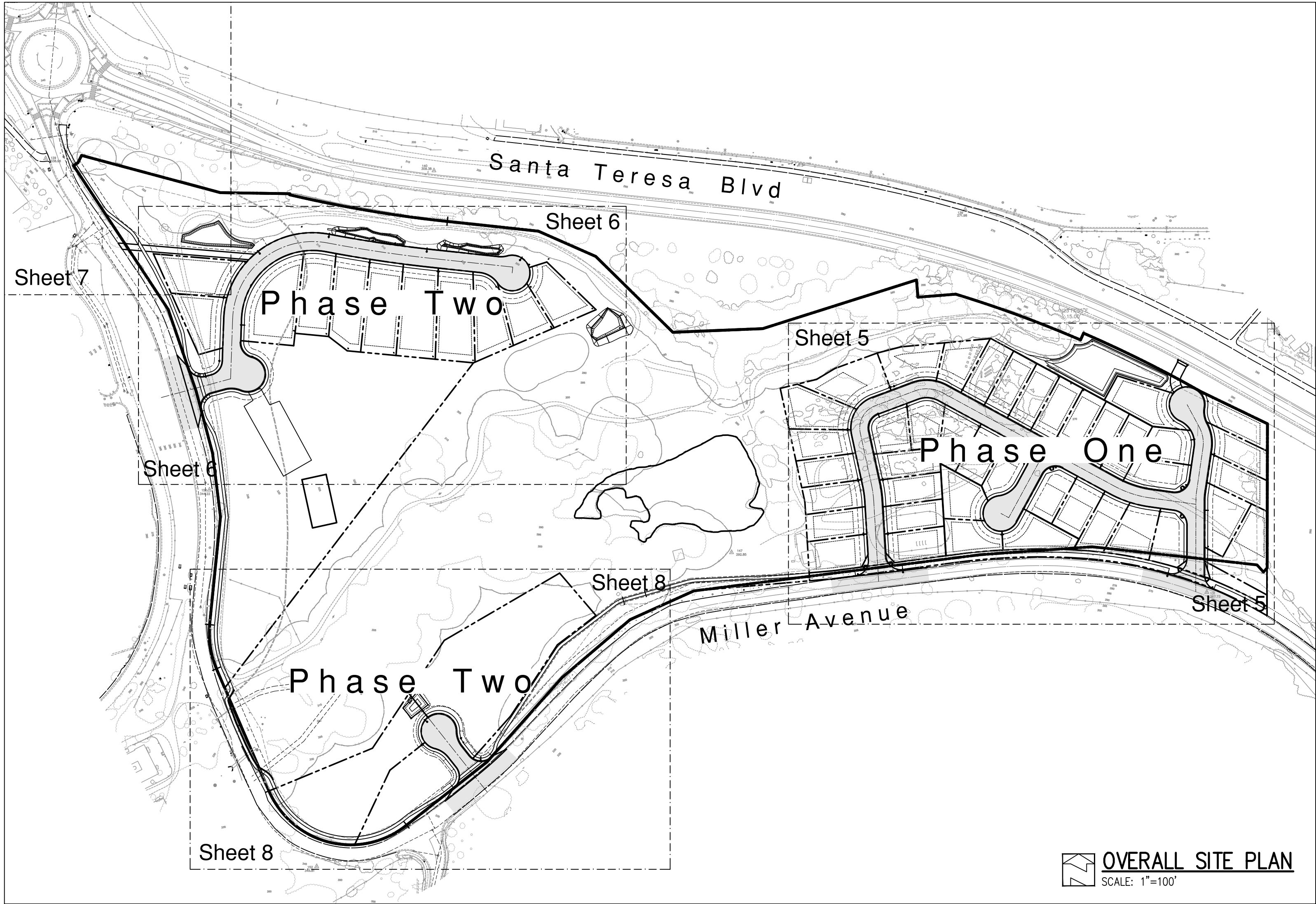
THESE QUANTITIES DO NOT INCLUDE ANY SHRINKAGE, SUBSIDENCE, OVER-EXCAVATION, OR ANY SPECIAL CONDITIONS OR REQUIREMENTS THAT MAY BE SPECIFIED IN THE GEOTECHNICAL INVESTIGATION REPORT. THESE QUANTITIES IN THE AREA FOR PERMIT PURPOSES ONLY. ALL CONTRACTORS BIDDING ON THIS PROJECT SHOULD MAKE THEIR OWN DETERMINATION OF EARTHWORK QUANTITIES PRIOR TO SUBMITTING A BID.

IF THIS PROJECT HAS EXCESS DIRT THAT WILL BE OFF-HAULED TO A SITE WITHIN GILROY'S CITY LIMITS, AN ADDITIONAL PERMIT IS REQUIRED.

EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS. LOCATION MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AT LEAST 2 WORKING DAYS IN ADVANCE OF CONSTRUCTION TO FIELD LOCATE UTILITIES. CALL UNDERGROUND SERVICE ALERT (U.S.A.), AT 1-800-642-2444. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF UTILITIES SHOWN ON THESE PLANS, INDICATED IN THE FIELD BY LOCATING SERVICES, OR EVIDENCE BY FACILITIES VISIBLE AT OR ADJACENT TO THE JOB SITE. ANY ADDITIONAL COST INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR AND IS DEEMED INCLUDED AND MERGED IN THE CONTRACT UNIT PRICE.

Tentative Map

for
Ren Fu Villa - Miller Avenue
apn 810-23-005
in the
City of Gilroy
Santa Clara County, California



OVERALL SITE PLAN
SCALE: 1"=100'

DATE: _____
HANNA – BRUNETTI

AMANDA JOY MUSY--VERDEL
RCE 69278



NOTES:

- IF ARCHAEOLOGICAL RESOURCES OR HUMAN REMAINS ARE DISCOVERED DURING CONSTRUCTION, WORK SHALL BE HALTED WITHIN 50 METERS (150 FEET) OF THE FIND UNTIL IT CAN BE EVACUATED BY A QUALIFIED PROFESSIONAL ARCHAEOLOGIST. IF THE FIND IS DETERMINED TO BE SIGNIFICANT, APPROPRIATE MITIGATION MEASURES SHALL BE FORMULATED AND IMPLEMENTED. IF HUMAN REMAINS ARE FOUND DURING CONSTRUCTION THERE SHALL BE NO FURTHER EXCAVATION OR DISTURBANCE OF THE SITE OR ANY NEARBY AREA REASONABLY SUSPECTED TO OVERLIE ADJACENT HUMAN REMAINS UNTIL THE CORONER OF SANTA CLARA COUNTY IS CONTACTED TO DETERMINE THAT NO INVESTIGATION OF THE CAUSE OF DEATH IS REQUIRED. IF THE CORONER DETERMINES THE REMAINS TO BE NATIVE AMERICAN THE CORONER SHALL CONTACT THE NATIVE AMERICAN HERITAGE COMMISSION WITHIN 24 HOURS. THE NATIVE AMERICAN HERITAGE COMMISSION SHALL IDENTIFY THE PERSON OR PERSONS IT BELIEVES TO BE THE MOST LIKELY DESCENDENT (MLD) FROM THE DECEASED NATIVE AMERICAN. THE MLD MAY THEN MAKE RECOMMENDATION TO THE LANDOWNER OR THE PERSON RESPONSIBLE FOR THE EXCAVATION WORK, FOR MEANS OF TREATING OR DISPOSING OF, WITH APPROPRIATE DIGNITY, THE HUMAN REMAINS AND ASSOCIATED GRAVE GOODS AS PROVIDED IN PUBLIC RESOURCES CODE SECTION 5097.98. THE LANDOWNER OR HIS AUTHORIZED REPRESENTATIVE SHALL REBURY THE NATIVE AMERICAN HUMAN REMAINS AND ASSOCIATED GRAVE GOODS WITH APPROPRIATE DIGNITY ON THE PROPERTY IN A LOCATION NOT SUBJECT TO FURTHER DISTURBANCE IF:
 - THE NATIVE AMERICAN HERITAGE COMMISSION IS UNABLE TO IDENTIFY A MLD OR THE MLD FAILED TO MAKE A RECOMMENDATION WITHIN 24 HOURS AFTER BEING NOTIFIED BY THE COMMISSION.
 - THE DESCENDENT IDENTIFIED FAILS TO MAKE A RECOMMENDATION; OR
 - THE LANDOWNER OR HIS AUTHORIZED REPRESENTATIVE REJECTS THE RECOMMENDATION OF THE DESCENDENT, AND THE MEDIATION BY THE NATIVE AMERICAN HERITAGE COMMISSION FAILS TO PROVIDE MEASURES ACCEPTABLE TO THE LANDOWNER. INCORPORATE THE FOLLOWING NOTE ON THE PROJECT PLANS. IF ARCHAEOLOGICAL RESOURCES OR HUMAN REMAINS ARE DISCOVERED DURING CONSTRUCTION, WORK SHALL BE HALTED WITHIN 50 METERS (165 FEET) OF THE FIND UNTIL A QUALIFIED PROFESSIONAL ARCHAEOLOGIST CAN EVALUATE IT. IF THE FIND IS DETERMINED TO BE SIGNIFICANT, APPROPRIATE MITIGATION MEASURES SHALL BE FORMULATED AND IMPLEMENTED.

PROJECT SUMMARY

GENERAL PLAN	HILLSIDE RESIDENTIAL
ZONING CURRENT	A-1 (AGRICULTURE)
ZONING CHANGE	RH (RESIDENTIAL HILLSIDE)
ASSESSOR'S PARCEL NUMBER	810-23-005
AREA	37.54 ACRES
SLOPE DENSITY	9.3 ACRES
ALLOWABLE NUMBER OF UNITS	139
PROPOSED LOTS	54
OPEN SPACE	HOA
STREET (MILLER AVENUE)	PUBLIC
STREETS (INTERIOR)	PRIVATE
STORM WATER TREATMENT	HOA
FIRE DEPARTMENT	CITY OF GILROY
WATER	CITY OF GILROY
SEWER (PUBLIC/INTERIOR)	CITY OF GILROY/HOA
STORM DRAIN (PUBLIC/INTERIOR)	CITY OF GILROY/HOA
ELECTRIC	PACIFIC GAS & ELECTRIC CO.
TELEPHONE	FRONTIER COMMUNICATIONS
CATV/INTERNET	SPECTRUM

BUILDING SETBACKS

FRONT	26 FEET TO FACE OF CURB
SIDE	6 FEET
REAR	15 FEET

BENCHMARK

BENCHMARK LOCATED AT THE NORTHEAST CORNER OF CONCRETE BASE OF ELECTROLIER NUMBER S-481, NORTHWEST ISLAND OF MILLER AVENUE AND SANTA TERESA BLVD. ESTABLISHED BY GEORGE S. NOLTE AND ASSOCIATES.

REFERENCE MARK: RM640
ELEVATION: 334.67 FEET

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THESE PLANS ARE BASED ON THE FOUND MONUMENTS AS FILED IN THE RECORD OF SURVEY ON FEBRUARY 16th 1970 IN BOOK 264 OF MAPS, AT PAGE 31. RECORDS OF SANTA CLARA COUNTY.

FLOODZONE STATEMENT

COMMUNITY PANEL NUMBER: 060340-06085C0752H
MAP REVISED: MAY 18, 2009

PROJECT IS LOCATED IN ZONE D

ZONE D
AN AREA OF UNDETERMINED BUT POSSIBLE FLOOD HAZARDS

OWNER/DEVELOPER

REN JI ZHONG
13889 UPPER HILL COURT
SARATOGA, CA 95070

OWNER REPRESENTATIVE: SUSAN WANG
EMAIL: SUSANSUNWANG@YAHOO.COM
PHONE:

CIVIL ENGINEER

HANNA-BRUNETTI
7651 EIGLEBERRY STREET
GILROY, CA 95020

OFFICE: 408 842-2173
EMAIL: ENGINEERING@HANNABRUNETTI.COM

GEOTECHNICAL ENGINEER

BAEZ GEOTECHNICAL GROUP
2060 COLORADO AVENUE – SUITE B
TURLOCK, CA 95382

PHONE: 209 632-3779

SHEET INDEX

1	COVER SHEET
2	EXISTING TOPOGRAPHY MAP
3	SITE PLAN / TENTATIVE MAP
4	UTILITY PLAN
5	PRELIMINARY GRADING & DRAINAGE PLANS (PHASE ONE)
6-7	PRELIMINARY GRADING & DRAINAGE PLANS (PHASE TWO)
8	PRELIMINARY GRADING & DRAINAGE PLANS (PHASE TWO) AND OVERLAND RELEASE PLAN
9	EARTHWORK – CUT/FILL PLAN
10	SECTION DETAILS
11	DETAILS
12	STRIPING PLAN
13	FIRE TRUCK CIRCULATION PLAN
14	STORMWATER CONTROL PLAN
15	STORMWATER CONTROL PLAN DETAILS

Tentative Map

Ren Fu Villa - Miller Avenue - apn 810-23-005
SANTA CLARA COUNTY
CITY OF GILROY
SEPTEMBER 2024

REFERENCES

DATE: SEPTEMBER 2024

HORIZ. SCALE: NONE

VERT. SCALE: NONE

DESIGNED BY: AM

CHECKED BY: TM

DRAWN BY: TM

HANNA-BRUNETTI
EST. 1981
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS

7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING@HANNABRUNETTI.COM

BY:

REVISIONS:
DESCRIPTION

DATE

SHEET

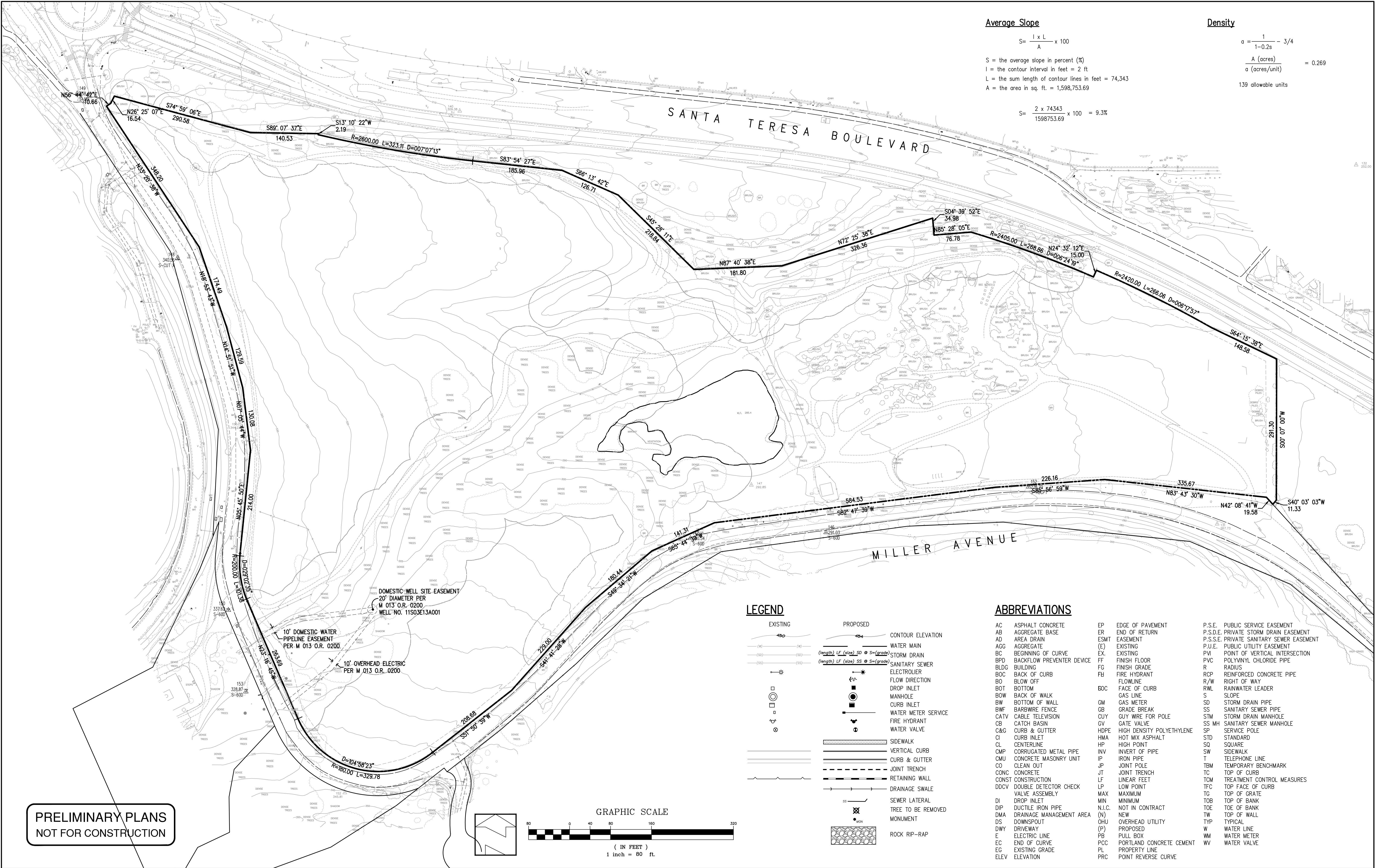
1

OF 15

JOB NO.

18064

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REVISIONS:			DATE:	HORIZ. SCALE: 1"=80'	VERT. SCALE: NONE	DESIGNED BY: AM	CHECKED BY:	DRAWN BY: TM	REFERENCES	CITY OF GILROY SEPTEMBER 2024	Ren Fu Villa - Miller Avenue - apr 810-23-005	SANTA CLARA COUNTY CALIFORNIA	SHEET 2
DATE	DESCRIPTION	BY:											
													OF 15
													JOB NO. 18064

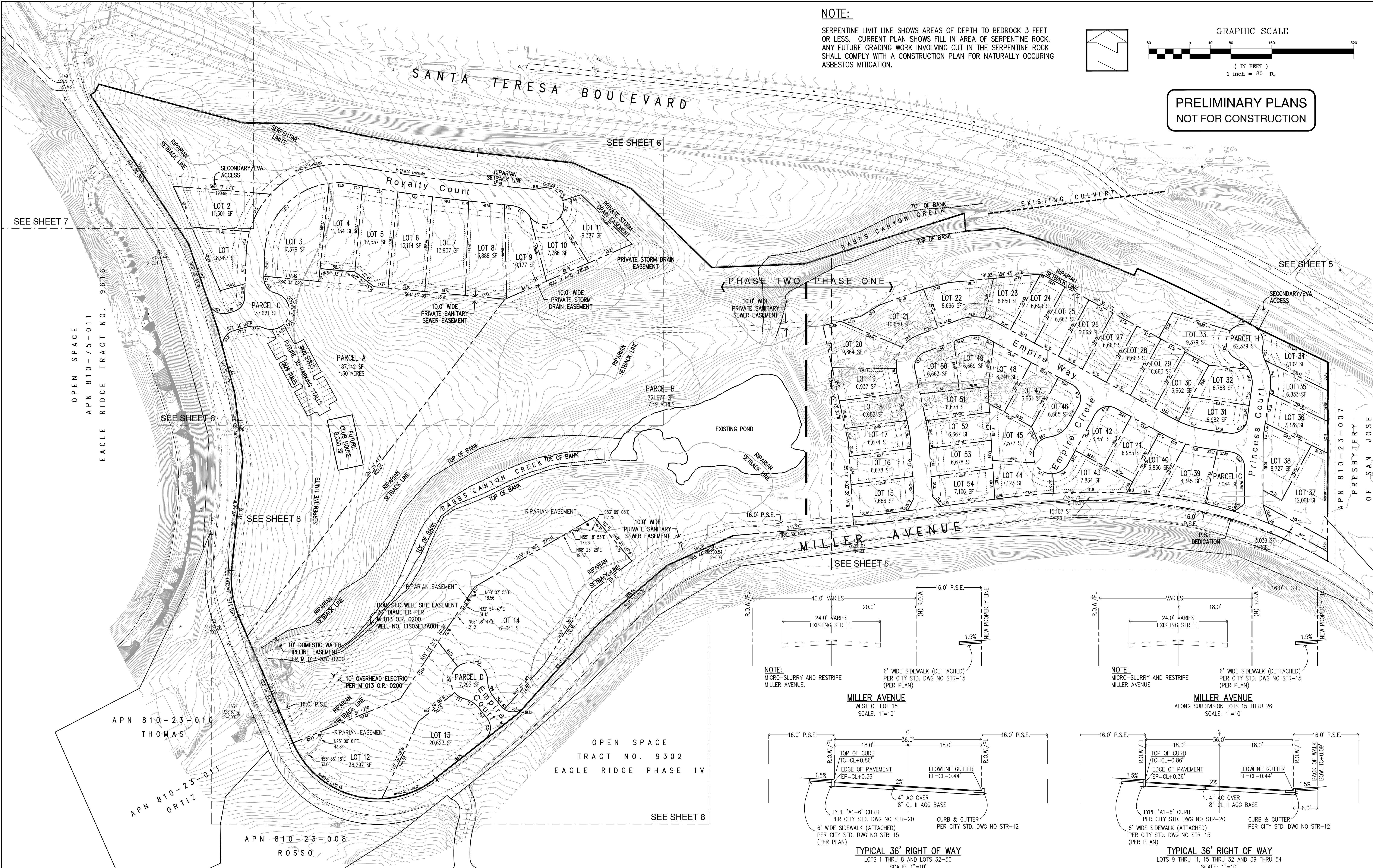
HANNA-BRUNETTI
EST. 1990
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING@HANNABRUNETTI.COM

date: Hanna - Brunetti
Amanda Joy Musy-Verdel
R.C.E. # 69278



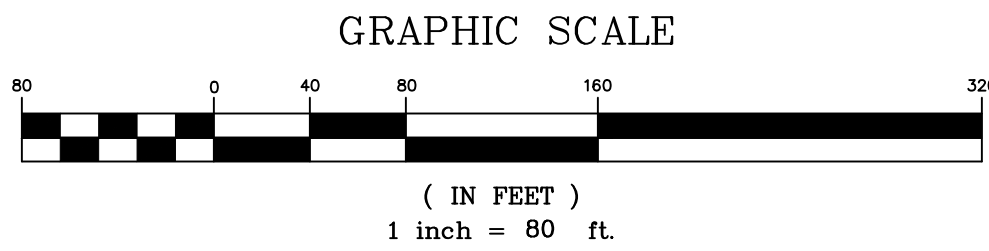
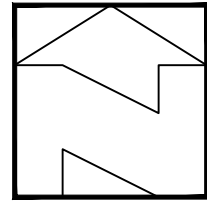
SHEET
2
OF 15
JOB NO.
18064

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NOTE:

SERPENTINE LIMIT LINE SHOWS AREAS OF DEPTH TO BEDROCK 3 FEET OR LESS. CURRENT PLAN SHOWS FILL IN AREA OF SERPENTINE ROCK. ANY FUTURE GRADING WORK INVOLVING CUT IN THE SERPENTINE ROCK SHALL COMPLY WITH A CONSTRUCTION PLAN FOR NATURALLY OCCURRING ASBESTOS MITIGATION.



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REVISIONS:		
DATE	DESCRIPTION	BY:

HANNA-BRUNETTI
EST. 1990
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EAGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2024
HORIZ. SCALE: 1"=80'
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY:
DRAWN BY: TM

date: Hanna Brunetti
Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Site Plan / Tentative Map

Ren Fu Villa - Miller Avenue - apn 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET

3

OF 15

JOB NO.

18064

Utility Plan

Ren Fu Villa - Miller Avenue - apn 810-23-005

NOTES:

1. WATER MAIN, STORM DRAIN AND SANITARY SEWER PIPES WITHIN PRIVATE STREETS SHALL BE OWNED AND MAINTAINED BY THE HOA.
2. A WHARF HYDRANT WILL BE REQUIRED FOR EACH HOME. (LOTS 1 THRU 14)
3. PROVIDE TRENCH RESTORATION FOR SANITARY SEWER INSTALLATION WITHIN ROAD ON MILLER AVENUE.

TYPICAL UTILITY LOCATION

NO SCALE

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.

REVISIONS:

DATE	DESCRIPTION	BY:

HANNA-BRUNETTI
EST. 1970
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3662
EMAIL: ENGINEERING@HANNA-BRUNETTI.COM

DATE: SEPTEMBER 2024
HORIZ. SCALE: 1"=80'
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY:
DRAWN BY: TM.

date: _____
Hanna - Brunetti
Amanda Joy Musy-Verdel
R.C.E. # 69278

REGISTERED PROFESSIONAL ENGINEER
AMANDA JOY MUSY-VERDEL
NO. 69278
CIVIL
STATE OF CALIFORNIA

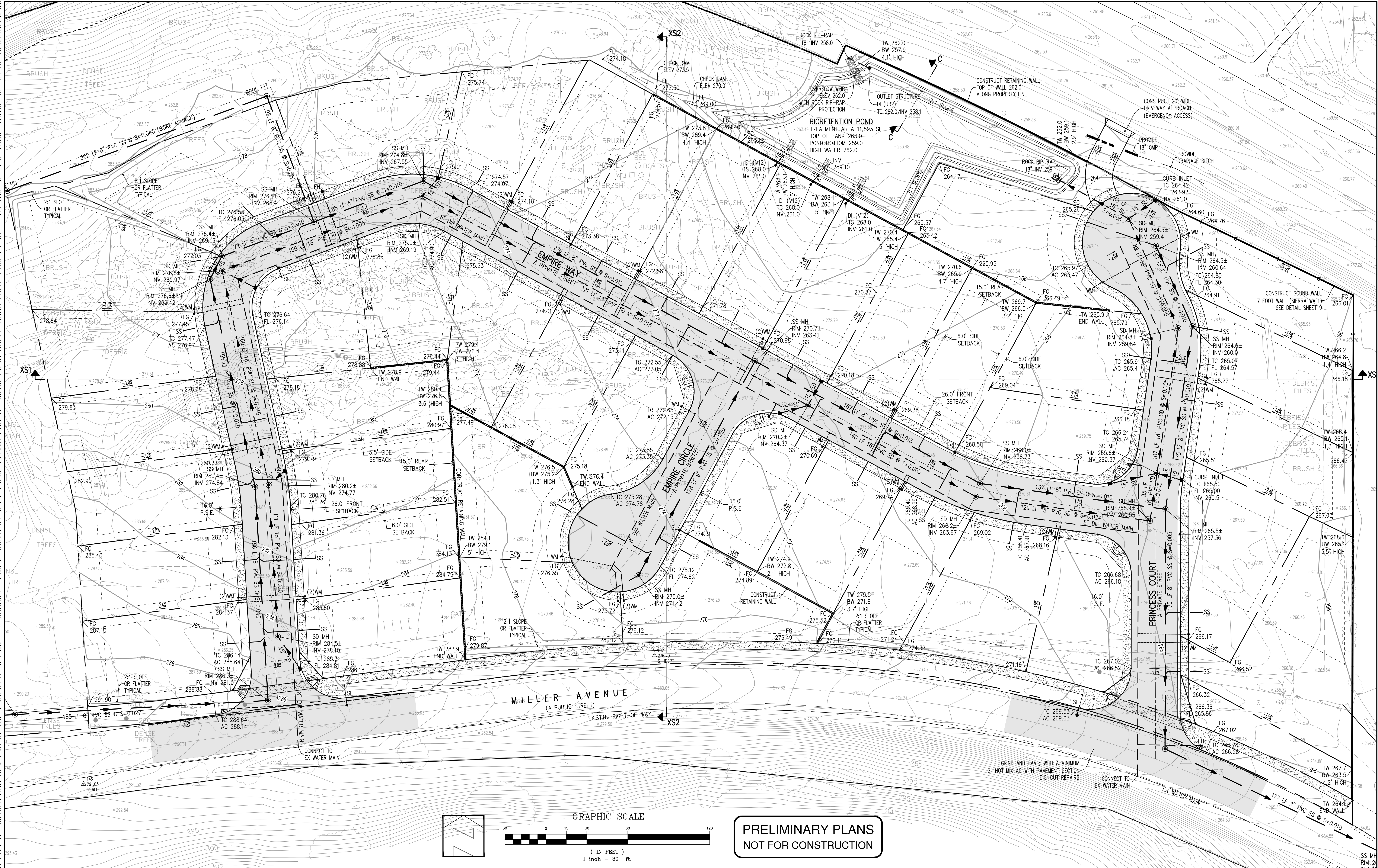
REFERENCES

CITY OF GILROY
SEPTEMBER 2024

SANTA CLARA COUNTY
CALIFORNIA

SHEET
4
OF 15
JOB NO. 18064

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REVISIONS:		
DATE	DESCRIPTION	BY:

HANNA-BRUNETTI
EST. 1990
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3682
EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2024
HORIZ. SCALE: 1"=30'
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY: TM
DRAWN BY: TM

date:
Hanna Brunetti
Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Grading & Drainage Plan - Phase One

Ren Fu Villa - Miller Avenue - apr 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET

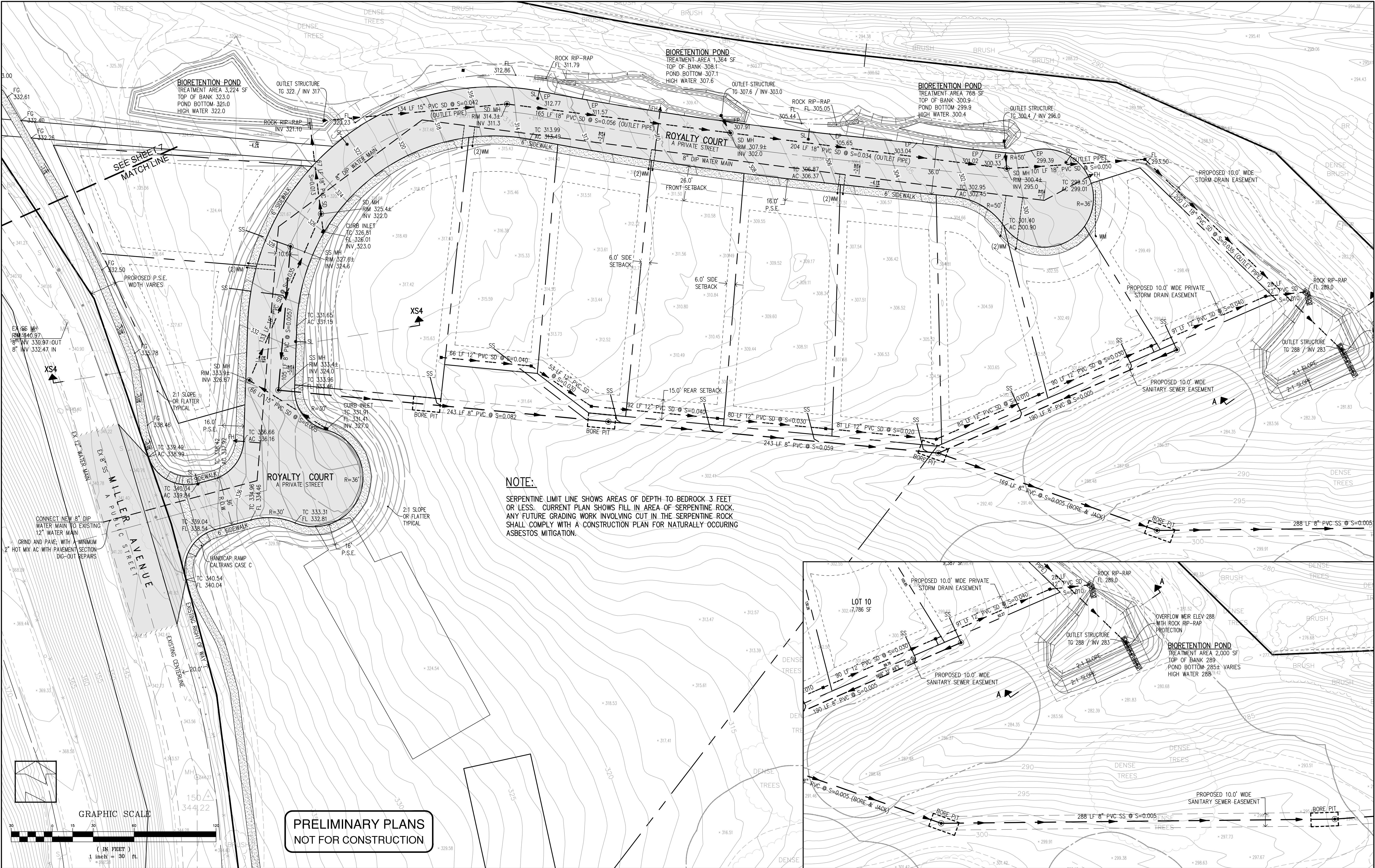
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JOB NO.

18064

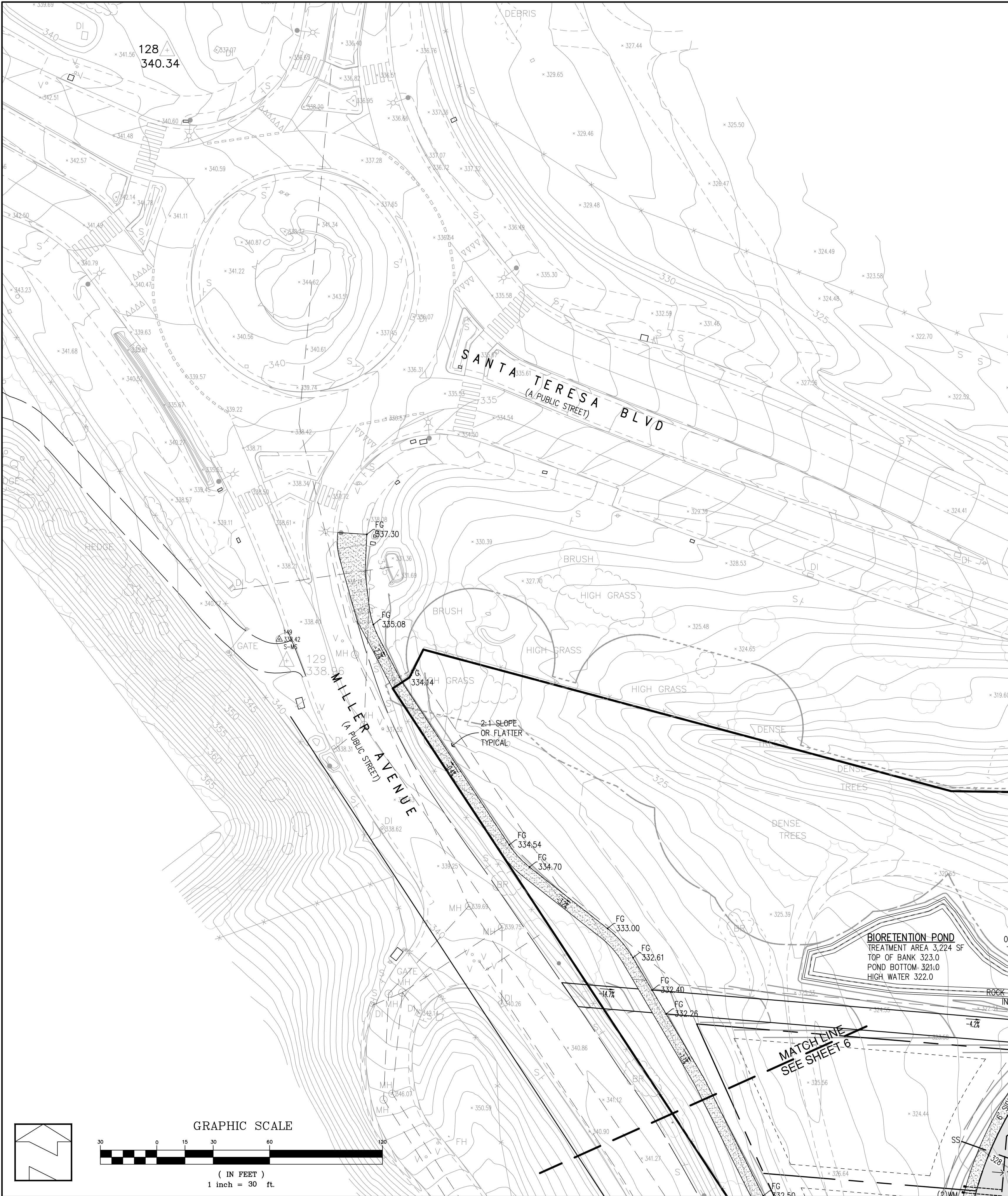
OF 15

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REVISIONS:			HANNA-BRUNETTI EST. 1910 CIVIL ENGINEERS • LAND SURVEYORS CONSTRUCTION MANAGERS 7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA OFFICE (408) 842-2173 • FAX (408) 842-3662 EMAIL: ENGINEERING@HANNABRUNETTI.COM DATE: <u>SEPTEMBER 2024</u> HORIZ. SCALE: <u>1"=30'</u> VERT. SCALE: <u>NONE</u> DESIGNED BY: <u>AM</u> CHECKED BY: _____ DRAWN BY: <u>TM</u> date: _____ Hanna – Brunetti Amanda Joy Musy–Verdel R.C.E. # 69278 REGISTERED PROFESSIONAL ENGINEER HANNA JOY MUST-VERDEL NO. 69278 CIVIL STATE OF CALIFORNIA REFERENCES CITY OF GILROY SEPTEMBER 2024 Grading & Drainage Plan - Phase Two Ren Fu Villa - Miller Avenue - apn 810-23-005 SANTA CLARA COUNTY CALIFORNIA SHEET 6 OF 15 JOB NO. 18064
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PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REVISIONS:		
DATE	DESCRIPTION	BY:

HANNA-BRUNETTI
EST. 1993
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173 • FAX (408) 842-3682
EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2024
HORIZ. SCALE: 1"=30'
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY: _____
DRAWN BY: TM

date: _____
Hanna - Brunetti

Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Grading & Drainage Plan - Phase Two

Ren Fu Villa - Miller Avenue - aprn 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

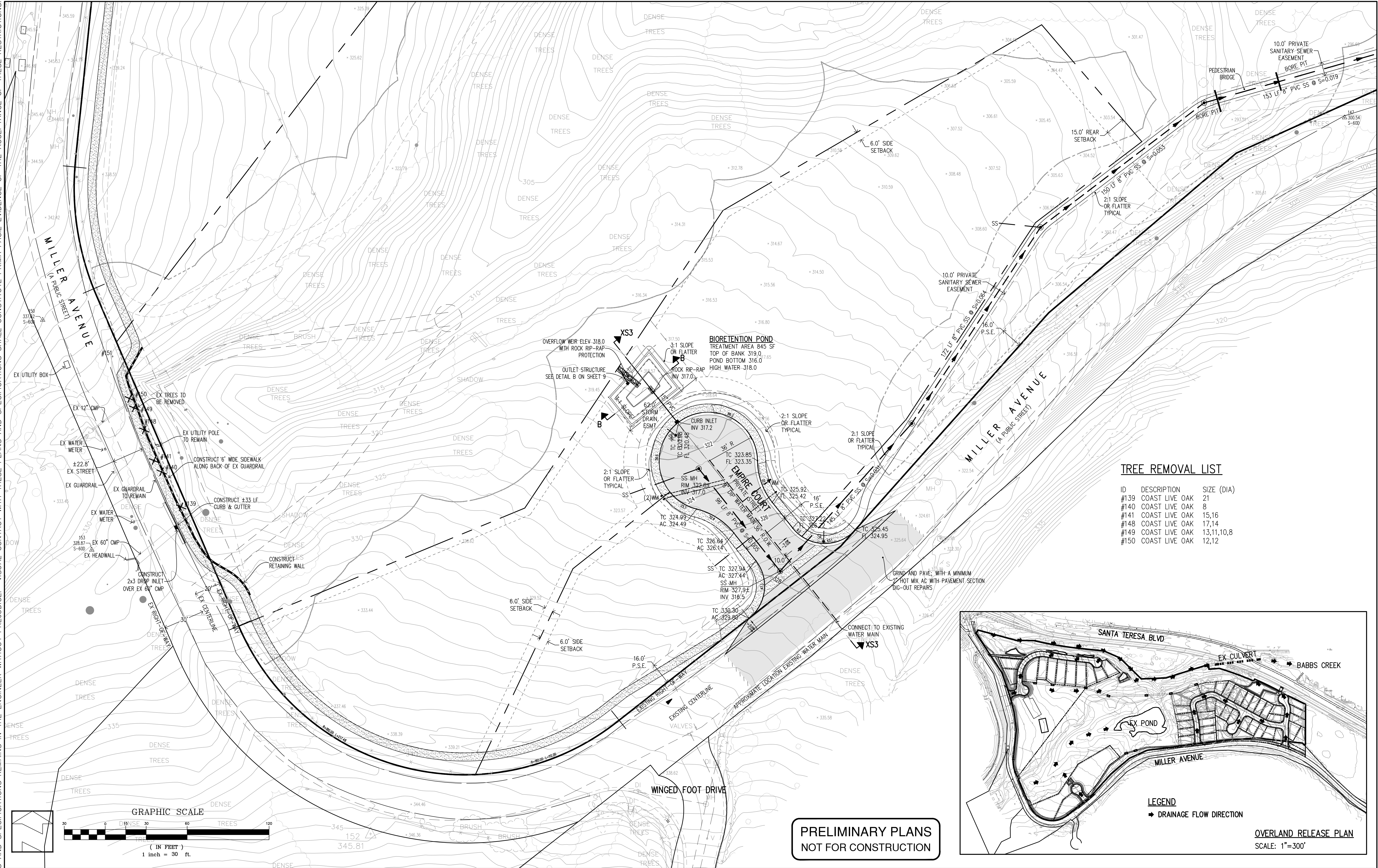
SHEET

7

OF 15
JOB NO.

