

RESOLUTION NO. 2002-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH THE CITY OF GILROY GENERAL PLAN GPA 99-01 FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED, AND ADOPTING MITIGATION MEASURES AND APPROVING A MITIGATION MONITORING PROGRAM FOR THE PROJECT.

WHEREAS, the City Council intends to approve a project to update the City of Gilroy's General Plan, GPA 99-01, referred herein as the "the General Plan"; and

WHEREAS, such General Plan was the subject of a final environmental impact report (Final EIR) entitled Final Environmental Impact Report for the 1999-2020, prepared by the City of Gilroy as the lead agency in compliance with the requirements of the California Environmental Quality Act of 1970, as amended (CEQA); and

WHEREAS, public hearings were held on October 14, and October 28, 1999, and said Draft General Plan and Draft EIR were recommended for approval by the City of Gilroy Planning Commission; and

WHEREAS, public hearings were held before the City Council on January 24 and 31, 2000, March 13 and 27, 2000, April 10, 2000, and April; 9, 2001, wherein the City Council recommended a revised Draft General Plan, which triggered the recirculation of the Draft EIR; and

WHEREAS, public hearings on the revised General Plan and Final EIR were held on December 13, 2001, January 10 and 23, 2002, and February 7, 2002, and said revised General Plan and Final EIR were recommended for approval by the City of Gilroy Planning Commission, per Resolution 2002-02; and

WHEREAS, public hearings were held before the City Council on the General Plan and Final EIR were held on February 19, 2002, March 11, 2002, and public meetings on April 1 and 8, 2002, and June 13, 2002, that included public input; and

WHEREAS, CEQA requires that in the approval of a project for which a Final EIR has been prepared, the decision-making body shall review said Final EIR and make certain findings regarding the significant effects on the environment identified in said Final EIR; and

WHEREAS, the City Council of the City of Gilroy is the decision-making body for the General Plan; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision is based is the office of the City Clerk; and

WHEREAS, the City Council has certified that as the decision-making body, it has reviewed and considered the information contained in the Final EIR, which is comprised of the Draft EIR dated September 2001, the Amendment to the Draft EIR, dated December 6, 2001, as amended by the General Plan EIR Addendum, dated May 30, 2002, and other information in the record, prior to acting upon or approving the General Plan, and found that the Final EIR has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City of Gilroy as lead agency for the General Plan.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY make the following findings with respect to the significant effects on the environment of such General Plan as identified in the Final EIR.

I. FINDINGS OF SIGNIFICANT ENVIRONMENTAL IMPACT:

A. LAND USE: CONSISTENCY WITH PLANS.

1. Impact.

4.1-1. Substantial inconsistencies with local, regional, state and federal plans, policies and regulations regarding agricultural land preservation.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of substantial inconsistencies with local, regional, state and federal plans, policies and regulations regarding agricultural land preservation.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.1-1:

Policies

- 1.01 This policy ensures orderly, contiguous development that avoids land use conflicts including those related to preserving agricultural lands.*
- 1.03 This policy mitigates impact 4.1-1 by restricting the land use east of 101 to industrial or agricultural uses. The 660 acres of agricultural land being converted by the General Plan are being converted to Industrial Use, and commercial use that would bring a clear majority of customers from outside Gilroy such as nearby the outlets.*
- 2.01 This policy mitigates impact 4.1-1 by guiding growth into areas in or adjacent to Gilroy's existing urban service area, which the 660 acres are adjacent to.*
- 2.03 This policy requires that land to be used for urban development be incorporated prior to development approval. The annexation of the 660 acres is consistent with this policy.*
- 2.04 This policy suggests that Urban Service Area boundaries and service and resource availability be used as a guide to growth. As the 660 acres are adjacent to the Urban Service Area and adjacent to services and resources, the annexation of 660 acres of agricultural land is consistent with this policy.*

- 2.05 *This policy provides for regular review of growth management tools, thus ensuring adequate review of policies relating to agricultural lands.*
- 2.06 *This policy requires that new developments pay all of the incremental public service costs that they generate. Successful implementation of this policy insures that the costs of developing the 660 acres will not impact the financial status of the city. This helps mitigate the annexation of the 660 acres.*
- 2.07 *This policy requires that properties to be developed for urban uses be inside the urban service area. The annexation of the 660 acres into the City of Gilroy and its inclusion into the Urban Service Area is consistent with this policy.*
- 2.08 *This policy directs the establishment of a 20-year boundary with the objectives of directing growth and location of urbanization, minimizing public services and infrastructure costs, and promoting compact development. The annexation of the 660 acres and its addition to the 20-year growth boundary is consistent with this policy.*
- 2.09 *This policy dictates that modification to the 20-year planning boundary take place only in the event of a comprehensive update of the City's General Plan. The annexation of the 660 acres and its addition to the 20-year growth boundary is consistent with this policy.*
- 2.10 *This policy sets forth circumstances under which 20-year planning boundaries can be altered without a General Plan review or a General Plan update. A project or projects which will provide a significant number of jobs or contribute substantially to the City's tax revenues qualify. The annexation of 660 acres is consistent with this policy.*
- 2.11 *This policy recognizes that long-term development may require expansion of the 20-year planning boundary. The annexation of 660 acres is consistent with this policy.*
- 3.0 *This policy advocates attracting industrial, high-tech, and commercial office employers to Gilroy. The annexation of the 660 acres is consistent with this policy.*
- 3.12 *This policy advocates agriculture as an interim and long-term use in areas designated for industrial development. The annexation of the 660 acres of agricultural land for the purpose of allowing industrial development is consistent with this policy.*
- 4.02 *This policy encourages the preservation of agricultural lands through collaboration between public and private entities.*
- 4.03 *This policy promotes urban containment, thus preserving outlying agricultural lands.*
- 4.04 *This policy recommends opposing urban development in County lands until such lands are annexed by the City of Gilroy. The annexation of the 660 acres of agricultural land for the purpose of allowing industrial development is consistent with this policy.*
- 4.05 *This policy promotes agricultural uses in the Planning Area, thus ensuring the viability of agriculture-based industries.*
- 4.06 *This policy promotes agricultural uses in hazard areas, thus preserving agricultural lands.*
- 20.05 *This policy encourages the use of greenbelts and open space to retain the community's rural atmosphere.*
- 20.09 *This policy encourages preservation in perpetuity of open space, thus enhancing the rural quality of Gilroy.*