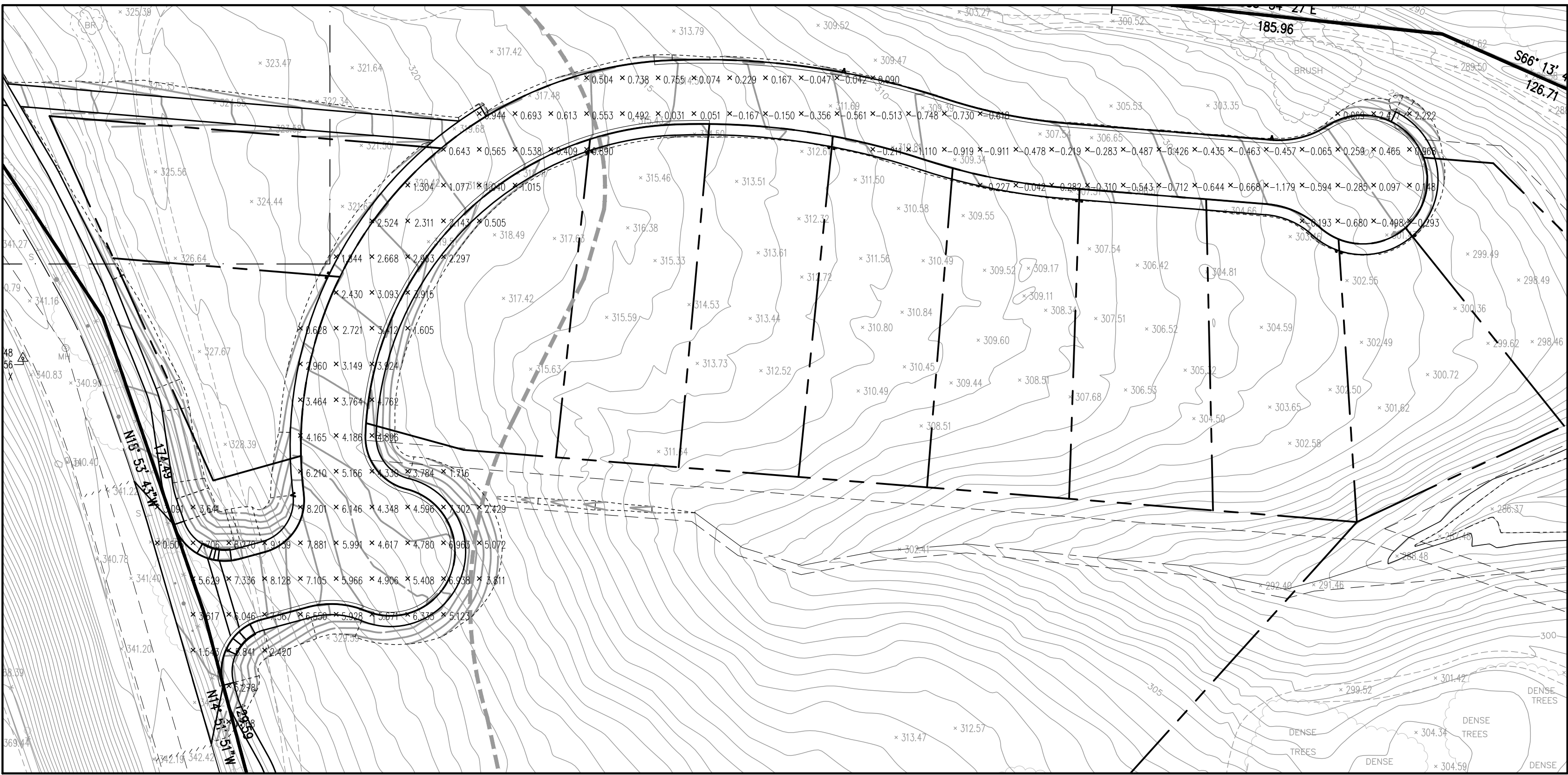
18064

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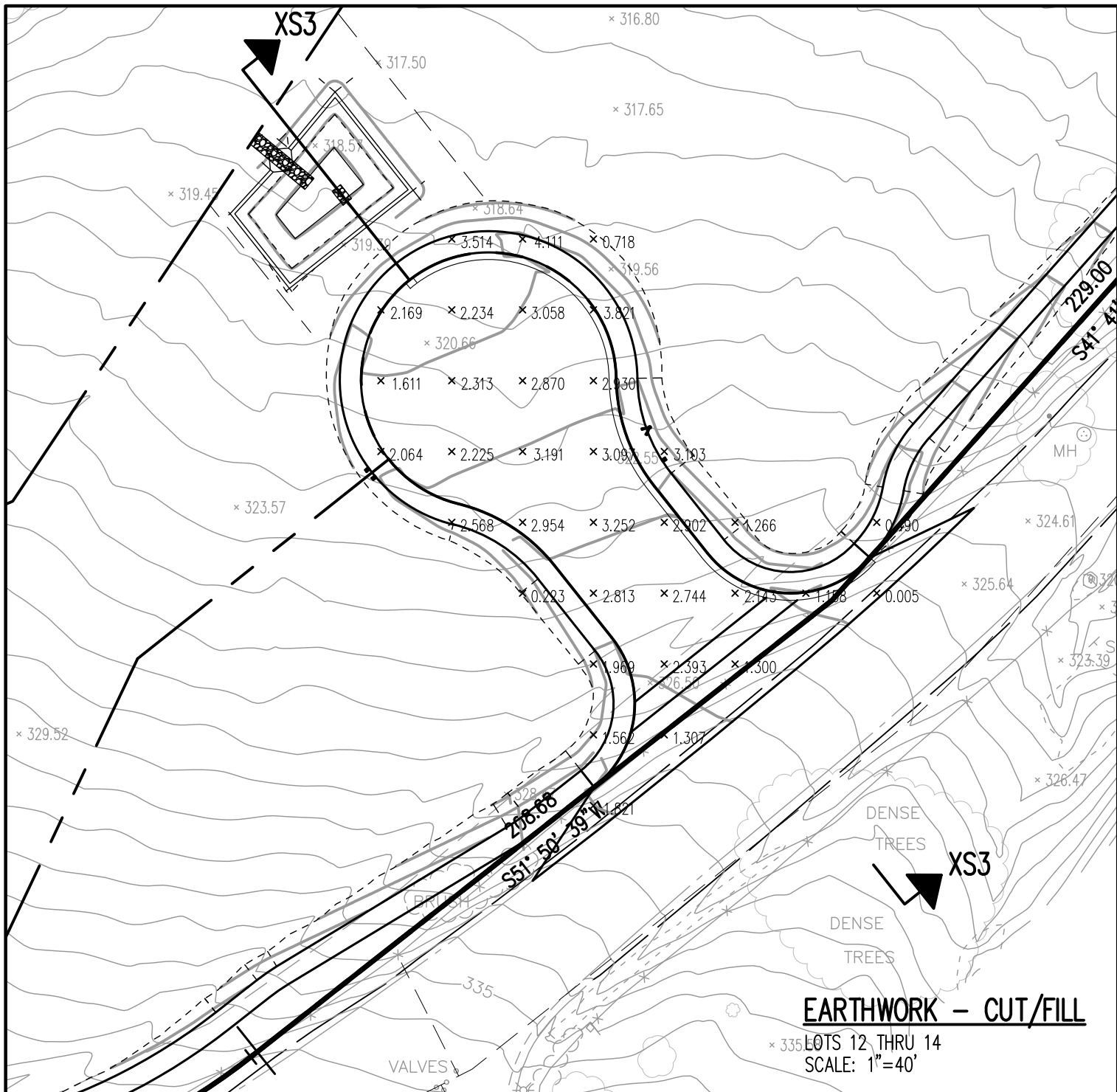
REVISIONS:			DATE: SEPTEMBER 2024	date: Hanna — Brunetti REGISTERED PROFESSIONAL ENGINEER AMANDA JOY MUSY-VERDEL NO. 69278 CIVIL STATE OF CALIFORNIA date: Hanna — Brunetti Amanda Joy Musy-Verdel R.C.E. # 69278	REFERENCES		Grading & Drainage Plan - Phase Two Ren Fu Villa - Miller Avenue - apn 810-23-005 CITY OF GILROY SEPTEMBER 2024 SANTA CLARA COUNTY CALIFORNIA		SHEET
DATE	DESCRIPTION	BY:							8
HANNA-BRUNETTI EST. 1910 CIVIL ENGINEERS • LAND SURVEYORS CONSTRUCTION MANAGERS 7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA OFFICE (408) 842-2173 • FAX (408) 842-3662 EMAIL: ENGINEERING@HANNABRUNETTI.COM							OF 15		
							JOB NO.	18064	

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EARTHWORK - CUT/FILL

LOTS 1 THRU 11
SCALE: 1"=50'



EARTHWORK - CUT/FILL

LOTS 12 THRU 14
SCALE: 1"=40'



EARTHWORK - CUT/FILL

LOTS 15 THRU 54
SCALE: 1"=50'

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REVISIONS:		
DATE	DESCRIPTION	BY:

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EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE:	SEPTEMBER 2024
HORIZ. SCALE:	NONE
VERT. SCALE:	NONE
DESIGNED BY:	AM
CHECKED BY:	
DRAWN BY:	TM

date: 9/22/24
Hanna - Brunetti

Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES	

CITY OF GILROY
SEPTEMBER 2024

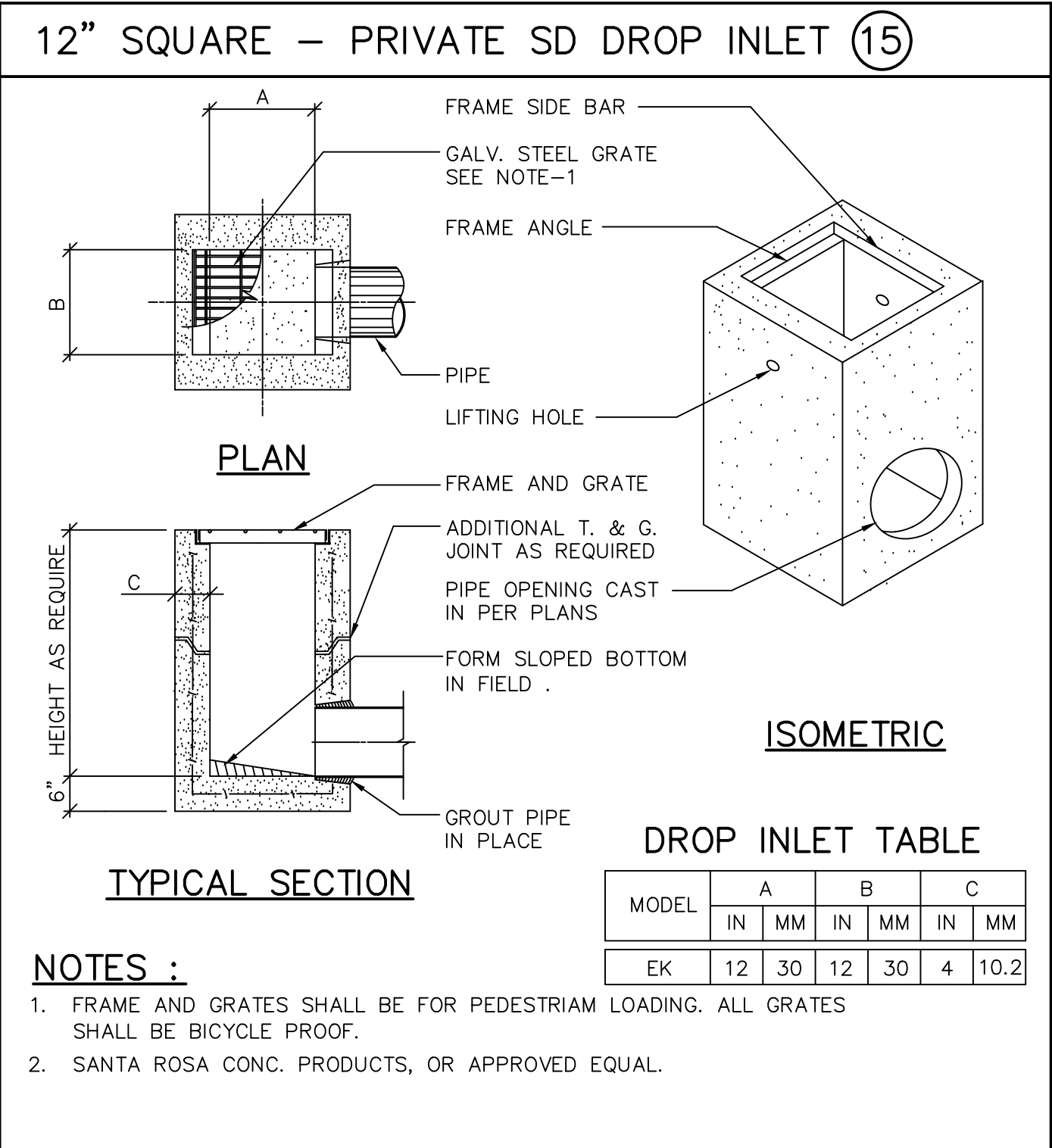
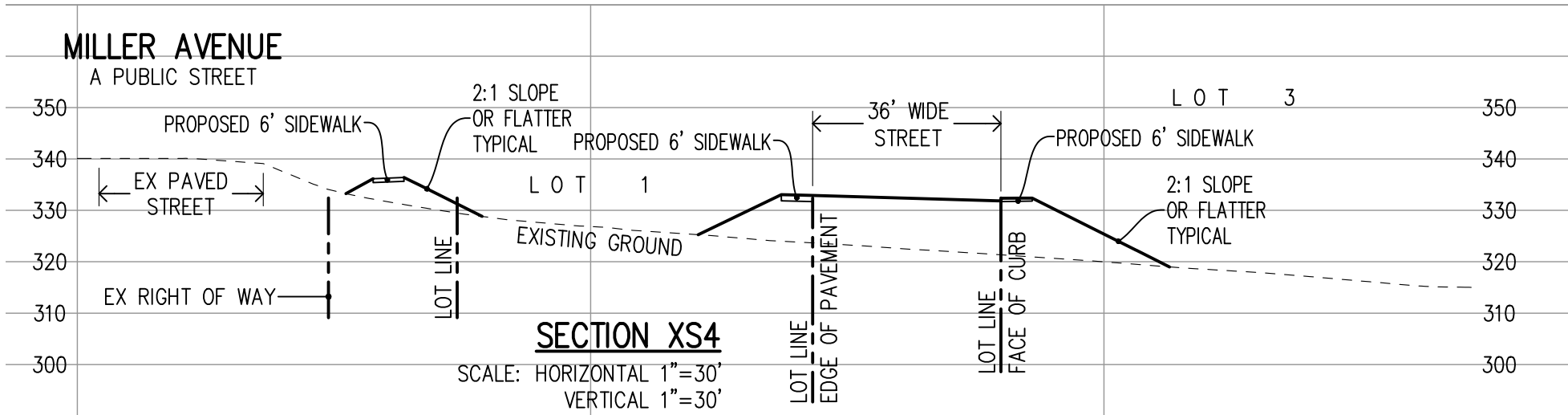
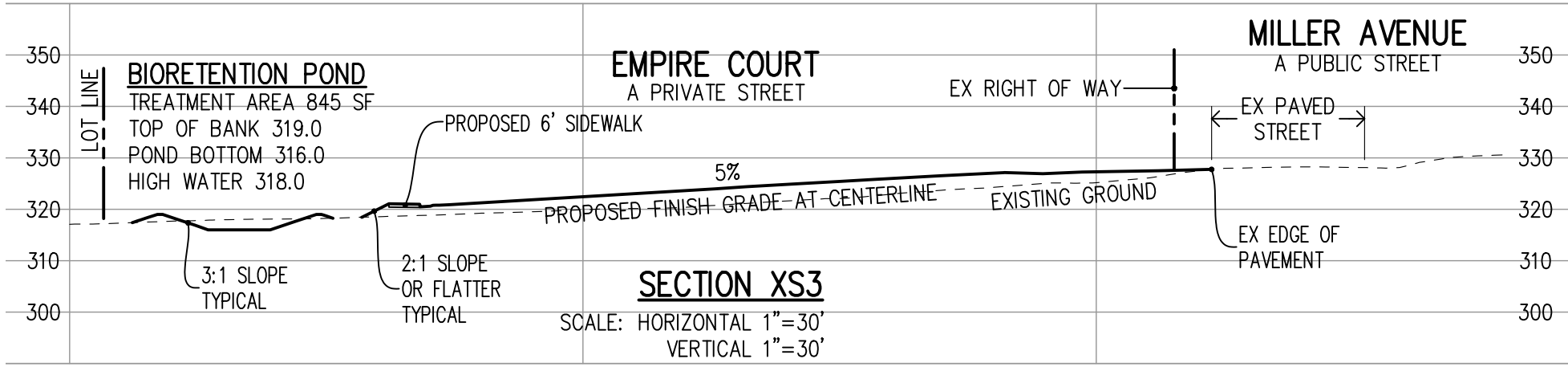
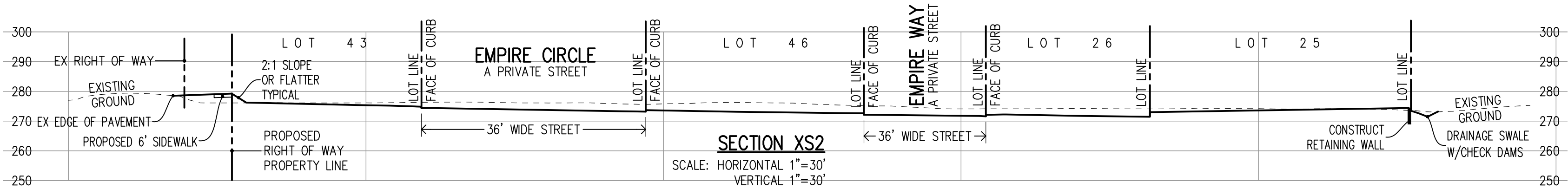
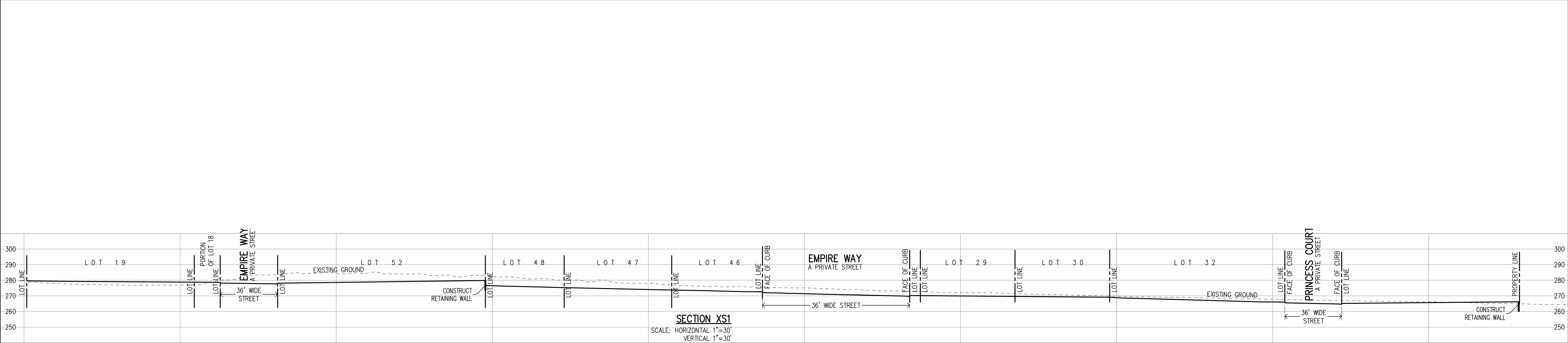
Earthwork - Cut/Fill Plan

Ren Fu Villa - Miller Avenue - aprn 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET	9
OF 15	
JOB NO.	18064

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EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2024
HORIZ. SCALE: NONE
VERT. SCALE: NONE
DESIGNED BY: AM.
CHECKED BY:
DRAWN BY: TM.

date:
Hanna - Brunetti

Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Section & Details

Ren Fu Villa - Miller Avenue - apr 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET

10

OF 15

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RIGHT-OF-WAY VACATION
SCALE: 1"=50'

3-1/2 ft. x 8 ft. Western Red Cedar Privacy Flat Top Fence



Sierra Wall Systems

Sierra Classic
The essence of keeping it simple, the Sierra Classic wall line features a selection of standard wall styles for the economical site wall choice.

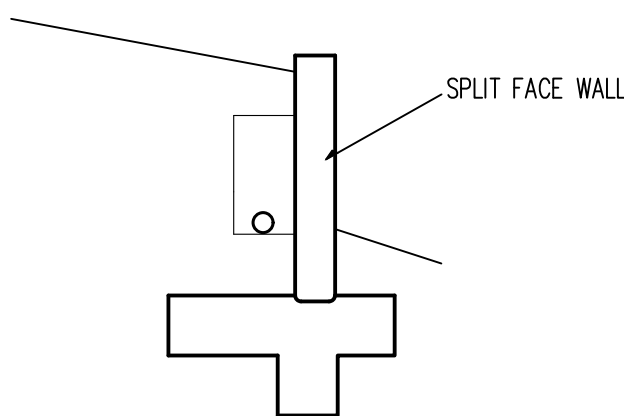
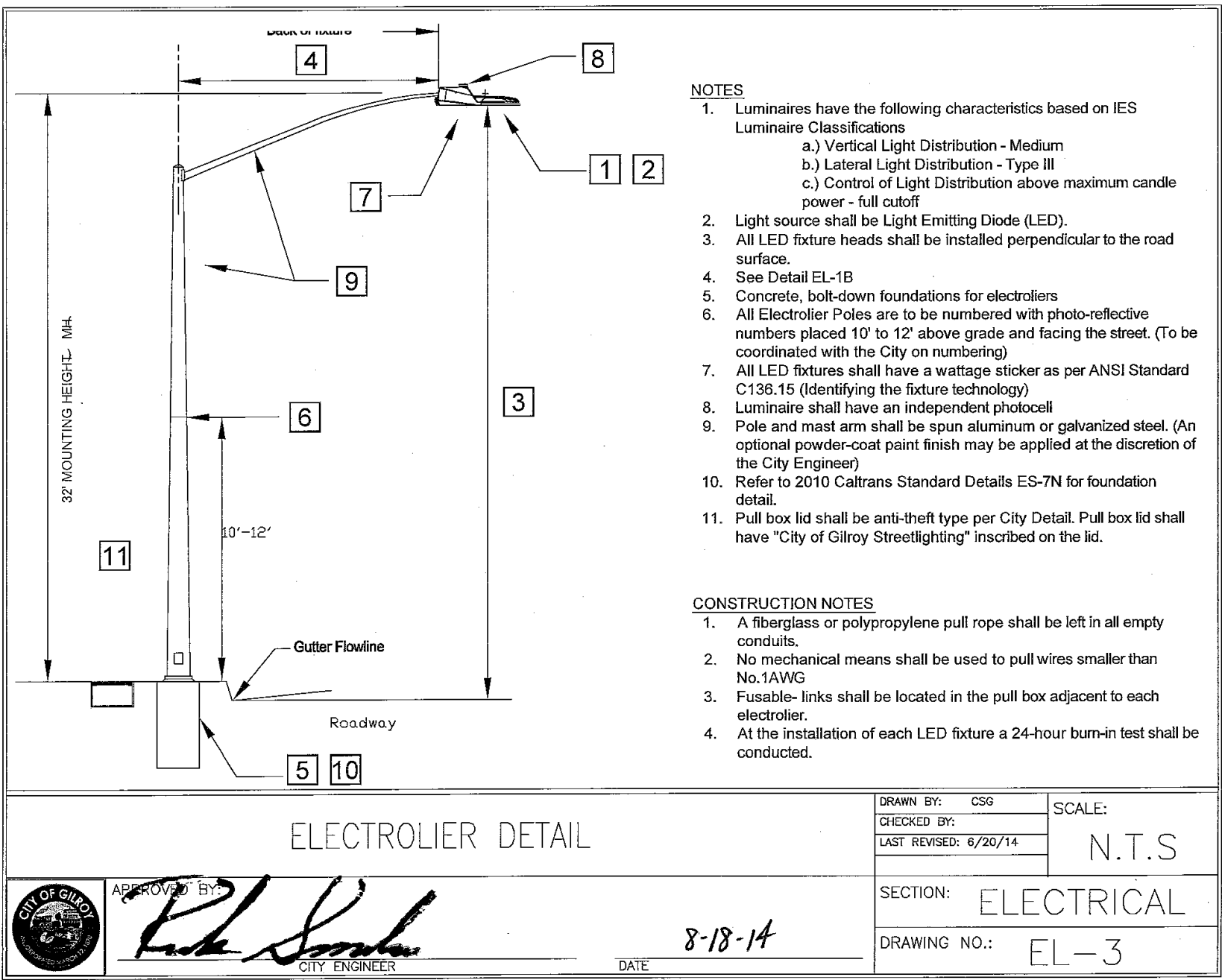
Sierra Profile
The Sierra Profile wall line combines aesthetics and pre-engineered functionality to produce a great looking state of the art wall.

Sierra Signature
The Sierra Signature line features veneered stone and brick finishes to complement the pre-engineered functionality inherent to the wall system.

Sierra Add
The Sierra Add line provides the finishing touch to any of our precast wall systems with the option of custom accent features such as: mailboxes, entries, planters, signage, lighting, and hidden columns.

Finishes & Styles	Classic	Shiplap	Vertical Board	Stumpstone	Horizontal Board	Stamped Adobe	Mediterranean	Sidetravel	Margosa	Lark	Lighthouse	Bronzestone	Mirra	Parade	Abundant Canyon	Rainbow Sandstone	Paint Stone	River Run Column	Ledgestone Column	Stone Bands	Brick	Field	Mission
Sierra Classic																							
Sierra Profile																							
Sierra Signature																							

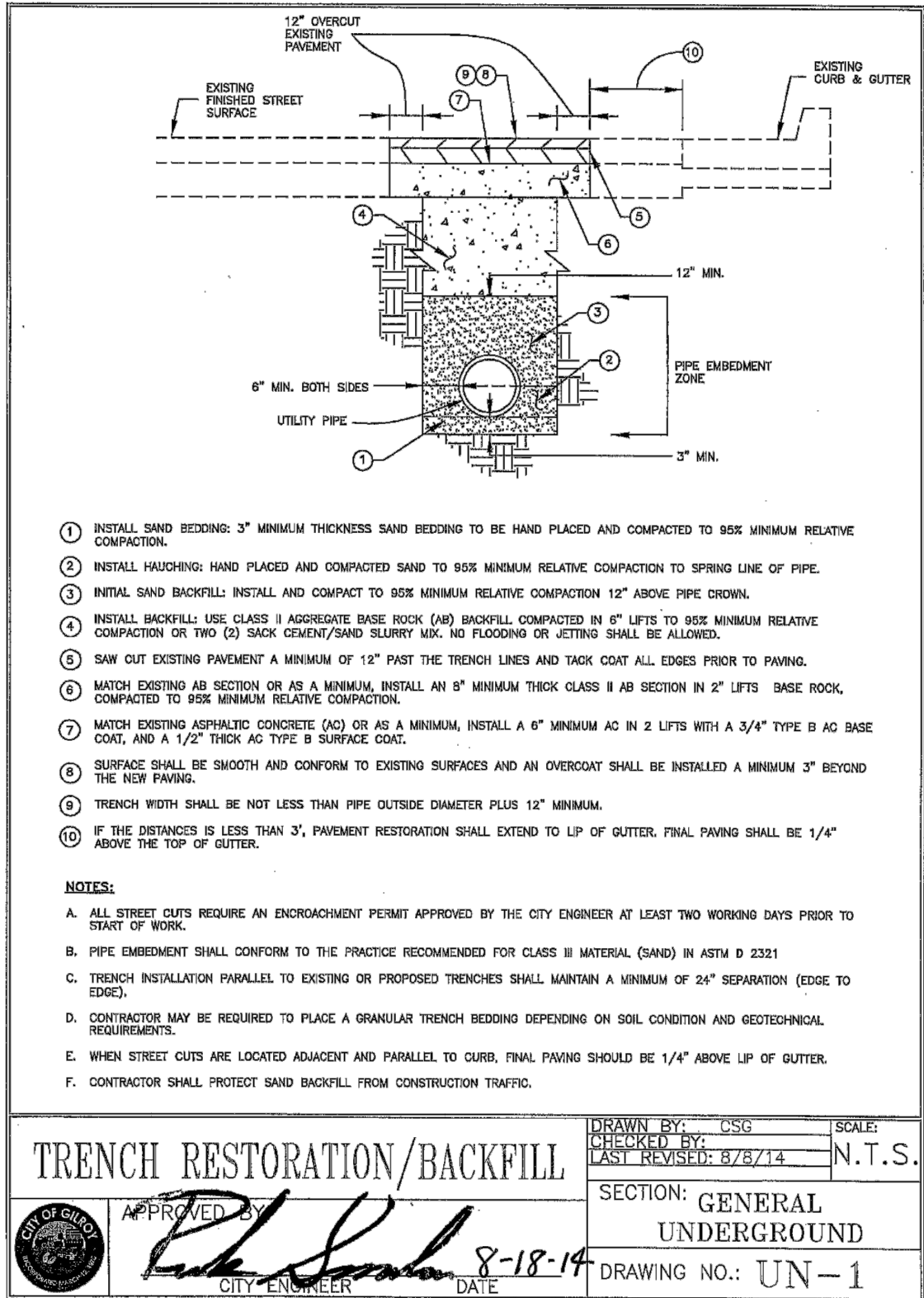
oldcastleprecast.com/sierrawalls



TYPICAL RETAINING WALL
NO SCALE

SEE STRUCTURAL PLANS FOR DIMENSIONS & DETAILS. - SPLIT FACE WALL

KEystone WALL MAY BE USED ON WALLS UNDER 4' IN HEIGHT.



REVISIONS:		
DATE	DESCRIPTION	BY:

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EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2014
HORIZ. SCALE: NONE
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY: TM
DRAWN BY: TM

date: _____
Hanna - Brunetti
Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Ren Fu Villa - Miller Avenue - apr 810-23-005

Details

SANTA CLARA COUNTY
CALIFORNIA

SHEET

11

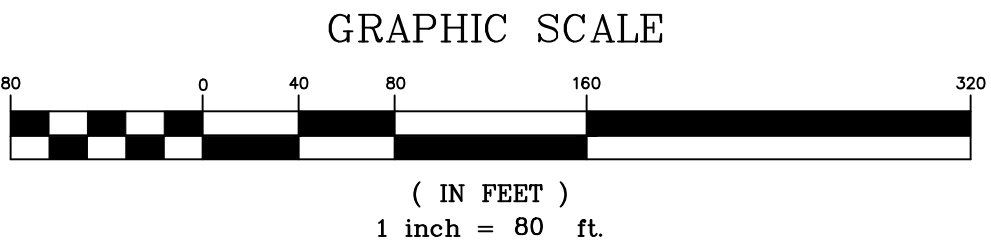
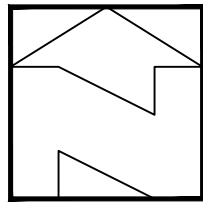
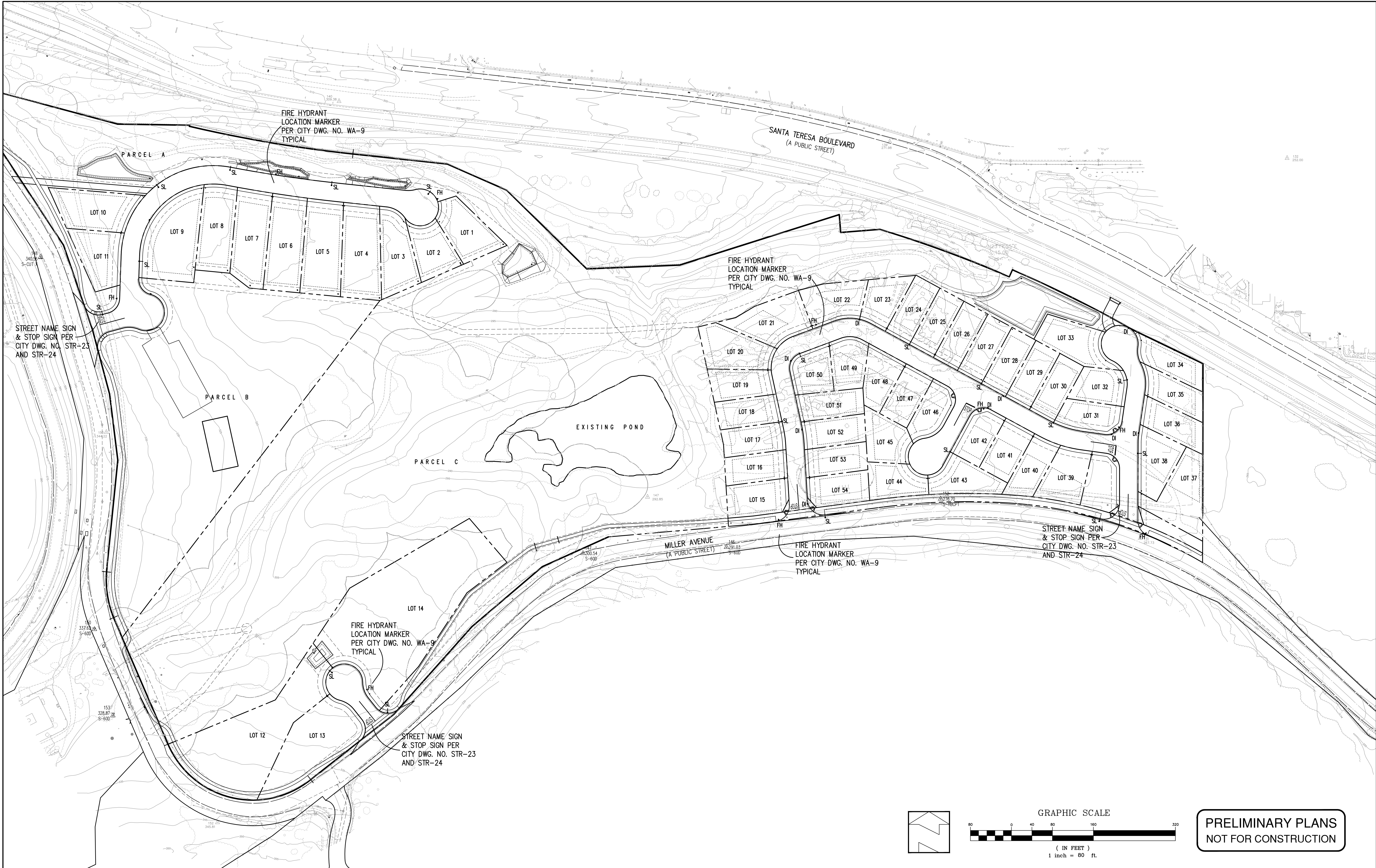
OF 15

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PRELIMINARY PLANS
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 EMAIL: ENGINEERING@HANNABRUNETTI.COM

DATE: SEPTEMBER 2024
 HORIZ. SCALE: 1"=80'
 VERT. SCALE: NONE
 DESIGNED BY: AM
 CHECKED BY:
 DRAWN BY: TM

date:
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 Amanda Joy Musy-Verdel
 R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

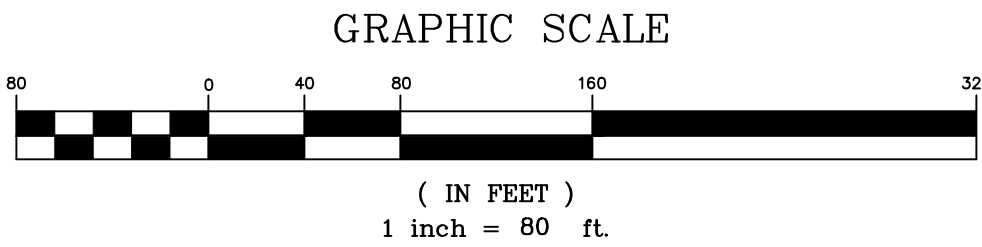
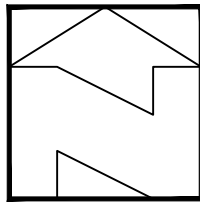
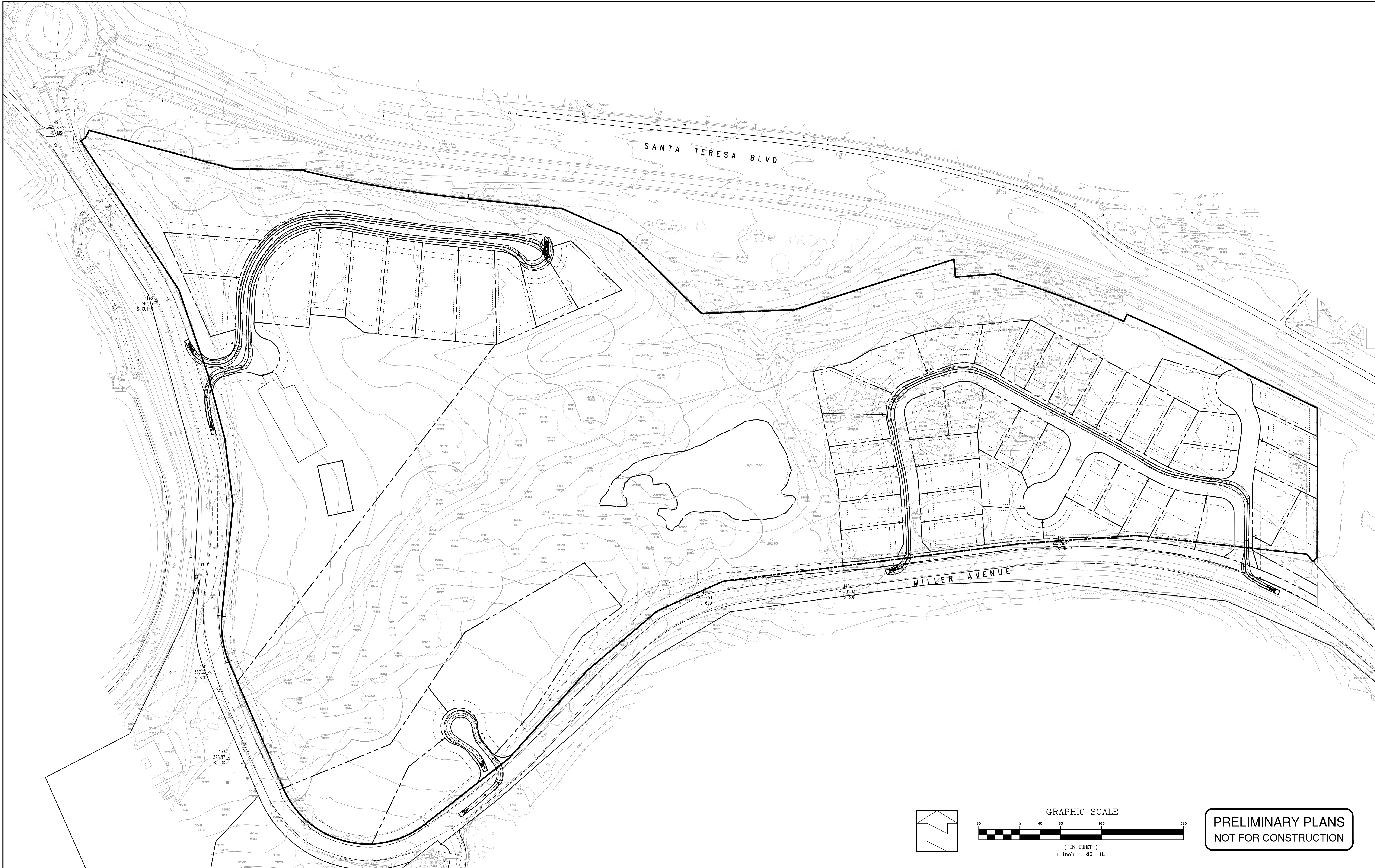
Striping Plan

Ren Fu Villa - Miller Avenue - aprn 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET
12
 OF 15
 JOB NO.
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DATE: SEPTEMBER 2014
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VERT. SCALE: NONE
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CHECKED BY:
DRAWN BY: TM

date: Hanna - Brunetti

Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Fire Truck Circulation Plan

Ren Fu Villa - Miller Avenue - aprn 810-23-005

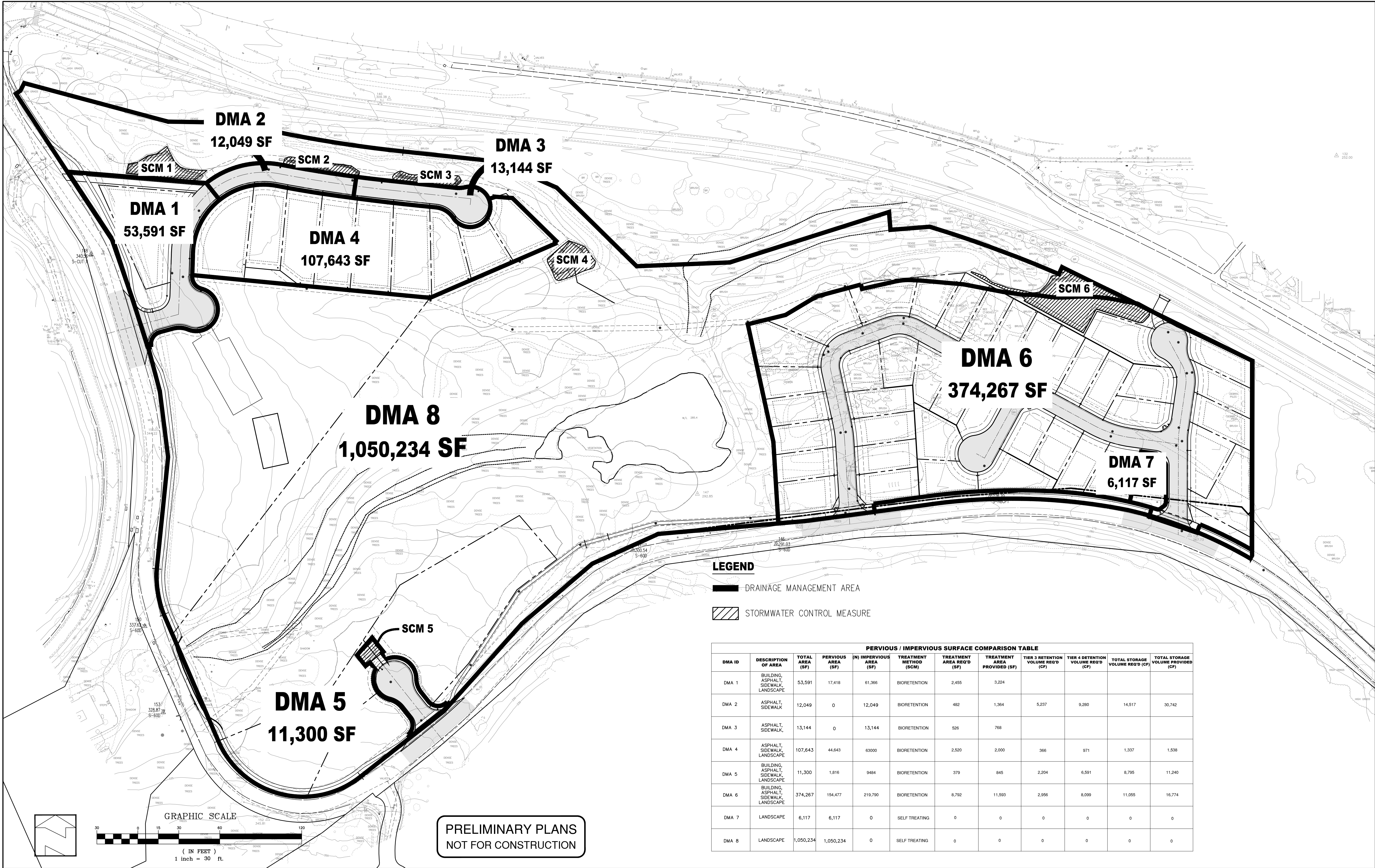
SANTA CLARA COUNTY
CALIFORNIA

SHEET

13

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JOB NO.
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LEGEND

- DRAINAGE MANAGEMENT AREA
- ▨ STORMWATER CONTROL MEASURE

PERVIOUS / IMPERVIOUS SURFACE COMPARISON TABLE

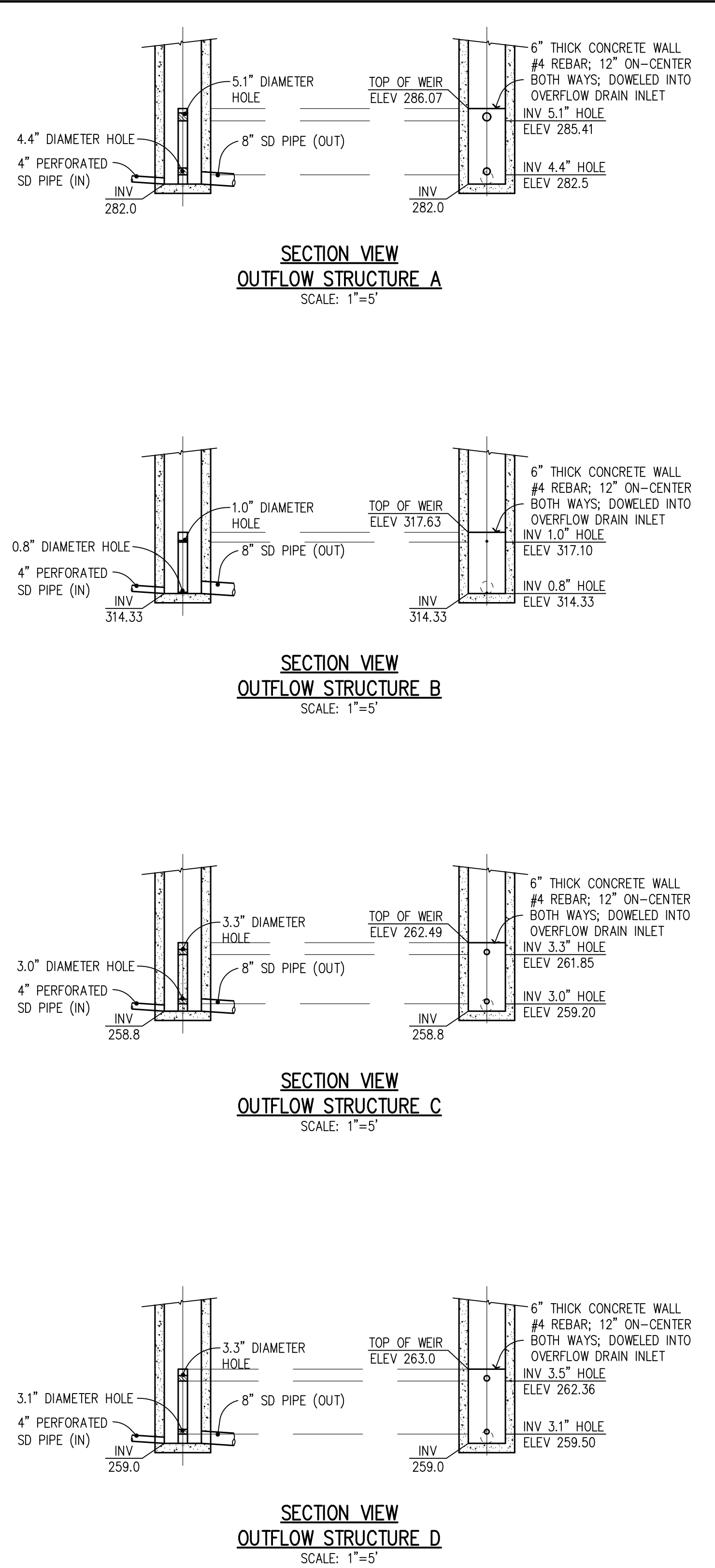
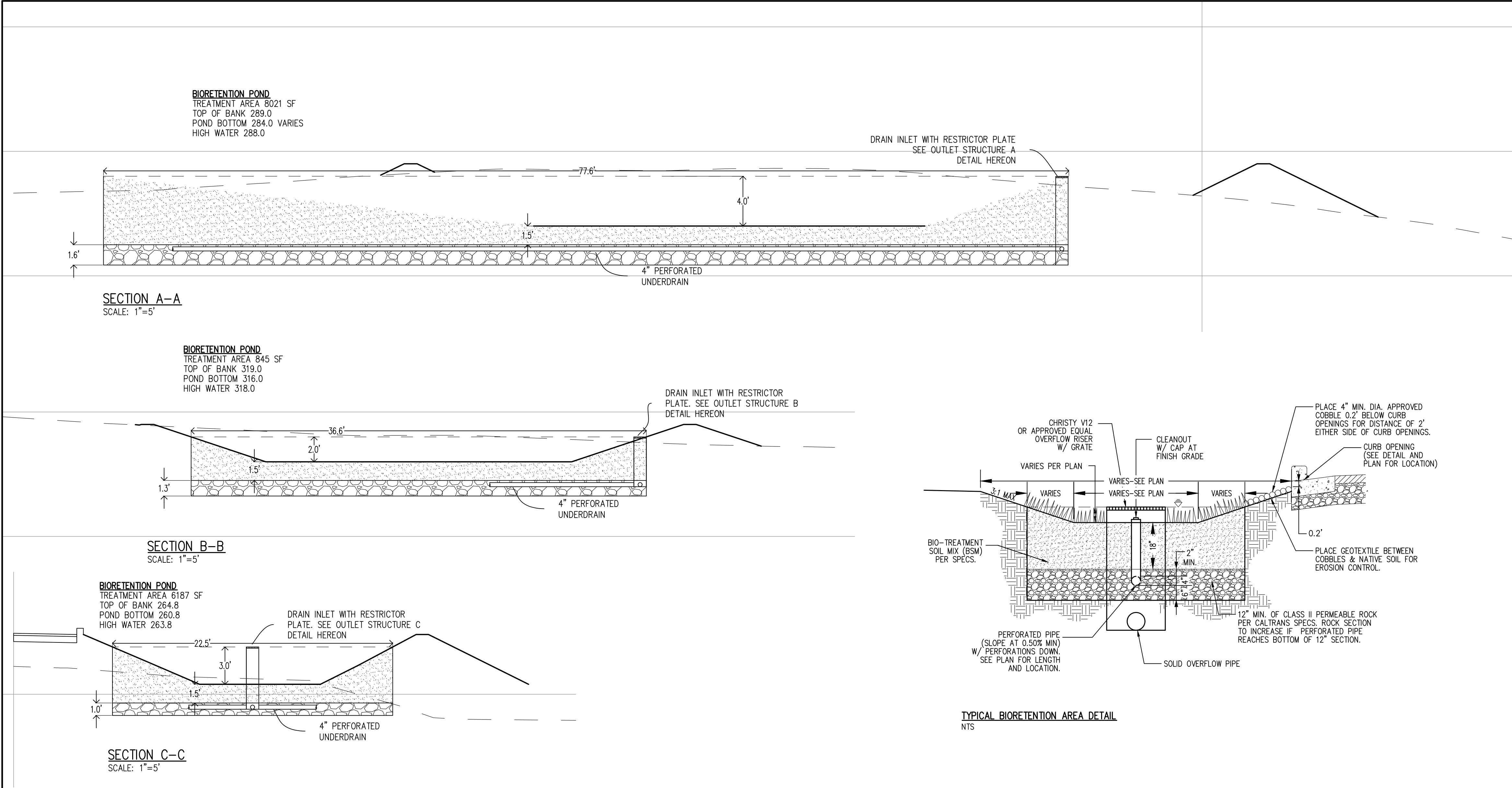
DMA ID	DESCRIPTION OF AREA	TOTAL AREA (SF)	PERVIOUS AREA (SF)	(N) IMPERVIOUS AREA (SF)	TREATMENT METHOD (SCM)	TREATMENT AREA REQ'D (SF)	TREATMENT AREA PROVIDED (SF)	TIER 3 RETENTION VOLUME REQ'D (CF)	TIER 4 DETENTION VOLUME REQ'D (CF)	TOTAL STORAGE VOLUME REQ'D (CF)	TOTAL STORAGE VOLUME PROVIDED (CF)
DMA 1	BUILDING, ASPHALT, SIDEWALK, LANDSCAPE	53,591	17,418	61,366	BIORETENTION	2,455	3,224				
DMA 2	ASPHALT, SIDEWALK	12,049	0	12,049	BIORETENTION	482	1,364	5,237	9,280	14,517	30,742
DMA 3	ASPHALT, SIDEWALK	13,144	0	13,144	BIORETENTION	526	768				
DMA 4	ASPHALT, SIDEWALK, LANDSCAPE	107,643	44,643	63000	BIORETENTION	2,520	2,000	366	971	1,337	1,538
DMA 5	BUILDING, ASPHALT, SIDEWALK, LANDSCAPE	11,300	1,816	9484	BIORETENTION	379	845	2,204	6,591	8,795	11,240
DMA 6	BUILDING, ASPHALT, SIDEWALK, LANDSCAPE	374,267	154,477	219,790	BIORETENTION	8,792	11,593	2,056	8,099	11,055	16,774
DMA 7	LANDSCAPE	6,117	6,117	0	SELF TREATING	0	0	0	0	0	0
DMA 8	LANDSCAPE	1,050,234	1,050,234	0	SELF TREATING	0	0	0	0	0	0

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REVISIONS:			DATE: SEPTEMBER 2024		date: Hanna - Brunetti		REFERENCES		Stormwater Control Plan		SHEET 14	
DATE	DESCRIPTION	BY:	HORIZ. SCALE: 1"=30'	VERT. SCALE: NONE	AMANDA JOY MUSY-VERDEL NO. 69278 CIVIL STATE OF CALIFORNIA			OF 15				
			DESIGNED BY: AM	CHECKED BY:	Amanda Joy Musy-Verdel R.C.E. # 69278				Ren Fu Villa - Miller Avenue - aprn 810-23-005		JOB NO. 18064	
			DRAWN BY: TM						CITY OF GILROY SEPTEMBER 2024		SANTA CLARA COUNTY CALIFORNIA	

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DRAWN BY: TM

date:
Hanna - Brunetti

Amanda Joy Musy-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
SEPTEMBER 2024

Stormwater Details

Ren Fu Villa - Miller Avenue - apr 810-23-005

SANTA CLARA COUNTY
CALIFORNIA

SHEET
15
OF 15
JOB NO.
18064

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GILROY RECOMMENDING APPROVAL OF TENTATIVE MAP TM 22-02, A SUBDIVISION OF AN APPROXIMATE 37.54-ACRE UNDEVELOPED PROPERTY INTO 54 SINGLE-FAMILY RESIDENTIAL LOTS ON PROPERTY LOCATED SOUTH OF SANTA TERESA BOULEVARD AND NORTH/NORTHEAST OF MILLER AVENUE (APN # 810-23-005).

WHEREAS, Susan Wang on behalf of Ren JiZhong submitted an application requesting a tentative map to subdivide an approximate 37.54-acre site into 54 single-family residential lots; and

WHEREAS, the subject property is located south of Santa Teresa Boulevard and north/northeast of Miller Avenue; and

WHEREAS, the Gilroy 2040 General Plan and Land Use Diagram designating the subject property as Hillside Residential was adopted by the City Council on November 2, 2020; and

WHEREAS, the applicant has filed a concurrent application to change the zoning designation of the property from A1 (Agriculture District) to RH (Residential Hillside), consistent with the General Plan land use designation for the property; and

WHEREAS, the adopted and certified Environmental Impact Report for the Gilroy 2040 General Plan included a section on agricultural resources and noted that lands in the (A1) Agricultural Zoning District are expected to be urbanized in accordance with the General Plan; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), the City completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City determined that in addition to contributing to the previously disclosed significant and unavoidable impacts in the Gilroy 2040 General Plan Final Environmental Impact Report (EIR), the project could result in additional significant effects on the environment; however, there will not be any significant effect in this case because mitigation measures are included in the project, and therefore, a Mitigated Negative Declaration (MND) has been prepared and shall be implemented by the applicant; and

WHEREAS, a Mitigation Monitoring and Reporting Plan (MMRP) has been prepared that lists the required mitigation measures, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and a placeholder checklist for future verification of compliance to help ensure that the designated mitigation measures are appropriately implemented during all stages of the project including future construction and project build-out; and

WHEREAS, on January 16, 2025, the Planning Commission held a duly noticed public meeting, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the proposed Tentative Map (TM 22-02); and

WHEREAS, on January 16, 2025, the Planning Commission considered and recommended that the City Council adopt the Mitigated Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA), adopt an Ordinance approving Zoning Map Amendment (Z 22-03), and adopt a Resolution approving Tentative Map (TM 22-02); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Gilroy hereby recommends City Council approval of Tentative Map TM 22-02, pursuant to Gilroy City Code Chapter 21 and subject to the filing and approval of a final map, based on the fact that the proposed development would not be subject to severe flood hazard or severe inundation and the findings required for denial of the map pursuant to Government Code Section 66474 are not made, as follows:

- A. *The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.*

This Finding cannot be made. No Specific Plan is associated with or required for the development and the proposed subdivision is consistent with the Gilroy 2040 General Plan Hillside Residential land use designation for the property and the 2023-2031 Housing Element Goal 1 (Housing Production) and Goal 2 (Removal of Government Constraints).

- B. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

This Finding cannot be made. No Specific Plan is associated with or required for the development and the design or improvement of the proposed subdivision is consistent with the Gilroy 2040 General Plan goals and policies including: Gilroy 2040 General Plan Land Use (LU) Policies LU 1.1 Pattern of Development; LU 1.2 Residential Growth; LU 1.8 Vacant and Underutilized Sites; LU 1.11 Contiguous Development; LU 3.2 Connectivity; LU 3.9 Hillside Development; LU 3.11 Noise Mitigation Design; LU 8.6 Utility Undergrounding; and LU 8.8 Clustered Development; Gilroy 2040 General Plan Mobility (M) Policies M 1.4 Residential Traffic; M 1.10 Private Streets; and M 5.1 Standard Level of Service (LOS); Gilroy 2040 General Plan Natural and Cultural Resources (NCR) Policies NCR 1.1 Habitat Plan Compliance; NCR 1.2 Stream Protection; NCR 1.3 Riparian Setbacks; NCR 1.4 Plant and Wildlife Habitats; and NCR 1.10 Light Pollution; and Gilroy 2040 General Plan Public Facilities and Services (PFS) Policies PFS 1.11 Development Impact Fees; and PFS 3.6 Water Infrastructure.

C. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for this type of development as analyzed in the Initial Study and conditioned in Mitigated Negative Declaration and conditions of approval for the project.

D. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made. The site is physically suitable for the proposed density because the adopted Gilroy 20240 General Plan and EIR anticipated a Hillside Residential development on the property with a density up to four units per acre and the proposed development has a density of approximately 3.18 units per net acre (54 units / 16.97 net acres) after deducting the private streets (2.46 acres), open space (17.72 acres), and Miller Avenue Right-of-Way (0.35 acres) from the gross acreage.

E. That the design of the proposed subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife because the proposed Tentative Map includes appropriate conditions of approval and mitigation measures in conformance with the Initial Study and Mitigated Negative Declaration for the project.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the proposed subdivision will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water and the proposed Tentative Map includes appropriate conditions of approval and mitigation measures in conformance with the Initial Study and Mitigated Negative Declaration for the project.

G. That the design of the proposed subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. Pursuant to the conditions of approval for the project, all new, relocated, alternate, or abandoned easements shall be reviewed and

approved by the Gilroy Engineering Division or the appropriate governmental agency (e.g., utility company).

PASSED AND ADOPTED this 16th day of January 2025 by the following roll call vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Sharon Goei, Secretary

Manny Bhandal, Chairperson

<u>PLANNING CONDITIONS</u>	
<i>The following GENERAL conditions authorize specific terms of the project ENTITLEMENT(S).</i>	
1.	APPROVED PROJECT: The approval for TENTATIVE MAP TM 22-02 is granted to subdivide an approximate 37.54-acre site into 54 single-family residential lots located on Assessor Parcel No. 810-23-005, as shown on Project Plans dated as received by the Planning Division on September 17, 2024, prepared by HANNA-BRUNETTI for Susan Wang, dated September 2024, and consisting of 15 sheets.
2.	PERMIT EXPIRATION: In accordance with Section 21.41(i) of the Gilroy City Code, initial approval of a tentative map is valid for twenty-four (24) months. Such approval may only be extended at the Council's discretion, pursuant to the provisions of the Subdivision Map Act, if the final map is not approved prior to expiration.
3.	ZONING MAP AMENDMENT (Z 22-03) ENTITLEMENT: This permit is subject to City Council approval of the Zoning Map Amendment (Z 22-03) to change the zoning designation from A1 (Agriculture District) to RH (Residential Hillside).
4.	COMPLIANCE WITH CONDITIONS: If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to permit revocation or enforcement actions pursuant to the City Code. All costs associated with any such actions shall be the responsibility of Developer, owner or tenant.
5.	INDEMNIFICATION: Developer agrees, as a condition of permit approval, at Developer's own expense, to defend, indemnify, and hold harmless the City of Gilroy ("the City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s) or proceeding(s) brought against the City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void or annul the approval of this resolution or any condition attached thereto or any proceedings, acts or determinations taken, including actions taken under the California Environmental Quality Act of 1970, as amended, done or made prior to the approval of such resolution that were part of the approval process.
6.	ENVIRONMENTAL DOCUMENT FILING FEES. Upon approval of the project and filing of the Notice of Determination with the Office of the County Clerk-Recorder, the project applicant shall pay any required environmental document filing fees.

7.	SIGNS: No signs are approved as part of this application. Prior to issuance of a sign permit for this site, Developer shall propose well-designed, quality signs that comply with the allowances of the City Code and are to the satisfaction of the Community Development Director or designee.
8.	SIGNAGE: All signage advertising the development project or components thereof, including individual tenants or subdivisions, shall be installed or maintained onsite or offsite as allowed and in conformance with an approved sign permit.
9.	WATER LIMITATIONS: Developer shall be advised that the approval is subject to the drought emergencies provisions pursuant to the Gilroy City Code Chapter 27.98.
10.	MULTI-PHASE DEVELOPMENT: The project would be developed in two phases, as illustrated on the proposed Tentative Map, following review and approval of an Architectural and Site Review permit application, grading permit, and building permit. The construction details of each of these phases is provided in the Initial Study for the project.
<i>The following conditions shall be addressed prior to issuance of any BUILDING PERMIT, GRADING PERMIT or IMPROVEMENT PLAN, whichever is first issued, or as otherwise specified in the condition.</i>	
11.	CONDITIONS OF APPROVAL: Developer shall include a plan sheet(s) that includes a reproduction of all conditions of approval of this permit, as adopted by the decision-maker.
12.	EXISTING VIOLATIONS: Prior to issuance of building permits, Developer shall correct all violations of the City Code, if any, existing on the project property for which the City has open cases.
13.	SUBSEQUENT ENTITLEMENTS: Developer shall obtain necessary permits prior to initiating any work authorized under this approval, including but not limited to Architectural and Site Review, a Tree Removal Permit, and a Conditional Use Permit or Planned Unit Development for the clubhouse. Developer shall pay all requisite fees in effect at the time of plan submittal and/or issuance, as applicable.
14.	OTHER REVIEW AGENCIES: This project may require review and approval by outside agencies including, but not limited to Valley Water, the Santa Clara Valley Habitat Agency, and the California Department of Fish and Wildlife. Proof of approval from these agencies may be required prior to planning or building permit issuance, inspections, or prior to Certificate of Occupancy.

15.	HABITAT PERMIT: Concurrent with or prior to an application for a grading permit, the applicant's qualified biologist for the project shall prepare all required Santa Clara Valley Habitat Plan application materials, including the coverage screening form, fees and conditions worksheet, and formal application.
16.	LIGHTING PLAN: Developer shall submit a lighting plan with the application for a planning and building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. Parking lot and exterior light fixtures shall be full cutoff type so that lighting is directed downward only, minimizing glare and light pollution, and shall not cast light on any adjacent property or roadway. Developer shall recess or conceal any under-canopy lighting elements so they are not directly visible from any public area. The lighting plan must be approved by the Community Development Director or designee.
17.	PRECONSTRUCTION NESTING BIRD SURVEY: To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows: "The Developer shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500 feet for active nests: with particular emphasis on nests of migratory birds: if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the qualified biologist, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined (usually 100 feet for perching birds and 300 feet for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present." A report summarizing the results of the preconstruction surveys and any necessary buffers shall be submitted to the City and a copy shall be provided to the California Department of Fish and Wildlife by the Biologist.
18.	CNDDDB SURVEYS AND REPORT. The presence of any special status wildlife (e.g., northwestern pond turtle, San Francisco dusky-footed woodrat) and natural communities on-site shall be reported to the California Natural Diversity

	Database (CNDDDB). The CNDDDB field survey forms shall be completed by the project biologist and submitted to the CNDDDB prior to project approval.
19.	RIPARIAN EASEMENTS. No grading or construction shall occur within the riparian easements shown on the Tentative Map. Any encroachment not expressly permitted by the Santa Clara Valley Habitat Agency shall require an exception from the Santa Clara Valley Habitat Agency. If the exception is not granted under the Habitat Plan, the project shall modify the project design to comply with Habitat Plan requirements.
20.	CROTCH'S BUMBLE BEES: If Crotch's bumble bees are present, the project applicant shall apply for an incidental take permit for California Endangered Species Act compliance.
21.	LAKE AND STREAMBED ALTERATION AGREEMENT: A Lake and Streambed Alteration Agreement shall be obtained should any work occur within the bed or banks of Babbs Creek or the adjacent riparian habitat.
22.	SECTION 404 PERMIT: The project shall obtain a Section 404 Permit should any work occur within seasonal wetland areas.
23.	WELLS: All wells found at the site must be properly decommissioned or registered with Valley Water. For questions about wells, please contact Valley Water's Wells and Water Measurement Unit at (408) 630-2660.
24.	STORMWATER MANAGEMENT GUIDANCE MANUAL: The project shall comply with the design requirements in the Stormwater Management Guidance Manual utilized by the City of Gilroy, City of Morgan Hill and County of Santa Clara, including the requirement to maintain a vertical separation from seasonally high groundwater of at least 10 feet for all infiltration devices.
25.	MM BIO-1: Burrowing Owls. To minimize impacts on burrowing owls, the following measures will be implemented: • Preconstruction Surveys for Burrowing Owls. Preconstruction surveys for burrowing owls shall be conducted by a qualified biologist/ornithologist (funded by the project applicant) prior to the initiation of construction activities. The first preconstruction survey for burrowing owls shall be conducted up to 14 days prior to the start of construction activities in any given area, and the second survey (if determined to be necessary based on the proximity of suitable burrows) shall be conducted within two days prior to the start of construction

activities. The preconstruction surveys shall be conducted within suitable burrowing owl roosting habitat (i.e., grassland or scrub habitats with burrows of California ground squirrels), or within 250 feet of this habitat, regardless of the time of year in which construction commences. During the initial site visit, a qualified biologist/ornithologist shall survey the entire project site and (to the extent that access allows) areas within 250 feet by walking transects with centerlines no more than 50 feet apart and ensure complete visual coverage and looking for suitable burrows that could be used by burrowing owls. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of the project impact areas, a qualified biologist/ornithologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities. The surveys shall last a minimum of three hours, beginning one hour before sunrise and continuing until two hours after sunrise or beginning two hours before sunset and continuing until one hour after sunset.

- **Implement Buffer Zones for Burrowing Owls.** If burrowing owls are detected during the pre-activity survey, a 250-foot buffer, within which no construction-related activities shall be permissible, shall be maintained between construction activities and occupied burrows. Though highly unlikely, owls present between February 1 and August 31 shall be assumed to be nesting, and the 250-foot protected area buffer shall remain in effect until August 31, or until the burrow is no longer occupied as determined by a qualified biologist/ornithologist, whichever occurs first.
- **Monitor Owls during Construction.** If maintaining a 250-foot buffer around active owl burrows is not feasible, the buffer may be reduced if (1) the individual or nest is not disturbed, and (2) a qualified biologist/ornithologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW and USFWS prior to the initiation of construction activities in the identified 250-foot buffer areas. The plan shall include the following measures:
 - A qualified biologist shall monitor the owls for at least three days prior to construction as well as during construction.
 - If the biologist observes no change in the owls' nesting or foraging behavior, construction activities may proceed.
 - If changes in the owls' behaviors as a result of work activities are observed by a qualified biologist/ornithologist, activities shall cease within 250 feet of the active burrow location(s). Work activities may resume when by a qualified biologist/ornithologist confirms the burrows are no longer occupied.

	○ If monitoring by a qualified biologist/ornithologist indicates that the burrow is no longer in use by owls, the disturbance-free buffer may be removed. ○ Because passive relocation of burrowing owls is not allowed under the Habitat Plan at this time, if an owl persists on the site within an area where construction cannot be delayed despite implementation of the measures included in the approved avoidance, minimization, and monitoring plan, the applicant shall coordinate with the Santa Clara Valley Habitat Agency to determine alternative protection measures that would reduce or avoid impacts to the owl. The qualified biologist/ornithologist shall submit a summary report, to the City of Gilroy, that includes the findings of preconstruction surveys, identification of any required buffers, documentation of justification for any reduced buffers and a copy of the avoidance, minimization, and monitoring plan approved by CDFW and USFWS (if applicable) prior to issuance of grading or construction permits.
26.	MM BIO-2: Compensate for Direct, Permanent Encroachment into the Riparian Setback. Direct, permanent impacts within the 35-foot riparian setback shall be mitigated on-site at a minimum 2:1 ratio (mitigation area to impact area) through enhancement of the existing riparian corridor elsewhere on the project site. This enhancement, which shall be directed by a qualified restoration or plant ecologist (funded by the project applicant), would consist of planting or restoration of native vegetation appropriate to the site, and management of any particularly noxious occurrences of invasive plants, in a way that will enhance the structure and function of the riparian habitat. The qualified restoration or plant ecologist shall prepare a mitigation plan outlining the enhancement activities which shall be submitted to and approved by the City prior to the issuance of any construction or grading permits. The plan shall include at least three years of monitoring, following implementation of mitigation, to ensure mitigation success. Among the performance criteria required by this mitigation plan shall be survival of enough planted/restored vegetation three years after implementation to ensure that enhancement has occurred at a minimum ratio of 2:1, as discussed above.
27.	MM CUL-1: Prior to the commencement of construction, the applicant shall secure the services of a qualified archaeologist. The qualified archaeologist shall prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable resources. The WEAP shall be reviewed and approved by the City's Community Development Director, or his or her designee, prior to the issuance of construction and grading permits. This program shall be provided to all construction workers as a field

	training prior to the beginning of ground-disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialist(s).
28.	MM CUL-2: Ground-disturbing activities (including, but not limited to, demolition / excavation, grading, and utility trenching) shall be monitored by a qualified archaeologist to be retained by the project applicant. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find until its significance can be assessed by the qualified archaeologist. After observing a representative sample of ground-disturbing activity with no cultural resources encountered, the archaeologist may recommend that monitoring move to a part-time or intermittent schedule by mutual agreement with the City. A summary report of the monitoring results, including any protective measures implemented (see the Cultural Resources conditions of approval at the end of this MMRP), shall be submitted to the City prior to the issuance of building permits.
29.	MM GHG-1: Reduce GHG Emissions. The applicant is responsible for retaining a qualified air quality/GHG specialist to develop a GHG reduction plan to reduce GHG emissions such that the project's GHG emissions are reduced by the emissions equivalent to those produced by the rate of VMT exceeded over the threshold. These reductions shall be kept in place by the project until the City adopts a GHG reduction plan that contains goals and associated strategy to decrease emissions in a manner consistent with meeting the State's interim 2030 GHG emissions and long-term goals. <u>Threshold:</u> GHG emissions would need to be reduced by an amount equivalent to the Project VMT that exceeds the VMT threshold. Without any traffic mitigation (i.e., TDM plan), the project per capita VMT would exceed the threshold by about 41 percent. Assuming a total of 176 residents, this would be 1,156 miles per day. Based on the additional VMT, the CalEEMod and EMFAC models were used to calculate the amount of GHG emissions to be reduced annually in order to meet the VMT significant threshold over the next 30 years. The applicant shall mitigate the project's operational GHG emissions for the life of the project¹ to achieve the

¹ The life of the project is assumed to be 30 years since building systems are generally substantially upgraded by year 30 (<https://www.rdh.com/blog/long-buildings-last/>; <https://abgrealty.com/blog/life-span->

	applicable year-specific quantitative threshold² over the next 30 years by purchasing and retiring carbon offset credits.³ <u>Demonstration of Reduction:</u> The GHG reduction plan shall quantify the GHG emissions from the project while accounting for any reductions that can be achieved through design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.). Any remaining emissions, that must be offset, shall be offset through the purchase of verifiable carbon emission offsets. The reduction of project GHG emissions through the retirement of carbon offset credits shall satisfy the following conditions: <u>Registry Performance Standards:</u> The applicant shall provide proof to the City's Community Development Director, or his or her designee that the carbon offset credits were issued by a registry meeting the following requirements: ○ The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting; ○ The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Community Development Director, or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such
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[commercial-building-components/; https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf](https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf)).

California anticipates a significant increase in electric vehicles within the next 14 years (Executive Order N-79-20;

<https://www.experian.com/blogs/insights/2020/11/new-california-mandate-rekindles-electric-vehicle-buzz/>).

Treating a building and its associated automobile GHG lifespan as 30 years appears conservative and is consistent with the methodology employed by the South Coast Air Quality Management District.

2 The total number of MT/CO₂e that would need to be offset is 1,922. The year-specific quantitative thresholds in MT/CO₂e/year are as follows: 2028: 129, 2029: 123, 2030: 117, 2031: 113, 2032: 109, 2033: 106, 2034: 102, 2035: 98, 2036: 92, 2037: 87, 2038: 81, 2039: 76, 2040: 70, 2041: 64, 2042: 59, 2043: 53, 2044: 48, 2045: 42, 2046: 36, 2047: 31, 2048: 25, 2049: 20, 2050: 14, 2051: 14, 2052: 14, 2053: 14, 2054: 14, 2055: 14, 2056: 14, 2057: 14.

3 If natural gas connections are included in the final project design, the emissions associated with natural gas use during project operation shall be calculated and 100 percent offset through implementation of the appropriate measures identified in the GHG reduction plan.

	information shall be sufficient to monitor compliance by the project applicant with this mitigation measure. <u>Carbon Offset Credit Performance Standards:</u> The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.⁴ To demonstrate compliance with such requirements, the applicant shall provide the following to the City’s Community Development Director, or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Community Development Director, or his or her designee, shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Community Development Director, or his or her designee, shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used. • <u>Geographic Limitations:</u> The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from
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4 The following terms in this mitigation are defined as follows: “Additional” means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. “Real” means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. “Verifiable” means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. “Permanent” means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. “Quantifiable” means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. “Enforceable” means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

	international credit projects shall not be acceptable to satisfy this mitigation measure. • <u>Timing</u>: The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring the required offset credits prior to final issuance of the building permit.. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired. A conservative estimate of the offset credits that need to be purchased by the project applicant for the lifetime of the project is 1,922 MT.⁵ • <u>Adjustment</u>: The required amount of carbon offset credits may be adjusted to account for conformance with a qualified GHG reduction plan adopted by the City, or changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows: ○ The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, high-efficiency water fixtures, electric vehicle charging stations, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the City's Community Development Director, or his or her designee for review and approval. OR
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⁵ This was estimated by adding the annual project GHG emissions to be reduced between 2028 and 2057. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1

	○ If the City has adopted a qualified GHG reduction strategy that covers the project, the project applicant can demonstrate that the project is consistent with the applicable mandatory measures in the GHG reduction strategy by submitting written proof documenting the project's consistency to the City's Community Development Director, or his or her designee for review and approval. If the project is consistent with the applicable mandatory measures in the GHG reduction strategy, it is concluded that it would result in a less than significant GHG impact and no further mitigation is required.
30.	MM HAZ-1: Preparation of a Risk Management Plan and Health and Safety Plan. Prior to issuance of a grading permit and excavation of the undocumented fill on-site, an Environmental Professional retained by the project applicant shall prepare an appropriate risk management plan (e.g., Site Management Plan) to establish appropriate management practices for handling the undocumented fill, including guidelines for the reuse and disposal of these materials. The plan shall also include protocols to segregate the lead-impacted fill encountered near TP-8 (see Appendix E for location information) and ensure that appropriate off-site disposal is completed. This plan shall be submitted to the City for review and approval prior to issuance of grading and construction permits. Following completion of the excavation, a report documenting compliance with the risk management plan and summarizing the work completed on-site shall be prepared by the Environmental Professional and provided to the City for review and approval. The project applicant shall also require the construction General Contractor to prepare a Health and Safety Plan (HSP) establishing appropriate protocols for working at the property and submit the HSP to the City prior to issuance of construction and grading permits. Workers conducting property earthwork activities in contaminated areas shall complete 40-hour HAZWOPER training course (29 CFR 1910.120). The General Contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.
31.	MM TRN-1: Reduce Project VMT. The project applicant shall hire a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. These TDM strategies shall be implemented concurrently with the occupation of the completed residences on-site. These strategies could include, but are not limited to, the following:

	• TP01 – School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off. Organizing a School Pool Program helps match parents who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT. • TP02 – Bike Share Programs: Dedicate space on-site for or provide subsidies to a bike sharing system, ideally one with high penetration in a larger area, such as Bay Wheels. Bike share substitutes for some driving trips and provides a first/last-mile connection for transit users, reducing auto trips and thereby reducing VMT. This reduction only applies if a bike share station is built on site. • TP03 – Car Share Programs: Provide subsidies and promotions, as well as dedicated parking spaces, for car sharing services such as ZipCar, Car2Go, and GetAround for 100 percent of residents from the project. Supporting a car sharing program allows for people to have on-demand access to a shared fleet of vehicles on an as-needed basis. Car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day trips or a guaranteed ride home option, allowing for overall reductions in auto use which results in reduced VMT. • TP18 – Voluntary Travel Behavior Change Program: Provide a program that targets individual attitudes and behaviors towards travel and providing tools for individuals to analyze and alter their travel behavior. Voluntary Travel Behavior Change programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT. A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.
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32.	ADDITIONAL TDM STRATEGIES: In addition to the strategies listed in MM TRN-1, the applicant shall also consider the measures listed below quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT: • Provide Electric Vehicle Charging Infrastructure • Provide Secure Bike Parking • Provide Pedestrian Network Improvement • Construct or Improve Bike Facility • Dedicate Land for Bike Trails
<i>The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or as otherwise specified in the condition.</i>	
33.	CONSTRUCTION RELATED NOISE: To minimize potential construction-related impacts to noise, Developer shall include the following language on any grading, site work, and construction plans issued for the subject site “During earth-moving, grading, and construction activities, Developer shall implement the following measures at the construction site: a. Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m., and on Saturdays between 9:00 a.m. and 7:00 p.m. Construction noise is prohibited on Sundays and City-observed holidays; b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; c. Construct sound walls or other noise reduction measures prior to developing the project site; d. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment; e. Prohibit all unnecessary idling of internal combustion engines; f. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and g. 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.”

34.	CONSTRUCTION RELATED AIR QUALITY: To minimize potential construction-related impacts to air quality, Developer shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) and shall include the following language on any grading, site work, and construction plans issued for the project site “During earth-moving, grading, and construction activities, Developer shall implement the following basic control measures at the construction site: a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material onsite or offsite shall be covered; c. All visible mud or dirt tracked 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; d. All vehicle speeds on unpaved roads or pathways shall be limited to 15 miles per hour; e. 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; f. 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; g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator; and h. 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.”
35.	DISCOVERY OF CONTAMINATED SOILS: If contaminated soils are discovered, the Developer will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: a. Contractor employees working on-site will be certified in OSHA’s 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training;

	b. Contractor will stockpile soil during development activities to allow for proper characterization and evaluation of disposal options; c. Contractor will monitor area around construction site for fugitive vapor emissions with appropriate filed screening instrumentation; d. Contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; e. Contractor will place any stockpiled soil in areas shielded from prevailing winds; and f. Contractor will cover the bottom of excavated areas with sheeting when work is not being performed.
36.	DISCOVERY OF PALEONTOLOGICAL RESOURCES: In the event that a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with the Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
37.	DISCOVERY OF ARCHAEOLOGICAL RESOURCES: If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 feet of the find and the area shall be staked off immediately. The City shall be notified immediately and a qualified professional archaeologist shall be retained (at the applicant's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate protection measures (such as collection, recordation, and analysis), shall be formulated by the professional archaeologist and implemented by the responsible party.
38.	DISCOVERY OF HUMAN REMAINS: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to the Coroner's authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to the state law, the landowner shall re-inter the human remains and items associated with Native

	American burials on the property in a location not subject to further subsurface disturbance.
39.	NOISE AND VIBRATION: During all phases of construction, the project shall comply with City Code Section 16.38 by implementing the following measures: ○ Limit construction activity to weekdays between 7:00 AM and 7:00 PM and Saturdays between 9:00 AM and 7:00 PM, with no construction on Sundays and City holidays; ○ Equip all internal combustion engine drive equipment with mufflers which are in good condition and appropriate for the equipment; ○ Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; ○ Construct sound walls or other noise reduction measures prior to developing the project site; ○ Prohibit all unnecessary idling of internal combustion engines; ○ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem.
<u>PUBLIC WORKS CONDITIONS OF APPROVAL</u>	
<i>The following conditions authorize the specific terms and are a part of the project ENTITLEMENT(S); and which shall be addressed on the construction plans submitted for any BUILDING PERMIT, GRADING PERMIT or SUPERSTRUCTURE, and shall be satisfied prior to issuance of whichever permit is issued first, or if another deadline is specified in a condition, at that time.</i>	
40.	PAYMENT OF PUBLIC WORKS PLAN CHECK AND INSPECTION FEE: At the time of first improvement plan submittal, the applicant shall submit a \$10,000.00 (Ten thousand dollar) initial deposit for project plan check and construction inspection. This deposit will be credited/accounted toward final plan check and inspection fee for the project. In addition, the applicant shall submit a detailed project cost estimate prepared by the project engineer, to approval of the City Engineer, with the initial project plan submittal. The cost estimate shall be broken out into on-site and off-site improvements. Prior to plan approval, the applicant shall pay 100% of the plan check and inspection fee based on the approved project

	cost estimate. Public Works will not sign-off on the issuance of the project building permit without full payment of this plan check and inspection fee. (<i>PUBLIC WORKS</i>).
41.	PLAN SUBMITTAL: The Engineering project plans shall be submitted, in full, with the building permit plans. Improvement plans are required for both on-site and off-site improvements, and the improvement plan set cover sheet shall include an index referencing on-site and off-site improvements. All improvements shall be designed and constructed in accordance with the City of Gilroy Municipal Code and Standard Specifications and Details and are subject to all laws of the City of Gilroy by reference. The improvement plans shall include all civil project plans including, but not limited to, site plans, grading plans, utility plans, joint trench, off-site plans, lighting (photometric) plans, and landscaping plans within the public right-of-way. The plan shall clearly identify both public and private utilities. The improvement plans shall be submitted with the Public Works Engineering submittal checklist provided by the City, and available on the City website. In addition: - A complete set of improvement plans shall consist of Civil site design, landscape site design, Electrical, Joint Trench. Any walls or structural features part of the landscape design shall also be included; - Improvement plans are required for both on-site and off-site improvements. A separate plan set for each shall be prepared, or at the approval of the City Engineer, onsite and offsite sheets can be combined into one plan set; - The improvement plan submittal, including utility sheets, shall show appropriate line types and labels to identify different type of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, etc. shall be relocated/installed behind the back of sidewalk; - Improvement plans (as second sheet in plan set) shall contain Approved Conditions of Approval; - Improvement plans shall include General Notes found in the City of Gilroy General Guidelines; - Improvement plans shall be completed per the Public Works Engineering submittal checklist, which can be found in the City's website. At first submittal, a completed checklist shall be included in the submittal package and shall show which items have been included. - The improvement plan cover sheet shall include a table summarizing all facilities (Streets, Utilities, Parks, Landscaping, etc.), showing the ownership of all facilities, access rights to, and the maintenance responsibilities of all facilities; - Improvement and grading plans shall show existing topo and features at least 50' beyond the project boundary. The plan shall clearly show existing

	topo, label contour elevations, drainage patterns, flow lines, slopes, and all other property encumbrances; i. If the project has excess fill or cut that will be off-hauled to a site or on-hauled from a site within the city limits of Gilroy, an additional Haul Permit is required. A statement indicating the need to obtain a Haul Permit must be added as a general note to the Grading and Drainage Plan; j. All grading and improvement plans shall identify the vertical elevation datum, date of survey, and surveyor; k. A Title Report shall be submitted with first submittal improvement plans. An existing site plan shall be submitted showing all existing site conditions and title report easements. The plan shall include bearing and distance information for all right-of-way and easements; l. The plan shall show any proposed easements to be dedicated for any needed purpose, or any easement expected to be abandoned through separate instrument. This includes PUE, PSE, EVAE, Cross-Property Access Easement, Landscape Easement, Drainage Easement, Pole Line Easement, etc.; m. To ensure the plans are coordinated and there are no conflicts between disciplines, the applicant shall provide a “composite exhibit” showing Civil, Landscape, Electrical, and Joint Trench design information (as a separate sheet titled “Composite Plan”) to confirm that there are no conflicts; n. All Solid Waste Vehicle circulation movements shall be modeled and shown on a separate plan sheet. The circulation plan shall be prepared to the City Engineer’s satisfaction, and modeled using AutoTurn swept analysis software, and shall include all turning and street circulation movements; o. All Emergency Vehicle circulation movements shall be modeled and shown on a separate plan sheet. The circulation plan shall be prepared to the City Engineer’s satisfaction, and modeled using AutoTurn swept analysis software, and shall include all turning and street circulation movements; p. All utility boxes exposed to traffic or in a driveway, including sanitary sewer and/or water meter boxes, shall have traffic-rated boxes and lids; q. All on-site recycled water system improvements, including appurtenances, shall be located within a PSE. (<i>PUBLIC WORKS</i>)
42.	UTILITY PLANS: A utility plan shall be provided for all projects as specified within these conditions of approval. To ensure coordination between the applicant and the relevant utility company: a. The applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or

	Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground). b. The applicant shall negotiate any necessary right-of-way or easement with PG&E, or any other utilities, subject to the review and approval by the Engineering Division and the utility companies. c. A “Will Serve Letter” shall be provided for each utility company expected to service the subdivision. Early coordination with the utility companies is necessary to obtain this letter. Coordination of City utilities shall be through the Engineering Division. d. A note shall be placed on the joint trench composite plans which states that the plan agrees with City Codes and Standards and that no underground utility conflict exists. (PUBLIC WORKS)
43.	UTILITY RESPONSIBILITIES: Storm, sewer & water utilities in private areas shall be privately owned and privately maintained. Conversely, public utilities within utility easements on private property remain the responsibility of the individual utility companies to maintain. The plans shall note the inspection, ownership and maintenance responsibility for each utility shown on the plans within a Table of Responsibilities on the project cover sheet of the improvement plans submitted with the initial plan submittal. The table shall include the list of streets, the responsible party for inspection of the improvements, who is responsible for the ownership of the utility, and who is responsible for the maintenance of the utility. An example of this table, including the types of utilities to be listed, can be provided by the Engineering Division upon request. (PUBLIC WORKS)
44.	PREPARATION OF ELECTRICAL PLANS: The project electrical plans shall be prepared by a registered professional engineer experienced in preparing these types of plans. The applicant shall submit, with the improvement plans submitted with the initial plan submittal, a letter from the design Electrical or Civil Engineer that states the electrical plan conform to City Codes and Standards, and to the approved improvement plans. The letter shall be signed and stamped by the professional engineer that prepares the improvement plans. (PUBLIC WORKS)
45.	EXISTING FACILITIES PROTECTION: All existing public utilities shall be protected in place and if necessary, relocated as approved by the City Engineer. No permanent structure is permitted within City easements without the approval of the City of Gilroy. (PUBLIC WORKS)
46.	WATER QUALITY: Project design shall comply with the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements. The applicant shall submit the Source Control Checklist as well as the appropriate Performance Requirements Checklist found in Appendix A of the manual at the time of the initial submittal for building permit. The manual can be found at the following site: www.cityofgilroy.org/261/Storm-Water-Management (PUBLIC WORKS)
47.	DEVELOPER STORM WATER QUALITY RESPONSIBILITY: The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations, or a project stop order. (PUBLIC WORKS)

48.	BEST MANAGEMENT PRACTICES (BMP): The applicant shall perform all construction activities in accordance with Gilroy Municipal Code Section 27C, Municipal Storm Water Quality Protection and Discharge Controls, and Section E.10, Construction Site Storm Water Run-Off Control Program of the Regional NPDES Permit. Detailed information can be located at: www.flowstobay.org/documents/business/construction/SWPPP.pdf . This sheet shall be printed and included in all building construction plan sets permitted for construction in the City of Gilroy. <i>(PUBLIC WORKS)</i>
49.	FIRE DEPARTMENT HYDRANT FLOW TEST: The applicant shall perform a Fire Hydrant flow test to confirm the water system will adequately serve the development and will modify any part of the systems that does not perform to the standards established by the City. Applicant shall coordinate with Fire Department for the Fire Hydrant flow test. The flow test results shall be submitted with the initial plan submittal. <i>(PUBLIC WORKS)</i>
50.	WATER CONSERVATION: The project shall fully comply with the measures required by the City's Water Supply Shortage Regulations Ordinance (Gilroy City Code, Chapter 27, Article VI), and subsequent amendments to meet the requirements imposed by the State of California's Water Board. This ordinance established permanent voluntary water saving measures and temporary conservation standards. <i>(PUBLIC WORKS)</i>
51.	PROJECT STUDIES: The applicant shall submit, for City approval, any applicable water, sewer, storm drain or traffic studies for the development deemed appropriate by the City Engineer. These studies shall provide the supporting hydraulic calculation for pipe sizing per the City Standard Design Guidelines. The study shall be reviewed and approved by Engineering. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, the applicant will be required to mitigate the impact by removing and replacing or upsizing of the existing utilities to accommodate the appropriate level of project flows to the approval of the City Engineer. The improvements shall be addressed on the construction drawings, to the approval of the City Engineer, prior to the issuance of the first building permit. <i>(PUBLIC WORKS)</i>
52.	IMPACT FEES: The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact Fees. The City's latest impact fee schedule is available on the City's website. Payment of all Impact Fees is required at first building permit issuance. Fees shall be based on the current fee schedule in effect at the time of fee payment, consistent with and in accordance with City policy. Note that impact fees increase at the beginning of each fiscal year, July 1. Specific fee language is provided further in these conditions of approval. <i>(PUBLIC WORKS)</i>
53.	STORMWATER MANAGEMENT PLAN: At first improvement plan submittal, the applicant shall submit a Storm Water Management Plan (SWMP) prepared by a registered Civil Engineer. The SWMP shall analyze the existing and ultimate conditions and facilities, and the study shall include all off-site tributary areas. Study and the design shall be in compliance with the City's Stormwater

	Management Guidance Manual (latest edition). Existing off-site drainage patterns, i.e., tributary areas, drainage amount, and velocity shall not be altered by the development. The plan shall be to the approval of the City Engineer and shall be approved prior to the issuance of the building permit. <i>(PUBLIC WORKS)</i>
54.	STORMWATER CONTROL PLAN: At first improvement plan submittal, the applicant shall submit a design level Stormwater Control Plan Report (in 8 ½ x 11 report format), to include background, summary, and explanation of all aspects of stormwater management. The report shall also include exhibits, tables, calculations, and all technical information supporting facts, including but not limited to, exhibit of the proposed site conditions, which clearly delineates impervious and pervious areas on site. The plan shall provide a separate hatch or shading for landscaping/pervious areas on-site including those areas that are not bio-retention areas. This stormwater control plan report format does not replace, or is not in-lieu of any stormwater control plan sheet in the improvement plans. The stormwater control plan shall include a signed Performance Requirement Certifications specified in the Stormwater Guidance Manual. At applicant's sole expense, the stormwater control plan shall be submitted for review by an independent third party accepted by the City for compliance. Result of the peer review shall be submittal and approved by the City Engineer prior to the issuance of the first building permit. <i>(PUBLIC WORKS)</i>
55.	REPAIR OF PUBLIC IMPROVEMENTS: The applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the applicant's operations. The applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to the first occupancy of the project. <i>(PUBLIC WORKS)</i>
56.	SIGHT DISTANCE: As part of your first submittal, provide sight distance plans that clearly show standard sight distance will be provided and no items obstruct sight distance for driveways, roadways, intersections, etc. Please note that private signs, fences, walls, buildings, landscape features, above ground utilities, guardrail, barriers, railing, etc. will not be allowed within sight distance triangles. Provide all Sight Distance plans per Caltrans, AASHTO, and NCHRP Requirements for all project frontage access points, roadways, and offsite mitigation measure locations. These calculations and drawings shall be completed as it is important to ensure the development meets sight distance standards and all roadways, intersections, and access points to these facilities are safe for motorists and pedestrians. <i>(PUBLIC WORKS)</i>
57.	DRIVEWAY DESIGN: Driveway grades shall be designed to keep a standard design vehicle from dragging or "bottoming out" on the street or driveway, and to keep water collected in the street from flowing onto the lots. The details of such design shall be provided on the site civil plans to the satisfaction of the City Engineer. <i>(PUBLIC WORKS)</i>
58.	GRADING & DRAINAGE: All grading activity shall address National Pollutant

	Discharge Elimination System (NPDES) concerns. There shall be no earthwork disturbance or grading activities between October 15th and April 15th unless otherwise approved by the City Engineer. If approved, the applicant shall submit a Winterization Erosion Control Plan to the City Engineer for review and approval. This plan shall incorporate erosion control devices and other techniques in accordance with Gilroy Municipal Code § 27C to minimize erosion. Specific measures to control sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board, with a copy provided to the Engineering Division before a grading permit will be issued. A project WDID# shall be added to the grading plans prior to plan approval. <i>(PUBLIC WORKS)</i>
59.	GEOTECHNICAL ENGINEER: Prior to building permit issuance, the applicant's Geotechnical Engineer shall review the final grading, pavement design and drainage plans to ensure that said designs are in accordance with the recommendations or the project geotechnical study, and the peer review comments. The applicant's Geotechnical Engineer's approval shall then be conveyed to the City either by letter, or by signing the plans. All grading operations and soil compaction activities shall be per the approved project's design level geotechnical report. All grading activities shall be conducted under the observation of, and tested by, a licensed geotechnical engineer. A report shall be filed with the City of Gilroy for each phase of construction, stating that all grading activities were performed in conformance with the requirements of the project's geotechnical report. The applicant shall add this condition to the general notes on the grading plan. Certification of grades and compaction are required prior to Building Permit final. This statement must be added as a general note to the Grading and Drainage Plan. <i>(PUBLIC WORKS)</i>
60.	TREE REMOVAL PERMIT: The applicant shall obtain a Tree Removal Permit from the Engineering Division for removal of existing trees in the public right-of-way, prior to the issuance of a building permit or demolition building permit, whichever is issued first. <i>(PUBLIC WORKS)</i>
61.	ENCROACHMENT PERMITS, BONDS, AND INSURANCE: The applicant must obtain an encroachment permit, posting the required bonds and insurance, and provide a one (1) year warranty for all work to be done in the City's right-of-way or

City easement. This encroachment permit shall be obtained prior to the issuance of a foundation building permit and prior to any work being done in the City's right-of-way. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structures are permitted within the City right-of-way, or within any City easement unless otherwise approved by the City Engineer. The applicant shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic control plans for any lane or sidewalk closures. The traffic control plan shall comply with the State of California Manual of Uniform Traffic Control Devices (MUTCD), and standard construction practices. [(For major street improvements) Construction plans for improvements in the right-of-way shall be submitted to the City Engineer at 30%, 60%, and 90% design for review. All design assumptions and criteria shall be submitted with each phase of design submittal. Project specifications shall be included for review with the 90% design review.]

Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. The applicant is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, applicant shall submit a pothole plan for City review and approval. Applicant shall provide the pothole result to the City Engineer prior to final design. Right-of-way improvements shall include, at a minimum, the following items: (*PUBLIC WORKS*)

- a. **STREET WIDENING:** Any street widening on Miller Avenue shall be consistent with City Standards. The applicant shall install new street section, curb, gutter, and sidewalk and relocate affected utilities as directed by the City Engineer. All work shall be shown on the required improvement plans.
- b. **STREET TREES:** The applicant shall plant street trees along the project frontage to match the City of Gilroy's Street Tree Plan in effect at the time of construction. The street tree plans shall be per City Standard Drawings, and will include City Standard tree grates.
- c. **STREET MARKINGS:** The applicant shall install necessary street markings of a material and design approved by the City Engineer, and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans, and are subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.

- d. **SIDEWALK:** The applicant shall install sidewalk along the project frontage connecting to established sidewalk. In addition, as part of the VMT mitigation, sidewalk shall be installed along the east side of Miller Avenue from the south project frontage to San Justo Rd. Sidewalk installation shall be constructed per the City Standard Drawings.
- e. **SIDEWALK:** The applicant shall install create a successful sidewalk connection between the south side and north side of the existing creek bridge on Miller Road. Design shall be acceptable for pedestrian and ADA access crossing the creek and in a general alignment with Miller Avenue.
- f. **CURB RAMP(S):** The applicant shall construct curb ramp(s) in accordance with the latest Caltrans State Standard Drawing at all new street intersections and remove and replace to current standard all existing damaged and/or substandard curb ramps. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer.
- g. **CURB AND GUTTER:** The applicant shall install. New curb and gutter shall be constructed per the City Standard Drawing STR-12.
- h. **DRIVEWAY APPROACH(ES):** The applicant shall install City Standard Residential driveway approaches.
- i. **SEWER CLEAN-OUT:** The applicant shall install a sewer lateral clean-out at the property line in accordance with the City Standard Drawing SWR-6.
- j. **SEWER MAIN:** New sewer line shall be PVC, SDR 26 or equal. Applicant is required to submit plans and drawings for approval prior to submitting the first building permit. Construction of the new mainline shall be completed prior to issuance of the certificate of occupancy.
- k. **SANITARY (STORM) SEWER MANHOLE(S):** The applicant shall install standard sanitary sewer, per approved plans and in accordance with the City Standard Drawing.
- l. **STORM WATER CATCH BASIN(S):** The applicant shall install standard storm water catch basins, in accordance with the City Standard Drawing.
- m. **SIDEWALK UNDERDRAIN(S):** The applicant shall install standard sidewalk underdrains in accordance with the City Standard Drawing STR-19.
- n. **STREETLIGHT(S):** The applicant shall provide and install standard aluminum electrolier street light(s) per City Standard Drawing EL-1 to EL-5. The

	applicant is responsible for all PG&E service fees and hook-up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the street lights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the City Engineer. The new street light shall have 32' mounting height per Standard Drawing EL-3, with mounting arm length per Standard Drawing EL-4, the Fixture shall be Leotek GC1 or GC2 series in an approved configuration per detail EL-2 or approved equal. The arm shall be installed at the location as shown on the approved plans. o. FIRE HYDRANTS: The applicant shall install new fire hydrants along the project frontage. Spacing shall meet City and Fire Marshall requirements.
62.	SEWER MAIN EXTENSION: At initial design submittal, the plans shall show connection to nearest manhole along miller avenue per City Standards, guidelines and specifications. <i>(PUBLIC WORKS)</i>
63.	FIRE TRUCK TURNS: At the initial submittal, the plans shall show the red curbing as necessary for the fire truck to successfully complete its turn movements without encroachment into oncoming lanes. <i>(PUBLIC WORKS)</i>
64.	PUBLIC TO PRIVATE TRANSITION APRON: The initial submittal shall show the public to private transition per the revised City Standard Detail STR-4. Contact Land Development Engineer for revised standard. <i>(PUBLIC WORKS)</i>
65.	UTILITIES: All new services to the development shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed a minimum of 3' from back of sidewalk. Underground utility plans must be submitted and approved with the site improvement plans. <i>(PUBLIC WORKS)</i>
66.	SITE LIGHTING STANDARDS: The applicant shall submit a photometric plan for on-site lighting showing lighting levels to Illuminating Engineering Society (IES) Standards. The plan shall comply with the requirement of an average of 1 foot-candle with a 4:1 minimum to average ratio and a minimum lighting of 0.3 foot-candle. This lighting standard is applicable to all accessible parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the City Engineer. <i>(PUBLIC WORKS)</i>

67.	STREET LIGHTING STANDARDS: The applicant shall submit plans for street/sidewalk showing lighting levels to Illuminating Engineering Society (IES) Standards. The plan shall comply with lighting requirements as follows: a. Arterial Streets: 1.0 fc with minimum lighting of 0.5 fc b. Collector/Local Streets: 0.6 fc average with a 0.3 fc minimum c. High Volume Intersections: 1.0 fc with a 4:1 minimum to average ratio and a minimum lighting of 0.5 fc d. Low Volume Intersections: 0.6 fc with a 4:1 minimum to average ratio and a minimum lighting of 0.3 fc. The applicant shall submit a photometric plan identifying how these lighting levels are being met given the site geometrics, using City Standard street lights, and a Type III lighting distribution. The width of the street and lighting levels shall determine the lighting spacing. Street lights and pull boxes shall be installed in the planter strip if one is present, or behind the back of walk where feasible so as to maintain sidewalk clear of obstructions to the approval of the City Engineer. The photometric plan shall be approved prior to the issuance of the building permit. <i>(PUBLIC WORKS)</i>
68.	FENCES AND OTHER PERMANENT STRUCTURES WITHIN CITY RIGHT-OF-WAY: The applicant shall locate all project fencing and foundation of a permanent nature within the project's property and out of the City right-of-way. <i>(PUBLIC WORKS)</i>
69.	STORM DRAIN INLETS AND WATERWAYS: Per the City's Clean Water Program's requirements, the applicant shall mark with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City standards on all storm inlets surrounding and within the project parcel. <i>(PUBLIC WORKS)</i>
70.	UNDERGROUND FRONTAGE UTILITY LINES: The applicant must underground all overhead utilities, and remove all related utility poles, onsite and along the project frontage from utility pole to utility pole, including the overhead line crossing Santa Teresa Blvd. The applicant shall be responsible for the coordination with all utility companies existing on the poles and coordinate for their undergrounding or relocation as necessary so that the project frontage is free from utilities to the approval of the City Engineer. The applicant shall submit plans for this undergrounding work with the civil site improvement plans submitted with the first building permit. Permitting for this undergrounding work shall occur prior to the site improvement plan permit. <i>(PUBLIC WORKS)</i>
71.	DRAINAGE: Drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented according to the requirements of the Stormwater Management Guidance Manual for Low Impact Development & Post Construction Requirements (June 2015) and shall also

	be, subject to the approval of the City Engineer. Where necessary, sidewalk drains per the City Standard Drawing shall be provided to direct the water under the sidewalk and through the curb. No increase to the peak discharge shall be permitted downstream. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. All drainage capacity calculations shall be performed by a licensed Civil Engineer, whose signed engineer's stamp shall appear on the calculation's sheets, and shall be submitted to the City for review and approval with the project civil plans. For projects that include permanent structural controls for water quality protection, the O&M (operation and maintenance) procedures for such control features shall be submitted in a site-specific Stormwater Control Plan (SWCP) which shall be reviewed and approved prior to occupancy. A formal O&M Agreement shall specify the owner's responsibility to ensure their ongoing effective operation and maintenance. Such O&M responsibility requirements shall be recorded on the property deed. If the project is proposing to connect to an existing storm drain system within or downstream from the site, the design engineer shall provide calculations with the final design plans to demonstrate that the downstream drainage system has adequate capacity to accommodate the additional site flows being added to the system for the design storm per City Standards. The calculations shall be to the approval of the City Engineer prior to the issuance of the first building permit. (PUBLIC WORKS)
72.	STORM DRAIN CONNECTION: This sites stormwater runoff shall exit the site north of Parcel F, and drain into the existing drainage swale into existing culvert of Babb's Canyon Creek. The project shall mitigate for all storm events consistent with storm water management design. (PUBLIC WORKS)
73.	STORMWATER MANAGEMENT: At Developer's sole expense, Developer shall submit results from a third-party review of the project's stormwater design. The results shall confirm that the project is complying with requirements set in the City of Gilroy Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. (PUBLIC WORKS)
74.	SITE LANDSCAPING COORDINATION: The site landscaping needs to be coordinated between the stormwater treatment area and the overall site landscaping plan area. The landscaping within the stormwater treatment area will not count towards the site landscaping requirement. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the

	facility. Sewer facilities cannot be aligned through stormwater treatment facilities. It is the applicant's responsibility to coordinate the civil stormwater treatment facilities and the plans from the project landscaper. (<i>PUBLIC WORKS</i>)
75.	TRAFFIC STUDY: This project shall make any and all onsite and offsite traffic mitigations per the project Traffic Impact Analysis. (<i>PUBLIC WORKS</i>)
76.	ADDRESS PLAN: The applicant shall submit to the Public Works Department a final address plan. The plan shall be substantially in conformance with the address plan approved with the Arch & Site application. Said submittal shall be approved by the City Engineer prior to the submittal of plans for any demolition permit, building permit, or site development permit and shall be satisfied prior to issuance of whichever permit is issued first. (<i>PUBLIC WORKS</i>)
77.	PERMITS REQUIRED BY OTHER AGENCIES: The applicant shall obtain all applicable permits from federal, state, and local agencies as required to construct the proposed improvements. The applicant is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, UPRR, Fish and Wildlife, Regional Water Quality Control Board, Santa Clara County Roads and Airports, Santa Clara Valley Water District or Habitat Permit. If project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the applicant shall reimburse the City for its cost. A copy of these permits shall be provided to the satisfaction of the City Engineer prior to the issuance of the building permit. (<i>PUBLIC WORKS</i>)
78.	IMPACT FEES: The applicant shall pay a fee proportional to the project's share of impact to the City's additional tree planting, water system, sewer system, storm drainage, transportation improvements, and increases to uses for public facilities. The fee shall be used to fund improvements identified in the City's Water Master Plans. The estimated impact fees, based on the approved entitlement plans, are estimates only. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. At first improvement plan submittal, applicant's engineer shall submit a calculation for water generation per the City's Master Plan design criteria. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. STREET TREE DEVELOPMENT IMPACT FEE: \$13,848.66 STORM DEVELOPMENT IMPACT FEE: \$23,347.00 SANITARY SEWER DEVELOPMENT IMPACT FEE: \$756,108.00

	WATER DEVELOPMENT IMPACT FEE: \$259,740.00 TRANSPORTATION IMPROVEMENT FEE: \$745,416.00 PUBLIC FACILITIES IMPACT FEE: \$1,289,412.00 (PUBLIC WORKS)
79.	CONSTRUCTION NOTICING: At least one week prior to commencement of any on or off-site work, the applicant shall post at the site, and to property owners within (300') three hundred feet of the exterior boundary of the project site a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice. Noticing shall be in both English and Spanish. The notice shall be submitted for review to the approval of the City Engineer two weeks prior to the issuance of the building permit. (PUBLIC WORKS)
<i>The following conditions shall be met prior to the approval of the FINAL MAP or PARCEL MAP, or if another deadline is specified in a condition, at that time.</i>	
80.	DEDICATION OF EASEMENT: The applicant shall dedicate a 16 foot Public Service Easement to the City. The easement shall be conveyed by tract map. The applicant shall prepare the easement conveyance documents for review to the approval of the City Engineer. The easement shall be recorded with the County of Santa Clara prior to the issuance of the building permit. (PUBLIC WORKS)
81.	SUBDIVISION (FINAL) MAP: The applicant shall have a subdivision map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with the Gilroy Municipal Code. The Final Subdivision Map shall be approved by the Department of Public Works and recorded by the County Recorder's Office prior to (occupancy) or (the issuance of the first building permit). A map guarantee shall be submitted to the City, by the applicant's title company, prior to release of the map to the title company for recordation. Prior to the City's release of the parcel map to the title company, the applicant may, at the discretion of the City Engineer, be required to submit to the City an electronic copy of the map in the AutoCAD Version being used by the City at the time of recordation. It is the applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after City approval.

	The Subdivision (Final) Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately fifty (50) days after the Subdivision (Final) Map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Subdivision (Final) Map shall be returned to the City Public Works Department if Subdivision (Final) Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval. (Note: This item to also be added for condominium projects.) (PUBLIC WORKS)
82.	PROPERTY IMPROVEMENT AGREEMENT (PIA): The applicant shall enter into a public improvement agreement with the City per Gov. Code Section 66462(a), and shall arrange to provide Payment and Performance bonds each for 100% of the cost of public infrastructure improvements to be constructed in the public right-of-way. These improvements shall include, but not be limited to, roadway construction, sidewalk, curb and gutter, water lines, storm lines, sewer lines, street lights, and signal equipment. City Standard insurance shall be provided per the terms of the agreement. The agreement will be forwarded to the City Council for approval with project (parcel or final) map. The PIA shall be approved by the City Council prior to the issuance of the project building permit. (PUBLIC WORKS)
83.	MONUMENTS: The applicant shall arrange for the engineer to have all monuments set per the recorded final map. A certificate letter by the Surveyor or Engineer will be provided to the City Engineer. (PUBLIC WORKS)
84.	COVANANTS, CONDITIONS & RESTRICTIONS (CC&R): The applicant shall prepare project Covenants, Conditions and Restrictions (CC&R) for the project. The CC&Rs shall be submitted with the project map for review and approval of the City Engineer, the City Attorney, and the Planning Manager. The CC&Rs shall include relevant project Conditions of Approval, and shall include language that restricts the Homeowner's Association from making changes to the CC&Rs without first obtaining approval from the City. The CC&Rs shall be reviewed and approved prior to the City Council approval of the project map. (PUBLIC WORKS)
85.	RECORD DRAWINGS: The applicant shall submit one full set of original record drawings and construction specifications for all off-site improvements to the Department of Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The applicant shall also provide the City with an electronic copy of the record drawings in the AutoCAD Version being used by the City at the time of completion of the work. The applicant shall also submit an AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (PUBLIC WORKS)

86.	PAVEMENT RESTORATION: Due to construction activities, new utility cuts along the project frontage, and the anticipated project's truck traffic the applicant shall at a minimum conduct a 2" asphalt concrete grind and overlay with dig outs as needed for Miller Avenue, edge of pavement to edge of pavement, along the entire project frontage and along the length of proposed Miller Avenue sanitary sewer main extension. Additionally, the applicant shall conduct the same pavement treatment listed above to roadways damaged because of construction activities within the general area of the project or along the designated haul route. If the street abutting the property has been classified as being in a failed condition or a Pavement Condition Index (PCI) of 50 or below, the applicant will be required to reconstruct the street. The City Engineer shall approve the roadway repair prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. <i>(PUBLIC WORKS)</i>
87.	STORMWATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT: The applicant shall execute a Stormwater Management Facilities Maintenance Agreement with the City Engineer as specified in Chapter 7.39.210-230 of the Stormwater Management and Discharge Control ordinance. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. The City-Standard Stormwater BMP Operation and Maintenance Agreement will be provided by Public Works Engineering. The agreement shall include the following: - This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner. - All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City. - Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans. - The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan. This agreement shall be executed prior to the first occupancy of the building. <i>(PUBLIC WORKS)</i>
88.	STORMWATER MANAGEMENT FACILITIES INSPECTION: The Stormwater Management Facilities Maintenance Agreement work shall require inspections be performed which shall adhere to the following:

	a. To comply with the State Stormwater requirements and the NPDES permit, the applicant shall secure a QSD or QSP to maintain all erosion control and BMP measures during construction. The applicant's QSD or QSP shall provide the City weekly inspection reports to the approval of the City Engineer. b. Stormwater facility inspections shall be done at least twice per year, once in Fall by October 1st, in preparation for the wet season, and once in Winter by March 15th. Written records shall be kept of all inspections and shall include, at minimum, the following information: 1. Site address; 2. Date and time of inspection; 3. Name of the person conducting the inspection; 4. List of stormwater facilities inspected; 5. Condition of each stormwater facility inspected; 6. Description of any needed maintenance or repairs; and 7. As applicable, the need for site re-inspection. c. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report. d. Before commencing any grading or construction activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board. e. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order. f. Sequence of construction for all stormwater facilities (bioswales, detention/retention basins, drain rock, etc.) shall be done toward final phases of project to prevent silting of facilities and reduce the intended use of the facilities. g. Prior to final inspection, all stormwater facilities will be tested by a certified QSP or QSD to meet the minimum design infiltration rate. All tests shall be made at on 20 ft x 20ft grid pattern over the surface of the completed stormwater facility unless otherwise approved by the City Engineer. All soil and infiltration properties for all stormwater facilities shall be evaluated by the geotechnical engineer. Percolation tests (using Double Ring Infiltrometer Testing with appropriate safety factors) at horizontal and vertical (at the depth of the stormwater facility) shall be conducted for each stormwater facility. A 50% safety factor shall be applied to the calculated percolation test and shall be used as the basis for design (the design percolation rate). The geotechnical report shall include a section designated for stormwater design, including percolation results and design parameters. (<i>PUBLIC WORKS</i>)
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89.	REGIONAL BOARD STORMWATER REVIEW: This project may be subject to an audit by the Central Coast Regional Board. City may be required to provide the project stormwater design and storm water management plan for Regional Board review and comment. Prior to building permit issuance, the project shall receive approval or acknowledgment by the Regional Board. The project may need to provide the Regional Board any and all necessary documents (including reports, technical data, plans, etc.) for the Regional Board approval. <i>(PUBLIC WORKS)</i>
<i>The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or if another deadline is specified in a condition, at that time.</i>	
90.	PUBLIC WORKS CONSTRUCTION ACTIVITIES: The City shall be notified at least ten (10) working days prior to the start of any construction work, and at that time the contractor shall provide a project construction and phasing schedule, and a 24-hour emergency telephone number list. The schedule shall be in Microsoft Project, or an approved equal, and shall identify the scheduled critical path for the installation of improvements to the approval of the City Engineer. The schedule shall be updated weekly. The approved construction and phasing schedule shall be shared with Gilroy Unified School District (GUSD) to avoid traffic impacts to surrounding school functions. An approved construction information handout(s) shall also be provided to GUSD to share with school parents. <i>(PUBLIC WORKS)</i> a. All work shown on the improvement plans shall be inspected to the approval of the City Engineer as applicable. Uninspected work shall be removed as deemed appropriate by the City Engineer. b. Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 7:00 a.m. and 7:00 p.m., Saturday 9:00 a.m. to 7:00 p.m. for general construction activities. No work shall be done on Sundays and on City Holidays unless otherwise approved by the City Engineer. Please note that no work shall be allowed to take place within the City right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by Public Works. The City Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Signs outlining the project construction times shall be posted at conspicuous locations on site where it is visible to the public. The signs shall be per the City Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

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| | <p>c. The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the City Engineer finds that the following criteria are met:</p> <ul style="list-style-type: none">i. Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or,ii. Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the City Engineer.iii. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.iv. The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.v. The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the extended construction activity.vi. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.vii. The City Engineer may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application must be submitted to the Public Works Construction Inspector ten (10) working days prior to the requested date of waiver. |
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- d. The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:
- i. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
 - ii. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
 - iii. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to ensure proper control of blowing dust for the duration of the project.
 - iv. Watering on public streets, and wash down of dirt and debris into storm drain systems will not be allowed. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Construction Inspector, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the City Engineer. Recycled water shall be billed at the municipal industrial rate based on the current Santa Clara Valley Water District's municipal industrial rate. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be metered and billed at the current portable fire hydrant meter rate.
 - v. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Construction Inspector.
 - vi. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems.

	vii. Site dirt shall not be tracked into the public right-of-way, and shall be cleaned immediately if done, or the project may risk being shut down. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains. viii. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation. ix. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site. x. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for any lane or sidewalk closures. The traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans. The Traffic Control Plan shall be prepared by a licensed engineer in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way. xi. During construction, the applicant shall make accessible any or all City utilities as directed by the City Engineer. xii. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The applicant shall require the soils engineer submit to daily testing and sampling reports to the City Engineer.
91.	JOB SITE SIGNAGE: Prior to construction, A 36 inch by 48 inch weatherproof sign shall be located so it is clearly readable from the public right-of-way and shall include the following information: a. Address of the project site. b. Permitted hours of construction and of deliveries/off-haul. c. Name, e-mail address and direct phone number of the General Contractor. d. Name, e-mail address and direct phone number of responsible person managing the project. e. Name and phone number of person to call in case of an emergency. f. Code Enforcement complaint telephone number (408-846-0264).

92.	HERITAGE TREE PROTECTION MEASURES: (use the following condition for projects with Heritage Trees that require protection The applicant shall submit a tree protection plan showing how all on and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities, and maintained throughout the period of construction. The Project Arborist shall complete inspections on an as-need basis during the construction period and shall submit a monthly report of his/her findings in a letter sent by fax or email to the City Planner assigned to this project. <i>(PUBLIC WORKS)</i>
93.	PROJECT CLOSE-OUT: Prior to City acceptance of all tract subdivision and property improvement agreements, the applicant shall comply with all City construction close-out procedures to the approval of the City Engineer. Refer to the City's website for a copy of these procedure. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director and City Engineer. A letter indicating that all project conditions have been met shall be submitted prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies. In addition, the applicant shall submit a detailed project cost estimate of all public improvements constructed on-site and within the public right-of-way. The cost estimate shall be prepared by the project engineer, and be to the approval of the City Engineer. The cost estimate shall be broken out into on-site and off-site improvements based on the format provided by the City. Until such time as all improvements required are fully completed and accepted by City, the applicant shall be responsible for the care maintenance of and any damage to such improvements. City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or Improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of, and are hereby assumed by the applicant. <i>(PUBLIC WORKS)</i>
94.	MATERIAL HAULING ROUTE AND PERMIT: For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route and receive a haul permit that conforms to City of Gilroy Standards to the approval of the City Engineer. Note that the City requires a Haul Permit be issued for any hauling activities. The project sponsor shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route

	for this project shall be determined at the time of permit issuance. A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains. Violation of such may be cause for suspension of work. (<i>PUBLIC WORKS</i>)
95.	CONSTRUCTION WORKER PARKING: The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the City Engineer prior to issuance of City permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the City permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the City Engineer (§15.40.070). (<i>PUBLIC WORKS</i>)
96.	SITE WATER DISCHARGE: In accordance with the City's Municipal Code, Prohibition of Illegal Discharges (Gilroy Municipal Code Section 27C.7), the City Engineer may approve the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the City Engineer. (<i>PUBLIC WORKS</i>)
97.	ARCHITECTURAL COPPER: Per Gilroy Municipal Code Section 27C.7 <i>Prohibition of Illegal Discharges</i>, the applicant shall follow the specific best management practices for the installation of the Architectural Copper. For detailed information please distribute the flyer to all construction personnel involved in the fabrication and installation of the Architectural Copper that is located at:

	http://flowstobay.org/files/newdevelopment/flyersfactsheets/ArchitecturalcopperBMPs.pdf (PUBLIC WORKS)
<i>The following conditions shall be complied with AT ALL TIMES that the use permitted by this entitlement occupies the premises</i>	
98.	POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP): In accordance with Gilroy Municipal Code Chapter 27D <i>Post Construction Storm Water Pollution Prevention</i> all projects that meet the criteria described in the Storm Water Guidance Manual for Low Impact Development and Post-Construction Requirements shall prepare a storm water control plan (SWCP) and shall meet the requirements of the design standards and selection of best management practices and shall be selected and designed to the satisfaction of the City Engineer or designee. Requirements shall include: a. Owner/occupant shall inspect private storm drain facilities at least two (2) times per year and sweep parking lots immediately prior to and once during the storm season. b. The applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private storm drain facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair in the event that the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the applicant's property by City staff will be charged to the applicant at the City's adopted hourly rate. c. Label new and redeveloped storm drain inlets with the phrase "No Dumping: Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org. d. All process equipment, oils fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times. e. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system. (PUBLIC WORKS)
99.	* MITIGATION MEASURE: This measure mitigates adverse environmental effects identified in the environmental document. Monitoring procedures are contained within the condition of approval. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required. (PUBLIC WORKS)

VALLEY WATER CONDITIONS OF APPROVAL	
100.	If the applicant should propose a new connection to, and/or extension of, the recycled water pipeline, they will need to apply for and obtain a Valley Water encroachment permit.
101.	All proposed connections/extensions to the recycled water system (pipelines, appurtenances, etc.) must be located within a public service easement

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING THE ZONING MAP DESIGNATION OF PROPERTY IDENTIFIED AS ASSESSOR PARCEL NUMBER 810-23-005 FROM AGRICULTURE TO HILLSIDE RESIDENTIAL CONSISTENT WITH THE GILROY 2040 GENERAL PLAN RESIDENTIAL HILLSIDE LAND USE DESIGNATION FOR THE PROPERTY

WHEREAS, pursuant to Gilroy City Code Section 30.3.40 (Zoning map), the official zoning map of the city delineates zoning and combining districts and is declared a part of Zoning Ordinance and shall constitute the official description of the location of each district in the city; and

WHEREAS, pursuant to Gilroy City Code Section 30.52.10 (Amendments), the boundaries of the zones established by the Zoning Ordinance, the classifications of property uses therein, or other provisions of the Zoning Ordinance may be amended whenever public necessity, convenience and/or general welfare require; and

WHEREAS, pursuant to Gilroy City Code Section 30.1.40(b) (Relationship of the Zoning Ordinance and the general plan), the Zoning Ordinance shall be consistent with the general plan of the City of Gilroy. Where inconsistencies do exist, the general plan shall control the use and development of such land until such time as the city council revises the Zoning Ordinance to achieve consistency; and

WHEREAS, the Gilroy 2040 General Plan and Land Use Diagram designating the subject property as Hillside Residential was recommended for approval by the Planning Commission on October 2, 2020 and adopted by the City Council on November 2, 2020; and

WHEREAS, adoption of the Zoning Map amendment is necessary to implement the Gilroy 2040 General Plan land use designation for the property; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), the City completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City determined that in addition to contributing to the previously disclosed significant and unavoidable impacts in the Gilroy 2040 General Plan Final Environmental Impact Report (EIR), the project could result in additional significant effects on the environment; however, there will not be any significant effect in this case because mitigation measures are included in the project, and therefore, this Mitigated Negative Declaration (MND) has been prepared; and

WHEREAS, on January 16, 2025, the Planning Commission held a duly noticed public meeting, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the proposed Zoning Map Amendment (Z 22-03); and

WHEREAS, on January 16, 2025, the Planning Commission considered and recommended that the City Council adopt the Mitigated Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA) and adopt an Ordinance approving Zoning Map Amendment Z 22-03; and

WHEREAS, the City Council held a duly noticed public hearing on February 24, 2025, at which time the City Council received and considered the proposed Zoning Ordinance Map amendment, took and considered written and oral public testimony including the staff report, and all other documentation related to the proposed Zoning Map Amendment (Z 22-03); and

WHEREAS, in accordance with City of Gilroy Chapter 30 (Zoning), Article LII (Amendment to the Zoning Ordinance), the Planning Commission has recommended, and the City Council finds, that the proposed Zoning Ordinance Map amendment is necessary to carry out the general purpose of the Zoning Ordinance, and applicable General Plan goals and policies including: Gilroy 2040 General Plan Land Use Goal LU 1.2 (Residential Growth); Land Use Goal LU 1.8 (Vacant and Underutilized Sites); Land Use Goal LU 1.11 (Contiguous Development); Gilroy 2023-2031 Housing Element Goal 1 (Housing Production); and Housing Element Goal 2 (Removal of Governmental Constraints); and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the project approval is based is the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I

The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION II

The amendments to the Gilroy City Code, Chapter 30 (Zoning) Zoning Map, set forth in Exhibit 'A', are hereby adopted.

SECTION III

Pursuant to section 608 of the Charter of the City of Gilroy, this Ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the **Xst** day of **Month** 2025 by the following roll call vote:

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**



ABSENT: **COUNCIL MEMBERS:**

APPROVED:

Greg Bozzo, Mayor

ATTEST:

Beth Minor, Interim City Clerk

Attachment:

1. Exhibit 'A': Proposed amendments to Chapter 30 (Zoning

CERTIFICATE OF THE CLERK

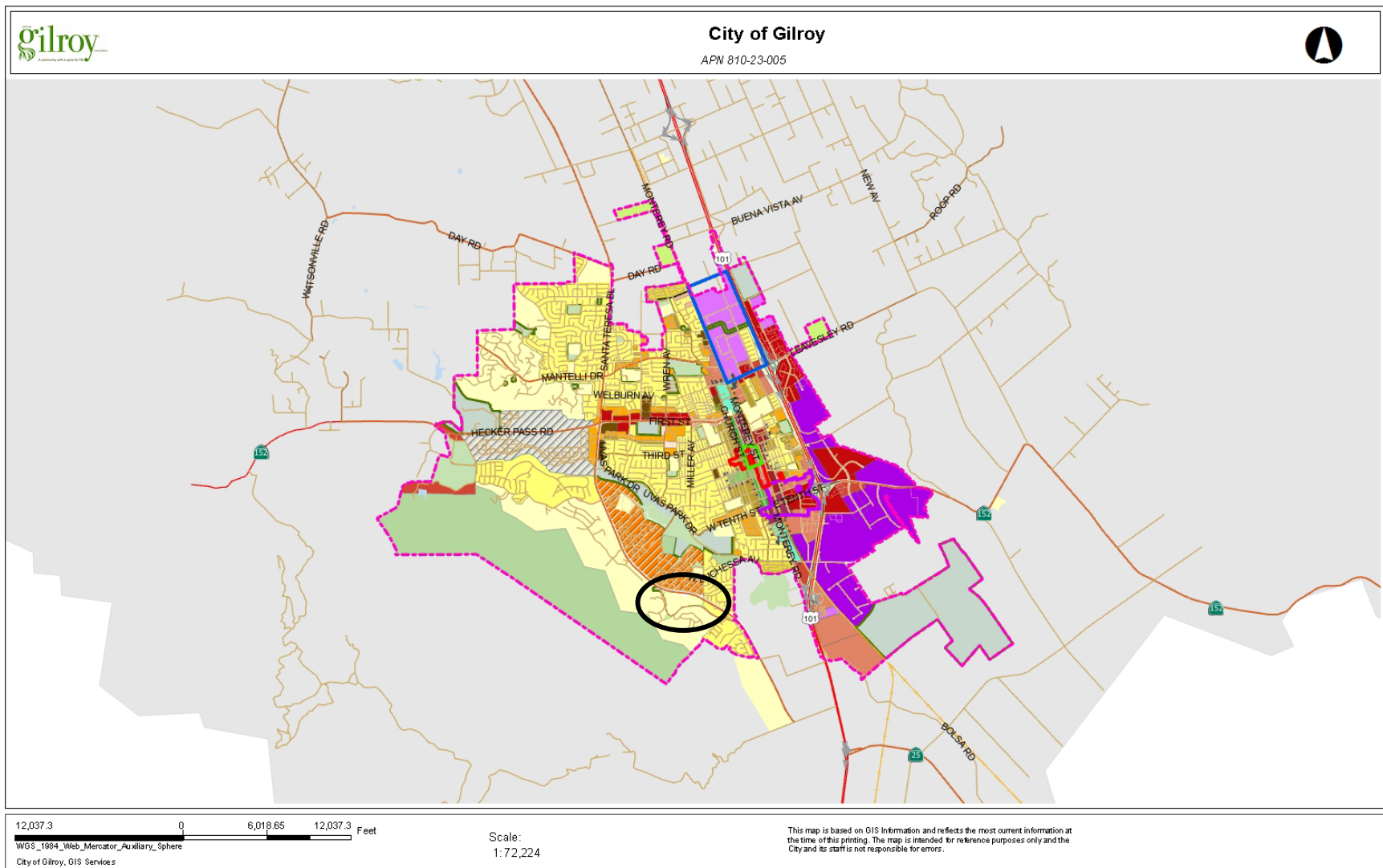
I, **BETH MINOR**, Interim City Clerk of the City of Gilroy, do hereby certify that the attached **Ordinance No. 2024-XX** is an original ordinance, or true and correct copy of a City Ordinance, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said Council held on **Monday, Date**, with a quorum present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Date**.

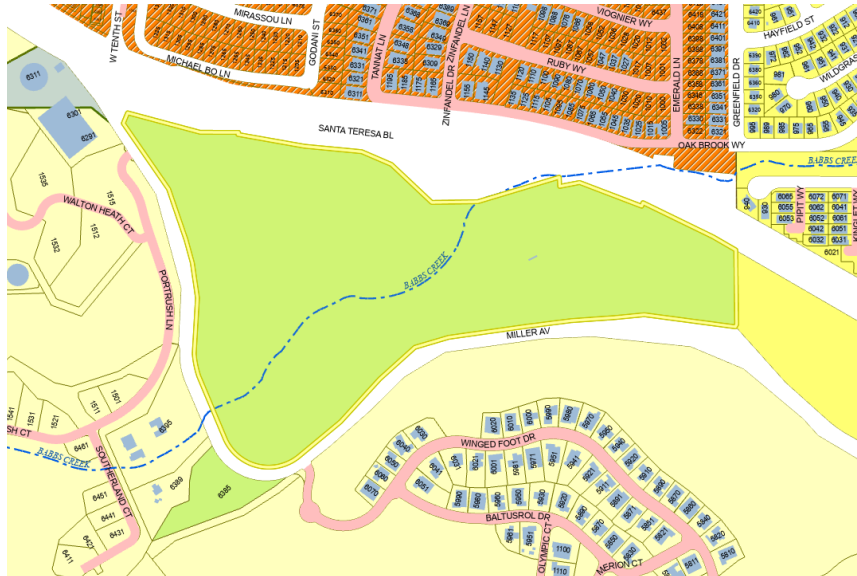
Beth Minor
Interim City Clerk of the City of Gilroy

(Seal)

EXHIBIT “A”
ZONING MAP AMENDMENT - APN #810-23-005



A1 (Agriculture District)



RH (Residential Hillside)



FROM: Cindy McCormick, Planning Manager

DATE: January 6, 2025

SUBJECT: Response to Resident Comments on the RenFu Villa CEQA Document

On July 29, 2024, the City of Gilroy mailed 159 notices to residents and property owners within a 500-foot radius of the subject property. The notice contained a general description of the project, a statement of intent to adopt a Mitigated Negative Declaration (MND) for the project in accordance with the California Environmental Quality Act (CEQA), the review period for comments, and the online URL and physical location where the CEQA documents can be reviewed.

Between August 27, 2024 and September 4, 2024, the City received 16 letters from residents following the July 29, 2024 notice.

All comments on the project (including any future comments) will be considered by the Planning Commission and City Council prior to making a decision on the project.

A copy of all of the comment letters has been provided as an attachment to this response letter. The comments can generally be summarized into the following 11 broad categories, since many of the comments were similar in nature: General Plan compliance and Guiding Principles / Rezoning from Agriculture to Hillside Residential; hillside preservation measures; views, 7' tall sound wall; traffic; noise; strain on existing infrastructure including roads, schools, water, sewer, police, and fire; natural habitats / wildlife movement; light pollution; Fire Department use of pond; and public notice.

Continued on next page

Response to Resident Comments on the RenFu Villa CEQA Document

General Plan Compliance and Guiding Principles / Rezoning from Agriculture to Hillside Residential

As noted throughout the Initial Study, all impacts from the proposed subdivision were found to be consistent with those disclosed in the certified Gilroy 2040 General Plan Final Environmental Impact Report (General Plan EIR).

As discussed in Section 4.11 (Land Use) under checklist question b) on page 148 (or page 151 of the Final Initial Study/MND), the project is consistent with the General Plan land use designation on the site and applicable policies by proposing a clustered residential development within the Urban Service Area.

The project site is not a designated nature or open space preserve. The project site is located within the City's Urban Growth Boundary (UGB). In 2016, the residents of Gilroy approved an Urban Growth Boundary ("UGB") by initiative. The UGB protects the health, safety, welfare, and quality of life of the residents of Gilroy by concentrating future residential, commercial, and industrial growth in areas already served by urban services. The UGB directs future growth within the City's existing urban areas, while land outside the UGB are preserved for rural and agricultural uses. The project site is located within the City's Urban Service Area and Urban Growth Boundary.

The following General Plan policies speak to the appropriate area for agricultural uses.

LU 6.1 Economic Viability of Agriculture Support the long-term economic viability of agriculture and agri-tourism and encourage landowners with land designated as "Rural County" to keep their land in cultivation

LU 6.3 Agricultural Uses within the Planning Area Encourage agriculture on land designated as "Rural County" as a compatible use in undeveloped portions of the Planning Area.

The purpose of the Rural County designation is to preserve rural residential, hillside, and productive agriculture land uses located outside areas planned for urban development. The project site does not have a Rural County land use designation.

The proposed Hillside Residential land use and density is consistent with the General Plan Hillside Residential land use designation for the site. A rezoning of the project site is required for the zoning designation to be in conformance with the City's General Plan. As explained on page 148 of the Initial Study/MND (or page 151 of the revised Initial Study/MND), the project site shall be rezoned to Residential Hillside with or without the proposed project to align with the General Plan Hillside Residential land use designation on the site. Pursuant to Government Code 65860(a), a City's Zoning Ordinance shall be consistent with the City's General Plan. Under 65860(c)(2), if a local agency (City) receives a development application for a project that has a zoning designation that is inconsistent

with the General Plan, the City shall amend the Zoning Ordinance. The City shall not enforce zoning that is inconsistent with the General Plan. The City shall also “facilitate and accommodate development at the density allowed on the site by the General Plan and proposed by the development project”.

Hillside Preservation Measures

As discussed in Section 4.1 (Aesthetics) on pages 16 through 29 of the Initial Study/MND, the project would comply with the design and siting criteria specified in the Residential Hillside Zoning District regulations and in the City’s adopted Hillside Development Guidelines by minimizing alterations to existing contours, and maintaining as many existing trees as feasible. Compliance with these City policies, guidelines, and regulations would ensure that the project would be consistent with the City’s requirements for development in hillside areas. The project will also be required to comply with General Plan Policy LU 3.9 (Hillside Development) by minimizing grading to retain a natural hillside setting, clustering the dwelling units, and designing the private streets within the development to preserve the ecological and scenic character of the hillsides.

Views

The aesthetic impacts of the project are discussed in Section 4.1 (Aesthetics) on pages 16 through 29 of the Initial Study/MND. Per the City’s established CEQA Significant Impact Threshold, a project is considered to have a substantial adverse effect on a scenic vista or degrade the existing visual character in the Hecker Pass Specific Plan Area or the hillside area if it is inconsistent with the development controls and design standards identified in the General Plan. The General Plan EIR concluded that implementation of General Plan goals, policies, and programs, and compliance with existing design review procedures and standard conditions of approval, including the City’s Tree Protection Ordinance and Sound Attenuation Policy, would reduce impacts to the visual character of hillside areas to a less than significant level.

The City’s General Plan EIR determined that hillside areas south of Santa Teresa Boulevard on Miller Avenue would be developed with low-density housing as a result of being redesignated as Hillside Residential. The project would redevelop a hillside area on Miller Avenue south of Santa Teresa Boulevard with low-density housing, consistent with the site’s General Plan designation. The project would comply with the design and siting criteria specified in the Residential Hillside Zoning District regulations and in the City’s adopted Hillside Development Guidelines by minimizing alterations to existing contours, maintaining as many existing trees as feasible, using colors and materials compatible with the surrounding landscape, and complying with the City’s street standards.

In addition, the project would undergo the Architectural and Site Review process to ensure impacts to the scenic character of the site and surrounding area are limited to the extent feasible. The project will also be required to underground the existing overhead electrical lines, consistent with General Plan policy LU 8.6 (Utility

Undergrounding) and PFS 8.5 (Undergrounding). Compliance with the City's existing design review procedures during the Architectural and Site Review process would reduce the project's adverse effects to the existing visual character of the hillside area to a less than significant level, consistent with the findings of the General Plan EIR.

7' sound wall

The project would include a seven-foot-tall sound wall or equivalent feature (e.g., landscaped berm) on the northeastern corner of the site, consistent with Section 30.34.30 of City Code, which allows for fences and hedges in residential districts up to seven feet in height. The project shall comply with the City's Sound Attenuation Policy, which includes specific design requirements intended to promote good sound wall design and minimize impacts to views. The project would incorporate landscape buffers to minimize the aesthetic impact of the sound wall.

Traffic

The transportation analysis prepared for this project is provided in Section 4.17 (Transportation) on pages 181 to 198 of the Initial Study/MND or pages 184 to 201 of the Final Initial Study/MND. Further detail is provided in Appendix G of the Initial Study. The analysis concluded that the project's transportation impacts were consistent with those disclosed in the General Plan EIR. That is, the project would result in the same (i.e., not new or substantially more severe) transportation impacts disclosed in the General Plan EIR for the implementation and buildout of the adopted General Plan.

As discussed on pages 188 to 191 (or pages 191 to 194 of the Final Initial Study/MND), the project would generate new vehicle trips. However, the intersections in the project vicinity currently operate and are projected to continue to operate at acceptable levels of service during the peak hours with the project. Therefore, the proposed project would not have an adverse level of service effect on any of the study intersections and would be consistent with General Plan Policy M 5.1 (Level of Service).

The project would implement mitigation measure MM TRN-1 (described on pages 194 to 195 of the Initial Study/MND or pages 197 to 198 of the Final Initial Study/MND), which would require preparation and implementation of a Transportation Demand Management (TDM) Plan to reduce project-related vehicle miles traveled to the maximum extent feasible. A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.

Noise

The proposed development is consistent with the adopted General Plan and the analysis in the Initial Study/MND concluded that the project's noise impacts were consistent with those disclosed in the General Plan EIR. That is, the project would result in the same (i.e., not new or substantially more severe) noise impacts disclosed in the General Plan EIR for the implementation and buildout of the adopted General Plan. The noise impacts generated by the project are discussed in Section 4.13 Noise of the Initial Study/MND. Operational noise impacts, including potential increases in noise associated with the increase in vehicle trips generated by the project, are discussed on pages 160 to 161 of the Initial Study/MND (or pages 163 to 164 of the Final Initial Study/MND). The analysis found an increase in traffic noise of zero to two dBA L_{dn} along all studied roadway segments. The roadway segment that would experience the highest increase in traffic noise (two dBA L_{dn}) would be along Miller Avenue, south of Santa Teresa Boulevard. Based on the City's adopted thresholds, the project-generated traffic would not result in a significant increase in traffic noise within the project area, consistent with the findings disclosed in the certified General Plan EIR.

Strain on existing infrastructure: roads, schools, water, sewer, police, fire

The proposed development is consistent with the adopted General Plan and the analysis in the Initial Study/MND concluded that the project's impacts to the aforementioned resources were consistent with those disclosed in the General Plan EIR for the implementation and buildout of the adopted General Plan. The Initial Study/MND discusses impacts on roads, schools, water, sewer, and police / fire services. Section 4.17 (Transportation) discusses the project's impact on roadways. Section 4.15 (Public Services) discusses the project's impact on schools, fire protection services, and police protection services. Section 4.19 (Utilities and Service Systems) discusses the project's impact on water and sewer infrastructure and services.

The project's impact on water quality is discussed in Section 4.10 Hydrology and Water Quality of the Initial Study/MND, specifically under checklist question a) on pages 137 to 139 (or pages 140 to 141 of the Final Initial Study/MND). The analysis found the project would not result in significant water quality impacts from pollutants during construction or post construction. Furthermore, in 2023, the City updated its Sanitary Sewer Master Plan and Water System Master Plan recognizing the importance of planning, developing, and financing system facilities to service existing customers and anticipated future growth from buildout of the General Plan.

The project shall also be consistent with the following General Plan Policies.

PFS 1.11 (Development Impact Fees) Require applicants for new development to pay Development Impact Fees for traffic circulation, water, wastewater, storm water and public facilities to offset the costs of expanding these as detailed by the impact fee nexus study.

PFS 9.3 (Development Review) Include the Police Department in the review of development proposals to ensure that crime and safety issues are consistently addressed in the review of new development. Such review shall promote the implementation of Crime Prevention Through Environmental Design principles.

PFS 10.3 (Development Review) Under the direction and authority of the Fire Chief, the Fire Marshall shall review of development proposals to ensure that projects adequately address fire access and building standards.

PFS 11.4 (School Impact Fees) Continue to collect new development fees as established by the GUSD, in accordance with State law.

Natural Habitats / Wildlife Movement

Impacts to biological resources (including special status species, sensitive habitats, and wildlife movement) generated by the project are discussed in Section 4.4 Biological Resources on pages 53 to 77 of the Initial Study/MND (or pages 53 to 79 of the Final Initial Study/MND). Additional detail regarding potential impacts and existing conditions on-site are included in Appendix C of the Initial Study/MND (Biological Resources Report). These analyses found that impacts to biological resources, including special-status plant and animal species would be reduced to less than significant levels through compliance with existing federal, state, and local policies and regulations and implementation of standard conditions of approval, mitigation measures BIO-1 and BIO-2, and applicable Habitat Plan policies and conditions (including Conditions 1, 3, 11, 12, 13, 16, 19, and 20). As discussed on pages 74 to 76 of the initial Study/MND (or pages 76 to 78 of the Final Initial Study/MND) and the Biological Resources Report (Appendix C), the project site does not support regionally important dispersal movement by large, mobile wildlife species, therefore, no significant impacts on wildlife movement would result from the project.

The analysis in the Initial Study/MND also concluded that the project would be consistent with applicable General Plan land use policies by proposing a clustered residential development within the Urban Service Area and complying with the requirements of the Santa Clara Valley Habitat Plan (see page 148 of the Initial Study/MND or page 151 of the Final Initial Study/MND). In conformance with General Plan Policies LU 8.8 (Clustered Development), NCR 1.2 (Stream Protection), and NCR 1.3 (Riparian Setbacks), the project would also be organized in three clusters to limit the amount of grading required, preserve the main biological features on-site, including the creek, pond, and associated natural flora, and avoid development within most of the riparian setback areas. The site plan has been revised to include a riparian easement where the proposed property line of individual lots encroach into the riparian setback. The applicant / owner would obtain an exception for any remaining minor encroachments into the riparian setback.

Light Pollution

Potential light impacts associated with the proposed project are discussed on page 28 of the Initial Study/MND and revised Initial Study/MND. The analysis in the Initial Study/MND found that the project's impact would be less than significant because the project would comply with General Plan policies and City Code Section 30.50.44(c) by selecting and designing the location of exterior lighting to minimize light pollution and glare, directing light downwards and prohibiting spillover light beyond property lines. Furthermore, the applicant has agreed to utilize light bulbs with a Correlated Color Temperature (CCT) of 2700 Kelvin or less.

Fire Department use of on-site pond

One resident asked about use of the pond for firefighting purposes. Gilroy Fire Department does not use the pond for firefighting purposes; however, it is possible that the California Department of Forestry and Fire Protection (CAL FIRE) could occasionally use the pond as a source of water for firefighting purposes. It is unlikely that development of the proposed project would interfere with CAL FIRE's potential use of the pond for firefighting purposes, since CAL FIRE has also utilized water from private swimming pools in private fenced yards for firefighting purposes. Therefore, the project would not result in any interference with firefighting activities.

Public Notice

The project was noticed in compliance with the California Environmental Quality Act and City of Gilroy requirements. Specifically, the Notice of Intent (NOI) for the project's environmental review was published on August 2, 2024 at both the Office of the County Clerk-Recorder and the State Clearinghouse. In addition, on July 29, 2024, the City of Gilroy mailed 159 notices to residents and property owners within a 500-foot radius of the subject property, including a notice to the individuals who indicated they did not receive a notice. On December 23, 2024, the City sent a second notice to property owners (within a 500-foot radius) announcing the public hearing on the project, which is tentatively set for January 16, 2025.

End of Response

Comments Letters are Attached

To: [REDACTED]
Subject: EXTERNAL - Ren Fu Villa Residential project
Date: Wednesday, September 4, 2024 10:42:22 AM
Attachments: [hatc_36a51ed1-2aa7-42c0-8f32-abdc76c6cf27.jpg](#)

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

City of Gilroy Planning Department,

By way of introduction, my name is [REDACTED]. I purchased my home 8 years ago at 1095 Oak Brook which is directly across the street from the proposed Ren Fu Villa Project. I was told when I purchased the home from Glen Loma that the land across the street was zoned "Open Space", shame on me for believing the selling agent. I am strongly against this project for the following reasons.

- The view from my lot will be adversely affected by the proposed 54 homes and 7' sound wall
- My property value will drop due to this project.
- Increased traffic, noise.
- Strain on existing infrastructure; roads, schools, water, sewer, PD and FD. Who is going to pay to bring the infrastructure up to speed to meet the demand from the multiple projects currently going on in Gilroy?

As noted, I strongly oppose this project. It seems like Gilroy will continue to build as long as there is dirt to build on with no regard for Gilroy's existing home- owners and tax- payers.

My neighbors and I have signed a petition against this project and are planning on seeking legal action.

Regards.

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]
6330 Godani Street
Gilroy, CA. 95020
[REDACTED]
[REDACTED]

To: City of Gilroy Planning Department
RE: Ren Fu Villa Residential Project

My wife and I purchased our first home 4 years ago at 6330 Godani Street, we live directly across the street from the proposed Ren Fu Villa Residential Project; we are the third lot off Santa Teresa. We purchased this lot due to the beautiful view of the rolling foothills and wildlife, which bring us immense joy. We were told by the Tri Pointe selling agents that this hillside was “open space” and would never be developed. We were in tears when we received the planning department notice.

Below is a list of issues we have with the proposed project. Additionally, I will send a document of are neighborhood petitioners who share the same view – and who will stand beside us as we oppose this project.

- 1) The proposed development will have a substantial adverse effect and degradation of views for 200+ neighbors. Our views of the flat lands and rolling foothills will be blocked and covered. This will cause damages to house prices for the homes that share these views. The aesthetic and peaceful energy of our foothill neighborhood will be completely different.
- 2) Rezoning from Agriculture (A1) to Hillside Residential (RH) doesn't align with Gilroy's 2040 General Plan Guiding Principles:
 - a. #3 – “Balance growth and open space.” The entire West side is growing rampant. The proposed project will ruin some of the only remaining untouched hillside in Gilroy's West side. Hillside development is becoming too common, the recently completed Hecker Pass project, and the community that overlooks Christmas Hill are great examples. Our hillside property needs to be more cautiously preserved, as hillside aesthetics are what defines Gilroy's beauty. There is plenty of flat lands that can be developed WITHOUT the harm of other properties or our wildlife.
 - b. #5- “Sustainable community.” 54 new homes will further increase the demands on our roads, utilities, schools, post office, PD, FD, shopping centers. The continuing build-out of Glen Loma Ranch, and surrounding approved communities are already pushing the limits on our community.
- 3) The proposed development will cause a substantial amount of noise from increased traffic.
- 4) The proposed 7' sound wall further degrades the views for over 60 homes that reside directly across the street. It's an eyesore. The alternate “berm” wouldn't look natural either.
- 5) The natural habitats will absolutely be harmed, regardless of what the mitigation report states. Daily, I watch the deer, owls, hawks, turkey, egrets stroll through the grasses, and through the oak trees from my bedroom window.
- 6) The proposed development will bring an immense amount of light pollution, further effecting the aesthetic and peaceful energy of our foothill neighborhood.

We, and our neighbors oppose this project, and will be hiring an attorney to represent us. Rezoning of our beautiful foothills doesn't align with Gilroy's principles, and it's effecting the property values of over 200 homes due to the degradation of our overall aesthetic.

[REDACTED]

To:

[REDACTED]

[Cindy McCormick](#)

Subject:

EXTERNAL - Against the Ren Fu Villa Residential Project

Date:

Tuesday, September 3, 2024 4:35:43 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My name is [REDACTED] and I'm a resident of Gilroy, California. My family and I have been living on Oak Brook Way for about 7 years. We choose to live in the City of Gilroy because it was community oriented and not over populated. We definitely choose to buy a house on Oak Brook because it has a country feeling and could see trees and the beautiful nature around us. Our children play in the walk/run path along Oak Brook and like many others in the community enjoy the nature and wild life feel although we live in the City limits.

I am extremely disappointed that you guys in the City will be taking that away from our community and our little children. I'm old enough to understand city officials and people want to make money and probably don't live where we do but I hope you understand you are hurting this community. This project will ruin our feel of the nature and wild life that surround us. It will also look horrible to stare into a bunch of houses that could have been built somewhere else. It's also not great to stare at a 7 feet sound wall. I used to live in San Jose and I pray you guys don't turn this city into San Jose, specially if its just for money. Please don't approve this project, I understand everyone wants to make money but it ain't right.

Thank you for your time,

[REDACTED]

1045 Oak Brook Way

[REDACTED]

To:

[Cindy McCormick](#)

Subject:

EXTERNAL - Project Title: Ren Fu Villa residential Project

Date:

Tuesday, September 3, 2024 9:34:01 AM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To Whom It May Concern,

We are writing to Voice our opposition to the expanded hillside residential project in Gilroy's westside. You write that there will be no environmental harm done, which may be true, but don't take to mind the damage it will do to the residents of the city who moved here to get away from the crowded cities. You wish to remove the beauty of the open space in the hopes of squeezing more homes which equals to more cars, more traffic and increase crimes. What once was a small quiet town is now being taken for every bit of space, all in the name of profit. You can cite State and Local laws all you want in order to justify this move but don't consider the actual residents, especially those who lived here for decades. There is a reason why people move to Gilroy and it's not the abundance of houses crammed from one side of the valley to another. People appreciate the nature, the open space and the breath of fresh air that keeps us safe from the overcrowded cities of the Bay Area. Do not ruin what is a wonderful place because once you do there is no going back. And you better hope there is no housing crash because you'll be left with empty lots and cement where once animals and grass thrived. This city was not meant to be huge. Do not stray away from its small town history and from what made it attractive to begin with.

Sincerely yours,

Resident of Gilroy at Oak Brook Way

[REDACTED]
To:

[REDACTED]
[Cindy McCormick](#)

Subject:

[REDACTED]
EXTERNAL - Opposition of Proposed Project across from Glen Loma Ranch on Babbs Canyon and South Fork
Babbs Canyon

Date:

Tuesday, August 27, 2024 7:33:59 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Ms. McCormick,

My family and I, along with our neighbors living on Oak Brook Way, Gilroy CA, are writing you to directly oppose the proposed construction development (in any form) on the land opposite of Glen Loma Landing and Santa Teresa Boulevard also known as Babbs Canyon and South Babbs Canyon.

When we moved to Gilroy and purchased our home last year we were sold the home, by realtors, for the beautiful views and on the basis that no further construction would take place across Santa Teresa Blvd. as the Babbs Canyon and South Babbs Canyon land was zoned as agricultural land and a protected watershed.

Further, we have received no due notice or information from the City of Gilroy that the land will now be built on for commercial/residential purposes in direct contradiction of what we were told when purchasing our home one year ago. The construction on this land will reduce the value of our property and its unobstructed views of the hillside not to mention impact a variety of native grasses and wildlife found on the property.

Please consider this email as a formal protest to any construction or development on the Babbs Canyon and South Babbs Canyon land.

Thanks for your time and strong consideration.

Best regards and should you have any questions please do not hesitate to contact me at [REDACTED]

[REDACTED]
1185 Oak Brook Way
Gilroy, CA 95020
[REDACTED]

To:

[Cindy McCormick](#)

Subject:

EXTERNAL - Proposed Housing Project Miller at Santa Teresa

Date:

Wednesday, August 28, 2024 12:53:55 PM

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Cindy McCormick
Planning Manager City of Gilroy

Dear Ms. McCormick,

My husband and I live at 1195 Oak Brook Way in Gilroy. We live in the Zinfandel neighborhood. We are the original owners of our home. Our porch looks on to Santa Teresa and the beautiful meadow and hills across the street. We sit on our porch daily and look at this lovely view. We often see deer in the meadow, wild turkeys and other wildlife. There is so much beauty and nature in the meadow on the other side of Santa Teresa. That view is one of the reasons why we chose this lot. We feel grateful to be able to have that beautiful view from our front porch and upstairs windows. It is such a gift and one that we would like to keep.

Unfortunately, we were recently informed there is a proposed project to build a housing development on that land. This project would definitely block the view to the many residences who live in the Zinfandel and Vista Bella neighborhood. I am sure everyone bought their property for that view. We paid a higher price for these lots because of the view. The development will block our views of the hills and meadow and will definitely devalue our properties.

From what I understand from the flyer we received yesterday, our view will be ruined and blocked with yet another housing tract. There are already so many new housing tracts being built in this area of Gilroy. I don't see why we need another one. The meadow across the street also has a small lake that many migrating birds use. We often see geese, cranes, egrets, ducks and other water birds utilize the lake on the property. Development in that area would destroy the environment and the beauty of Gilroy. I believe having a housing development next to the lake could compromise the lake with pollution which would be detrimental to migrating birds and local wildlife. This development does not in any way align with Gilroy's Hillside Preservation Measures. The City needs to preserve some land for aesthetic beauty and enjoyment instead of becoming a community of wall to wall tract homes.

In addition, the lake is used by the fire department for fighting fires in the local area. We have seen fire helicopters fill water buckets from the lake on that parcel to use in putting out our local fires. Could they continue to utilize that lake if there was a housing development next to the lake? I think it would not be feasible or safe with houses nearby. The lack of helicopter access to this lake jeopardizes the entire community of Gilroy.

I also wish to address the City's communication or lack thereof regarding this project. I have never received any communication from the City of Gilroy about this development. The first I heard of it was last night when a concerned neighbor passed out flyers throughout our neighborhood informing us of the upcoming project. Are there more people in the neighborhood who also have not been informed about a development that will deeply affect them and the value of their homes?

In closing, I ask you to reconsider this project development and please keep this beautiful natural habitat free from another housing project. We need to preserve some of our natural spaces in Gilroy and protect our wildlife.

Many thanks for your kind consideration.

Sincerely,


1195 Oak Brook Way

Gilroy, CA 95020

To: [REDACTED]
Subject: EXTERNAL - Ren Fu Villa ResidenMal Project
Date: Wednesday, September 4, 2024 7:36:45 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

[REDACTED]
1035 Oak Brook Way
Gilroy, CA. 95020
[REDACTED]

To: City of Gilroy Planning Department

My wife and I purchased our 4 years ago at 1035 Oak Brook Way, we live directly across the street

from the proposed Ren Fu Villa ResidenMal Project; off Santa Teresa. We purchased this lot due to the beautiful view of the rolling foothills and wildlife, which bring us immense joy.

We were told by the

Tri Pointe selling agents that this hillside was “open space” and would never be developed.

We were in tears

when we received the planning department notice.

Below is a list of issues we have with the proposed project. Additionally, I will send a document of are

neighborhood permittees who share the same view – and who will stand beside us as we oppose this project.

1) The proposed development will have a substantial adverse effect and degradation of views for 200+

neighbors. Our views of the flat lands and rolling foothills will be blocked and covered. This will

cause damages to house prices for the homes that share these views. The aesthetic and peaceful

energy of our foothill neighborhood will be completely different.

Rezoning from Agriculture (A1) to Hillside Residential (RH) doesn't align with Gilroy's 2040 General

Plan Guiding Principles:

a. #3 –

“Balance growth and open space.

” The entire West side is growing rampant. The

proposed project will ruin some of the only remaining untouched hillside in Gilroy's West

side. Hillside development is becoming too common, the recently completed Hecker Pass

project, and the community that overlooks Christmas Hill are great examples. Our hillside

property needs to be more cautiously preserved, as hillside aesthetics are what defines

Gilroy's beauty. There is plenty of flat lands that can be developed WITHOUT the harm of other properties or our wildlife.

b. #5-

“Sustainable community.

” 54 new homes will further increase the demands on our

roads, uMliMes, schools, post office, PD, FD, shopping centers. The conMnuing build-out of Glen Loma Ranch, and surrounding approved communiMes are already pushing the limits on our community.

The proposed development will cause a substanMal amount of noise from increased traffic. The proposed 7' sound wall further degrades the views for over 60 homes that reside directly across the street. It's an eyesore. The alternate "berm" wouldn't look natural either.

The natural habitats will absolutely be harmed, regardless of what the miMgaMon report states.

Daily, I watch the deer, owls, hawks, turkey, egrets stroll through the grasses, and through the oak

trees from my bedroom window.

The proposed development will bring an immense amount of light polluMon, further effecMng the

aestheMc and peaceful energy of our foothill neighborhood.

We, and our neighbors oppose this project, and will be hiring an akorney to represent us.

Rezoning of our

beauMful foothills doesn't align with Gilroys principles, and it's effecMng the property values of over 200 homes

due to the degradaMon of our overall aestheMc.

Thanks

A black rectangular redaction box covering the signature of the sender.



Subject:



EXTERNAL - Ren Fu Villa Residential Project

Date:

Wednesday, August 28, 2024 10:50:53 AM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hi Cindy,

The project at Ren Fu Villa will have an impact on the local wildlife, with frequent sightings of deer and even mountain lions in the area. To ensure the safety of these animals and reduce the risk of accidents, it may be important to consider ways to minimize traffic on Santa Teresa. It's also worth noting that Gilroy may have other opportunities for residential development on unused flat lands in the area, which could potentially alleviate any shortage of housing.



To:

[Cindy McCormick](#)

Subject:

EXTERNAL - Proposed Project Hillside Santa Teresa highway

Date:

Thursday, August 29, 2024 10:38:43 AM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good Morning Cindy,

I'm writing to you on regarding a new housing community project across where I live 1085 Oak Brook way adjacent to Santa Teresa highway and the propose hill area where the new home community is planning to build. I've talked to all my neighbors that when the homes that was being build in my community that on my side facing the Santa Teresa highway that section is nature preserve there wouldn't be any housing projects there. That section I've seen many wild life animal that used or is there. There is an owl that every night in the trees I can here it howling and seen it. There deer's wild turkey that graze in that area. If you're allowing build more homes there your destructing nature and its wild life homes. Please reconsider this project to be at another location where I see fields that are empty land with no trees.

Best,

[Redacted Signature]

[REDACTED]

To:

[REDACTED]

[Cindy McCormick](#)

Subject:

EXTERNAL - Ren Fu Villa Residential Project

Date:

Saturday, August 3, 2024 12:31:48 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good afternoon. I just received the information regarding the Ren Fu Villa Residential Project. I absolutely disagree with this development. My family and I bought our property on Oak Brook Way for several reasons: the view, no traffic, the surrounding natural habitat, and wildlife that aren't displaced. With the aforementioned development, there will be an increase in traffic, including equipment and machinery that will be coming in and out of the area for several months, the beautiful natural habitat that already exists will be ravaged, and the wildlife in our area will for surely be displaced; if not displaced, they will be road kill, as seen on many occasions on Santa Teresa. Glen Loma has enough housing developments in the area; we DO NOT need more. With that said, again, I STRONGLY DISAGREE with this new development. Please preserve the area as is.

Sincerely,

[REDACTED]

[REDACTED]

To:

[REDACTED]

[Cindy McCormick](#)

Subject:

EXTERNAL - Protect our Hillside. Oppose REN Fu Villa Residential project

Date:

Wednesday, August 28, 2024 1:57:05 PM

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Cindy McCormick,

I am writing this email to oppose the proposed project on the Hillside. Please protect our Hillside. Please reconsider REN Fu Villa Residential project. It will ruin the hill view.

[REDACTED]

(Gilroy Resident on Michael Bo lane)

Sent from my iPhone

[REDACTED]

To:

[REDACTED]

[Cindy McCormick](#)

Subject:

EXTERNAL - REN Fu Villa Residential project

Date:

Friday, August 30, 2024 1:41:38 AM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Cindy McCormick,

I am writing this email to oppose the proposed project on the Hillside. Please protect our Hillside. Please reconsider REN Fu Villa Residential project. It will ruin the hill view.

Regards,

[REDACTED]

6400 Godani St
Gilroy CA 95020

To:

[Cindy McCormick](#)

Subject:

EXTERNAL - Reconsider construction

Date:

Thursday, August 29, 2024 8:21:29 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Cindy McCormick,

I am writing this email to oppose the proposed project on the Hillside. Please protect our Hillside. Please reconsider REN Fu Villa Residential project. It will ruin the hill view.

6441 Laguna Seca lane,
Gilroy, CA

[REDACTED]

To:

[REDACTED]

[Cindy McCormick](#)

Subject:

EXTERNAL - Opposition to new development planned

Date:

Friday, August 30, 2024 8:44:07 AM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Cindy:

My name is [REDACTED] and I live at 1325 Michael Bo Ln, here in Glenn Loma Ranch. I just came to know that a new development is planned right here opposite to Michael Bo Ln Street. This will completely ruin the beauty of the hills across this street. I have had folks come to my home and express intent to moving to Gilroy because of these views. I am writing this email to express our strong opposition to the planned development.

Thanks,

[REDACTED]

[REDACTED]
To:

[REDACTED]
[Cindy McCormick](#)

[REDACTED]
Subject:
Date:

[REDACTED]
EXTERNAL - Thank you! -- "Yes" to a Green Gilroy & "No" to Ren Fu project
Friday, August 30, 2024 5:34:04 PM

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Cindy,

As new members of the Gilroy community, we are grateful for the opportunity to connect with you.

We share the same love for the grace of Mother Nature.
We share the same vision of leaving behind a greener earth for our children and our animal friends, pets, or wildlife.

We would like to thank you for making a decision for your
We would like to thank you for making **a decision that you will feel proud of** when you look back at your career.
We would like to thank you for making a decision to preserve the beautiful hillside and our natural environment.

Namaste,

[REDACTED]

1115 Oak Brook Way, Gilroy

<https://www.cityofgilroy.org/1035/Ren-Fu-Villa-Residential-Project>

Ren Fu Villa Residential Project

Responses to Comments



January 2025

Table of Contents

Section 1.0	Introduction.....	1
Section 2.0	Responses to Comments Received on Draft Initial Study/MND	2
Section 3.0	Draft Initial Study/MND Text Revisions.....	48
Section 4.0	Conclusion	56

Appendix A: Draft Initial Study Comment Letters

Section 1.0 Introduction

The Initial Study/Mitigated Negative Declaration (Initial Study/MND) for the Ren Fu Villa Residential project was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA). The 30-day public circulation period for the draft Initial Study/MND started August 2, 2024 and ended September 3, 2024. The following pages contain responses to comments submitted by agencies, organizations, and businesses during the draft Initial Study/MND public review period. Copies of the comment letters are attached to this document in Appendix A.

Pursuant to CEQA Guidelines §15073.5, the recirculation of the MND is required when the document must be “substantially revised” after public notice of its availability. A “substantial revision” is defined as:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

CEQA does not require formal responses to comments on an Initial Study/MND and the decision-making body shall adopt the proposed MND only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the lead agency’s independent judgment and analysis [CEQA Guidelines §15074(b)].

Section 2.0 Responses to Comments Received on Draft Initial Study/MND

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented in italics, with each response to significant environmental points raised in that specific comment directly following and presented in blue font. Responses to comments on the merits of the project are not included, nor are they required under CEQA. Copies of the letters and emails received by the City of Gilroy are included in their entirety in Appendix A of this document.

None of the comments provided new information warranting substantial revisions to the draft Initial Study/MND dated August 2, 2024.¹ Comments received on the draft Initial Study/MND are listed below.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
Federal and State Agencies	3
A. California Department of Fish and Wildlife (dated September 3, 2024)	3
B. California Department of Transportation (dated August 30, 2024).....	23
Regional and Local Agencies	25
C. Santa Clara Valley Water District (dated September 3, 2024)	25
Organizations and Businesses	33
D. Gilroy Bicycle Pedestrian Advisory Committee (dated August 26, 2024)	33
E. Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter (dated September 3, 2024)	39

¹ The draft Initial Study is the Initial Study document dated August 2, 2024 and circulated for public review. The final Initial Study is dated January 6, 2025 and incorporates the minor text revisions included in Section 3.0 of this document. The final Initial Study is available for review at <https://www.cityofgilroy.org/1035/Ren-Fu-Villa-Residential-Project>.

Federal and State Agencies

A. California Department of Fish and Wildlife (dated September 3, 2024)

Comment A.1: *The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Gilroy (City) for the Ren Fu Villa Residential Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.²*

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of

² CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

the Project. Under CESA, “take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86). CDFW’s issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. e & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent’s obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

*Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: bald eagle (*Haliaeetus leucocephalus*), California least tern (*Sternula antillarum browni*), golden eagle (*Aquila chrysaetos*), and white-tailed kite (*Elanus leucurus*).*

Project activities described in the IS/MND should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- *Take is for necessary scientific research;*
- *Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock;*
- *They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or*
- *Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).*

CDFW also recommends the IS/MND analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Gilroy

Objective: The Project proposes a Zoning Map amendment to rezone the property to Residential Hillside, consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map to subdivide the site into 54 lots. The Project would also include a private club house that would be located on the western side of the site. The Project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place.

Location: The Project is located South of Santa Teresa Boulevard and adjacent to Miller Avenue, City of Gilroy, Santa Clara County (County). The coordinates for the approximate center of the Project are 36°59'6.38"N latitude 121°35'0.46"W longitude (WGS 84). The Assessor's Parcel Number is 810-23-005.

Timeframe: Phase 1 would start as early as January 2025 and be completed as early as July 2026. Phase 2 would start as early as August 2026 and be completed as early as September 2027.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Response A.1: This section provides an overview of CDFW's authority and introduces the comments and recommendations to follow. Responses to the comments and recommendations mentioned in the above comment are responded to below.

Comment A.2: ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the IS/MND that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the IS/MND provide baseline habitat assessments for special- status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The IS/MND should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City or County may require.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine U.S. Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see Data Use Guidelines on the Department webpage <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project.

CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

Response A.2: Any special status wildlife (northwestern pond turtle, San Francisco dusky-footed woodrat) and natural communities on-site will be reported to the CNDDDB. The CNDDDB field survey forms will be completed by the project biologist and submitted to the CNDDDB prior to project approval, as suggested in the above comment.

Section 4.4.1.2 Existing Conditions of the Initial Study/MND (pages 57 to 61 of the draft Initial Study/MND and final Initial Study/MND) includes an overview of the existing conditions on-site, including the mapped land cover, special-status plant and animal species that could be present, sensitive natural communities and vegetation alliances, riparian habitat, and potential waters of the state/United States. This information is based on the Biological Resources Report (which is included in Appendix C of the Initial Study/MND) that was prepared for the project. As discussed in Section 2. Methods of the Biological Resources Report, preparation of the Biological Resources Report included review of the Land Cover Verification for the Ren Fu Villa Project (Live Oak Associates, Inc. 2021); aerial images (Google LLC 2023); a USGS topographic map; the CDFW's California Natural Diversity Database (CNDDDB) BIOS records within a 5-mile radius of the project site (2023); habitat and species information from the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP) (ICF International 2012); other relevant reports, scientific literature, and technical database; a Biotic Evaluation Peer Review and VHP Compliance Report (H. T. Harvey & Associates 2017) for a previously proposed project on the site; a review of all species on current California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, 3, and 4 lists (CNPS 2023) occurring in the nine quads encompassing the project site; and records of birds reported in nearby areas on eBird (Cornell Lab of Ornithology 2023). This background research was supplemented with several on-site surveys to evaluate the presence/absence of special-status plant and animal species.

A list or table that notes the species common name, scientific name, state and federal listing status, habitat type preference and determination on presence, for all special-status species with the potential to occur within the project area suggested in the above comment was not included in the body of the Initial Study/MND. Instead, for ease of readability, a summary of that information is provided in the Initial Study/MND and the Biological Resources Report included in Appendix C of the Initial Study/MND contains tables summarizing this information. Text has been added on pages 59 and 60 of the draft Initial Study/MND (or pages 60 and 61 of the final Initial Study/MND) to refer readers to the Biological Resources Report in Appendix C for detailed tables (refer to Section 3.0 Draft Initial Study/MND Text

Revisions). None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.3: *I. Environmental Setting and Related Impact Shortcoming*

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT #1: *Special-status Herpetofauna*

*Issue: The Project may impact western pond, which the IS/MND stated are known to be present on the Project site. The Project may impact the following special-status herpetofauna, which the IS/MND identified have the potential to occur at the Project: California tiger salamander (*Ambystoma californiense* pop. 1) and California red-legged frog (*Rana draytonii*). The CNDDB identifies occurrences of all three species within five miles of the Project. Additionally, the IS/MND did not include aquatic surveys. Implementation of the Project may impact aquatic habitat or upland dispersal habitat or refugia for special-status herpetofauna through vegetation removal and grading activities, potentially injuring or killing them.*

*The Project would impact the pond and surrounding habitat that may be occupied by these species. Western pond turtle (*Actinemys marmorata*) can move more than four miles up or down stream. Therefore, the Project area is within the mobility range of western pond turtle observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015).*

California tiger salamander have been documented moving up to 1.3 miles from ponds to upland habitat (Orloff 2007). California red-legged frog can use upland habitat one to two miles away from breeding ponds, including habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2010).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #1: *Habitat Surveys*

For all Project activities that occur within 500 feet of a pond or wetland habitat, prior to ground-disturbing activities, a qualified biologist should conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of California tiger salamander, California red-legged frog, and western pond turtle and their nests. If any of these special-status species are discovered during the survey, Project activities should not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented

Recommended Mitigation Measure #2: *Take Authorization*

CDFW strongly recommends that the Project proponent apply for an ITP under CESA to provide take authorization for California tiger salamander as a covered species. The IS/MND should clearly state,

as a condition of approval, that the Project proponent will apply for an ITP well in advance of Project construction.

The IS/MND should also include an appropriate compensatory mitigation ratio. CDFW recommends a minimum 3:1 ratio for permanent impacts to breeding and/or upland dispersal habitat, and a 1:1 mitigation ratio for temporary impacts in the absence of information regarding the compensatory mitigation site, and the full restoration of the temporarily disturbed habitat. This amount of mitigation may serve to meet the full mitigation standard required under CESA. The IS/MND should also state that mitigation lands will be protected in perpetuity under a conservation easement with an endowment established for long-term management of the lands.

Response A.3: This project is covered by the adopted Santa Clara Valley Habitat Plan (VHP), to which CDFW is a signatory. The California tiger salamander, California red-legged frog, and western pond turtle are all VHP-covered species. The VHP underwent CEQA review and determined that for VHP-covered projects and species, compliance with local, state, and federal regulations and the VHP (specifically its conditions) reduces impacts to less than significant levels.³ As discussed on pages 63 to 64 of the draft Initial Study/MND (or page 65 of the final Initial Study/MND), the project would comply with all relevant VHP conditions (which are summarized on pages 54 to 55 of the draft Initial Study/MND and final Initial Study/MND), including Condition 1 to avoid impacts on legally protected wildlife species, Condition 3 to maintain hydrologic conditions and protect water quality, and Condition 12 to avoid and minimize impacts on wetlands and ponds, reducing the project's impact to California tiger salamander, California red-legged frog, (north)western pond turtle to a less than significant level. Therefore, none of the recommended mitigation measures identified in Comment A.3 are required. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.4: COMMENT #2: Crotch's Bumble Bee

*Issue: As stated in the IS/MND Crotch's bumble bee (state candidate endangered, *Bombus crotchii*) has the potential to use the Project site for foraging and/or nesting. Crotch's bumble bee is a candidate endangered species under CESA (CEQA Guidelines, §15380, subds. (c)(1)). Implementation of the Project may result in the direct mortality of this species through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat. Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq.*

³ County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, United States Fish and Wildlife Service. *Santa Clara Valley Habitat Plan Final Environmental Impact Report/Environmental Impact Statement (SCH # 2010122059)*. August 2012.

Crotch's bumble bee occurrences have been documented in the County and the Project location is within the historic Crotch's bumble bee range (BIOS 2024). The small mammal burrows and grassland within and adjacent to the Project area may contain potential habitat for Crotch's bumble bee. Bumble bees are critically important because they pollinate a wide range of plants over the lifecycles of their colonies, which typically live longer than most native solitary bee species. The Project may impact foraging and nesting habitat due to construction of permanent facilities and associated infrastructure.

Recommended Mitigation Measure #3: Surveys

The IS/MND should state that pre-construction surveys will be conducted within the Project area and surrounding areas which may be impacted by Project construction and/or operations. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year, therefore, surveys shall be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (<https://wildlife.ca.gov/Conservation/CESA>). If CESA candidate bumble bee will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW.

Recommended Mitigation Measure #4: Avoidance of Nesting Colonies

CDFW recommends that inactive small mammal burrows and thatched/bunch grasses be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven days prior to the scheduled disturbance. If Crotch's bumble bee has been detected during surveys, the qualified entomologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 45-foot no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified entomologist should expand the buffer zone as necessary to prevent disturbance or take.

Recommended Mitigation Measure #5: Take Authorization

If surveys document presence of Crotch's bumble bee within the Project area, due to the difficulty of completely avoiding take of individuals of the species, CDFW strongly recommends that the Project proponent apply for an ITP under CESA to provide take authorization for Crotch's bumble bee as a covered species.

Response A.4: On December 3, 2024, the City of Gilroy reached out to the Santa Clara Valley Habitat Agency (Agency) staff person working on the update to the Habitat Plan. Agency staff indicated that the Habitat Plan update will not include any survey or other regulations regarding the Crotch bumble bee.

The Initial Study/MND (see pages 64 to 65 of the draft Initial Study/MND or pages 65 to 66 of the final Initial Study/MND), as well as the Biological Resources Report in Appendix C of the Initial Study/MND, both acknowledge that Crotch's bumble bee

and its habitat may be present on the project site. As discussed in the Biological Resources Report, it is unlikely that large numbers of individuals, if any, occur on the project site due to a lack of abundant floral resources and the widespread but locally scarce distribution of the species. Further, as explained on page 64 of the draft Initial Study/MND (or pages 65 to 66 of the final Initial Study/MND), the project's impacts to the Crotch's bumble bee would be less than significant because, based on an evaluation of the project site and the proposed site plan, a) the areas of serpentine bunchgrass grassland and California annual grassland that would be impacted by the project are limited in extent, b) the undisturbed habitat areas on-site would remain suitable habitat (at least for foraging) following project construction, and c) there is an abundance of suitable foraging habitat in the project region. For these reasons, the recommended mitigation measures listed in Comment A.4 are not required. Refer to Response E.4 below for an additional response regarding the project's less than significant impact to Crotch's bumble bees.

The project will include a Condition of Approval such that if Crotch's bumble bees are present, the project proponent shall apply for an incidental take permit for California Endangered Species Act compliance⁴. Based on the analysis provided in the Initial Study/MND, the project has a less than significant impact to Crotch's bumble bees. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.5: COMMENT #3: Nesting Birds

*Issue: The IS/MND states that the Project has the potential to disturb nesting habitat for birds and raptors and would result in the permanent loss of suitable nesting habitat including the removal of 42 trees, including 25 protected trees. However, the IS/MND does not adequately mitigate potential impacts to nesting birds protected under the MBTA and/or Fish and Game Code because it does not identify suitable nesting seasons or buffers for active nests within or near the Project area. California least tern, Cooper's hawk (*Accipiter cooperii*), golden eagle, least Bell's vireo (*Vireo bellii pusillus*), northern harrier (*Circus hudsonius*), and white-tailed kite occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDDB 2024).*

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #6: Avoidance

CDFW encourages Project implementation outside of the bird nesting season, which extends from early January through early September (typically February 15 to August 30 for small bird species

⁴ Obtaining an incidental take permit is not necessary for CEQA compliance.

such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors).

Recommended Mitigation Measure #7: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (early January through early September), CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct two surveys for active nests. No more than fourteen (14) days prior to the start of ground or vegetation disturbance a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. A final survey shall be conducted forty-eight (48) hours prior to Project activities to maximize the probability that nests that could potentially be impacted are detected. Appropriate minimum survey buffer surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Recommended Mitigation Measure #8: Buffer Zones

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

Recommended Mitigation Measure #9: Reporting

Prior to any tree removal and Project activities, the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to CDFW.

Response A.5: As a VHP-covered project, the project would comply with VHP Condition 1, which requires that the project avoid direct impacts on legally protected plant and wildlife species. All native bird species that occur on the project site are protected under the Migratory Bird Treaty Act and/or California Fish and Game Code (which are described on pages 53 to 54 of the draft Initial Study/MND and final Initial Study/MND), and the project would comply with these laws.

As noted in the discussion under Section 4.4.2, checklist question d) on pages 74 to 76 of the draft Initial Study/MND (or pages 76 to 77 of the final Initial Study/MND) and in Appendix C of the Initial Study/MND, construction disturbance and project tree removal during the avian breeding season (February 1 through August 31 inclusive, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. However, such impacts would be avoided via implementation of the City of Gilroy's standard condition of approval related to nesting birds described on page 75 and 76 of the draft Initial Study/MND (or pages 77 and 78 of the final Initial Study/MND). Contrary to the text in Comment A.5, the condition of approval does identify the nesting bird season (including avoidance of

construction during that time), standard buffers for active nests, and the process by which the actual buffer for any individual nest would be determined. Text has been added to page 76 of the draft Initial Study/MND (or page 78 of the final Initial Study/MND) to clarify that a report summarizing the results of the preconstruction surveys and any necessary buffers would be submitted to the City and a copy provided to CDFW, as requested in the above comment (refer to Section 3.0 Draft Initial Study/MND Text Revisions). Compliance with the standard condition of approval would avoid significant impacts to nesting birds, and no further mitigation is required. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.6: *COMMENT #4: Burrowing Owl (Section III., Pages 2-3)*

*Issue: Burrowing owl (*Athene cunicularia*) is designated by CDFW as a State Species of Special Concern (SSC) due to population decline and breeding range retraction. The species has also experienced a severe population decline in the County. Because the species is on the decline in the County, CDFW recommends utilizing the CDFW Staff Report on Burrowing Owl Mitigation for burrowing owl surveys and monitoring.*

The IS/MND states that burrowing owl could potentially forage and roost in the Project area. Additionally, burrowing owl, occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDDB 2024). The Project includes construction activities such as buildings, parking areas, and streets that may occur within ruderal grass and herbaceous vegetation that may be potential burrowing owl habitat. Direct mortality could occur through crushing of adults or young within burrows, loss of nesting burrows, loss of nesting habitat, loss of foraging habitat resulting in reduced nesting success (loss or reduced health or vigor of eggs or young), nest abandonment, and reduced frequency or duration of care for young resulting in reduced health or vigor of young. All burrowing owl survey methods, buffer distances, and mitigation should follow the CDFW Staff Report on Burrowing Owl Mitigation, dated March 7, 2012, and available at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #10: Preconstruction Surveys for Burrowing Owl

An initial take avoidance survey should be completed no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the CDFW Staff Report on Burrowing Owl Mitigation. Implementation of avoidance and minimization measures would be triggered by positive owl presence on the site where project activities will occur. The development of avoidance and minimization approaches would be informed by monitoring the burrowing owl. Burrowing owl may re- colonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance (CDFW 2012).

Conduct surveys in all portions of the Project area by walking straight-line transects spaced approximately 23 feet (ft, 7 meters [m]) to approximately 66 ft (20 m) apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 328 ft (100 m), scan the entire visible project area for burrowing owl using binoculars. During walking surveys, record all potential burrows used by burrowing owl as determined by the presence of one or more burrowing owl, pellets, prey remains, whitewash, or decoration. Some burrowing owl may be detected by their calls, so observers should also listen for burrowing owl while conducting the survey.

Poor weather may affect the surveyor's ability to detect burrowing owl, therefore, avoid conducting surveys when wind speed is approximately greater than 12 m/hr (20 kilometers per hour [km/hr]), and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are greater than 68° F (20° C),

Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities (Conway et al. 2008).

Recommended Mitigation Measure #11: Implement Buffer Zones for Burrowing Owl

If burrowing owl are detected during the preconstruction survey, a buffer should be selected based on the time of year and level of disturbance for the burrowing owl (CDFW 2012). If the burrowing owl show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	656 ft (200 m)	1640 ft (500 m)	1640 ft (500 m)
Nesting sites	Aug 16-Oct 15	656 ft (200 m)	656 ft (200 m)	1640 ft (500 m)
Nesting sites	Oct 16-Mar 31	164 ft (50 m)	328 ft (100 m)	1640 ft (500 m)

Recommended Mitigation Measure #12: Monitor Owls during Construction

Burrowing owl may attempt to colonize or re-colonize an area that will be impacted; thus, the current scientific literature indicates a need for ongoing surveillance at the Project site during Project activities is recommended. The surveillance frequency/effort should be sufficient to detect burrowing owl if they return. Subsequent to their new occupancy or return to the site, take avoidance measures should assure with a high degree of certainty that take of owls will not occur (CDFW 2012).

Response A.6: The burrowing owl is a VHP-covered species, and compliance with VHP avoidance and minimization measures, conditions, and payment of VHP fees would reduce potential impacts on the burrowing owl to less than significant levels.

Mitigation Measure BIO-1 on pages 66 to 68 of the draft Initial Study/MND (or pages 68 to 70 of the final Initial Study/MND) takes a conservative approach (given the low potential for burrowing owls to occur on the project site) by requiring implementation of the VHP's preconstruction surveys, buffers, and monitoring for this species for the project. The text of Mitigation Measure BIO-1 reflects the VHP conditions for the species. Therefore, no additional mitigation measures are required under CEQA. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.7: *COMMENT #5: San Francisco Dusky-footed Woodrat*

Issue: The IS/MND states that the San Francisco dusky-footed woodrat (SSC, Neotoma fuscipes annectens) was detected in riparian habitats on the Project site, and at least 10 occupied nests were observed during reconnaissance surveys. San Francisco dusky-footed woodrat houses on the ground and in trees that could be destroyed by Project activities, leading to direct and indirect mortality of San Francisco dusky-footed woodrat. If a woodrat nest is found and cannot be avoided the biologist will prepare a relocation plan for CDFW approval.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #13: Surveys and Reporting

The IS/MND should include preconstruction survey measure(s) for San Francisco dusky-footed woodrat nests. Surveys will be conducted within the Project footprint and a 50-foot buffer of the Project. Surveys should be conducted by a qualified biologist at least two weeks prior to the start of any ground-disturbing activities. In the event a San Francisco dusky-footed woodrat nest is found in the proposed Project area, the developer/Project proponent shall submit results of surveys to CDFW. Surveys results shall include locations of any detected nests, sighted individuals or carcasses on a base map or maps. Maps shall include aerial imagery of the work site, predicted disturbed areas and protective buffer distances. The map or maps shall use an appropriate scale to depict an individual nest site.

Recommended Mitigation Measure #14: Nest Relocation

CDFW recommends a phased removal San Francisco dusky-footed woodrat nests where disturbance to nests is unavoidable. A qualified biologists should monitor and direct all activities associated with the removal of San Francisco dusky-footed woodrat nests. Only as necessary and to the minimal extant possible, Project site vegetation should be removed to provide access to the San Francisco dusky-footed woodrat nest(s). Vegetation should be removed to access San Francisco dusky-footed wood rat nests using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house such as dense poison oak or scrub, contractors with hand-tools should remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools should be used as little as possible to reduce disturbance to occupied San Francisco dusky-footed woodrat structures.

Over a two-week period and prior to any construction activities, San Francisco dusky- footed woodrat nest(s) should slowly and progressively be dismantled to allow individuals of an occupied

nest(s) to allow for gradual movement away from the exposed section of the nest. The dismantling of the nest should occur during daylight hours and mostly in the early morning (between 0700 and 1000 hours) to reduce the likelihood of a predation event and minimize sunlight exposure. To enhance adjacent habitat, a portion of the woody vegetation that was removed from the Project site should be placed in adjacent habitat to provide cover for dispersing San Francisco dusky-footed wood rats. San Francisco dusky-footed woodrat nest material and other woody vegetation should be relocated at least 200 ft from the Project site to ensure that the area is not re-colonized and potentially impacted by the construction activities. Where feasible, nest material, food caches and woody debris should be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individual(s). Noting that food from the dismantled nest should be placed under the created cover.

If a San Francisco dusky-footed woodrat young is located, the removal of vegetation and/or dismantling of nest should immediately be suspended for a period of two to four weeks in order for the young's eyesight to develop and become mobile. Noting that the removed material should be placed back on to the nest to re-cover the exposed litter and young. After two-to-four-week period, based on the development of the young, and in agreement with CDFW, the above phased-removal procedure of the San Francisco dusky-footed wood rat nest may resume. Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the Project area should be conducted to ensure that no new San Francisco dusky-footed woodrat nests have been constructed.

Response A.7: As noted in Comment A.7, the Initial Study/MND (and Appendix C of the Initial Study/MND) note that the San Francisco dusky-footed woodrat was detected in riparian habitats on-site, and at least 10 occupied nests were observed during reconnaissance surveys.

Text has been added to page 65 of the draft Initial Study/MND (or pages 67 and 68 of the final Initial Study/MND), as well as the Biological Resources Report included in Appendix C of the Initial Study/MND, to clarify that the impacts to the San Francisco dusky-footed woodrat would be less than significant because a) no nests were observed in or within 50 feet of the portions of the site that would be disturbed by construction activities, b) disruption of foraging individuals by construction activities on-site is expected to be minimal, as the species is nocturnal, c) the direct impacts to suitable woodrat nesting habitat that could occur during construction activities are focused outside of the currently occupied habitats in small, isolated woodland patches that do not provide high-quality habitat for the species, and d) suitable habitat for this species is abundant, both regionally and in the nearby open habitats of the Santa Cruz Mountains to the west of the project site. For these reasons, project impacts will not rise to the CEQA standard of having a substantial adverse effect on regional populations of the species. Therefore, the impact is less than significant and no mitigation measures (including the ones suggested in the above comment) are necessary under CEQA (refer to Section 3.0 Draft Initial Study/MND

Text Revisions). None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.8: COMMENT #6: Bats

*Issue: The Project includes the removal of 42 trees, including 25 protected trees. Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, BIOS 2024). To determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of trees, the IS/MND should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.*

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #15: Bat Habitat Monitoring

CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct a survey from March 1 to April 1 or August 31 to October 15 prior to construction activities. The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, parking garages, siding or roofs of buildings, and hollow areas (bats need not be present). The surveys should occur at least two seasons in advance of Project initiation. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.

Recommended Mitigation Measure #16: Avoidance

If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until a qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

Recommended Mitigation Measure #17: Reporting

Prior to Project activities, the qualified biologist shall submit a report to CDFW that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered.

Response A.8: As discussed in Section 4.4 Biological Resources (specifically on page 60 of the draft Initial Study/MND or page 61 of the final Initial Study/MND, suitable roosting habitat for the pallid bat and Townsend's big-eared bat was determined to be absent from the project site. Therefore, these species are not expected to breed on-site. While the pallid bat may forage on the project site, it is expected to be affected very little, if at all, by the project because individuals of these species would move away from any construction areas or equipment before they could be injured or killed.

The Townsend's big-eared bat was determined to be absent from the project site due to a lack of suitable habitat and/or the site's isolation from established population (see page 60 of the draft Initial Study/MND or page 61 of the final Initial Study/MND); therefore, the species is not expected to be impacted by the project. The Western mastiff bat was not addressed in the Initial Study/MND or Appendix C of the Initial Study/MND because the search of the CNDDDB yielded no records of the species, even historically, in Santa Clara County. Therefore, this species would not be impacted by the project.

Because the project would result in less than significant impacts to the aforementioned bats, as documented in the Initial Study/MND (including Appendix C) and summarized above, the mitigation measures recommended in Comment A.8 are not necessary. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.9: *Would the Project interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?*

COMMENT #7: Wildlife Corridors and Habitat Connectivity

*Issue: The Project is located at the eastern edge of core and patch habitat for movement of species across the Santa Cruz Mountain Range. Implementation of the proposed Project could prevent, decline, or otherwise alter use of existing wildlife movement corridors for American badger (*Taxidea taxus*), burrowing owl, California quail (*Callipepla californica*), loggerhead shrike (*Lanius ludovicianus*), and white-tailed kite. The IS/MND lists mitigation measures to protect habitat and species within the riparian area. However, the IS/MND does not include protections for species occurrences within the California annual grassland habitat. The California annual grassland habitat within the Project area overlaps with modeled core and patch habitat for the species listed above (BIOS 2024).*

The proposed Project includes components such as construction of buildings, parking areas, streets in the California annual grassland habitat and the potential removal of riparian vegetation in the mixed riparian woodland and forest. The Project could result in direct mortality, reduced reproductive success, reduced frequency of care for young resulting in reduced health or vigor of young, forcing wildlife into movement paths and areas that could increase their vulnerability to vehicle strikes and predation, and reduction in genetic exchange affecting intra-species diversity. Isolation of subpopulations limits the genetic exchange of populations and increases the risk of local extirpation. Maintaining connectivity through these linkages is critical to ensure current and future wildlife populations' abilities to move and adapt to a changing climate and habitat conditions.

Recommended Mitigation Measure #18: Analysis and Monitoring of Habitat Connectivity

CDFW recommends that on-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement,

including direct or indirect Project-related activities, should be identified, and addressed in the IS/MND. CDFW recommends the Project avoid developing and encroaching onto wildlife corridors, essential connectivity blocks, critical wildlife passage areas, or potential linkage areas.

Recommended Mitigation Measure #19: Monitoring and Compensatory Mitigation

Where not feasible, CDFW recommends mitigation for wildlife movement impacts, including, but not limited to a 1) wildlife movement study of existing use of wildlife corridors within the Project area before and after construction, 2) on-site or off-site compensatory mitigation, such as the development or enhancement of a local wildlife movement corridor.

Response A.9: Section 4.4.2, checklist question d) on pages 74 to 76 of the draft Initial Study/MND (or pages 76 to 78 in the final Initial Study/MND) and in Appendix C of the Initial Study/MND include a discussion of the project's impact on wildlife movement. The project site is located along the eastern urban margin of the City of Gilroy, between a major arterial (Santa Teresa Boulevard) to the north and a local thoroughfare (Miller Avenue) to the west and south, along with existing residential uses to the north and southeast and a church to the southeast. The open habitats of the Santa Cruz Mountains are immediately to the west, and provide extensive natural habitats that support long-range, north-south movements by more mobile terrestrial animals such as black-tailed deer, bobcats, coyotes, badgers, and mountain lions. Animals that move along this north-south pathway may occasionally move briefly eastward and onto the project site, but the surrounding urban uses, as well as U.S. 101 and agricultural development to the east presents a nearly impassable barrier to long-range, eastward movements by these mobile terrestrial animals that may move through the project site. Because the site is located along the urban margin of Gilroy (i.e., the eastern boundary of a large, existing barrier to east-west movement), development of the site along this boundary will not further curtail eastward movement. Similarly, because long-range, north-south movement is already curtailed through the site due to existing residential development to the north and south, development of the site will not further curtail this movement. Animals that currently make long-distance, north-south movements along the Santa Cruz Mountains to the west of the site will continue to be able to do so in the same manner after project completion.

For animals making shorter-range movements through the project site, there is some potential to move along the riparian habitats of Babbs Creek and Uvas Creek, passing beneath U.S. 101 and into adjacent agricultural lands via the Uvas Creek bridge, approximately 1.5 miles to the southeast. However, residential and agricultural development constrain the width of these riparian habitats, and the paucity of vegetative cover along portions of the riparian corridors likely reduces the use of this dispersal route by most animals.

Most larger animals that stray into the suburban matrix near the project site during dispersal events are not likely to remain there for long, as many of these species,

such as bobcats, coyotes, and mountain lions, are averse to interaction with humans. In contrast, wildlife residing on or near the project site are accustomed to human disturbance, and many of these species will navigate readily through the matrix of suburban, agricultural, and rural-residential landscapes. Thus, while small-scale, local movement of wildlife may occur throughout the project site, animals are not expected to use the project site during regionally important, landscape-level dispersal.

Because there are currently no important wildlife movement pathways through the project site, impacts on wildlife movement as a result of the proposed project would be less than significant, as summarized above and documented in the Initial Study/MND (including Appendix C). For this reason, the recommended mitigation measures included in Comment A.9 are not necessary under CEQA.

Comment A.9 also suggests that the project has the potential to prevent, decline, or otherwise alter the use of existing wildlife movement corridors for bird species, including the burrowing owl, California quail, loggerhead shrike, and white-tailed kite.

Impacts to California quail, a common and regionally abundant species, would not be significant under CEQA, as mobile individuals could move away from project activities and the loss of a small amount of suitable habitat on the project site would not have a substantial adverse effect on regional populations of this species. The burrowing owl is a VHP-covered species, and impacts to this species would be less than significant, as discussed on pages 66 to 68 of the draft Initial Study/MND (or pages 68 to 70 of the final Initial Study/MND) and explained in Comment A.6 above. Impacts to the loggerhead shrike and white-tailed kite are discussed on page 65 of the draft Initial Study/MND (or pages 66 to 67 of the final Initial Study/MND), and were determined to be less than significant because the number of nesting pairs of each species that could be disturbed is very small (i.e., one to two pairs), therefore, the number of potentially impacted individuals as a result of this project would represent a very small fraction of the regional population of these species.

Furthermore, because these species can fly, they would be able to move through the project site and vicinity in a similar manner before and after project construction, and construction of the project would not substantially curtail their movement along any current movement pathway. Therefore, the mitigation measures for impacts to wildlife movement recommended in Comment A.9 are not necessary to reduce impacts to less than significant levels.

None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.10: *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS*

COMMENT #8: *Riparian Setbacks (Section III., Pages 3-4)*

Issue: The Project has the potential to encroach into riparian vegetation (i.e., “riparian zone”) from development. Encroachment into the riparian zone or removal of riparian vegetation, including grass and shrubs, can cause loss of habitat, destabilization of stream morphology, alteration of hydrology, degraded water quality, and reductions in many types of fish and wildlife. (Davis et al. 1996).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than- significant:

Recommended Mitigation Measure #20: Compensatory Mitigation and Reporting

CDFW recommends relocating the proposed sidewalk within the riparian area to outside of the riparian zone to reduce loss of riparian habitat. Where not feasible, CDFW recommends revising Mitigation Measure BIO-2 to include the following:

Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within the 35-foot riparian setback zone or other sensitive natural community, such as from sidewalks, should be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted.

Appropriate compensatory mitigation should be through preservation and protection in perpetuity of equal or higher quality habitat, or through creation, enhancement, and/or restoration. Replanted or restored mitigation sites should be monitored for a 10-year period. A mitigation and monitoring plan should be developed and include success criteria to be met at the end of the monitoring period. If success criteria are not met, the mitigation plan should include adaptive management actions along with additional years of monitoring as well as additional mitigation for the temporal loss.

All restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management.

Restoration should occur on-site to the extent feasible. If off-site restoration is necessary, it should be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration should occur in the same year as the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak (Quercus sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH);*
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH;*

- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks;

Non-oak trees:

- 1:1 replacement of non-native trees with native trees.

Response A.10: The project would impact approximately 0.07 acre of mixed riparian forest and woodland for construction of a sidewalk, which is a covered activity under the VHP, as discussed further under Response C.3 below. No other direct impacts to riparian habitat would occur. Mitigation Measure MM BIO-2 requires preparation of a mitigation plan that includes appropriate enhancement requirements and three years of monitoring to ensure mitigation success, and ensure that enhancement has survived at the required ratio. Because the project is a covered project that would comply with all applicable VHP avoidance and minimization measures and conditions, and would pay impact fees for covered activities that impact riparian vegetation, impacts to riparian habitats would be less than significant and the recommended mitigation measures in the above comment would not be necessary under CEQA. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment A.11: ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist City in identifying and mitigating Project impacts on biological resources.

Refer to Appendix A of this document for a copy of this comment letter which includes additional references and attachments that did not necessitate a response in this section.

Response A.11: Upon approval of the project and filing of the Notice of Determination with the Office of the County Clerk-Recorder, the project would pay any required environmental document filing fees. In addition, the presence of any special status wildlife (northwestern pond turtle, San Francisco dusky-footed woodrat) and natural communities on-site will be reported to the CNDDDB. The CNDDDB field survey forms will be completed by the project biologist and submitted to the CNDDDB prior to project approval, as requested in the above comment. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

B. California Department of Transportation (dated August 30, 2024)

Comment B.1: *Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Ren Fu Villa Residential Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 MND.*

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project consists of subdividing the parcel to create 54 lots as well as a club house and new street infrastructure. The project site is about two miles away by road of United States Route 101 (US-101).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent - with the Office of Planning and Research's (OPR) Technical Advisory. Per the MND, this project is found to have significant VMT impact. Please consider measures to mitigate the project's impact to Vehicle Miles listed in the section below.

Response B.1: [This section introduces the comments below, which are subsequently responded to below.](#)

Comment B.2: *Mitigation Strategies*

Caltrans Smart Mobility Framework Guide defines a place type based on four physical elements: built form, land use, mobility options, and people. Using the Smart Mobility Framework Mapping Application 2022 ([link](#)), the proposed project area is identified as a suburban community that

typically consists of primarily lower density residential areas with a high proportion of detached housing. Some retail and services uses are interspersed in the area, but there is little mixing of housing with commercial uses. Street network often have poor pedestrian and bicycle connectivity. There are low levels of transit service, large amounts of surface parking, and inconsistent pedestrian networks.

We encourage the project applicant to develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area.

Response B.2: The project would implement mitigation measure MM TRN-1, which is described on pages 194 to 195 of the draft Initial Study/MND (or pages 197 to 198 of the final Initial Study/MND) and requires the project to reduce project-generated vehicle miles traveled (VMT) to the extent feasible through implementation of TDM strategies for the development. The Transportation Demand Management (TDM) strategies for the project would in turn, also reduce the project's greenhouse gas emissions. The comment does not raise any issues about the adequacy of the Initial Study/MND. The City of Gilroy is also in the process of developing Transportation Demand Management (TDM) guidelines for the entire City that would apply to future development in the City.

Comment B.3: *TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.*

Response B.3: As described in mitigation measure MM TRN-1 on pages 194 to 195 of the draft Initial Study/MND (or pages 197 to 198 of the final Initial Study/MND), implementation of mitigation measure MM TRN-1 would require the preparation of a report summarizing the feasible TDM strategies identified for the project and the plan outlining implementation steps that would occur once the development is occupied with residents. This report shall be provided to the City for review and approval prior to issuance of building permits. Text has been added to MM TRN-1 (page 195 of the draft Initial Study/MND or page 198 in the final Initial Study/MND) requiring submittal of proof of implementation to the City within one year of the issuance of the occupancy permit for the last residence in the final phase of development (refer to Section 3.0 Draft Initial Study/MND Text Revisions). As explained on pages 194 to 195 of the draft Initial Study/MND (or pages 197 to 198 in the final Initial Study/MND), it is not feasible to reduce the project's significant VMT impact given the project site's location, limited transit options in the vicinity, and proposed use. This significant and unavoidable impact is not a new impact and was previously disclosed in the City's General Plan EIR. The City has already adopted overriding considerations for this impact when adopting the General Plan.

Comment B.4: Please also consider the measures listed below are quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Provide Electric Vehicle Charging Infrastructure
- Provide Secure Bike Parking
- Provide Pedestrian Network Improvement
- Construct or Improve Bike Facility
- Dedicate Land for Bike Trails

Response B.4: The qualified transportation consultant that would be retained by the applicant to develop and implement TDM strategies for the project would review all TDM measures that could be feasible for the project, including those listed in mitigation measure MM TRN-1 on pages 194 to 195 of the draft Initial Study/MND (or pages 197 to 198 of the final Initial Study/MND) and those mentioned in Comment B.4. The comment does not raise any issues about the adequacy of the Initial Study/MND. The City of Gilroy will also include appropriate TDM strategies from the CAPCOA when developing the TDM guidelines for the entire City, as noted in Response B.2.

Regional and Local Agencies

C. Santa Clara Valley Water District (dated September 3, 2024)

Comment C.1: *The Santa Clara Valley Water District (Valley Water) has reviewed the initial study for the proposed Ren Fu Villa Residential project (Project), in Gilroy. Upon review of the Initial Study, Valley Water staff has the following comments:*

1. *3.2.4 Utility and Right-of-Way Improvements: On page 11 of the Initial Study, it is noted that “a new sanitary sewer line would be constructed between each of the three groups of residences on-site to connect the sanitary sewer lines in the new streets.” Based on Figure 3.2-1, it is assumed the proposed sewer lines will be contained within the 10-ft. wide private sanitary sewer easement; one of the sanitary sewer easements appear to cross Babbs Canyon Creek. Please note that any proposed utilities crossing Babbs Canyon Creek will be subject to approval from the California Department of Fish and Wildlife and require the issuance of a Lake and Streambed Alteration Agreement.*

Response C.1: The above comment’s assumption that the new sanitary sewer lines would be constructed within the various 10-foot wide private sanitary sewer easements on-site is correct. No improvements, including the proposed utility improvements, would cross Babbs Creek. Instead, the utility improvements would be installed using horizontal boring methods that would avoid disturbing surface

conditions. The project sponsor would coordinate with applicable regulatory agencies to obtain all necessary permits, including a Lake and Streambed Alteration Agreement, if required by the California Department of Fish and Wildlife.

Comment C.2: *4.4.2.b. Mitigation Measures – Riparian Setback: Page 72 of the report asserts “The only project component allowed in a riparian setback area would be the proposed sidewalks, which are exempt from the setback requirements.” This is contrary to the Valley Habitat Plan (VHP), which includes transportation facilities (e.g., sidewalks, bike paths, paved and unpaved roads) that are immediately adjacent to creeks as a covered activity under “in-stream capital projects (VHP, Chapter 2.3.3).” According to the VHP, sidewalks are also subject to the minimum riparian setback requirements.*

Response C.2: The City agrees with the commenter that sidewalks which are immediately adjacent to creeks are a Valley Habitat Plan (VHP)-covered activity under “in-stream capital projects.” However, the proposed sidewalks on the project site are not subject to riparian setback requirements. Per VHP Section 2.2.2, *Urban Development*, the “construction, maintenance, and use of...transportation facilities including sidewalks, bike paths, paved and unpaved roads, bridges, culverts, and transit facilities” are covered activities under the VHP (VHP pages 2 through 40). Per the following section, Section 2.2.3, *In-Stream Capital Projects*, of the VHP, all covered urban development activities described in Section 2.2.2 of the VHP that overlap with streams are considered in-stream capital projects. Road crossings of streams cannot observe setbacks – the purpose of such activities is to cross the stream – and the VHP accepts that roads and associated infrastructure (e.g., sidewalks alongside those roads) have to cross streams and cannot be set back from the riparian area. Therefore, the proposed sidewalks, where they overlap with streams (defined by the VHP as the bed, banks, and adjacent/surrounding riparian habitat) on the project site, are covered in-stream capital projects. Condition 11 (which defines minimum riparian setback requirements), states that project proponents are not required to comply with Condition 11 for “covered activities that require work within or adjacent to streams” (VHP pages 6 through 53, exemption number 4.). Because the proposed sidewalks on the project site are a covered in-stream capital project that requires work within or adjacent to streams, these sidewalks are exempt from Condition 11 and stream setback requirements. In other words, features such as roads, bridges, and sidewalks that must cross streams cannot be (nor are they required to be) set back from those streams.

Text has been added to the project’s Biological Resources Report included in Appendix C of the Initial Study/MND to clarify the above. Text has also been added to page 54 of the draft Initial Study/MND and final Initial Study/MND to summarize Condition 4 and clarify that Condition 11 has an applicable exemption for covered activities which require work within or adjacent to streams (refer to Section 3.0 Draft Initial Study/MND Text Revisions). None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.3: *4.10.1.1. Regulatory Framework: a) As noted in Comment 1, Figure 3.2-1 shows a 10-wide private sanitary sewer easement which appears to cross Babbs Canyon Creek. All utilities crossing any stream will require a Lake and Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife (CDFW). The LSAA needs to be acknowledged as part of the Regulatory Framework.*

Response C.3: Section 4.4.1.1 of the Initial Study/MND outlines the Regulatory Framework that is applicable to the proposed project and includes a discussion of a Streambed Alteration Agreement. Specifically, page 54 of the draft Initial Study/MND and final Initial Study/MND includes the following text: “Fish and Game Code Section 1602: Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.” Therefore, the need for a (Lake and) Streambed Alteration Agreement should any work occur within the bed or banks of Babbs Creek or the adjacent riparian habitat is included in the Regulatory Framework of the Initial Study/MND. In addition, the project will include a Condition of Approval requiring that a Lake and Streambed Alteration Agreement be obtained should any work occur within the bed or banks of Babbs Creek or the adjacent riparian habitat. Refer to Response C.1 above for a response regarding utility crossings Babbs Creek.

Comment C.4: *Figure 3.2-1 shows proposed development, which according to Figure 4.4-1 (Land Cover Map), may overlap seasonal wetland areas. As such, a Section 404 permit from the Army Corps of Engineers may be required for the proposed project and needs to be acknowledged as part of the Regulatory Framework.*

Response C.4: Section 4.4.1.1 of the Initial Study/MND outlines the Regulatory Framework that is applicable to the proposed project and acknowledges Section 404 regulation. Specifically, pages 53 to 54 of the draft Initial Study/MND and final Initial Study/MND includes the following text: “Sensitive Habitat Regulations: Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.” Therefore, the project will include a Condition of Approval requiring a Section 404 Permit should any work occur within seasonal wetland areas. A discussion is also included in the Regulatory Framework of the Initial Study/MND.

Comment C.5: *As a member of the Water Resources Protection Collaborative, the City of Gilroy (City) has adopted the Guidelines and Standards for Land Use Near Streams (Guidelines and*

Standards). This document needs to be acknowledged as part of the Regulatory Framework as all development within the City needs to adhere to the Guidelines and Standards.

Response C.5: Text has been added to page 55 of the draft Initial Study/MND and final Initial Study/MND to include a description of the Guidelines and Standards for Land Use Near Streams prepared by the Water Resources Protection Collaborative and page 76 of the draft Initial Study/MND (or page 78 of the final Initial Study/MND) to include discussion of the project's consistency with these requirements (refer to Section 3.0 Draft Initial Study/MND Text Revisions).

Comment C.6: *4.10.1.2 Existing Condition, Flooding: The section titled 'Flooding', incorrectly states that FEMA's 'Flood Zone D' denotes areas with flood risks due to a levee. It should be noted that 'Zone D' areas are designated as 'areas with unknown flood risks.'*

Response C.6: References to Flood Zone D in the Initial Study/MND (specifically in Section 4.10 Hydrology and Water Quality and Section 4.20 Wildfire) have been revised to clarify that Zone D denotes areas where flood risks are unknown (refer to Section 3.0 Draft Initial Study/MND Text Revisions).

Comment C.7: *Section 4.10.2 Impact Discussion, Impact d: On page 141, the IS/MND references the City's 2040 General Plan EIR and asserts the project will have the 'Same Impact as Disclosed in the General Plan EIR,' and asserts "compliance with applicable SWRCB and CCRWQCB requirements during construction and post construction, in addition to City Code requirements would mitigate potential impacts that could lead to flooding on- or off-site to a less than significant level." It should be noted these requirements are specific to stormwater quality and treatment of runoff but do not address flooding.*

Response C.7: Section 4.10.1.1 on pages 131 to 135 of the draft Initial Study/MND (or pages 133 to 137 of the final Initial Study/MND) includes a description of applicable regulations, including the State Water Resources Control Board (SWRCB) and Central Coast Regional Water Quality Control Board (CCRWQCB) requirements referenced in the above comment and the description acknowledges they are beneficial for stormwater quality and treatment of runoff. Page 135 of the draft Initial Study/MND (or page 137 of the final Initial Study/MND) references the City's Floodplain Management Ordinance (Chapter 27E).

The project is consistent with the development assumptions in the General Plan and General Plan EIR and, therefore, the Initial Study/MND for the project tiers from the City's General Plan EIR. The impact discussion for the project on page 141 of the draft Initial Study/MND (or pages 143 to 144 of the final Initial Study/MND) referenced in the above comment documents how the project is consistent with the assumptions, analysis, and conclusion in the certified General Plan EIR, which stated that, "Future development within the Urban Growth Boundary would be required to

demonstrate compliance during construction and post-construction with applicable Central Coast water board requirements, applicable Valley Water channel improvement requirements, and municipal code requirements that mitigate increases in impervious surfaces that could lead to flooding or exceed the capacity of storm water facilities. Therefore, compliance with these policies and related regulations would ensure potentially significant flood impacts from development are less than significant.”

As noted on page 143 of the draft Initial Study/MND (or pages 146 to 147 of the final Initial Study/MND), the project site is not located within a 100-year flood zone or considered a special hazard flood zone. However, the General Plan EIR concluded that implementation of General Plan goals and policies and compliance with the City Code, Floodplain Management Ordinance, and RWQCB storm water infiltration requirements would reduce flood risk to a less than significant level.

In addition, as discussed under checklist question e) on pages 141 to 142 of the draft Initial Study/MND (or pages 144 to 145 of the final Initial Study/MND), the project would comply with requirements (including General Plan Policies NCR 4.8 which requires runoff reduction measures, best management practices and low impact development, General Plan Policy PFS 5.3 which requires compliance with City stormwater requirements to decrease runoff volume, and the City’s Storm Water Master Plan and Stormwater Management Guidance Manual to ensure stormwater runoff from the site does not cause substantial off-site flooding. Also refer to Response C.8 below.

Comment C.8: *The IS/MND needs to provide an analysis that is specific to the project and provide an analysis comparing runoff under pre- and post-project conditions. Uvas-Carnadero Creek, which is farther downstream of the development site is prone to flooding during events as frequent as the 5-year event. Therefore, the Project needs to mitigate for increased runoff and ensure runoff under post-project conditions do not exceed preproject conditions - both in terms of volume and rate - for a range of events including the 2-, 10-, 25-, and 100-year, 24-hour storm events.*

Response C.8: As discussed in Response C.7 above, the project would comply with the design requirements in the Stormwater Management Guidance Manual utilized by the City of Gilroy, City of Morgan Hill and County of Santa Clara. Based on the size of the project and the location of the site, the project would be required to meet Tier 4 post-construction requirements by designing any infiltration devices to retain the 95th percentile 24-hour rainfall event, prevent off-site discharge from events up to the 95th percentile rainfall event, and control post-project peak flows to not exceed pre-project peak flows for the 2- through 10-year storm events. In addition, the project has submitted a preliminary Stormwater Control Plan which illustrates the ability of the proposed infiltration devices to sufficiently reduce the post-construction runoff rates for the 2- through 100-year storm events. During the

Architectural and Site Review process, the finalized design of the project would be reviewed by the City to confirm that the proposed infiltration devices comply with all necessary regulations and requirements to reduce the risk of on- and off-site flooding. This clarifying text has been added to page 142 of the draft Initial Study/MND (or page 145 of the final Initial Study/MND) (refer to Section 3.0 Draft Initial Study/MND Text Revisions). None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.9: *Section 4.10.2 Impact Discussion, Impact e: On page 142 of the Initial Study, it is noted that the Project would not connect to any of the City's existing stormwater infrastructure for low storm events and for high storm events, stormwater runoff would connect to Babbs Canyon Creek. Please specify the recurrence interval or design storm for which the bioretention basins will be designed to handle. As noted in Comment 5, Uvas-Carnadero Creek is prone to flooding, and increased runoff from the site may exacerbate flooding, both in terms of depth and lateral extent, farther downstream of the Project.*

Response C.9: The bioretention basins/ponds on-site would be designed with a drain rock section to adequately store and allow for on-site infiltration for 95th percentile storm events. Stormwater runoff from larger storm events would be detained in the above ground portion of the bioretention basins/ponds and released at the pre-development rate for 2-, 5-, 10-, and 100-year storm events through an outlet structure. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.10: *4.10.1.2. Existing Conditions, Groundwater: Valley Water records indicate the site contains 1 active well. If the well is to remain in place under post-development conditions, it must be protected so that it does not become lost or damaged during construction and/or postdevelopment conditions.*

Response C.10: Text has been added to Section 4.10.1 under the Water Resources Protection Ordinance and District Well Ordinance (page 132 of the draft Initial Study/MND or page 134 of the final Initial Study/MND) to clarify Valley Water's policies regarding protections for registered wells (refer to Section 3.0 Draft Initial Study/MND Text Revisions). Text has been added to Section 4.10.1.2 Existing Conditions (page 136 of the draft Initial Study/MND or page 138 of the final Initial Study/MND) to clarify there is an existing and operational well on-site that would be outside of the limits of disturbance (refer to Section 3.0 Draft Initial Study/MND Text Revisions). None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.11: *While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If unknown wells are found on the subject property during construction, they must be properly destroyed under permit from Valley*

Water or registered with Valley Water and protected from damage as specified under Valley Water's Wells Ordinance.

Response C.11: Text has been added under the Water Resources Protection Ordinance and District Well Ordinance description on page 132 of the draft Initial Study/MND (or page 134 of the final Initial Study/MND) to clarify that unknown wells discovered during construction must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.12: *Section 4.10.2 Impact Discussion, Impact b: a) The Project is within an area of the groundwater basin that supports natural groundwater recharge. Natural groundwater recharge is an important component of the County's water supply portfolio. The Project will increase the amount of impervious surface and the MND states that stormwater retention features will be included in the Project, although there are no details regarding these features. Stormwater retention basins and other LID features are generally geared to minimizing impacts to surface water quality. Valley Water encourages that the retention basins be located and designed to retained as much runoff on site to promote natural groundwater recharge while minimizing impacts to groundwater quality.*

Response C.12: As discussed in Section 4.10.2 of the Initial Study/MND, the project would include 20,564 square feet of bioretention areas in areas adjacent to the new impervious surface areas to collect and absorb (i.e., allow for infiltration of) runoff from the project site, which could result in some potential recharge of groundwater on-site. The design (including capacity) of the bioretention areas would be finalized prior to the project's Architectural and Site Review permit review. Following submittal, the plans will be routed to the City of Gilroy Public Works Department and Valley Water for review and comment on the overall project, including proposed bioretention areas. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.13: *In complying with all local and state stormwater regulations, all efforts should be made to protect groundwater quality and ensure that infiltration rates in the soil allow the bioretention areas to accommodate receiving runoff. We note that the proposed bioretention areas may not meet Valley Water guidelines for infiltration devices (Table 6 of the City's Stormwater Management Guidance Manual):*

Response C.13: See Response C.14 and C.15 below. The proposed infiltration devices would meet Valley Water guidelines and would be reviewed by the Regional Water Quality Control Board (RWQCB) prior to approval.

Comment C.14: *i. Infiltration devices, such as the proposed bioretention areas, must maintain a vertical separation from seasonally high groundwater of at least 10 feet. The generalized depth-to-*

first groundwater in the area is between 10-20 ft below ground surface (bgs) based on an interpolated surface of the shallowest groundwater ever measured as of 2019. However, an actively monitored nearby well (11S04E07F004), approximately 600 feet NNE of the site, shows that depth-to-first groundwater varied between 1.7 and 5.4 feet bgs during 2024 and as shallow as 0.8 ft bgs in 2023 (see <https://gis.valleywater.org/Wells.html> for groundwater elevation information).

Response C.14: As described in detail in Appendix D of the Initial Study and summarized on page 94 of the draft Initial Study/MND (or page 96 of the final Initial Study/MND), based on the test pits, trenches, and borings conducted on-site in October and November 2021 that reached depths up to 20 feet deep, groundwater was not encountered at depths of up to 20 feet. Therefore, it is estimated that groundwater is located at least 20 feet below ground surface for most of the site. However, the discussion on page 94 of the draft Initial Study/MND (or page 96 of the final Initial Study/MND) under the Groundwater heading acknowledges that the groundwater level on-site may vary depending on seasonal precipitation, irrigation practices, and other climate conditions. In addition, due to shallow bedrock under portions of the site, perched groundwater could temporarily be less than 20 feet below ground surface in some locations on-site after rain events.

To ensure bioretention areas maintain a vertical separation from seasonally high groundwater of at least 10 feet, the project would take the above site-specific information into consideration when siting and designing the infiltration devices for the project. In addition, as identified on pages 142 and 212 of the draft Initial Study/MND (or pages 144 to 145 and 215 of the final Initial Study/MND) and as discussed in Response C.7 and C.8 above, the project would comply with the design requirements in the Stormwater Management Guidance Manual utilized by the City of Gilroy, City of Morgan Hill and County of Santa Clara, including the requirement to maintain a vertical separation from seasonally high groundwater of at least 10 feet for all infiltration devices.

None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.15: *Regulatory agency approval is required if the infiltration device is within 1,500 feet of a known (closed or open) contamination site. There are two contamination sites within about 1,500 feet of the proposed development site: (i) the Babbs Creek Property (GeoTracker case: T10000006276) is a closed site located 500 feet due east of the proposed development site, and (ii) a Private Residence site (GeoTracker case: T0608500066) is a closed cleanup site located about 1,500 ft north-northeast of the proposed development site.*

Response C.15: GeoTracker case T0608500066 is located near the intersection of Riverview Circle and Village Place over 2,000 feet north of the project site; therefore, it is outside the 1,500-foot threshold and does not require regulatory agency approval.

Text has been added to the Initial Study/MND (specifically pages to 120, 125, and 134 of the draft Initial Study/MND or see pages 122, 127, and 136 of the final Initial Study/MND) to clarify regulatory agency approval is required for infiltration devices within 1,500 feet of an open or closed contamination site. Reference to GeoTracker case T10000006276 was added to Section 4.9.1.2 (page 123 of the draft Initial Study/MND or page 125 of the final Initial Study/MND) (refer to Section 3.0 Draft Initial Study/MND Text Revisions).

None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment C.16: *If any abandoned wells are identified on-site, they must be properly destroyed in coordination with Valley Water. Contact our Well Permitting and Inspections Hotline at: 408-630-2660 for more information or see <https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>.*

Response C.16: Text has been added to page 132 of the draft Initial Study/MND (or page 134 of the final Initial Study/MND) to clarify and acknowledge that any abandoned wells are required to be destroyed in coordination with Valley Water (refer to Section 3.0 Draft Initial Study/MND Text Revisions). As discussed in Response C.11, text was added to Section 4.10.1 of the Initial Study/MND to clarify Valley Water’s policies regarding permit requirements for destruction of existing wells and protections for registered wells. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Organizations and Businesses

D. Gilroy Bicycle Pedestrian Advisory Committee (dated August 26, 2024)

Comment D.1: *Thank you for the opportunity to respond to the Ren Fu Villa Residential Project Initial Study/Mitigated Negative Declaration (IS/MND). Comments below are based on the review of the IS/MND. Additional comments may be forthcoming pending final review. This project will have a direct impact in the City of Gilroy by achieving our goal to reduce air emissions from on-road motor vehicles and future developments. Improve air quality by encouraging our residents, commuters, employees to mode shift from vehicles to cycling, increase walking as alternatives to driving for short and first/last mile trips, and add new riders to the transit system.*

Response D.1: This section introduces the following comments which are responded to below.

Comment D.2: *This project should include a robust Transportation Demand Management (TDM) Program that leverages nearby transit, bike lanes, and walking routes to further reduce Vehicle*

Miles Traveled (VMT) and greenhouse gas (GHG) emissions. With its convenient location to transit, shopping, and bike/ped facilities there are few barriers to reducing VMT at this project through a managed program. With the recent adoption of our City's General Plan 2040, we as a community called for bold actions that include continuing to promote cleaner modes of transportation. We encourage existing and proposed development to incorporate Transportation Demand Management (TDM) measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes.

Response D.2: As discussed in Section 4.17.2 under checklist question b) on pages 193 to 195 of the draft Initial Study/MND (or pages 196 to 199 of the final Initial Study/MND), the project would implement mitigation measure MM TRN-1, which would include hiring a qualified transportation consultant to develop and implement Transportation Demand Management (TDM) strategies for the project to reduce the project's vehicle miles traveled (VMT) per capita to the extent feasible. The qualified transportation consultant would evaluate all potentially feasible measures that could be implemented for the project, including those listed in MM TRN-1 and in the above Comment D.2. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.3: *We advocate that all new construction incorporate an all-electric model and be fossil fuel free in order to reduce greenhouse gas emissions.*

Response D.3: The project would promote use of fossil fuel alternatives or minimize fossil fuel use by receiving energy from Silicon Valley Clean Energy (SVCE), which provides 100 percent GHG-emission free energy from renewable and hydroelectric sources, and implementing mitigation measure MM GHG-1, which could include the incorporation of design features to reduce fossil fuel use (and associated GHG emissions) such as installing solar power systems. As described in the Initial Study/MND, the project includes electric vehicle charging circuits and receptacles (see page 9 of the draft Initial Study/MND and final Initial Study/MND) and is required to implement TDM strategies pursuant to mitigation measure MM TRN-1 (see page 194 to 195 of the draft Initial Study/MND or page 197 to 198 of the final Initial Study/MND). Both the EV charging infrastructure and TDM strategies promote and reduce GHG emissions. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.4: *We are actively embracing, advancing ideas, and projects that promote the concept of freerange people in the City of Gilroy. We advocate for building and planning that considers future generations as well as current residents who don't own cars. Advancing mobility options reflects what we are teaching the youth in our community through Safe Routes to School and why we are nationally recognized as a Bronze Bicycle Friendly Community from the League of American Bicyclists, as well as recognized by the World Health Organization as an Age-Friendly Community.*

Continuing to leverage our Measure B Education & Encouragement (E&E) funding for established work plans/programs will further enhance Gilroy's efforts. Measure B E&E Bike to Work Day, Community Bike/Walks Counts, Community Engagement, General, Online Media Campaign, and Safe Routes to School work plans. While there might be portions of our city that are isolated from transit, this development is not in one of those areas. Gilroy has a fully connected bike network and transit options. We have a large population that works, visits, and attends schools in Gilroy that benefits from local transit and rideshare. Gilroy has the vision that the glass is half full, we have the ability to innovate, and adapt to programs that will further reduce our VMT. Thank you to the consultants for their recommendations and to the applicant for exceeding development standards by building all electric.

Response D.4: This comment is acknowledged. The comment does not raise any specific issues about the adequacy of the Initial Study; therefore, no further response is required.

Comment D.5: *We have the following recommendations and comments based on the Ren Fu Villa Residential Project Initial Study/Mitigated Negative Declaration (MND) and our General Plan 2040 Mobility.*

Response D.5: The comment above introduces the topics mentioned below.

Comment D.6: *Recommend Promoting Gilroy's Safe Routes to School Program- Both the City of Gilroy and Gilroy Unified School District through formally adopted resolutions are a Safe Routes to School City⁵ and School District. There is a formally adopted Safe Routes to School Action Plan⁶ and formal Safe Routes to School Task Force. The Schools that will serve this location are Las Animas Elementary, Solarsano (Ascencion) Middle School, and Gilroy High School.*

Response D.6: The project supports Gilroy's Safe Routes to School Program by constructing new, approximately six-foot-wide sidewalks along the project frontage on Miller Avenue and along the new internal roads on-site. As discussed on page 193 of the draft Initial Study/MND (or page 196 of the final Initial Study/MND), these proposed improvements provide a new pedestrian connection to other land uses, parks, and schools north of the site. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.7: *We agree with these mitigations and encourage a solar plus battery system on each home of the project. We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to rely on VTA. We recommend that new homes purchased receive a \$100 Clipper Card and annually that Clipper Card is auto-loaded \$100 by the*

⁵ <https://www.cityofgilroy.org/DocumentCenter/View/7646/Resolution-2012-20-City-of-Gilroy-Supports-Safe-Routes-to-School->

⁶ <https://www.cityofgilroy.org/AgendaCenter/ViewFile/Item/3233?fileID=8561>

projects HOA, i.e. Kern Cottages and Royal Townhomes conditions of approval. It takes a combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.

Response D.7: As discussed in Response D.2, the project would implement mitigation measure MM TRN-1, which would include hiring a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. The qualified transportation consultant would evaluate all potentially feasible TDM strategies to reduce VMT that could be implemented for the project, including those listed in the Initial Study/MND and in Comment D.7. The suggestion in the above comment for the project to include a solar plus battery system on each of the proposed units is identified as a potential design feature (among other methods) in mitigation measure MM GHG-1 on page 111 of the draft Initial Study/MND (or page 113 of the final Initial Study/MND) that the project could incorporate to reduce its greenhouse gas emissions. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.8: *All GHG emissions should be offset at the project site because that benefits the residents of the project and City of Gilroy. Purchasing carbon offset credits don't help the residents of Gilroy and future residents of Gilroy.*

Response D.8: As described in mitigation measure MM GHG-1 (specifically footnote 90 on page 111 of the draft Initial Study/MND (or page 113 of the final Initial Study/MND), and text on page 113 of the draft Initial Study/MND (or page 115 of the final Initial Study/MND)), the project would need to offset 1,922 Metric Tons of Carbon Dioxide Equivalent (MT/CO₂e) based on current calculations. Based on the estimated amount of MT/CO₂e that would need to be offset, it is infeasible to offset all of those emissions through on-site design features. However, as described in mitigation measure MM GHG-1, the project would retain a qualified air quality/GHG specialist to develop a GHG reduction plan which would include quantifying the GHG emissions from the project while accounting for any reductions that can be achieved through on-site design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.). The remaining amount of MT/CO₂e required to be offset to reduce the impact to a less than significant level would be met through the retirement of carbon offset credits.

In addition, as explained on page 106 of the draft Initial Study/MND (or page 108 of the final Initial Study/MND), unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global

impact. Therefore, purchasing offset credits (as well as incorporation of on-site design features) is effective mitigation to reduce the project's GHG emissions and GHG impact.

Comment D.9: *Recommended Bike Parking- A more robust program including e-bike parking in the garages and e-bike parking at the clubhouse will further drive down VMT.*

Response D.9: All structures on-site would be constructed consistent with the current version of the California Building Standards Code (CBC), which includes electrical outlets that could be used to charge e-bikes. The clubhouse would be a private building that would be available for use by the residents and guests of the proposed project, that is, it would not be open to the general public. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.10: *Was this development project routed for plan review with our partner VTA, we have the opportunity to shift riders towards transit through a robust managed Transportation Demand Management (TDM) program? We can't continue to rely on mode shifting without actively managing programs.*

Response D.10: The proposed project would not affect any existing or planned Santa Clara Valley Transportation Authority (VTA) facilities. Although VTA facilities are not affected, a courtesy notice for the January 16th Planning Commission was sent to VTA in December 2024. As discussed in Response D.2, the project would implement mitigation measure MM TRN-1, which would include hiring a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. The qualified transportation consultant would evaluate all potentially feasible measures that could be implemented for the project, including those listed in the Initial Study/MND, Comment D.2, and Comment D.7. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.11: *Mobility 4.8- Consider Transit in Planning and Development Proposals Coordinate with VTA on advance planning projects and development proposals that may have implications for public transit and consider the VTA's Transit Sustainability Policy/Service Design Guidelines. What has this development done towards meeting this general plan consistency?*

Response D.11: As discussed under Response D.10, the proposed project would not affect any existing or planned VTA facilities. For this reason, General Plan Mobility Policy 4.8 is not applicable to the project. For reference, the proposed project's potential impacts to transit facilities were evaluated and discussed on page 193 of the draft Initial Study/MND (or page 196 of the final Initial Study/MND). The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment D.12: *Existing Transit Services- Thank you for listing out the existing transit services for this project and serving Gilroy. We would like to add the following services and future services. Caltrain currently serves riders from Gilroy to San Francisco and a future extension south to Salinas. Bus service between Santa Clara County and Monterey County kicked off Monday, October 30, 2023 with 4 round trips Mon-Fri. Public transit will connect passengers between Santa Clara County and Monterey County, with the start of Bus Line 59 running between VTA's Gilroy Transit Center and Salinas Intermodal Transit Center/AMTRAK. This is a great opportunity to promote the use of public transit to the residents and visitors through outreach programs established in a managed Transportation Demand Management (TDM) program. Leverage the Measure B E&E funding the city has and the marketing outreach resources from Valley Transportation Authority (VTA).*

Response D.12: *Text has been added to page 187 of the draft Initial Study/MND (or page 190 of the final Initial Study/MND) to acknowledge the services and future services identified in the above comment (refer to Section 3.0 Draft Initial Study/MND Text Revisions). As discussed in Response D.2, the project would implement mitigation measure MM TRN-1, which would include hiring a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. The qualified transportation consultant would evaluate all potentially feasible measures that could be implemented for the project, including measures to promote the use of public transit for residents of the project site.*

Comment D.13: *Mobility 5.3- Promote Non-Auto Modes of Transportation Consider offering incentives as part of a multimodal system approach, for projects that incorporate travel demand management techniques and promote transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions. We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to rely on VTA. It takes a combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.*

Response D.13: *Refer to mitigation measure MM TRN-1 on pages 194 to 195 of the draft Initial Study/MND (or pages 197 to 198 of the final Initial Study/MND) and Responses B.3, B.4, D.2, and D.7, which also pertain to mitigation measure MM TRN-1 and how its implementation promotes alternative modes of transportation to single-occupancy vehicles (including transit, biking, and walking that is mentioned in the above comment).*

Comment D.14: *Transportation Demand Management Mobility 1.12- Encourage existing and proposed development to incorporate TDM measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such*

measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes. Recommended TDM programs to include:

- *\$100 Annual Auto-Loaded Clipper Card, VTA Passes or VTA's Smart Pass*
<https://www.vta.org/go/fares/smartpass> (The Smart Pass program allows employers, developers, educational institutions, management companies or homeowners associations the ability to purchase VTA transit passes at a bulk discount rate to provide to employees or residents to encourage transit usage. Smart Passes are good for unlimited use of VTA Bus and Light Rail services, seven days a week. The program also includes an "Emergency Ride Home" provision that allows Smart Pass holders to take a taxi home if they need to leave work in the middle of the day.)
- *Expand Outthink's Project Chrysalis E-Bike Program with the purchase of e-bikes or a pool of e-bikes for rideshare in a central hub for the project.*
- *Provide city bike maps to all residents from management in correspondence.*
- *Provide routes to major transit connections, parks, schools, shopping, and restaurants.*
- *Annual presentation to the Ren Fu Villa Residential Clubhouse of current bike/walk/transit options and incentive programs offered by the City of Gilroy currently funded by the Measure B Education & Encouragement program.*
- *Encourage Bay Area Air Quality Management District's and the Metropolitan Transportation Commission's (MTC) new post-pandemic compliance option for the regional Commuter Benefits Program: Telework "Flex Your Work" program. Carpooling, public transportation, vanpools, bicycling, walking and teleworking are flexible choices Bay Area employees have when planning daily commutes. Both the new Commuter Benefits Program Option 5: Telework and the "Flex Your Commute" program will encourage sustainable commuting options as the Bay Area continues its recovery from the pandemic and returns to the workplace.*

Response D.14: *As discussed in Response D.2, the project would implement mitigation measure MM TRN-1, which would include hiring a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. The qualified transportation consultant would evaluate all potentially feasible measures that could be implemented for the project, including those listed in the Initial Study/MND, Comment D.14 above, and other comments. The comment does not raise any issues about the adequacy of the Initial Study/MND.*

E. Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter (dated September 3, 2024)

Comment E.1: *The Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter are environmental organizations that work to protect natural resources and promote the enjoyment of nature. We appreciate the opportunity to comment on the Mitigated Negative Declaration (MND) for the Ren Fu Villa Residential Project and its associated Initial Study (IS).*

Project description

The project proposes a Zoning Map amendment (Z 22-03) to rezone the property to RH (Residential Hillside), consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map (TM 22-02) to subdivide the site into 54 lots. Future applications would be submitted to construct a single-family residence on each lot. The project would also include a private club house that would be located on the western side of the site. The project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place.

Our concerns focus on bird collision with windows, as well as lighting, setbacks from the creek and the pond, and the absence of specific requirements for pre-construction surveys for nesting birds.

Response E.1: [The comments above introduce and summarize the topics mentioned and responded to below.](#)

Comment E.2: *Nesting birds. The IS and MND do not discuss nor mitigate the potential impacts of the project on nesting migratory birds. Avoiding harm to nesting birds is required by the Migratory Bird Treaty Act and California Fish and Wildlife. It is also a policy of the Gilroy 2040 General Plan Natural and Cultural Resources Element to avoid or reduce potentially significant impacts to special-status species and nesting birds (NCR 1.8 Native Nesting Bird Protection). The Final EIR for the Gilroy 2040 General Plan includes no mitigation for impacts or ‘take’ of nesting migratory birds that are not special-status species. Therefore, this project should provide mitigation that abides by federal and state laws, and implements General plan policy NCR 1.8 Native Nesting Bird Protection. The potential impact to nesting birds applies to all areas and phases of the project, and is especially concerning when project construction imposes temporary or permanent impacts near the creek or within the creek setback.*

Mitigation should require pre-construction surveys of all vegetation and land areas within or adjacent to the project footprint and within a week of ground disturbance on any of the project components, including the club house, project infrastructure, and homes.

Response E.2: [As described in Section 4.4.2 of the Initial Study/MND \(specifically page 75 and 76 of the draft Initial Study/MND or pages 77 to 78 of the final Initial Study/MND\), the project would implement the City’s standard condition of approval for preconstruction nesting bird surveys to reduce impacts to nesting birds to a less than significant level \(thereby complying with General Plan Policy NCR 1.8, the Migratory Bird Treaty Act, and California Fish and Game Code regulations\). This standard condition of approval includes avoiding the nesting bird season if feasible, retaining a qualified biologist to conduct a survey of the project site and surrounding 500 feet for active nests no more than two days prior to the beginning of construction activities if construction would occur during the general nesting season, and establishing an appropriate buffer zone if nests are discovered on or adjacent to the project site.](#)

Comment E.3: *Bird collisions with glass. Bird collision with glass and other elements of the built environment is one of the primary drivers of the decline in bird populations in North America⁷. This is a potentially 1 cumulative impact and we are pleased to see that the IS includes a discussion of bird collisions.*

The IS lists hazardous architectural elements to avoid, including extensive areas of highly reflective or transparent modern-style wall-to-wall glazing on the facades of the proposed residences or club house, freestanding glass handrails, transparent glass building corners, or planted atria. We ask you to include additional see-through situations, such as parallel glass surfaces that allow a line of sight (or a line of flight) through the club house, or through architectural elements of a home.

Response E.3: While the project design has not been finalized, it is expected that the project would be designed in a manner that is consistent with the surrounding residential development. For this reason, as stated on page 69 of the draft Initial Study/MND (or page 71 of the final Initial Study/MND), no extensive areas of highly reflective or transparent modern-style wall-to-wall glazing on the facades of the proposed residences or club house, freestanding glass handrails, transparent glass building corners, or planted atria would be included. The existing architecture in the surrounding neighborhood does not include parallel glass surfaces that would allow a line of sight (or a line of flight) through architectural elements, therefore, none are expected for the project. The comment does not raise any issues about the adequacy of the Initial Study/MND.

Comment E.4: *Crotch's Bumble Bee. The IS states that construction and operation of the project would permanently impact 17.66 acres of land cover types that have some potential to be used by Crotch's bumble bees for foraging and/or nesting. We recognize that the Habitat Agency does not currently list the Crotch's Bumble Bee as one of its covered species, but is expected to do so in an upcoming update. The project should negotiate adequate compensation for the impact to 17.66 acres of land cover or commit to implementing any future preconstruction survey requirements and fees that will be imposed on similar developments in the future.*

Response E.4: A discussion of the project's less than significant impact on Crotch's bumble bee is provided on pages 64 to 65 of the draft Initial Study/MND (or pages 65 to 66 of the final Initial Study/MND) and further detailed in the project's Biological Resources Report included in Appendix C of the Initial Study/MND.

Text has been added to pages 59 and 60 of the draft Initial Study/MND (or pages 60 and 61 of the final Initial Study/MND) to clarify that, since 2019, when CDFW designated this species as a candidate for listing under the California Endangered

⁷ <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>

Species Act due to concerns over possible population declines and range contractions, approximately 100 individuals of the species have been detected in nearly 20 locations in Santa Clara County (Bumble Bee Watch 2024, iNaturalist 2024, S. Lockwood and S. Rottenborn, pers. obs.). These recent observations indicate that the species is still extant and fairly widespread, albeit in low numbers, in most locations in the county (see Section 3.0 Draft Initial Study/MND Text Revisions).

As discussed in the Initial Study text as revised (see Section 3.0 Draft Initial Study/MND Text Revisions) and the Biological Resources Report in Appendix C of the Initial Study, it is unlikely that large numbers of individuals, if any, occur on the project site due to a lack of abundant floral resources and the widespread but locally scarce distribution of the species. Further, its habitats (grassland, scrub, and woodland) are abundant and widespread both in the project vicinity and in surrounding region, and the habitat on the project site is of low quality due to a low abundance of floral resources. Because the Crotch's bumble bee's habitat is widespread and varied, and the 17.66 acres of habitat that would be developed by the project represent a very small fraction of the species' regionally-available habitat, the loss of 17.66 acres of low-quality habitat and the potential loss of small numbers of individuals, if any, would not rise to the CEQA standard of a substantial adverse effect on the species or its habitats. Therefore, impacts would be considered less than significant, and no mitigation, including the measures suggested in Comment E.4 above, is necessary.

Additionally, as explained on page 65 of the draft Initial Study/MND (or page 66 of the final Initial Study/MND), the project would contribute to the VHP conservation program via the payment of land cover and specialty impact fees. Suitable habitat for the Crotch's bumble bee is present on most VHP preserves, and Crotch's bumble bees have been recorded on at least four VHP preserves. Management of the preserves by the Santa Clara Valley Habitat Agency is consistent with the management and maintenance of suitable habitat for the Crotch's bumble bee. Therefore, the species benefits from the VHP conservation program, further reducing the project's less than significant impacts on the species. As noted in Response A.4, the Santa Clara Valley Habitat Agency staff person working on the update to the Habitat Plan has indicated that the Habitat Plan update will not include any additional requirements (e.g., surveys) regarding the Crotch bumble bee. None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment E.5: *Lighting. The Gilroy 2040 General Plan and the project's Standards Conditions of Approval aims to reduce the visual impacts of light and glare and to conserve energy, but does not consider the full adverse impacts of artificial outdoor lighting on biological resources and human health. Studies show that artificial light at night attracts birds to areas where they are more likely to*

collide with glass.⁸ Artificial light at night also has a pervasive impact on biological systems, from the cellular and organismal level to population level.⁹ The impact of artificial light at night is so pervasive that it impacts all living beings, including humans, degrading health and inducing disease. The reason for this is that light at night interferes with hormonal controls and biological synchronization, decoupling physiological, behavioral and ecological processes.

We appreciate the requirements of Policy NCR 1.10 which encourages (but does not require) measures to limit light pollution from outdoor sources such as directing outdoor lighting downward and away from wildlife habitat areas. We strongly believe that additional mitigation is required to address the duration, intensity, and correlated color temperature of outdoor light at night. The disruption to biological systems is higher when the blue light component of the spectrum is pronounced. Today, lighting fixtures are widely available with a Correlated Color Temperature (CCT) of 2700 Kelvin or less. The project should therefore require all outdoor lighting to be of 2700 Kelvin or less. In addition, outdoor lighting should be extinguished after 10PM, allowing only motion sensing technology for security purposes.

Response E.5: As stated on page 69 of the draft Initial Study/MND (or pages 71 and 72 of the final Initial Study/MND), no development or lighting is proposed within the riparian corridor. The project would not include improvements within the 35-foot riparian setback zone either, except for narrow areas along the margins of the setback (refer to Response E.6 for a more detailed response about the limited encroachment on the setback area). In addition, the standard condition of approval identified in Section 4.4 Biological Resources on page 69 of the draft Initial Study/MND (or pages 71 to 72 of the final Initial Study/MND) requires (not encourages) parking lot and exterior light fixtures be cutoff and directed downward only. Thus, upward and outward spillage of lighting into the adjacent sensitive riparian and aquatic habitats on the project site would be avoided and/or minimized. For these reasons, the project is concluded in the Initial Study/MND to have a less than significant impact on biological resources due to lighting.

Because the project's design and City's required measures would adequately reduce the amount of lighting on the project site and adequately shield the highest-quality habitat areas from lighting, no additional mitigation (such as extinguishing outdoor lighting after 10:00 PM or limiting lighting to having a CCT of 2700 Kelvin or less as recommended by Comment E.5) is necessary. Nevertheless, the project proponent has agreed to voluntarily propose to utilize lamps with a CCT of 2700 Kelvin or less for all outdoor nighttime lighting. Text has been added to Section 3.2 Primary

⁸ <https://www.pnas.org/doi/full/10.1073/pnas.2101666118>

⁹ <https://darksky.org/news/artificial-light-at-night-state-of-the-science-2023-report/> and <https://darksky.org/news/artificial-light-at-night-state-of-the-science-2024/> and multiple references regarding animal and human health in this database https://www.zotero.org/groups/2913367/alan_db/library

Project Components on page 9 of the draft Initial Study/MND (or page 9 of the final Initial Study/MND) to clarify this (see Section 3.0 Draft Initial Study/MND Text Revisions).

None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment E.6: *Stream, pond, and riparian ecosystems. Our foremost concern regarding the project impacts are related to the riparian ecosystem and the pond at the center of the project site. The projects:*

5.1 The project allows encroachment within the setback. MM BIO-2 proposes to compensate for Direct, Permanent Encroachment into the Riparian Setback by the preparation of a mitigation plan, but there is scant information about this future plan. With no details on the location of “existing riparian corridor elsewhere on the project site” to be enhanced as mitigation, it is impossible to know whether the impact to the riparian ecosystem will be mitigated to a less than significant level. It seems that the riparian vegetation on the project site is already robust and of adequate structure and function, so the additional compensation will have no added value and therefore will not mitigate the permanent impacts. We believe that there is a fair argument to be made that the MND does not mitigate this impact to a less than significant level.

In addition, the MND requires only 3 years of monitoring stating, “The plan shall include at least three years of monitoring to ensure mitigation success”. Due to climate change, extreme weather conditions and fluctuations are impacting long term survival of riparian ecosystems. We ask for 10-year monitoring efforts to ensure that mitigation criteria are sustained.

Response E.6: The above comment does not provide substantial evidence to support a fair argument that the project would result in a significant impact or that the identified mitigation in the Initial Study is insufficient. The permanent impacts discussed in Comment E.6 are not direct impacts to the riparian habitat; they are impacts to the 35-foot setback zone specified by the VHP. The impact and mitigation measure MM BIO-2 referenced in the above comment is discussed on pages 72 to 73 in the draft Initial Study/MND (or pages 74 to 75 in the final Initial Study/MND), and further detailed in the Biological Resources Report in Appendix C of the Initial Study/MND. The impacts to the 35-foot riparian setback area are limited to narrow areas along the margins of the setback, as shown in in Figure 9 of the project’s Biological Resources Report included in Appendix C of the Initial Study. There are 11.65 acres of riparian setback on the project site, and the project is proposing to encroach into only 0.47 acres (0.04 acres of which would be for new sidewalks) of this setback (most of which consists of California annual grassland). Implementation of mitigation measure MM BIO-2 described on pages 72 and 73 of the draft Initial Study/MND (or pages 74 to 75 of the final Initial Study/MND) would enhance riparian habitats through “planting or restoration of native vegetation appropriate to the site, and management of any particularly noxious occurrences of invasive

plants, in a way that will enhance the structure and function of the riparian habitat.” As detailed in the Biological Resources Report in Appendix C of the Initial Study, the riparian habitat on the project site is narrow and supports a substantial component of nonnative, annual grassland vegetation, including weedy nonnative forbs such as bur clover, redstem filaree, Italian thistle, yellow star-thistle, stinkwort, and common vetch. As such, there is ample opportunity for improvement via planting of native vegetation or removal of invasive plants.

Further, the required monitoring would not be limited to three years. It would be required for at least three years; after which, if performance criteria are not met, additional monitoring would be required until performance criteria are met. These conditions would be adequate to ensure that mitigation criteria are sustained.

Comment E.7: *5.2 the project delineate a 35-ft setback, which is an inadequate protection for the creek and the pond.*

While not yet mapped as a Santa Clara Valley Habitat Plan (SCVHP) Category 1 stream, the upper Babbs Creek and pond function as Category 1 rather than as Category 2 and are worthy of heightened protections. The known presence of a Habitat Plan covered species, the Western Pond Turtle, and the sufficient water flows to support them and the riparian forest, connected to the mountain watershed and large open habitat of the Santa Cruz Mountains, are qualities of Category 1 rather than Category 2. The SCVHP plan description of the categories is as follows:

“Stream Community Stream communities are grouped into two simplified categories for the purposes of this condition. These categories are based on broad definitions of the biological characteristics of those communities and correspond to the level of habitat quality for covered species and sensitive riparian communities within the study area. Categories for the stream setback requirement are provided below.”

“Category 1. This stream type has sufficient flow to support covered species and riparian habitat. These streams include perennial streams and some intermittent streams. These streams are typically larger than ephemeral drainages and support movement of covered species along the length of the stream. The ability of these streams to also support healthy riparian habitats bolsters the ecological value of the stream. This category also includes all in-channel ponds downstream of reservoirs. These streams are shown in Figure 6-216”

“Category 2. This stream type may not have sufficient flow to support covered species and riparian habitat. These streams include all ephemeral streams and some intermittent stream reaches. These reaches provide minimum support of water-quality functions and primary breeding habitat for covered species. Category 2 streams are not specifically mapped as part of the Habitat Plan. They include both identified streams (named creeks and USGS blueline creeks) that are not classified as Category 1 streams (as shown in Figure 6-2) and other unmapped streams that meet the “Criteria to Verify or Identify a Watercourse as a Stream” as defined below.”

The environmental report states that SCVHP Conditions 1, 3, and 12 will be met for the pond. We believe that this should include adequate protection for the Western Pond Turtle. SCVHP Appendix D, Table 3. Movement Distances for Western Pond Turtle Type Distance/Area Location of Study Citation Home range (aquatic) shows a minimum of 100m from watercourse to upland habitat, up to 400m for nesting sites, and movement to overwintering sites from home range of about 167m.

Overall, the proposed setback of 35 feet will not provide adequate mitigation for impacts to the species that depend on the creek and the pond (including the Western pond turtle) or the Riparian and Stream Function that are needed for these species (Habitat Plan Table 6-6).

Response E.7: It was the intent of the Valley Habitat Plan (VHP) to explicitly designate all Category 1 streams on Figure 6-2 of the VHP, and the VHP's Geobrowser reiterates that mapping. If a stream was not designated on Figure 6-2 of the VHP or in the VHP's Geobrowser as a Category 1 stream, it is considered a Category 2 stream even if it possesses some of the characteristics of a Category 1 stream. Babbs Creek on the project site is not mapped as a Category 1 stream, and it is therefore considered a Category 2 stream by VHP convention. Thus, by VHP convention, the 35-foot setback applies, and is adequate per the VHP.

The project is a VHP-covered project, and the western pond turtle is a covered species under the VHP. As discussed in Section 4.4 Biological Resources of the Initial Study/MND (pages 53 to 77 of the draft Initial Study/MND or pages 53 to 79 of the final Initial Study/MND) and further detailed in the Biological Resources Report in Appendix C of the Initial Study, the project shall comply with all required conditions on covered projects (and need to obtain approval for a riparian setback reduction) and pay VHP impact fees, which contribute to the VHP's conservation program, which aids in the conservation of this species. The VHP underwent CEQA review¹⁰, and it was determined that for VHP-covered projects and species, compliance with the VHP (which includes procedures to request and obtain a riparian setback reduction) would reduce impacts to less than significant levels. Therefore, with implementation of VHP Animal Avoidance and Minimization Measures (AMMs), applicable VHP policies and conditions, and payment of VHP fees, impacts to western pond turtle would be less than significant under CEQA, and no further mitigation is necessary. Furthermore, with VHP compliance, no non-VHP-covered species that use the creek or pond on the project site would be impacted substantially by the project.

¹⁰ County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, United States Fish and Wildlife Service. *Santa Clara Valley Habitat Plan Final Environmental Impact Report/Environmental Impact Statement (SCH # 2010122059)*. August 2012.

None of the project impacts, mitigation, or impact conclusions warrant revision based on the above comment.

Comment E.8: *6. Connectivity for wildlife. The IS page 75 states, “The project site lacks direct connectivity (both terrestrial and hydrological) to larger, more diverse riparian corridors in the region. Based on these factors, it does not currently function as a biologically significant movement corridor”. We do not believe this to be accurate. The site continues to provide watercourse and riparian forest connectivity to the larger, more diverse riparian corridors of the Santa Cruz Mountains, with no clear impediment to animal movement across the landscape.*

Response E.8: Refer to Response A.9 above. The above comment does not provide substantial evidence that the project would result in a significant impact.

Section 3.0 Draft Initial Study/MND Text Revisions

This section contains revisions to the text of the draft Ren Fu Villa Residential Project Initial Study/MND dated August 2, 2024. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 9 **ADD** the following text at the end of Section 3.2.1 Residential Development:

Each of the 54 residences in the project would be constructed consistent with the requirements of the California Green Building Standards Code (CALGreen), including installation of water conserving indoor fixtures and electric vehicle (EV) charging circuit and receptacles. The clubhouse and single-family residences would include new exterior lighting fixtures for nighttime security. The final design and location for these exterior lighting fixtures has not been determined; however, each fixture is proposed to utilize bulbs with a Correlated Color Temperature (CCT) of 2700 Kelvin or less.

Page 54 **ADD** the following text under Condition 3 in the table summarizing applicable conditions for the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan:

Habitat Plan Condition	Condition Summary
1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	All projects must avoid impacts with plant and wildlife species that are protected under other laws (e.g., MBTA and California Fish and Game Code).
3: Maintain Hydrologic Conditions and Protect Water Quality	All projects must implement design-, construction-, and post-construction-phase measures to reduce the impacts of stormwater pollutants and increases in peak runoff rate and volume.
<u>4: Avoidance and Minimization for In-Stream Projects</u>	<u>Covered in-stream projects are required to implement all applicable avoidance and minimization measures listed in Habitat Plan Table 6-2 to minimize impacts on riparian and aquatic habitats, covered species, natural communities, and wildlife movement.</u>

Page 54 **ADD** the following text to summary of Condition 11 in the table summarizing applicable conditions for the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan:

Projects that may affect streams and associated riparian vegetation must adhere to setbacks from creeks, streams, and associated riparian vegetation to minimize and avoid impacts on aquatic and riparian land cover types, covered species, and wildlife corridors. Condition 11 also defines certain activities that qualify for exemptions from compliance with this condition, including covered activities which require work within or adjacent to streams.

Page 55 **ADD** the following text before the City of Gilroy 2040 General Plan heading:

Guidelines and Standards for Land Use Near Streams

In August 2005, the Santa Clara Valley Water Resources Protection Collaborative published the Guidelines and Standards for Land Use Near Streams, which functions as a user manual that outlines the requirements and procedures for development in Santa Clara County that occurs near streams. Santa Clara County, Valley Water, all of the cities in the County (including Gilroy), and several citizen, business, agriculture, and community groups are members of the Santa Clara Valley Water Resources Protection Collaborative. Therefore, development projects in Gilroy are subject to the guidelines and standards within this document, which are enforced through the City's permitting process.

Page 59 **ADD** the following text at the end of the paragraph below the survey summary bullets:

Because no special-status plant species were detected during appropriately timed, focused surveys, special-status plants are determined to be absent from the project site. For additional information regarding the potential occurrence of special-status plant species on-site, see Table 1 in Appendix C.

ADD the following text at the end of the paragraph below the Special-Status Animal Species heading:

The northwestern pond turtle (a California species of special concern and candidate for listing under the federal Endangered Species Act), is known to be present in the pond on the project site, and this species may breed in the upland habitats surrounding the pond. Similarly, the San Francisco dusky-footed woodrat (a California species of special concern) was detected in riparian habitats on the project site during reconnaissance surveys in April 2023. The Crotch's bumble bee, Monterey hitch, Monterey roach, California tiger salamander, California red-legged frog, loggerhead shrike, least Bell's vireo, yellow warbler, and white-tailed kite could all potentially breed or occur on or immediately adjacent to the project site. In regard to Crotch's bumble bee, since 2019, when CDFW designated this species as a candidate for listing under the California Endangered Species Act due to concerns over possible population declines and range contractions, approximately 100 individuals of the species have been detected in nearly 20 locations in Santa Clara County (Bumble Bee Watch 2024, iNaturalist 2024, S. Lockwood and S. Rottenborn, pers. obs.). These recent observations indicate that the species is still extant and fairly widespread, albeit in low numbers, in most locations in the county. As discussed in more detail in Appendix C, it is unlikely that large numbers of Crotch's bumble bees, if any, occur on the project site due to a lack of abundant floral resources and the widespread but locally scarce distribution of the species.

ADD the following text at the end of the paragraph above the Sensitive Natural Communities and Vegetation Alliances heading:

The mountain lion (a candidate for listing under the state Endangered Species Act), as well as the pallid bat and American badger (California species of special concern) may also forage on-site. These species are not expected to den, nest, roost, or breed in or immediately adjacent to the project site due to a lack of suitable denning, nesting, roosting, or breeding habitat. For additional information regarding the potential occurrence of special-status animal species on-site, see Table 2 in Appendix C.

ADD the following text after the last paragraph under the Special-Status Bird Species discussion:

Other Special-Status Animals On-Site

As noted in Section 4.4.1.2 Existing Conditions, 10 San Francisco dusky-footed woodrat nests were observed on-site during surveys in April 2023. These nests were found in the mixed oak woodland and mixed riparian forest and woodland habitats on-site and were clustered within the woodland habitats contiguous with Babbs Creek. No nests were observed in or in close proximity to the portions of the site that would be disturbed by construction activities. The project would result in direct impacts to 0.07 acre of mixed riparian woodland and forest and 0.36 acre of mixed oak woodland and forest on the project site that could potentially provide suitable habitat for the species. If woodrat nests were to be present within any vegetation directly impacted by construction activity, it is possible that individual woodrats could be injured or killed, and nests could be destroyed. However, disruption of foraging individuals by construction activities on-site is expected to be minimal, as the species is nocturnal.

The direct impacts to suitable woodrat nesting habitat that could occur during construction activities are focused outside of the currently occupied habitats in small, isolated woodland patches that do not provide high-quality habitat for the species due to their small size and isolation. As a result, the number of individual woodrats and nests that could possibly be impacted by the project, and the extent of suitable habitat that would be impacted, is very low. In addition, suitable habitat for this species is abundant, both regionally and in the nearby open habitats of the Santa Cruz Mountains to the west of the project site.

Based on this discussion, the project would result in potential impacts to a limited proportion of this species' population and suitable habitat. Therefore, impacts would be less than significant, and mitigation would not be required.

ADD the following text to the paragraph under the Preconstruction Nesting Bird Survey Standard Condition of Approval:

Compliance with this standard condition of approval would reduce potential impacts to nesting birds on-site to a less than significant level by requiring preconstruction surveys and establishing protective no-disturbance buffer zones if needed. A report by the qualified biologist summarizing the results of the preconstruction survey and any necessary buffers would be submitted to the City and a copy would be provided from the biologist to CDFW.

ADD the following text under the first paragraph of the discussion under checklist question e):

As discussed in Section 4.4.1.1 Regulatory Framework, the City is a member of the Santa Clara Valley Water Resources Protection Collaborative; therefore, all projects within the City must comply with the requirements and procedures for development near streams outlined in the Guidelines and Standards for Land Use Near Streams. Once the design of the residences and club house on-site is finalized, the project would undergo the Architectural and Site Review process to ensure that all design features and construction activities are consistent with the requirements and procedures outlined in the Guidelines and Standards for Land Use Near Streams.

ADD the following text after the summary of the City of Gilroy Hazardous Materials Program:

Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements

Together with the City of Morgan Hill and County of Santa Clara, Gilroy adopted the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements (Stormwater Management Guidance Manual) in June 2015. The Stormwater Management Guidance Manual outlines which projects are regulated by the guidelines and details performance requirements that development projects must meet when designing and implementing stormwater management devices or features. If a project site is within 1,500 feet of an open or closed contamination site, the regulatory agency responsible for overseeing the contamination site must provide approval for any stormwater management devices or features proposed at the project site.

ADD the following text and footnote to the end of the paragraph under the Off-Site Sources of Contamination heading:

The nearest cleanup program site is a private residence located approximately 350 feet northwest of the project site, which was closed in December 2014.¹¹

¹¹ State Water Resources Control Board Geotracker. "BABBS CREEK PROPERTY (T10000006276)." Accessed December November 5, 2024.
https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000006276.

Page 125 **ADD** the following text to the end of the paragraph above the Naturally Occurring Asbestos heading:

As discussed in Section 4.9.1.2 Existing Conditions, there are no off-site concerns and the primary concerns related to on-site contamination are regarding the presence of NOA in the soil and contaminants in the undocumented fill on-site. Consistent with the requirements of the City's Stormwater Management Guidance Manual, the RWQCB would be required to review the design of the bioretention areas on-site and provide their approval due to the presence of a closed contamination site within 1,500 feet of the project site.

Page 132 **ADD** the following text to the middle of the paragraph under the Water Resources Protection Ordinance and District Well Ordinance heading:

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. If construction occurs on a site with an existing well, Valley Water requires the well be protected so that it does not become lost or damaged during construction activities or and/or post-development conditions. If unknown or abandoned wells are discovered, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage as specified under Valley Water's Well Ordinance. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

Page 134 **ADD** the following text after the summary of the Storm Drainage System Master Plan:

Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements

Together with the City of Morgan Hill and County of Santa Clara, Gilroy adopted the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements (Stormwater Management Guidance Manual) in June 2015. The Stormwater Management Guidance Manual outlines which projects are regulated by the guidelines and details performance requirements that development projects must meet when designing and implementing stormwater management devices or features. If a project site is within 1,500 feet of an open or closed contamination site, the regulatory agency responsible for overseeing the contamination site must provide approval for any stormwater management devices or features proposed at the project site.

- Page 136 **ADD** the following text to the end of the paragraph under the Groundwater heading:
- There is one operational well located adjacent to the creek bed on the southwest portion of the site that is outside of the limits of disturbance for the project.
- Page 136 **REVISE** the following text in the second sentence of the paragraph under the Flooding heading:
- Flood Zone D denotes areas with unknown flood risks ~~flood risks due to a levee.~~
- Page 142 **ADD** the following text to the end of the third paragraph under checklist question e):
- For instance, based on the size of the project and the location of the site, the project would be required to meet the Tier 4 post-construction requirements in the Stormwater Management Guidance Manual by designing any infiltration devices to retain the 95th percentile 24-hour rainfall event, prevent off-site discharge from events up to the 95th percentile rainfall event, and control post-project peak flows to not exceed pre-project peak flows for the 2- through 10-year storm events. In addition, the project has submitted a preliminary Stormwater Control Plan which illustrates the ability of the proposed infiltration devices to sufficiently reduce the post-construction runoff rates for the 2- through 100-year storm events. During the Architectural and Site Review process, the finalized design of the project would be reviewed by the City to confirm that the proposed infiltration devices comply with all necessary regulations and requirements to reduce the risk of on- and off-site flooding.
- Page 142 **REVISE** the following text in the first sentence of the last paragraph under checklist question e):
- In summary, ~~With~~ implementation of the project, stormwater generated at the project site would not enter the City's storm drainage system, and therefore, would not affect the capacity of the existing storm drain system.
- Page 143 **REVISE** the following text in the last paragraph under checklist question g):
- The project would be constructed consistent with General Plan Policy PH 3.7 by protecting most areas of native vegetation on-site to help reduce erosion and slow the speed of rainfall runoff. In addition, according to the FEMA Flood Insurance Rate Maps, the project site is located within Zone D, which indicates an area with unknown flood risks ~~due to a levee.~~

Page 187 **ADD** the following text at the end of the first paragraph under the Transit Facilities heading:

Transit services in Gilroy consist of local, regional, and intercity bus, rail, and paratransit services. Existing transit services in Gilroy are provided primarily by Santa Clara County VTA buses. Caltrain commuter rail service, San Benito County express bus service, Monterey-Salinas transit bus service, and Greyhound bus service also serve Gilroy. Caltrain currently provides service between Gilroy and San Francisco. Construction of an extended line south of Gilroy to Salinas is expected to begin in summer 2025. After the extension to Salinas is completed, stops would be added in Pajaro/Salinas and Castroville. The Monterey-Salinas Transit Bus Line 59 runs between VTA's Gilroy Transit Center and the Salinas Intermodal Transit Center/AMTRAK. Service on this line started on October 30, 2023, and Bus Line 59 currently offers two morning trips and two afternoon trips in each direction during weekdays.

Page 195 **ADD** the following text at the end of mitigation measure MM TRN-1:

A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.

Page 220 **REVISE** the following text in the first paragraph under checklist question d):

As discussed in Section 4.7 Geology and Soils, the project site is not susceptible to significant risk of landslides. In addition, the project site is not located within a 100-year flood zone or considered a special hazard flood zone. The project site is located within Zone D, which indicates an area with unknown flood risks ~~due to a levee~~.

Section 4.0 Conclusion

The comments received on the draft Initial Study/MND did not raise any new issues about the project's environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the draft Initial Study/MND. Minor clarifications were added to the text of the draft Initial Study /MND (refer to Section 3.0 Draft Initial Study/MND Text Revisions). The text revisions do not constitute a "substantial revision" pursuant to CEQA Guidelines §15073.5 and recirculation of the MND is not required.

Appendix A: Draft Initial Study Comment Letters



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 3, 2024

Cindy McCormick, Planning Manager
City of Gilroy
7351 Rosanna Street
Gilroy, CA, 95030
Cindy.Mccormick@cityofgilroy.org

Subject: Ren Flu Villa Residential Project, Initial Study/ Mitigated Negative Declaration,
SCH No. 2024080035, City of Gilroy, Santa Clara County

Dear Ms. McCormick:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Gilroy (City) for the Ren Fu Villa Residential Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 2

Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, “take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86). CDFW’s issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. € & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent’s obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or

Cindy McCormick
City of Gilroy
September 3, 2024
Page 3

floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: bald eagle (*Haliaeetus leucocephalus*), California least tern (*Sternula antillarum browni*), golden eagle (*Aquila chrysaetos*), and white-tailed kite (*Elanus leucurus*).

Project activities described in the IS/MND should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock;
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or
- Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).

CDFW also recommends the IS/MND analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 4

PROJECT DESCRIPTION SUMMARY

Proponent: City of Gilroy

Objective: The Project proposes a Zoning Map amendment to rezone the property to Residential Hillside, consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map to subdivide the site into 54 lots. The Project would also include a private club house that would be located on the western side of the site. The Project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place.

Location: The Project is located South of Santa Teresa Boulevard and adjacent to Miller Avenue, City of Gilroy, Santa Clara County (County). The coordinates for the approximate center of the Project are 36°59'6.38"N latitude 121°35'0.46"W longitude (WGS 84). The Assessor's Parcel Number is 810-23-005.

Timeframe: Phase 1 would start as early as January 2025 and be completed as early as July 2026. Phase 2 would start as early as August 2026 and be completed as early as September 2027.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the IS/MND that notes species common name, scientific name, state and federal listing status (as applicable), habitat type preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the IS/MND provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The IS/MND should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or

Cindy McCormick
City of Gilroy
September 3, 2024
Page 5

riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City or County may require.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine U.S. Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see Data Use Guidelines on the Department webpage <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

I. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

Cindy McCormick
City of Gilroy
September 3, 2024
Page 6

COMMENT #1: Special-status Herpetofauna

Issue: The Project may impact western pond, which the IS/MND stated are known to be present on the Project site. The Project may impact the following special-status herpetofauna, which the IS/MND identified have the potential to occur at the Project: California tiger salamander (*Ambystoma californiense* pop. 1) and California red-legged frog (*Rana draytonii*). The CNDDDB identifies occurrences of all three species within five miles of the Project. Additionally, the IS/MND did not include aquatic surveys. Implementation of the Project may impact aquatic habitat or upland dispersal habitat or refugia for special-status herpetofauna through vegetation removal and grading activities, potentially injuring or killing them.

The Project would impact the pond and surrounding habitat that may be occupied by these species. Western pond turtle (*Actinemys marmorata*) can move more than four miles up or down stream. Therefore, the Project area is within the mobility range of western pond turtle observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015).

California tiger salamander have been documented moving up to 1.3 miles from ponds to upland habitat (Orloff 2007). California red-legged frog can use upland habitat one to two miles away from breeding ponds, including habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2010).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure #1: Habitat Surveys

For all Project activities that occur within 500 feet of a pond or wetland habitat, prior to ground-disturbing activities, a qualified biologist should conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of California tiger salamander, California red-legged frog, and western pond turtle and their nests. If any of these special-status species are discovered during the survey, Project activities should not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented

Recommended Mitigation Measure #2: Take Authorization

CDFW strongly recommends that the Project proponent apply for an ITP under CESA to provide take authorization for California tiger salamander as a covered species. The

Cindy McCormick
City of Gilroy
September 3, 2024
Page 7

IS/MND should clearly state, as a condition of approval, that the Project proponent will apply for an ITP well in advance of Project construction.

The IS/MND should also include an appropriate compensatory mitigation ratio. CDFW recommends a minimum 3:1 ratio for permanent impacts to breeding and/or upland dispersal habitat, and a 1:1 mitigation ratio for temporary impacts in the absence of information regarding the compensatory mitigation site, and the full restoration of the temporarily disturbed habitat. This amount of mitigation may serve to meet the full mitigation standard required under CESA. The IS/MND should also state that mitigation lands will be protected in perpetuity under a conservation easement with an endowment established for long-term management of the lands.

COMMENT #2: Crotch's Bumble Bee

Issue: As stated in the IS/MND Crotch's bumble bee (state candidate endangered, *Bombus crotchii*) has the potential to use the Project site for foraging and/or nesting. Crotch's bumble bee is a candidate endangered species under CESA (CEQA Guidelines, §15380, subds. (c)(1)). Implementation of the Project may result in the direct mortality of this species through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat. Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq.

Crotch's bumble bee occurrences have been documented in the County and the Project location is within the historic Crotch's bumble bee range (BIOS 2024). The small mammal burrows and grassland within and adjacent to the Project area may contain potential habitat for Crotch's bumble bee. Bumble bees are critically important because they pollinate a wide range of plants over the lifecycles of their colonies, which typically live longer than most native solitary bee species. The Project may impact foraging and nesting habitat due to construction of permanent facilities and associated infrastructure.

Recommended Mitigation Measure #3: Surveys

The IS/MND should state that pre-construction surveys will be conducted within the Project area and surrounding areas which may be impacted by Project construction and/or operations. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year, therefore, surveys shall be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*

Cindy McCormick
City of Gilroy
September 3, 2024
Page 8

(<https://wildlife.ca.gov/Conservation/CESA>). If CESA candidate bumble bee will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW.

Recommended Mitigation Measure #4: Avoidance of Nesting Colonies

CDFW recommends that inactive small mammal burrows and thatched/bunch grasses be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven days prior to the scheduled disturbance. If Crotch's bumble bee has been detected during surveys, the qualified entomologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 45-foot no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified entomologist should expand the buffer zone as necessary to prevent disturbance or take.

Recommended Mitigation Measure #5: Take Authorization

If surveys document presence of Crotch's bumble bee within the Project area, due to the difficulty of completely avoiding take of individuals of the species, CDFW strongly recommends that the Project proponent apply for an ITP under CESA to provide take authorization for Crotch's bumble bee as a covered species.

COMMENT #3: Nesting Birds

Issue: The IS/MND states that the Project has the potential to disturb nesting habitat for birds and raptors and would result in the permanent loss of suitable nesting habitat including the removal of 42 trees, including 25 protected trees. However, the IS/MND does not adequately mitigate potential impacts to nesting birds protected under the MBTA and/or Fish and Game Code because it does not identify suitable nesting seasons or buffers for active nests within or near the Project area. California least tern, Cooper's hawk (*Accipiter cooperii*), golden eagle, least Bell's vireo (*Vireo bellii pusillus*), northern harrier (*Circus hudsonius*), and white-tailed kite occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDDB 2024).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure #6: Avoidance

CDFW encourages Project implementation outside of the bird nesting season, which extends from early January through early September (typically February 15 to August

Cindy McCormick
City of Gilroy
September 3, 2024
Page 9

30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors).

Recommended Mitigation Measure #7: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (early January through early September), CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct two surveys for active nests. No more than fourteen (14) days prior to the start of ground or vegetation disturbance a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. A final survey shall be conducted forty-eight (48) hours prior to Project activities to maximize the probability that nests that could potentially be impacted are detected. Appropriate minimum survey buffer surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Recommended Mitigation Measure #8: Buffer Zones

CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

Recommended Mitigation Measure #9: Reporting

Prior to any tree removal and Project activities, the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to CDFW.

COMMENT #4: Burrowing Owl (Section III., Pages 2-3)

Issue: Burrowing owl (*Athene cunicularia*) is designated by CDFW as a State Species of Special Concern (SSC) due to population decline and breeding range retraction. The species has also experienced a severe population decline in the County. Because the species is on the decline in the County, CDFW recommends utilizing the CDFW Staff Report on Burrowing Owl Mitigation for burrowing owl surveys and monitoring.

The IS/MND states that burrowing owl could potentially forage and roost in the Project area. Additionally, burrowing owl, occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, CNDDDB 2024). The Project includes construction activities such as buildings, parking areas, and streets that may occur within ruderal grass and herbaceous vegetation that may be potential burrowing owl habitat. Direct mortality could occur

Cindy McCormick
City of Gilroy
September 3, 2024
Page 10

through crushing of adults or young within burrows, loss of nesting burrows, loss of nesting habitat, loss of foraging habitat resulting in reduced nesting success (loss or reduced health or vigor of eggs or young), nest abandonment, and reduced frequency or duration of care for young resulting in reduced health or vigor of young. All burrowing owl survey methods, buffer distances, and mitigation should follow the CDFW Staff Report on Burrowing Owl Mitigation, dated March 7, 2012, and available at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure #10: Preconstruction Surveys for Burrowing Owl

An initial take avoidance survey should be completed no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the CDFW Staff Report on Burrowing Owl Mitigation. Implementation of avoidance and minimization measures would be triggered by positive owl presence on the site where project activities will occur. The development of avoidance and minimization approaches would be informed by monitoring the burrowing owl. Burrowing owl may re-colonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance (CDFW 2012).

Conduct surveys in all portions of the Project area by walking straight-line transects spaced approximately 23 feet (ft, 7 meters [m]) to approximately 66 ft (20 m) apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 328 ft (100 m), scan the entire visible project area for burrowing owl using binoculars. During walking surveys, record all potential burrows used by burrowing owl as determined by the presence of one or more burrowing owl, pellets, prey remains, whitewash, or decoration. Some burrowing owl may be detected by their calls, so observers should also listen for burrowing owl while conducting the survey.

Poor weather may affect the surveyor's ability to detect burrowing owl, therefore, avoid conducting surveys when wind speed is approximately greater than 12 m/hr (20 kilometers per hour [km/hr]), and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are greater than 68° F (20° C),

Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before

Cindy McCormick
City of Gilroy
September 3, 2024
Page 11

sunset until evening civil twilight provide the highest detection probabilities (Conway et al. 2008).

Recommended Mitigation Measure #11: Implement Buffer Zones for Burrowing Owl

If burrowing owl are detected during the preconstruction survey, a buffer should be selected based on the time of year and level of disturbance for the burrowing owl (CDFW 2012). If the burrowing owl show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	656 ft (200 m)	1640 ft (500 m)	1640 ft (500 m)
Nesting sites	Aug 16-Oct 15	656 ft (200 m)	656 ft (200 m)	1640 ft (500 m)
Nesting sites	Oct 16-Mar 31	164 ft (50 m)	328 ft (100 m)	1640 ft (500 m)

Recommended Mitigation Measure #12: Monitor Owls during Construction

Burrowing owl may attempt to colonize or re-colonize an area that will be impacted; thus, the current scientific literature indicates a need for ongoing surveillance at the Project site during Project activities is recommended. The surveillance frequency/effort should be sufficient to detect burrowing owl if they return. Subsequent to their new occupancy or return to the site, take avoidance measures should assure with a high degree of certainty that take of owls will not occur (CDFW 2012).

COMMENT #5: San Francisco Dusky-footed Woodrat

Issue: The IS/MND states that the San Francisco dusky-footed woodrat (SSC, *Neotoma fuscipes annectens*) was detected in riparian habitats on the Project site, and at least 10 occupied nests were observed during reconnaissance surveys. San Francisco dusky-footed woodrat houses on the ground and in trees that could be destroyed by Project activities, leading to direct and indirect mortality of San Francisco dusky-footed woodrat. If a woodrat nest is found and cannot be avoided the biologist will prepare a relocation plan for CDFW approval.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Cindy McCormick
City of Gilroy
September 3, 2024
Page 12

Recommended Mitigation Measure #13: Surveys and Reporting

The IS/MND should include preconstruction survey measure(s) for San Francisco dusky-footed woodrat nests. Surveys will be conducted within the Project footprint and a 50-foot buffer of the Project. Surveys should be conducted by a qualified biologist at least two weeks prior to the start of any ground-disturbing activities. In the event a San Francisco dusky-footed woodrat nest is found in the proposed Project area, the developer/Project proponent shall submit results of surveys to CDFW. Surveys results shall include locations of any detected nests, sighted individuals or carcasses on a base map or maps. Maps shall include aerial imagery of the work site, predicted disturbed areas and protective buffer distances. The map or maps shall use an appropriate scale to depict an individual nest site.

Recommended Mitigation Measure #14: Nest Relocation

CDFW recommends a phased removal San Francisco dusky-footed woodrat nests where disturbance to nests is unavoidable. A qualified biologist should monitor and direct all activities associated with the removal of San Francisco dusky-footed woodrat nests. Only as necessary and to the minimal extent possible, Project site vegetation should be removed to provide access to the San Francisco dusky-footed woodrat nest(s). Vegetation should be removed to access San Francisco dusky-footed wood rat nests using hand tools. Small amounts of vegetation may be removed as needed by a qualified biologist. If significant amounts of vegetation must be removed to access a house such as dense poison oak or scrub, contractors with hand-tools should remove vegetation with a qualified biologist monitoring the activity. Gas-powered tools should be used as little as possible to reduce disturbance to occupied San Francisco dusky-footed woodrat structures.

Over a two-week period and prior to any construction activities, San Francisco dusky-footed woodrat nest(s) should slowly and progressively be dismantled to allow individuals of an occupied nest(s) to allow for gradual movement away from the exposed section of the nest. The dismantling of the nest should occur during daylight hours and mostly in the early morning (between 0700 and 1000 hours) to reduce the likelihood of a predation event and minimize sunlight exposure. To enhance adjacent habitat, a portion of the woody vegetation that was removed from the Project site should be placed in adjacent habitat to provide cover for dispersing San Francisco dusky-footed wood rats. San Francisco dusky-footed woodrat nest material and other woody vegetation should be relocated at least 200 ft from the Project site to ensure that the area is not re-colonized and potentially impacted by the construction activities. Where feasible, nest material, food caches and woody debris should be salvaged from the dismantled woodrat nest(s) and used to create cover and provide supplemental shelter for dispersing individual(s). Noting that food from the dismantled nest should be placed under the created cover.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 13

If a San Francisco dusky-footed woodrat young is located, the removal of vegetation and/or dismantling of nest should immediately be suspended for a period of two to four weeks in order for the young's eyesight to develop and become mobile. Noting that the removed material should be placed back on to the nest to re-cover the exposed litter and young. After two-to-four-week period, based on the development of the young, and in agreement with CDFW, the above phased-removal procedure of the San Francisco dusky-footed wood rat nest may resume. Within 24 hours of vegetation removal and completion of the nest dismantling, an additional visual survey of the Project area should be conducted to ensure that no new San Francisco dusky-footed woodrat nests have been constructed.

COMMENT #6: Bats

Issue: The Project includes the removal of 42 trees, including 25 protected trees. Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*) occurrences have been documented within the vicinity of the Project area and historic observations occur elsewhere in the County (CDFW 2024, BIOS 2024). To determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of trees, the IS/MND should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure #15: Bat Habitat Monitoring

CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct a survey from March 1 to April 1 or August 31 to October 15 prior to construction activities. The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, parking garages, siding or roofs of buildings, and hollow areas (bats need not be present). The surveys should occur at least two seasons in advance of Project initiation. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.

Recommended Mitigation Measure #16: Avoidance

If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until a qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 14

Recommended Mitigation Measure #17: Reporting

Prior to Project activities, the qualified biologist shall submit a report to CDFW that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered.

Would the Project interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

COMMENT #7: Wildlife Corridors and Habitat Connectivity

Issue: The Project is located at the eastern edge of core and patch habitat for movement of species across the Santa Cruz Mountain Range. Implementation of the proposed Project could prevent, decline, or otherwise alter use of existing wildlife movement corridors for American badger (*Taxidea taxus*), burrowing owl, California quail (*Callipepla californica*), loggerhead shrike (*Lanius ludovicianus*), and white-tailed kite. The IS/MND lists mitigation measures to protect habitat and species within the riparian area. However, the IS/MND does not include protections for species occurrences within the California annual grassland habitat. The California annual grassland habitat within the Project area overlaps with modeled core and patch habitat for the species listed above (BIOS 2024).

The proposed Project includes components such as construction of buildings, parking areas, streets in the California annual grassland habitat and the potential removal of riparian vegetation in the mixed riparian woodland and forest. The Project could result in direct mortality, reduced reproductive success, reduced frequency of care for young resulting in reduced health or vigor of young, forcing wildlife into movement paths and areas that could increase their vulnerability to vehicle strikes and predation, and reduction in genetic exchange affecting intra-species diversity. Isolation of subpopulations limits the genetic exchange of populations and increases the risk of local extirpation. Maintaining connectivity through these linkages is critical to ensure current and future wildlife populations' abilities to move and adapt to a changing climate and habitat conditions.

Recommended Mitigation Measure #18: Analysis and Monitoring of Habitat Connectivity

CDFW recommends that on-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed in the IS/MND. CDFW recommends the Project avoid developing and encroaching onto wildlife corridors, essential connectivity blocks, critical wildlife passage areas, or potential linkage areas.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 15

Recommended Mitigation Measure #19: Monitoring and Compensatory Mitigation

Where not feasible, CDFW recommends mitigation for wildlife movement impacts, including, but not limited to a 1) wildlife movement study of existing use of wildlife corridors within the Project area before and after construction, 2) on-site or off-site compensatory mitigation, such as the development or enhancement of a local wildlife movement corridor.

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

COMMENT #8: Riparian Setbacks (Section III., Pages 3-4)

Issue: The Project has the potential to encroach into riparian vegetation (i.e., “riparian zone”) from development. Encroachment into the riparian zone or removal of riparian vegetation, including grass and shrubs, can cause loss of habitat, destabilization of stream morphology, alteration of hydrology, degraded water quality, and reductions in many types of fish and wildlife. (Davis et al. 1996).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Recommended Mitigation Measure #20: Compensatory Mitigation and Reporting

CDFW recommends relocating the proposed sidewalk within the riparian area to outside of the riparian zone to reduce loss of riparian habitat. Where not feasible, CDFW recommends revising Mitigation Measure BIO-2 to include the following:

Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within the 35-foot riparian setback zone or other sensitive natural community, such as from sidewalks, should be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted.

Appropriate compensatory mitigation should be through preservation and protection in perpetuity of equal or higher quality habitat, or through creation, enhancement, and/or restoration. Replanted or restored mitigation sites should be monitored for a 10-year period. A mitigation and monitoring plan should be developed and include success criteria to be met at the end of the monitoring period. If success criteria are not met, the mitigation plan should include adaptive management actions along with additional years of monitoring as well as additional mitigation for the temporal loss.

Cindy McCormick
City of Gilroy
September 3, 2024
Page 16

All restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management.

Restoration should occur on-site to the extent feasible. If off-site restoration is necessary, it should be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration should occur in the same year as the impacts. Trees within the riparian zone or sensitive natural community shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak (*Quercus* sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH);
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH;
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks;

Non-oak trees:

- 1:1 replacement of non-native trees with native trees.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is

Cindy McCormick
City of Gilroy
September 3, 2024
Page 17

required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melony Wood, Environmental Scientist at (707) 428-2002 or Melony.Wood@Wildlife.ca.gov; or Jason Faridi, Senior Environmental Scientist (Supervisory), at Jason.Faridi@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

B77E9A6211EF486...

Erin Chappell
Region Manager
Bay Delta Region

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse, (SCH No. 2024080035)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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Cindy McCormick
City of Gilroy
September 3, 2024
Page 18

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Cindy McCormick
City of Gilroy
September 3, 2024
Page 19

ATTACHMENT 1: Special Status Species

Species	Status
Birds	
burrowing owl (<i>Athene cunicularia</i>)	Species of Special Concern (SSC)
California least tern (<i>Sternula antillarum browni</i>)	Federal Endangered (FE), State Endangered (SE), State Fully Protected (FP)
Cooper's hawk (<i>Accipiter cooperii</i>)	State Watch List (SWL)
golden eagle (<i>Aquila chrysaetos</i>)	FP
least Bell's vireo (<i>Vireo bellii pusillus</i>)	FE, SE
loggerhead shrike (<i>Lanius ludovicianus</i>)	SSC
northern harrier (<i>Circus hudsonius</i>)	SSC
tricolored blackbird (<i>Agelaius tricolor</i>)	State Threatened (ST), SSC
white-tailed kite (<i>Elanus leucurus</i>)	FP
Fish and Invertebrates	
Crotch's bumble bee (<i>Bombus crotchii</i>)	State candidate (SC)
Monterey hitch (<i>Lavinia exilicauda harengus</i>)	SSC
steelhead - south-central California coast DPS (<i>Oncorhynchus mykiss irideus</i> pop. 9)	FT (Federally Threatened), SSC
Mammals	
American badger (<i>Taxidea taxus</i>)	SSC
pallid bat (<i>Antrozous pallidus</i>)	SSC
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>)	SSC
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	SSC
western mastiff bat (<i>Eumops perotis californicus</i>)	SSC

Cindy McCormick
City of Gilroy
September 3, 2024
Page 20

Species	Status
Plants	
Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	S1, 1B.1
saline clover (<i>Trifolium hydrophilum</i>)	S2, 1B.2
Santa Clara Valley dudleya (<i>Dudleya abramsii</i> ssp. <i>setchellii</i>)	S2, 1B.1
smooth lessingia (<i>Lessingia micradenia</i> var. <i>glabrata</i>)	S2, 1B.2
Reptiles and Amphibians	
California red-legged frog (<i>Rana draytonii</i>)	FT, SSC
California tiger salamander - central California DPS (<i>Ambystoma californiense</i> pop. 1)	FT, ST, SWL
western pond turtle (<i>Actinemys marmorata</i>)	Proposed FT, SSC

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
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August 30, 2024

SCH #: 2024080035
GTS #: 04-SCL-2024-01314
GTS ID: 33551
Co/Rt/Pm: SCL/101/R4.945

Cindy McCormick, Planning Manager
City of Gilroy
7351 Rosanna Street
Gilroy, CA 95020

Re: Ren Fu Villa Residential Project — Mitigated Negative Declaration (MND)

Dear Cindy:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Ren Fu Villa Residential Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 MND.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project consists of subdividing the parcel to create 54 lots as well as a club house and new street infrastructure. The project site is about two miles away by road of United States Route 101 (US-101).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per

the MND, this project is found to have significant VMT impact. Please consider measures to mitigate the project's impact to Vehicle Miles listed in the section below.

Mitigation Strategies

Caltrans Smart Mobility Framework Guide defines a place type based on four physical elements: built form, land use, mobility options, and people. Using the Smart Mobility Framework Mapping Application 2022 ([link](#)), the proposed project area is identified as a suburban community that typically consists of primarily lower density residential areas with a high proportion of detached housing. Some retail and services uses are interspersed in the area, but there is little mixing of housing with commercial uses. Street network often have poor pedestrian and bicycle connectivity. There are low levels of transit service, large amounts of surface parking, and inconsistent pedestrian networks.

We encourage the project applicant to develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Please also consider the measures listed below are quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Provide Electric Vehicle Charging Infrastructure
- Provide Secure Bike Parking
- Provide Pedestrian Network Improvement
- Construct or Improve Bike Facility
- Dedicate Land for Bike Trails

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Cindy McCormick, Planning Manager
August 30, 2024
Page 3

Sincerely,

A handwritten signature in black ink that reads "Marley Mathews". The script is fluid and cursive, with the first letters of "Marley" and "Mathews" being capitalized and prominent.

MARLEY MATHEWS
Acting Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse



File: 34675
Uvas-Carnadero Creek

September 3, 2024

Cindy McCormick
City of Gilroy
Planning Division
7351 Rosanna Street
Gilroy, CA 95020
Cindy.McCormick@cityofgilroy.org

Subject: Initial Study Report for Ren Fu Villa Residential Project

Dear Cindy:

The Santa Clara Valley Water District (Valley Water) has reviewed the initial study for the proposed Ren Fu Villa Residential project (Project), in Gilroy. Upon review of the Initial Study, Valley Water staff has the following comments:

1. **3.2.4 Utility and Right-of-Way Improvements:** On page 11 of the Initial Study, it is noted that *"a new sanitary sewer line would be constructed between each of the three groups of residences on-site to connect the sanitary sewer lines in the new streets."* Based on Figure 3.2-1, it is assumed the proposed sewer lines will be contained within the 10-ft. wide private sanitary sewer easement; one of the sanitary sewer easements appears to cross Babbs Canyon Creek. Please note that any proposed utilities crossing Babbs Canyon Creek will be subject to approval from the California Department of Fish and Wildlife and require the issuance of a Lake and Streambed Alteration Agreement.
2. **4.4.2.b. Mitigation Measures – Riparian Setback:** Page 72 of the report asserts *"The only project component allowed in a riparian setback area would be the proposed sidewalks, which are exempt from the setback requirements."* This is contrary to the Valley Habitat Plan (VHP), which includes transportation facilities (e.g., sidewalks, bike paths, paved and unpaved roads) that are immediately adjacent to creeks as a covered activity under "in-stream capital projects (VHP, Chapter 2.3.3)." According to the VHP, sidewalks are also subject to the minimum riparian setback requirements.
3. **4.10.1.1. Regulatory Framework:**
 - a) As noted in Comment 1, Figure 3.2-1 shows a 10-wide private sanitary sewer easement which appears to cross Babbs Canyon Creek. All utilities crossing any stream will require a Lake and Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife (CDFW). The LSAA needs to be acknowledged as part of the Regulatory Framework.
 - b) Figure 3.2-1 shows proposed development, which according to Figure 4.4-1 (Land Cover Map), may overlap seasonal wetland areas. As such, a Section 404 permit from the Army Corps of Engineers may be required for the proposed project and needs to be acknowledged as part of the Regulatory Framework.



Page 2 of 3
Cindy McCormick
City of Gilroy
September 3, 2024

- c) As a member of the Water Resources Protection Collaborative, the City of Gilroy (City) has adopted the Guidelines and Standards for Land Use Near Streams (Guidelines and Standards). This document needs to be acknowledged as part of the Regulatory Framework as all development within the City needs to adhere to the Guidelines and Standards.
4. **4.10.1.2 Existing Condition, Flooding:** The section titled 'Flooding', incorrectly states that FEMA's 'Flood Zone D' denotes areas with flood risks due to a levee. It should be noted that 'Zone D' areas are designated as 'areas with unknown flood risks.'
5. **Section 4.10.2 Impact Discussion, Impact d:** On page 141, the IS/MND references the City's 2040 General Plan EIR and asserts the project will have the 'Same Impact as Disclosed in the General Plan EIR,' and asserts *"compliance with applicable SWRCB and CCRWQCB requirements during construction and post construction, in addition to City Code requirements would mitigate potential impacts that could lead to flooding on- or off-site to a less than significant level."* It should be noted these requirements are specific to stormwater quality and treatment of runoff but do not address flooding. The IS/MND needs to provide an analysis that is specific to the project and provide an analysis comparing runoff under pre- and post-project conditions. Uvas-Carnadero Creek, which is farther downstream of the development site is prone to flooding during events as frequent as the 5-year event. Therefore, the Project needs to mitigate for increased runoff and ensure runoff under post-project conditions do not exceed pre-project conditions - both in terms of volume and rate - for a range of events including the 2-, 10-, 25-, and 100-year, 24-hour storm events.
6. **Section 4.10.2 Impact Discussion, Impact e:** On page 142 of the Initial Study, it is noted that the Project would not connect to any of the City's existing stormwater infrastructure for low storm events and for high storm events, stormwater runoff would connect to Babbs Canyon Creek. Please specify the recurrence interval or design storm for which the bioretention basins will be designed to handle. As noted in Comment 5, Uvas-Carnadero Creek is prone to flooding, and increased runoff from the site may exacerbate flooding, both in terms of depth and lateral extent, farther downstream of the Project.
7. **4.10.1.2. Existing Conditions, Groundwater:** Valley Water records indicate the site contains 1 active well. If the well is to remain in place under post-development conditions, it must be protected so that it does not become lost or damaged during construction and/or post-development conditions. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If unknown wells are found on the subject property during construction, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage as specified under Valley Water's Wells Ordinance.
8. **Section 4.10.2 Impact Discussion, Impact b:**
 - a) The Project is within an area of the groundwater basin that supports natural groundwater recharge. Natural groundwater recharge is an important component of the County's water supply portfolio. The Project will increase the amount of impervious surface and the MND states that stormwater retention features will be included in the Project, although there are no details regarding these features. Stormwater retention basins and

Page 3 of 3
Cindy McCormick
City of Gilroy
September 3, 2024

other LID features are generally geared to minimizing impacts to surface water quality. Valley Water encourages that the retention basins be located and designed to retain as much runoff on site to promote natural groundwater recharge while minimizing impacts to groundwater quality.

b) In complying with all local and state stormwater regulations, all efforts should be made to protect groundwater quality and ensure that infiltration rates in the soil allow the bioretention areas to accommodate receiving runoff. We note that the proposed bioretention areas may not meet Valley Water guidelines for infiltration devices (Table 6 of the City's Stormwater Management Guidance Manual):

- i. Infiltration devices, such as the proposed bioretention areas, must maintain a vertical separation from seasonally high groundwater of at least 10 feet. The generalized depth-to-first groundwater in the area is between 10-20 ft below ground surface (bgs) based on an interpolated surface of the shallowest groundwater ever measured as of 2019. However, an actively monitored nearby well (11S04E07F004), approximately 600 feet NNE of the site, shows that depth-to-first groundwater varied between 1.7 and 5.4 feet bgs during 2024 and as shallow as 0.8 ft bgs in 2023 (see <https://gis.valleywater.org/Wells.html> for groundwater elevation information).
- ii. Regulatory agency approval is required if the infiltration device is with 1,500 feet of a known (closed or open) contamination site. There are two contamination sites within about 1,500 feet of the proposed development site: (i) the Babbs Creek Property (GeoTracker case: [T10000006276](#)) is a closed site located 500 feet due east of the

proposed development site, and (ii) a Private Residence site (GeoTracker case: [T0608500066](#)) is a closed cleanup site located about 1,500 ft north-northeast of the proposed development site.

- iii. If any abandoned wells are identified on-site, they must be properly destroyed in coordination with Valley Water. Contact our Well Permitting and Inspections Hotline at: 408-630-2660 for more information or see <https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>.

If you have any further questions regarding Valley Water's comments on the initial study, you may contact me at (408) 630-2693, or reach me via email at rsaleh@valleywater.org.

Thank you,

Signed by:


597F65E0C08448F...

RAIHAN SALEH

Assistant Engineer II - Civil
Community Projects Review Unit

Cc: Y. Arroyo, B. Hwang, C. Haggerty, R. Saleh, V. De La Piedra, G. Tick, J. Gurdak, M. Richert, M. Martin, File



August 26, 2024

Re: Initial Study/Mitigated Negative Declaration (MND)

Project Number: TM 22-02 & Z 22-03

Project Title: Ren Fu Villa Residential Project

Project Applicant: Susan Wang

Project Location: South of Santa Teresa Boulevard, Adjacent to Miller Avenue

Assessor Parcel No. 810-23-005

Cindy McCormick,

Thank you for the opportunity to respond to the Ren Fu Villa Residential Project Initial Study/Mitigated Negative Declaration (IS/MND). Comments below are based on the review of the IS/MND. Additional comments may be forthcoming pending final review. This project will have a direct impact in the City of Gilroy by achieving our goal to reduce air emissions from on-road motor vehicles and future developments. Improve air quality by encouraging our residents, commuters, employees to mode shift from vehicles to cycling, increase walking as alternatives to driving for short and first/last mile trips, and add new riders to the transit system.

This project should include a robust Transportation Demand Management (TDM) Program that leverages nearby transit, bike lanes, and walking routes to further reduce Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions. With its convenient location to transit, shopping, and bike/ped facilities there are few barriers to reducing VMT at this project through a managed program. With the recent adoption of our City's General Plan 2040, we as a community called for bold actions that include continuing to promote cleaner modes of transportation. We encourage existing and proposed development to incorporate Transportation Demand Management (TDM) measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes. We advocate that all new construction incorporate an all-electric model and be fossil fuel free in order to reduce greenhouse gas emissions.

We are actively embracing, advancing ideas, and projects that promote the concept of free-range people in the City of Gilroy. We advocate for building and planning that considers future generations as well as current residents who don't own cars. Advancing mobility options reflects

what we are teaching the youth in our community through Safe Routes to School and why we are nationally recognized as a Bronze Bicycle Friendly Community from the League of American Bicyclists, as well as recognized by the World Health Organization as an Age-Friendly Community. Continuing to leverage our Measure B Education & Encouragement (E&E) funding for established work plans/programs will further enhance Gilroy's efforts. Measure B E&E Bike to Work Day, Community Bike/Walks Counts, Community Engagement, General, Online Media Campaign, and Safe Routes to School work plans.

While there might be portions of our city that are isolated from transit, this development is not in one of those areas. Gilroy has a fully connected bike network and transit options. We have a large population that works, visits, and attends schools in Gilroy that benefits from local transit and rideshare. Gilroy has the vision that the glass is half full, we have the ability to innovate, and adapt to programs that will further reduce our VMT. Thank you to the consultants for their recommendations and to the applicant for exceeding development standards by building all electric.

We have the following recommendations and comments based on the Ren Fu Villa Residential Project Initial Study/Mitigated Negative Declaration (MND) and our General Plan 2040 Mobility-

Recommend Promoting Gilroy's Safe Routes to School Program- Both the City of Gilroy and Gilroy Unified School District through formally adopted resolutions are a Safe Routes to School City¹ and School District. There is a formally adopted Safe Routes to School Action Plan² and formal Safe Routes to School Task Force. The Schools that will serve this location are Las Animas Elementary, Solarsano (Ascencion) Middle School, and Gilroy High School.

Greenhouse Gas (GHG) Mitigations- While the City of Gilroy will begin work on a Climate Action Plan /GHG reduction strategy in early 2025, a GHG reduction strategy has not yet been adopted by the City. To meet the BAAQMD's GHG Threshold, the project will make no connections to natural gas, would meet CALGreen requirements that are energy efficient and would be constructed in a manner that would avoid wasteful use of energy and Reduce VMT per capita by 15 percent over regional average, and consistent with the requirements of the CALGreen Building Standards Code, each of the 54 residences would install a 208/240-volt branch EV charging circuit and receptacle in the garage to allow for on-site EV charging. Project does not conform because the project's traffic analysis shows that the rate of VMT per capita exceeds the 15-percent threshold. We agree with these mitigations and encourage a solar plus battery system on each home of the project. We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to rely on VTA. We recommend that new homes purchased receive a \$100 Clipper Card and annually that Clipper Card is auto-loaded \$100 by the projects HOA, i.e. Kern Cottages and Royal Townhomes conditions of approval. It takes a

¹<https://www.cityofgilroy.org/DocumentCenter/View/7646/Resolution-2012-20-City-of-Gilroy-Supports-Safe-Routes-to-School->

² <https://www.cityofgilroy.org/AgendaCenter/ViewFile/Item/3233?fileID=8561>

combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.

The applicant shall mitigate the project's operational GHG emissions for the life of the project1 to achieve the applicable year-specific quantitative threshold over the next 30 years by purchasing and retiring carbon offset credits. Demonstration of Reduction: The GHG reduction plan shall quantify the GHG emissions from the project while accounting for any reductions that can be achieved through design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.). Any remaining emissions that must be offset, shall be offset through the purchase of verifiable carbon emission offsets. The reduction of project GHG emissions through the retirement of carbon offset credits. All GHG emissions should be offset at the project site because that benefits the residents of the project and City of Gilroy. Purchasing carbon offset credits don't help the residents of Gilroy and future residents of Gilroy.

Recommended Bike Parking- A more robust program including e-bike parking in the garages and e-bike parking at the clubhouse will further drive down VMT.

General Plan 2040 Mobility-*The Mobility Element provides the framework for decisions in Gilroy concerning the citywide transportation system. It seeks to create a balanced transportation network that supports and encourages walking, bicycling, and transit ridership. The goals and policies address a variety of topics, including multimodal transportation, complete streets, pedestrian facilities, bikeways, public transit, vehicular transportation, parking, and goods movement.*

Mobility 4.6- Santa Clara Valley Transportation Authority (VTA)

Coordinate with VTA on the planning of new transit routes within Gilroy and maintain a strong relationship with VTA management to ensure continued cooperation. Was this development project routed for plan review with our partner VTA, we have the opportunity to shift riders towards transit through a robust managed Transportation Demand Management (TDM) program? We can't continue to rely on mode shifting without actively managing programs.

Mobility 4.8- Consider Transit in Planning and Development Proposals

Coordinate with VTA on advance planning projects and development proposals that may have implications for public transit and consider the VTA's Transit Sustainability Policy/Service Design Guidelines. What has this development done towards meeting this general plan consistency?

Existing Transit Services- Thank you for listing out the existing transit services for this project and serving Gilroy. We would like to add the following services and future services. Caltrain currently serves riders from Gilroy to San Francisco and a future extension south to Salinas.³ Bus service between Santa Clara County and Monterey County kicked off Monday, October 30, 2023 with 4 round trips Mon-Fri. Public transit will connect passengers between Santa Clara County and Monterey County, with the start of Bus Line 59 running between VTA's Gilroy Transit Center and Salinas Intermodal Transit Center/AMTRAK.⁴ This is a great opportunity to promote the use of public transit to the residents and visitors through outreach programs established in a managed Transportation Demand Management (TDM) program. Leverage the Measure B E&E funding the city has and the marketing outreach resources from Valley Transportation Authority (VTA).⁵

Mobility 5.3- *Promote Non-Auto Modes of Transportation Consider offering incentives as part of a multimodal system approach, for projects that incorporate travel demand management techniques and promote transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.* We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to rely on VTA. It takes a combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.

Transportation Demand Management Mobility 1.12- *Encourage existing and proposed development to incorporate TDM measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes.*
Recommended TDM programs to include:

- \$100 Annual Auto-Loaded Clipper Card, VTA Passes or VTA's Smart Pass <https://www.vta.org/go/fares/smartpass> (The Smart Pass program allows employers, developers, educational institutions, management companies or homeowners associations the ability to purchase VTA transit passes at a bulk discount rate to provide to employees or residents to encourage transit usage. Smart Passes are good for unlimited use of VTA Bus and Light Rail services, seven days a week. The program also includes an "Emergency Ride Home" provision that allows Smart Pass holders to take a taxi home if they need to leave work in the middle of the day.)

³ <https://www.tamcmonterey.org/monterey-county-rail-extension>

⁴ <https://mst.org/wp-content/media/59.pdf>

⁵ <https://www.vta.org/faq/how-do-i-start-riding-vta>

- Expand Outthink's Project Chrysalis E-Bike Program with the purchase of e-bikes or a pool of e-bikes for rideshare in a central hub for the project.⁶
- Provide city bike maps to all residents from management in correspondence.
- Provide routes to major transit connections, parks, schools, shopping, and restaurants.
- Annual presentation to the Ren Fu Villa Residential Clubhouse of current bike/walk/transit options and incentive programs offered by the City of Gilroy currently funded by the Measure B Education & Encouragement program.
- Encourage Bay Area Air Quality Management District's and the Metropolitan Transportation Commission's (MTC) new post-pandemic compliance option for the regional Commuter Benefits Program: Telework "Flex Your Work" program. Carpooling, public transportation, vanpools, bicycling, walking and teleworking are flexible choices Bay Area employees have when planning daily commutes. Both the new Commuter Benefits Program Option 5: Telework and the "Flex Your Commute" program will encourage sustainable commuting options as the Bay Area continues its recovery from the pandemic and returns to the workplace.

Sincerely,

Gilroy Bicycle Pedestrian Advisory Committee (Gilroy BPAC)

GilroyBPAC@gmail.com

<https://www.facebook.com/GilroyBPAC>

We are a community group actively embracing, advancing ideas, and projects that promote the concept of free-range people in Gilroy. We support building projects that are energy resilient and promote the reduction of greenhouse gasses (GHG). We are seeking your input whether you are a BMX rider, trail runner, recreational bike rider, MTB rider, walker, and hiker! #GilroyBPAC

⁶ https://svcleanenergy.org/wp-content/uploads/CityChrysalis_FinalReport_29Mar2022_digital.pdf



September 3, 2024

To: Cindy McCormick, Planning Manager
City of Gilroy
Cindy.McCormick@cityofgilroy.org

Re: Ren Fu Villa Residential Project IS/MND

Dear Ms. McCormick,

The Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter are environmental organizations that work to protect natural resources and promote the enjoyment of nature. We appreciate the opportunity to comment on the Mitigated Negative Declaration (MND) for the Ren Fu Villa Residential Project and its associated Initial Study (IS).

Project description

The project proposes a Zoning Map amendment (Z 22-03) to rezone the property to RH (Residential Hillside), consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map (TM 22-02) to subdivide the site into 54 lots. Future applications would be submitted to construct a single-family residence on each lot. The project would also include a private club house that would be located on the western side of the site. The project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place.

Our concerns focus on bird collision with windows, as well as lighting, setbacks from the creek and the pond, and the absence of specific requirements for pre-construction surveys for nesting birds.

1. Nesting birds

The IS and MND do not discuss nor mitigate the potential impacts of the project on nesting migratory birds. Avoiding harm to nesting birds is required by the Migratory Bird Treaty Act and

California Fish and Wildlife. It is also a policy of the Gilroy 2040 General Plan Natural and Cultural Resources Element to avoid or reduce potentially significant impacts to special-status species and nesting birds (NCR 1.8 Native Nesting Bird Protection). The Final EIR for the Gilroy 2040 General Plan includes no mitigation for impacts or 'take' of nesting migratory birds that are not special-status species. Therefore, this project should provide mitigation that abides by federal and state laws, and implements General plan policy NCR 1.8 Native Nesting Bird Protection. The potential impact to nesting birds applies to all areas and phases of the project, and is especially concerning when project construction imposes temporary or permanent impacts near the creek or within the creek setback.

Mitigation should require pre-construction surveys of all vegetation and land areas within or adjacent to the project footprint and within a week of ground disturbance on any of the project components, including the club house, project infrastructure, and homes.

2. Bird collisions with glass

Bird collision with glass and other elements of the built environment is one of the primary drivers of the decline in bird populations in North America¹. This is a potentially cumulative impact and we are pleased to see that the IS includes a discussion of bird collisions.

The IS lists hazardous architectural elements to avoid, including extensive areas of highly reflective or transparent modern-style wall-to-wall glazing on the facades of the proposed residences or club house, freestanding glass handrails, transparent glass building corners, or planted atria. We ask you to include additional see-through situations, such as parallel glass surfaces that allow a line of sight (or a line of flight) through the club house, or through architectural elements of a home.

3. Crotch's Bumble Bee

The IS states that construction and operation of the project would permanently impact 17.66 acres of land cover types that have some potential to be used by Crotch's bumble bees for foraging and/or nesting. We recognize that the Habitat Agency does not currently list the Crotch's Bumble Bee as one of its covered species, but is expected to do so in an upcoming update. The project should negotiate adequate compensation for the impact to 17.66 acres of land cover or commit to implementing any future preconstruction survey requirements and fees that will be imposed on similar developments in the future.

4. Lighting

The Gilroy 2040 General Plan and the project's Standards Conditions of Approval aims to reduce the visual impacts of light and glare and to conserve energy, but does not consider the full

¹ <https://www.fws.gov/story/threats-birds-collisions-buildings-glass>

adverse impacts of artificial outdoor lighting on biological resources and human health. Studies show that artificial light at night attracts birds to areas where they are more likely to collide with glass². Artificial light at night also has a pervasive impact on biological systems, from the cellular and organismal level to population level³. The impact of artificial light at night is so pervasive that it impacts all living beings, including humans, degrading health and inducing disease. The reason for this is that light at night interferes with hormonal controls and biological synchronization, decoupling physiological, behavioral and ecological processes.

We appreciate the requirements of Policy NCR 1.10 which encourages (but does not require) measures to limit light pollution from outdoor sources such as directing outdoor lighting downward and away from wildlife habitat areas. We strongly believe that additional mitigation is required to address the duration, intensity, and correlated color temperature of outdoor light at night.

The disruption to biological systems is higher when the blue light component of the spectrum is pronounced. Today, lighting fixtures are widely available with a Correlated Color Temperature (CCT) of 2700 Kelvin or less. The project should therefore require all outdoor lighting to be of 2700 Kelvin or less. In addition, outdoor lighting should be extinguished after 10PM, allowing only motion sensing technology for security purposes.

5. Stream, pond, and riparian ecosystems

Our foremost concern regarding the project impacts are related to the riparian ecosystem and the pond at the center of the project site. The projects:

5.1 The project allows encroachment within the setback. MM BIO-2 proposes to compensate for Direct, Permanent Encroachment into the Riparian Setback by the preparation of a mitigation plan, but there is scant information about this future plan. With no details on the location of “existing riparian corridor elsewhere on the project site” to be enhanced as mitigation, it is impossible to know whether the impact to the riparian ecosystem will be mitigated to a less than significant level. It seems that the riparian vegetation on the project site is already robust and of adequate structure and function, so the additional compensation will have no added value and therefore will not mitigate the permanent impacts. We believe that there is a fair argument to be made that the MND does not mitigate this impact to a less than significant level.

In addition, the MND requires only 3 years of monitoring stating, “The plan shall include at least three years of monitoring to ensure mitigation success”. Due to climate change, extreme weather conditions and fluctuations are impacting long term survival of riparian ecosystems. We ask for

² <https://www.pnas.org/doi/full/10.1073/pnas.2101666118>

³ <https://darksky.org/news/artificial-light-at-night-state-of-the-science-2023-report/> and <https://darksky.org/news/artificial-light-at-night-state-of-the-science-2024/> and multiple references regarding animal and human health in this database https://www.zotero.org/groups/2913367/alan_db/library

10-year monitoring efforts to ensure that mitigation criteria are sustained.

5.2 the project delineate a 35-ft setback, which is an inadequate protection for the creek and the pond

While not yet mapped as a Santa Clara Valley Habitat Plan (SCVHP) Category 1 stream, the upper Babbs Creek and pond function as Category 1 rather than as Category 2 and are worthy of heightened protections. The known presence of a Habitat Plan covered species, the Western Pond Turtle, and the sufficient water flows to support them and the riparian forest, connected to the mountain watershed and large open habitat of the Santa Cruz Mountains, are qualities of Category 1 rather than Category 2. The SCVHP plan description of the categories is as follows:

“Stream Community Stream communities are grouped into two simplified categories for the purposes of this condition. These categories are based on broad definitions of the **biological characteristics of those communities and correspond to the level of habitat quality for covered species and sensitive riparian communities within the study area.** Categories for the stream setback requirement are provided below.”

“Category 1. This stream type **has sufficient flow to support covered species and riparian habitat.** These streams include perennial streams and some intermittent streams. These streams are typically larger than ephemeral drainages and support movement of covered species along the length of the stream. The ability of these streams to also support healthy riparian habitats bolsters the ecological value of the stream. **This category also includes all in-channel ponds** downstream of reservoirs. These streams are shown in Figure 6-216”

“Category 2. This stream type **may not have sufficient flow to support covered species and riparian habitat.** These streams include all ephemeral streams and some intermittent stream reaches. These reaches provide minimum support of water-quality functions and primary breeding habitat for covered species. Category 2 streams are not specifically mapped as part of the Habitat Plan. They include both identified streams (named creeks and USGS blueline creeks) that are not classified as Category 1 streams (as shown in Figure 6-2) and other unmapped streams that meet the “Criteria to Verify or Identify a Watercourse as a Stream” as defined below.”

The environmental report states that SCVHP Conditions 1, 3, and 12 will be met for the pond. We believe that this should include adequate protection for the Western Pond Turtle. SCVHP Appendix D, Table 3. Movement Distances for Western Pond Turtle Type Distance/Area Location of Study Citation Home range (aquatic) shows a minimum of 100m from watercourse to upland habitat, up to 400m for nesting sites, and movement to overwintering sites from home range of about 167m.

Overall, the proposed setback of 35 feet will not provide adequate mitigation for impacts to the species that depend on the creek and the pond (including the Western pond turtle) or the

Riparian and Stream Function that are needed for these species (Habitat Plan Table 6-6).

6. Connectivity for wildlife

The IS page 75 states, “The project site ... lacks direct connectivity (both terrestrial and hydrological) to larger, more diverse riparian corridors in the region. Based on these factors, it does not currently function as a biologically significant movement corridor”. We do not believe this to be accurate. The site continues to provide watercourse and riparian forest connectivity to the larger, more diverse riparian corridors of the Santa Cruz Mountains, with no clear impediment to animal movement across the landscape.

We thank you for the opportunity to comment on the project,

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Bird Alliance

Mike Ferrera, Chapter Chair
Sierra Club Loma Prieta Chapter



Community Development Department

Sharon Goei
DIRECTOR

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Telephone: (408) 846-0451 Fax: (408) 846-0429
<http://www.cityofgilroy.org>

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: February 24, 2025

Application #s: TM 22-02, Z 22-03

Project Title: Ren Fu Villa Residential Project
Project Applicant: Amanda Musy-Verdel (on behalf of Susan Wang)
Project Location: South of Santa Teresa Boulevard, adjacent to Miller Avenue, Gilroy, CA
Assessor Parcel No.: 810-23-005

Project Description: The project proposes a Zoning Map amendment (Z 22-03) to rezone the property to RH (Residential Hillside), consistent with the 2040 General Plan Hillside Residential land use designation, and a Tentative Map (TM 22-02) to subdivide the site into 54 lots. Future applications would be submitted to construct a single-family residence on each lot. The project would also include a private club house that would be located on the western side of the site. The project would construct new streets, utility lines, and parking for the proposed residences. The existing creek and pond located in the central portion of the site would be preserved in place. The project site is not on any of the lists enumerated under Section 65962.5 of the Government Code.

II. DETERMINATION

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

- As proposed, the project would contribute to significant and unavoidable impacts that were previously disclosed in the Gilroy 2040 General Plan Final Environmental Impact Report (State Clearinghouse [SCH] #2015082014), which was certified by the City of Gilroy City Council on November 2, 2020. The City of Gilroy City Council adopted a resolution with the findings of fact and a statement of overriding considerations for the environmental impacts related to implementation of the Gilroy 2040 General Plan.
- In addition to contributing to the previously disclosed significant and unavoidable impacts in the Gilroy 2040 General Plan Final Environmental Impact Report, the project could result in additional significant effects on the environment; however, there will not be any significant effect in this case because mitigation measures are included in the project, and therefore, this MITIGATED NEGATIVE DECLARATION (MND) has been prepared.

III. CONDITIONS (Mitigation Measures)

A. Biological Resources

MM BIO-1:

Burrowing Owls. To minimize impacts on burrowing owls, the following measures will be implemented:

- **Preconstruction Surveys for Burrowing Owls.**

Preconstruction surveys for burrowing owls shall be conducted by a qualified biologist/ornithologist (funded by the project applicant) prior to the initiation of construction activities. The first preconstruction survey for burrowing owls shall be conducted up to 14 days prior to the start of construction activities in any given area, and the second survey (if determined to be necessary based on the proximity of suitable burrows) shall be conducted within two days prior to the start of construction activities. The preconstruction surveys shall be conducted within suitable burrowing owl roosting habitat (i.e., grassland or scrub habitats with burrows of California ground squirrels), or within 250 feet of this habitat, regardless of the time of year in which construction commences. During the initial site visit, a qualified biologist/ornithologist shall survey the entire project site and (to the extent that access allows) areas within 250 feet by walking transects with centerlines no more than 50 feet apart and ensure complete visual coverage and looking for suitable burrows that could be used by burrowing owls. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of the project impact areas, a qualified biologist/ornithologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities. The surveys shall last a minimum of three hours, beginning one hour before sunrise and continuing until two hours after sunrise or beginning two hours before sunset and continuing until one hour after sunset.

- **Implement Buffer Zones for Burrowing Owls.** If burrowing owls are detected during the pre-activity survey, a 250-foot buffer, within which no construction-related activities shall be permissible, shall be maintained between construction activities and occupied burrows. Though highly unlikely, owls present between February 1 and August 31 shall be assumed to be nesting, and the 250-foot protected area buffer shall remain in effect until August 31, or until the burrow is no longer occupied as determined by a qualified biologist/ornithologist, whichever occurs first.
- **Monitor Owls during Construction.** If maintaining a 250-foot buffer around active owl burrows is not feasible, the buffer may be reduced if (1) the individual or nest is not disturbed, and (2) a qualified biologist/ornithologist

develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW and USFWS prior to the initiation of construction activities in the identified 250-foot buffer areas. The plan shall include the following measures:

- A qualified biologist shall monitor the owls for at least three days prior to construction as well as during construction.
- If the biologist observes no change in the owls' nesting or foraging behavior, construction activities may proceed.
- If changes in the owls' behaviors as a result of work activities are observed by a qualified biologist/ornithologist, activities shall cease within 250 feet of the active burrow location(s). Work activities may resume when by a qualified biologist/ornithologist confirms the burrows are no longer occupied.
- If monitoring by a qualified biologist/ornithologist indicates that the burrow is no longer in use by owls, the disturbance-free buffer may be removed.
- Because passive relocation of burrowing owls is not allowed under the Habitat Plan at this time, if an owl persists on the site within an area where construction cannot be delayed despite implementation of the measures included in the approved avoidance, minimization, and monitoring plan, the applicant shall coordinate with the Santa Clara Valley Habitat Agency to determine alternative protection measures that would reduce or avoid impacts to the owl.

The qualified biologist/ornithologist shall submit a summary report, to the City of Gilroy, that includes the findings of preconstruction surveys, identification of any required buffers, documentation of justification for any reduced buffers and a copy of the avoidance, minimization, and monitoring plan approved by CDFW and USFWS (if applicable) prior to issuance of grading or construction permits.

MM BIO-2:

Compensate for Direct, Permanent Encroachment into the Riparian Setback. Direct, permanent impacts within the 35-foot riparian setback shall be mitigated on-site at a minimum 2:1 ratio (mitigation area to impact area) through enhancement of the existing riparian corridor elsewhere on the project site. This enhancement, which shall be directed by a qualified restoration or plant ecologist (funded by the project applicant), would consist of planting or restoration of native vegetation appropriate to the site, and management of any particularly noxious occurrences of invasive plants, in a way that will enhance the structure and function of the riparian habitat. The qualified restoration or plant

ecologist shall prepare a mitigation plan outlining the enhancement activities which shall be submitted to and approved by the City prior to the issuance of any construction or grading permits. The plan shall include at least three years of monitoring, following implementation of mitigation, to ensure mitigation success. Among the performance criteria required by this mitigation plan shall be survival of enough planted/restored vegetation three years after implementation to ensure that enhancement has occurred at a minimum ratio of 2:1, as discussed above.

B. Cultural Resources

MM CUL-1: Prior to the commencement of construction, the applicant shall secure the services of a qualified archaeologist. The qualified archaeologist shall prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable resources. The WEAP shall be reviewed and approved by the City's Community Development Director, or his or her designee, prior to the issuance of construction and grading permits. This program shall be provided to all construction workers as a field training prior to the beginning of ground-disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialist(s).

MM CUL-2: Ground-disturbing activities (including, but not limited to, demolition / excavation, grading, and utility trenching) shall be monitored by a qualified archaeologist to be retained by the project applicant. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find until its significance can be assessed by the qualified archaeologist.

After observing a representative sample of ground-disturbing activity with no cultural resources encountered, the archaeologist may recommend that monitoring move to a part-time or intermittent schedule by mutual agreement with the City.

A summary report of the monitoring results, including any protective measures implemented (see the Cultural Resources conditions of approval at the end of this MMRP), shall be submitted to the City prior to the issuance of building permits.

C. Greenhouse Gas

MM GHG-1:

Reduce GHG Emissions. The applicant is responsible for retaining a qualified air quality/GHG specialist to develop a GHG reduction plan to reduce GHG emissions such that the project's GHG emissions are reduced by the emissions equivalent to those produced by the rate of VMT exceeded over the threshold. These reductions shall be kept in place by the project until the City adopts a GHG reduction plan that contains goals and associated strategy to decrease emissions in a manner consistent with meeting the State's interim 2030 GHG emissions and long-term goals.

- Threshold: GHG emissions would need to be reduced by an amount equivalent to the Project VMT that exceeds the VMT threshold. Without any traffic mitigation (i.e., TDM plan), the project per capita VMT would exceed the threshold by about 41 percent. Assuming a total of 176 residents, this would be 1,156 miles per day. Based on the additional VMT, the CalEEMod and EMFAC models were used to calculate the amount of GHG emissions to be reduced annually in order to meet the VMT significant threshold over the next 30 years. The applicant shall mitigate the project's operational GHG emissions for the life of the project¹ to achieve the applicable year-specific quantitative threshold² over the next 30 years by purchasing and retiring carbon offset credits.³
- Demonstration of Reduction: The GHG reduction plan shall quantify the GHG emissions from the project while accounting for any reductions that can be achieved

¹ The life of the project is assumed to be 30 years since building systems are generally substantially upgraded by year 30 (<https://www.rdh.com/blog/long-buildings-last/>; <https://abgrealty.com/blog/life-span-commercial-building-components/>; https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf). California anticipates a significant increase in electric vehicles within the next 14 years (Executive Order N-79-20; <https://www.experian.com/blogs/insights/2020/11/new-california-mandate-rekindles-electric-vehicle-buzz/>).

Treating a building and its associated automobile GHG lifespan as 30 years appears conservative and is consistent with the methodology employed by the South Coast Air Quality Management District.

² The total number of MT/CO₂e that would need to be offset is 1,922. The year-specific quantitative thresholds in MT/CO₂e/year are as follows: 2028: 129, 2029: 123, 2030: 117, 2031: 113, 2032: 109, 2033: 106, 2034: 102, 2035: 98, 2036: 92, 2037: 87, 2038: 81, 2039: 76, 2040: 70, 2041: 64, 2042: 59, 2043: 53, 2044: 48, 2045: 42, 2046: 36, 2047: 31, 2048: 25, 2049: 20, 2050: 14, 2051: 14, 2052: 14, 2053: 14, 2054: 14, 2055: 14, 2056: 14, 2057: 14.

³ If natural gas connections are included in the final project design, the emissions associated with natural gas use during project operation shall be calculated and 100 percent offset through implementation of the appropriate measures identified in the GHG reduction plan.

through design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.). Any remaining emissions, that must be offset, shall be offset through the purchase of verifiable carbon emission offsets. The reduction of project GHG emissions through the retirement of carbon offset credits shall satisfy the following conditions:

- Registry Performance Standards: The applicant shall provide proof to the City's Community Development Director, or his or her designee that the carbon offset credits were issued by a registry meeting the following requirements:
 - The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting;
 - The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Community Development Director, or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure.
- Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.⁴

⁴ The following terms in this mitigation are defined as follows: "Additional" means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in

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

- Geographic Limitations: The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.
- Timing: The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring the required offset credits prior to final issuance of the building permit.. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational

effect at the time the credit project was initiated. "Real" means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. "Verifiable" means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. "Permanent" means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. "Quantifiable" means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. "Enforceable" means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

GHG emissions in excess of the threshold have been purchased and retired. A conservative estimate of the offset credits that need to be purchased by the project applicant for the lifetime of the project is 1,922 MT.⁵

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

⁵ This was estimated by adding the annual project GHG emissions to be reduced between 2028 and 2057. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1

OR

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

D. Hazards and Hazardous Materials

MM HAZ-1:

Preparation of a Risk Management Plan and Health and Safety Plan. Prior to issuance of a grading permit and excavation of the undocumented fill on-site, an Environmental Professional retained by the project applicant shall prepare an appropriate risk management plan (e.g., Site Management Plan) to establish appropriate management practices for handling the undocumented fill, including guidelines for the reuse and disposal of these materials. The plan shall also include protocols to segregate the lead-impacted fill encountered near TP-8 (see Appendix E for location information) and ensure that appropriate off-site disposal is completed. This plan shall be submitted to the City for review and approval prior to issuance of grading and construction permits. Following completion of the excavation, a report documenting compliance with the risk management plan and summarizing the work completed on-site shall be prepared by the Environmental Professional and provided to the City for review and approval.

The project applicant shall also require the construction General Contractor to prepare a Health and Safety Plan (HSP) establishing appropriate protocols for working at the property and submit the HSP to the City prior to issuance of construction and grading permits. Workers conducting property earthwork activities in contaminated areas shall complete 40-hour HAZWOPER training course (29 CFR 1910.120). The General Contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.

E. Transportation

MM TRN-1:

Reduce Project VMT. The project applicant shall hire a qualified transportation consultant to develop and implement TDM strategies for the project to reduce the project's VMT per capita to the extent feasible. These TDM strategies shall be implemented concurrently with the occupation of the completed residences on-site. These strategies could include, but are not limited to, the following:

- TP01 – School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off. Organizing a School Pool Program helps match parents who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT.
- TP02 – Bike Share Programs: Dedicate space on-site for or provide subsidies to a bike sharing system, ideally one with high penetration in a larger area, such as Bay Wheels. Bike share substitutes for some driving trips and provides a first/last-mile connection for transit users, reducing auto trips and thereby reducing VMT. This reduction only applies if a bike share station is built on site.
- TP03 – Car Share Programs: Provide subsidies and promotions, as well as dedicated parking spaces, for car sharing services such as ZipCar, Car2Go, and GetAround for 100 percent of residents from the project. Supporting a car sharing program allows for people to have on-demand access to a shared fleet of vehicles on an as-needed basis. Car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day trips or a guaranteed ride home option, allowing for overall reductions in auto use which results in reduced VMT.
- TP18 – Voluntary Travel Behavior Change Program: Provide a program that targets individual attitudes and behaviors towards travel and providing tools for individuals to analyze and alter their travel behavior. Voluntary Travel Behavior Change programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT.

A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and

approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.

IV. FINDING

The City of Gilroy hereby finds that the project would contribute to significant and unavoidable impacts that were previously disclosed in the Gilroy 2040 General Plan Final Environmental Impact Report, which was certified by the City of Gilroy City Council on November 2, 2020. The project could result in additional significant effects on the environment; however, there would not be any additional significant effects in this case because mitigation measures summarized above and described in the Initial Study are included in the project.

V. LEAD AGENCY REPRESENTATIVE

Sharon Goei
Community Development Director

Date

VI. CONTACT INFORMATION

For additional information, please contact the City of Gilroy Planning Division at (408) 846-0440. Written comments may be sent via email to planningdivision@cityofgilroy.org or postal mail at City of Gilroy Planning Division, 7351 Rosanna Street, Gilroy, CA 95020.



City of Gilroy, California

Community Development Department
Planning Division
7351 Rosanna Street, Gilroy, CA 94583

Project Name: Ren Fu Villa Residential Project

Project Numbers: TM 22-02 & Z 22-03

Address/Location: Intersection of Santa Teresa Boulevard and Miller Avenue,
City of Gilroy, CA (Assessor Parcel Number 810-23-005)

MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and 15097 of the CEQA Guidelines, which requires a MMRP as part of the Mitigated Negative Declaration (MND) process. The results of the environmental analysis, including findings related to the proposed mitigation measures, are documented in the Final MND.

CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the project including construction and throughout the project build-out. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately ensure compliance.

The following MMRP matrix lists required mitigation measures, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

In addition, the end of this document lists Conditions of Approval the project shall implement in order to comply with applicable regulations.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Biological Resources				
MM BIO-1: Burrowing Owls. To minimize impacts on burrowing owls, the following measures will be implemented: Preconstruction Surveys for Burrowing Owls. Preconstruction surveys for burrowing owls shall be conducted by a qualified biologist/ornithologist (funded by the project applicant) prior to the initiation of construction activities. The first preconstruction survey for burrowing owls shall be conducted up to 14 days prior to the start of construction activities in any given area, and the second survey (if determined to be necessary based on the proximity of suitable burrows) shall be conducted within two days prior to the start of construction activities. The preconstruction surveys shall be conducted within suitable burrowing owl roosting habitat (i.e., grassland or scrub habitats with burrows of California ground squirrels), or within 250 feet of this habitat, regardless of the time of year in which construction commences. During the initial site visit, a qualified biologist/ornithologist shall survey the entire project site and (to the extent that access allows) areas within 250 feet by walking transects with	The project applicant shall submit the summary report prepared by the qualified biologist/ornithologist and described in MM BIO-1 to the City for review and approval.	City of Gilroy Community Development Director, or his or her designee. Staff from the CDFW and USFWS if maintaining a 250-foot buffer around active owl burrows is not feasible, requiring a reduced buffer and preparation of an avoidance, minimization, and monitoring plan to be reviewed and approved by CDFW and USFWS.	Prior to issuance of grading and construction permits.	☐

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
centerlines no more than 50 feet apart and ensure complete visual coverage and looking for suitable burrows that could be used by burrowing owls. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of the project impact areas, a qualified biologist/ornithologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities. The surveys shall last a minimum of three hours, beginning one hour before sunrise and continuing until two hours after sunrise or beginning two hours before sunset and continuing until one hour after sunset. • Implement Buffer Zones for Burrowing Owls. If burrowing owls are detected during the pre-activity survey, a 250-foot buffer, within which no construction-related activities shall be permissible, shall be maintained between construction activities and occupied burrows. Though highly unlikely, owls present between February 1 and August 31 shall be assumed to be nesting, and the 250-foot protected area buffer shall remain in effect until August 31, or until the burrow is no longer occupied as determined by a qualified biologist/ornithologist, whichever occurs first.				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Monitor Owls during Construction. If maintaining a 250-foot buffer around active owl burrows is not feasible, the buffer may be reduced if (1) the individual or nest is not disturbed, and (2) a qualified biologist/ornithologist develops an avoidance, minimization, and monitoring plan that is reviewed and approved by the CDFW and USFWS prior to the initiation of construction activities in the identified 250-foot buffer areas. The plan shall include the following measures: - A qualified biologist shall monitor the owls for at least three days prior to construction as well as during construction. - If the biologist observes no change in the owls' nesting or foraging behavior, construction activities may proceed. - If changes in the owls' behaviors as a result of work activities are observed by a qualified biologist/ornithologist, activities shall cease within 250 feet of the active burrow location(s). Work activities may resume when a qualified biologist/ornithologist confirms the burrows are no longer occupied. - If monitoring by a qualified biologist/ornithologist indicates that the burrow is no longer in use by owls, the disturbance-free buffer may be removed.				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Because passive relocation of burrowing owls is not allowed under the Habitat Plan at this time, if an owl persists on the site within an area where construction cannot be delayed despite implementation of the measures included in the approved avoidance, minimization, and monitoring plan, the applicant shall coordinate with the Santa Clara Valley Habitat Agency to determine alternative protection measures that would reduce or avoid impacts to the owl. The qualified biologist/ornithologist shall submit a summary report, to the City of Gilroy, that includes the findings of preconstruction surveys, identification of any required buffers, documentation of justification for any reduced buffers and a copy of the avoidance, minimization, and monitoring plan approved by CDFW and USFWS (if applicable) prior to issuance of grading or construction permits.				
MM BIO-2: Compensate for Direct, Permanent Encroachment into the Riparian Setback. Direct, permanent impacts within the 35-foot riparian setback shall be mitigated on-site at a minimum 2:1 ratio (mitigation area to impact area) through enhancement of the existing riparian corridor elsewhere on the project site. This enhancement, which shall be directed by a qualified restoration or plant ecologist (funded by the project applicant), would consist of planting or restoration of native vegetation appropriate to the site, and management of any	The project applicant shall submit the mitigation plan prepared by the qualified restoration or plant ecologist as described in MM BIO-2 to the City for review and approval. The project applicant shall submit annual monitoring	City of Gilroy Community Development Director, or his or her designee.	Prior to the issuance of construction and grading permits.	☐ _____

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
particularly noxious occurrences of invasive plants, in a way that will enhance the structure and function of the riparian habitat. The qualified restoration or plant ecologist shall prepare a mitigation plan outlining the enhancement activities which shall be submitted to and approved by the City prior to the issuance of any construction or grading permits. The plan shall include at least three years of monitoring, following implementation of mitigation, to ensure mitigation success. Among the performance criteria required by this mitigation plan shall be survival of enough planted/restored vegetation three years after implementation to ensure that enhancement has occurred at a minimum ratio of 2:1, as discussed above.	reports to be prepared by the qualified restoration or plant ecologist following the implementation of the mitigation for three years to the City for review.			
Cultural Resources				
MM CUL-1: Prior to the commencement of construction, the applicant shall secure the services of a qualified archaeologist. The qualified archaeologist shall prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable resources. The WEAP shall be reviewed and approved by the City's Community Development Director, or his or her designee, prior to the issuance of construction and grading permits. This program shall be provided to all construction workers as a field training prior to the beginning of ground-disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native	The project applicant shall submit the WEAP prepared by the qualified archaeologist as described in MM CUL-1 to the City for review and approval.	City of Gilroy Community Development Director, or his or her designee.	Prior to the issuance of construction and grading permits.	☐ _____

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
American resources encountered; and measures to notify their supervisor, the applicant, and the specialist(s).				
MM CUL-2: Ground-disturbing activities (including, but not limited to, demolition / excavation, grading, and utility trenching) shall be monitored by a qualified archaeologist to be retained by the project applicant. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find until its significance can be assessed by the qualified archaeologist. After observing a representative sample of ground-disturbing activity with no cultural resources encountered, the archaeologist may recommend that monitoring move to a part-time or intermittent schedule by mutual agreement with the City. A summary report of the monitoring results, including any protective measures implemented (see the Cultural Resources conditions of approval at the end of this MMRP), shall be submitted to the City prior to the issuance of building permits.	The project applicant shall submit proof of contractual agreement and/or engagement with a qualified archaeologist for monitoring. The project applicant shall submit the summary report prepared by the qualified archaeologist described in MM CUL-2 to the City for review and approval.	City of Gilroy Community Development Director, or his or her designee.	Prior to the initiation of ground disturbing activities. Prior to issuance of building permits.	☐ ☐
Greenhouse Gas Emissions				
MM GHG-1: Reduce GHG Emissions. The applicant is responsible for retaining a qualified air quality/GHG specialist to develop a GHG reduction plan to reduce GHG emissions such that the project's GHG emissions are reduced by the emissions equivalent to those produced by	The project applicant shall retain a qualified air quality/GHG specialist to develop a GHG reduction plan and purchase and retire	City of Gilroy Community Development Director, or his or her designee	Prior to issuance of building permit.	☐

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
the rate of VMT exceeded over the threshold. These reductions shall be kept in place by the project until the City adopts a GHG reduction plan that contains goals and associated strategy to decrease emissions in a manner consistent with meeting the State’s interim 2030 GHG emissions and long-term goals. Threshold: GHG emissions would need to be reduced by an amount equivalent to the Project VMT that exceeds the VMT threshold. Without any traffic mitigation (i.e., TDM plan), the project per capita VMT would exceed the threshold by about 41 percent. Assuming a total of 176 residents, this would be 1,156 miles per day. Based on the additional VMT, the CalEEMod and EMFAC models were used to calculate the amount of GHG emissions to be reduced annually in order to meet the VMT significant threshold over the next 30 years. The applicant shall mitigate the project’s operational GHG emissions for the life of the project¹ to achieve the applicable year-specific	carbon offset credits consistent with the registry performance standards, carbon offset credit standards, and geographic limitations outlined in the mitigation measure. The project applicant shall submit documentation of the applicable quantification protocol, all third-party confirmation or verification reports issued in connection with the carbon offset credits sufficient to monitor compliance with this mitigation measure, and unique serial numbers of the carbon offset credits.			

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

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
quantitative threshold² over the next 30 years by purchasing and retiring carbon offset credits.³ • <u>Demonstration of Reduction:</u> The GHG reduction plan shall quantify the GHG emissions from the project while accounting for any reductions that can be achieved through design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.). Any remaining emissions, which must be offset, shall be offset through the purchase of verifiable carbon emission offsets. The reduction of project GHG emissions through the retirement of carbon offset credits shall satisfy the following conditions: ○ <u>Registry Performance Standards:</u> The applicant shall provide proof to the City's Community Development Director, or his or her designee that the carbon offset credits were issued by a registry meeting the following requirements: ▪ The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized	The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. In such case, the project applicant shall submit report by a qualified air quality consultant documenting refinement or recalculation of project GHG emissions to the City for review and concurrence. If the report documents the project would not exceed the threshold stated, no additional mitigation is required.			

² The total number of MT/CO₂e that would need to be offset is 1,922. The year-specific quantitative thresholds in MT/CO₂e/year are as follows: 2028: 129, 2029: 123, 2030: 117, 2031: 113, 2032: 109, 2033: 106, 2034: 102, 2035: 98, 2036: 92, 2037: 87, 2038: 81, 2039: 76, 2040: 70, 2041: 64, 2042: 59, 2043: 53, 2044: 48, 2045: 42, 2046: 36, 2047: 31, 2048: 25, 2049: 20, 2050: 14, 2051: 14, 2052: 14, 2053: 14, 2054: 14, 2055: 14, 2056: 14, 2057: 14.

³ If natural gas connections are included in the final project design, the emissions associated with natural gas use during project operation shall be calculated and 100 percent offset through implementation of the appropriate measures identified in the GHG reduction plan.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting; ▪ The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City’s Community Development Director, or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure. ○ <u>Carbon Offset Credit Performance Standards:</u> The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission	If the City adopts a qualified GHG reduction strategy, the project applicant can submit documentation identifying how the project is consistent with the qualified greenhouse gas reduction strategy to the City for concurrence and, thereby, eliminate the requirement to purchase GHG credits.			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.⁴ To demonstrate compliance with such requirements, the applicant shall provide the following to the City’s Community Development Director, or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Community Development Director, or his or her designee, shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a				

⁴ The following terms in this mitigation are defined as follows: “Additional” means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. “Real” means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. “Verifiable” means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. “Permanent” means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. “Quantifiable” means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. “Enforceable” means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
confined project boundary or provide opportunities for reversal of the avoided emissions. The Community Development Director, or his or her designee, shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used. <u>Geographic Limitations:</u> The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure. <u>Timing:</u> The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring the required offset credits prior to final issuance of the building permit.. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired. A conservative estimate of the offset credits that need to be purchased by the project applicant for the lifetime of the project is 1,922 MT.⁵ <u>Adjustment:</u> The required amount of carbon offset credits may be adjusted to account for conformance with a qualified GHG reduction plan				

⁵ This was estimated by adding the annual project GHG emissions to be reduced between 2028 and 2057. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
adopted by the City, or changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows: ○ The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, high-efficiency water fixtures, electric vehicle charging stations, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the City's				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Community Development Director, or his or her designee for review and approval. OR If the City has adopted a qualified GHG reduction strategy that covers the project, the project applicant can demonstrate that the project is consistent with the applicable mandatory measures in the GHG reduction strategy by submitting written proof documenting the project's consistency to the City's Community Development Director, or his or her designee for review and approval. If the project is consistent with the applicable mandatory measures in the GHG reduction strategy, it is concluded that it would result in a less than significant GHG impact and no further mitigation is required.				
Hazards and Hazardous Materials				
MM HAZ-1: Preparation of a Risk Management Plan and Health and Safety Plan. Prior to issuance of a grading permit and excavation of the undocumented fill on-site, an Environmental Professional retained by the project applicant shall prepare an appropriate risk management plan (e.g., Site Management Plan) to establish appropriate management practices for handling the undocumented fill,	The project applicant shall submit the risk management plan prepared by a qualified Environmental Professional and described in MM HAZ-1 to the City for review and approval.	City of Gilroy Community Development Director, or his or her designee.	Prior to issuance of a grading permit and excavation of the undocumented fill on-site.	☐

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
including guidelines for the reuse and disposal of these materials. The plan shall also include protocols to segregate the lead-impacted fill encountered near TP-8 (see Appendix E for location information) and ensure that appropriate off-site disposal is completed. This plan shall be submitted to the City for review and approval prior to issuance of grading and construction permits. Following completion of the excavation, a report documenting compliance with the risk management plan and summarizing the work completed on-site shall be prepared by the Environmental Professional and provided to the City for review and approval. The project applicant shall also require the construction General Contractor to prepare a Health and Safety Plan (HSP) establishing appropriate protocols for working at the property and submit the HSP to the City prior to issuance of construction and grading permits. Workers conducting property earthwork activities in contaminated areas shall complete a 40-hour HAZWOPER training course (29 CFR 1910.120). The General Contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.	The project applicant shall submit a report prepared by a qualified Environmental Professional documenting compliance with the risk management plan and summarizing the work completed on-site to the City for review and approval. The project applicant shall submit the HSP to be prepared by the project's construction General Contractor to the City for review and approval.		Following completion of the excavation of undocumented fill on-site and prior to issuance of building permits. Prior to issuance of construction and grading permits.	☐ ☐
Transportation				
MM TRN-1: Reduce Project VMT. The project applicant shall hire a qualified transportation consultant to develop and implement TDM strategies for the project to reduce	The project applicant shall submit a report prepared by a qualified transportation	City of Gilroy Community Development Director, or his or her designee.	Prior to issuance of building permits.	☐

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
the project's VMT per capita to the extent feasible. These TDM strategies shall be implemented concurrently with the occupation of the completed residences on-site. These strategies could include, but are not limited to, the following: • TP01 – School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off. Organizing a School Pool Program helps match parents who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT. • TP02 – Bike Share Programs: Dedicate space on-site for or provide subsidies to a bike sharing system, ideally one with high penetration in a larger area, such as Bay Wheels. Bike share substitutes for some driving trips and provides a first/last-mile connection for transit users, reducing auto trips and thereby reducing VMT. This reduction only applies if a bike share station is built on site. • TP03 – Car Share Programs: Provide subsidies and promotions, as well as dedicated parking spaces, for car sharing services such as ZipCar, Car2Go, and GetAround for 100 percent of residents from the project. Supporting a car sharing program allows for people to	consultant that identifies the TDM strategies and implementation plan for the project as outlined in MM TRN-1 to the City for review and approval. The project applicant shall also submit documentation showing proof of implementation to the City within one year of the issuance of the occupancy permit for the last residence in the final phase of development. If the City adopts a TDM Policy or VMT Mitigation Plan, the project applicant can submit documentation identifying how the project is consistent with the TDM Policy or VMT Mitigation Plan.		Within one year of issuance of the occupancy permit for the last residence in the final phase of development.	_____ □ _____

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
have on-demand access to a shared fleet of vehicles on an as-needed basis. Car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day trips or a guaranteed ride home option, allowing for overall reductions in auto use which results in reduced VMT. TP18 – Voluntary Travel Behavior Change Program: Provide a program that targets individual attitudes and behaviors towards travel and providing tools for individuals to analyze and alter their travel behavior. Voluntary Travel Behavior Change programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT. A report summarizing the feasible TDM strategies and the plan for implementation shall be submitted to the City for review and approval prior to issuance of building permits. Documentation showing proof of implementation of the approved TDM strategies and implementation plan summarized in this report shall be submitted to the City within one year of issuance of the occupancy permit for the last residence in the final phase of development.				

Source: City of Gilroy. *Ren Fu Villa Residential Project Initial Study*. January 2025

REQUIRED CONDITIONS OF APPROVAL

The following lists Conditions of Approval the project shall be implemented in order to comply with applicable regulations:

Biological Resources

- **LIGHTING PLAN:** Developer shall submit a lighting plan with the application for a planning and building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. Parking lot and exterior light fixtures shall be full cutoff type so that lighting is directed downward only, minimizing glare and light pollution, and shall not cast light on any adjacent property or roadway. Developer shall recess or conceal any under-canopy lighting elements so they are not directly visible from any public area. The lighting plan must be approved by the Community Development Director or designee.
- **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

"The Developer shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500 feet for active nests: with particular emphasis on nests of migratory birds: if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the qualified biologist, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined (usually 100 feet for perching birds and 300 feet for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present."

A report summarizing the results of the preconstruction surveys and any necessary buffers shall be submitted to the City and a copy shall be provided to the California Department of Fish and Wildlife by the Biologist.

Cultural Resources

- **DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 feet of the find and the area shall be staked off immediately. The City shall be notified immediately and a qualified professional archaeologist shall be retained (at the applicant's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate protection measures

REQUIRED CONDITIONS OF APPROVAL

(such as collection, recordation, and analysis), shall be formulated by the professional archaeologist and implemented by the responsible party.

- **DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with the Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
- **DISCOVERY OF HUMAN REMAINS:** Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to the Coroner's authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to the state law, the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

NOISE AND VIBRATION:

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

REQUIRED CONDITIONS OF APPROVAL

- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem.

In addition to the Conditions of Approval listed above that were included in the project’s circulated Initial Study/MND, the project would implement the Conditions of Approval below.

Biological Resources

- **ENVIRONMENTAL DOCUMENT FILING FEES.** Upon approval of the project and filing of the Notice of Determination with the Office of the County Clerk-Recorder, the project applicant shall pay any required environmental document filing fees.
- **CROTCH’S BUMBLE BEES:** If Crotch’s bumble bees are present, the project applicant shall apply for an incidental take permit for California Endangered Species Act compliance.
- **LAKE AND STREAMBED ALTERATION AGREEMENT:** A Lake and Streambed Alteration Agreement shall be obtained should any work occur within the bed or banks of Babbs Creek or the adjacent riparian habitat.
- **SECTION 404 PERMIT:** The project shall obtain a Section 404 Permit should any work occur within seasonal wetland areas.
- **CNDDDB SURVEYS AND REPORT.** The presence of any special status wildlife (e.g., northwestern pond turtle, San Francisco dusky-footed woodrat) and natural communities on-site shall be reported to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey forms shall be completed by the project biologist and submitted to the CNDDDB prior to project approval.
- **HABITAT PERMIT:** Concurrent with or prior to an application for a grading permit, the applicant’s qualified biologist for the project shall prepare all required Santa Clara Valley Habitat Plan application materials, including the coverage screening form, fees and conditions worksheet, and formal application.
- **RIPARIAN EASEMENTS.** No grading or construction shall occur within the riparian easements shown on the Tentative Map. Any encroachment not expressly permitted by the Santa Clara Valley Habitat Agency shall require an exception from the Santa Clara Valley Habitat Agency. If the exception is not granted under the Habitat Plan, the project shall modify the project design to comply with Habitat Plan requirements.

REQUIRED CONDITIONS OF APPROVAL

Transportation Resources

- **ADDITIONAL TDM STRATEGIES:** In addition to the strategies listed in MM TRN-1, the applicant shall also consider the measures listed below quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:
 - Provide Electric Vehicle Charging Infrastructure
 - Provide Secure Bike Parking
 - Provide Pedestrian Network Improvement
 - Construct or Improve Bike Facility
 - Dedicate Land for Bike Trails

Hydrology and Water Quality Resources

- **WELLS:** All wells found at the site must be properly decommissioned or registered with Valley Water. For questions about wells, please contact Valley Water's Wells and Water Measurement Unit at (408) 630-2660.
- **STORMWATER MANAGEMENT GUIDANCE MANUAL:** The project shall comply with the design requirements in the Stormwater Management Guidance Manual utilized by the City of Gilroy, City of Morgan Hill and County of Santa Clara, including the requirement to maintain a vertical separation from seasonally high groundwater of at least 10 feet for all infiltration devices.



Community Development Department

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TO: Planning Commission
FROM: Sharon Goei, Community Development Director
Ariana Fabian, Planning Technician
DATE: January 16, 2025
SUBJECT: Planning Division Staff Approvals

In conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46, the following table lists all Minor Deviation approvals and all Architectural and Site approval/denial actions taken by the Planning Division since the last report was provided to the Planning Commission at its December 5, 2024 meeting.ⁱ

APPROVED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
None			

DENIED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
None			

AS = Architectural and Site Review
VMD = Minor Deviation

The current status of other planning projects is available online at:
<https://www.cityofgilroy.org/298/Development-Activity-Projects>

ⁱ Submitted in conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46