20.10 *This policy encourages regional preservation of agricultural lands.*

Actions

- 1.A *This action requires consistency between the General Plan, Zoning Ordinance, and other planning and land use tools, thus reducing inconsistencies.*
- 1.E *This action encourages the development of a specific plan for Hecker Pass to maintain consistency with the General Plan.*
- 2.A *This action requires annual review of applications for inclusion in the Urban Service Area, thus ensuring consistency between planning tools and documents.*
- 2.B *This action encourages the maintenance of a 20-Year Boundary to guide long-term development, thus reducing plan inconsistencies.*
- 2.D *This action encourages interagency coordination for growth management, thus reducing inconsistencies among jurisdictions.*
- 4.A *This action encourages interagency coordination for growth management, thus reducing inconsistencies among jurisdictions.*
- 4.B *This action encourages interagency coordination for agricultural protection, thus reducing inconsistencies between planning documents and strategies.*
- 20.A *This action encourages an open space review process for all development proposals in open space areas, thus reducing inconsistencies between development and growth management plans.*
- 20.E *This action encourages greenbelt definition and protection among multiple jurisdictions, thus reducing planning inconsistencies.*
- 20.F *This action encourages the use of a greenbelt or other buffer between Gilroy and San Martin, thus encouraging interagency coordination to reduce planning inconsistencies.*
- 20.H *This action would maintain and improve practices for the City's open space management, thus reducing planning inconsistencies.*
- 20.I *This action would ensure the use of open space preservation tools to be consistent with the General Plan.*
- 20.J *This action encourages interagency coordination between the City and the Santa Clara County Open Space District, thus reducing inconsistencies in growth management practices.*

Additional Mitigation Measures: 4.4-A, 4.4-C. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a significant unavoidable impact. The General Plan includes mitigation measures that will lessen the significant inconsistencies with local, regional, state and federal plans, policies and regulations regarding agricultural land preservation. Despite implementation of these mitigation measures, the General Plan will result in significant unavoidable agricultural land preservation impacts that cannot feasibly be reduced to a non-significant level. This impact,

therefore, is considered significant and unavoidable. See Statement of Overriding Considerations.

B. LAND USE: PLANNING AND COMPATIBILITY ISSUES.

1. Impact.

4.2-1. The General Plan would result in alteration of physical development of the City compared to existing plan and creation of potential land use incompatibilities.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of alteration of physical development of the City compared to existing plan and creation of potential land use incompatibilities due to development under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.2-1:

Policies

- 1.01 This policy encourages the orderly development of land, and the avoidance of land use incompatibility. If followed this policy helps mitigate impact 4.2-1.*
- 1.02 This policy encourages a diverse mix of land uses to achieve a balance between jobs and housing and to insure the community's long-term viability. The proposed land use changes in the General Plan are consistent with this policy.*
- 1.03 This policy dictates what uses can be made of land east of 101. If followed, this policy will mitigate land use conflict.*
- 1.04 This policy promotes safe and attractive design for new neighborhoods that would limit land use conflicts.*
- 1.05 This policy sets forth goals for ensuring and maintaining the quality of neighborhoods. If followed this policy will help to mitigate impact 4.2-1.*
- 1.06 This policy sets goals for the development of the downtown area. If followed, this policy will help mitigate land use policy inconsistencies.*
- 1.07 This policy sets goals for the development of the Hecker pass area. If followed, this policy will help mitigate land use policy inconsistencies.*
- 1.08 This policy encourages development in area with fragmented property ownership, thus reducing land use conflicts.*
- 1.09 This policy promotes clustered development. If followed, this policy will help mitigate land use policy inconsistencies.*
- 2.01 This policy promotes growth that maximizes existing infrastructure and service investments, and growth that takes place adjacent to existing urban development areas. If followed this policy will help mitigate impact 4.2-1.*

- 2.02 *This policy encourages growth to be controlled by existing infrastructure availability, thus reducing land use conflicts.*
- 2.03 *This policy states that urban development will only be allowed within incorporated portions of the Planning Area. This policy, if followed, will help to mitigate impact 4.2-1.*
- 2.04 *This policy suggests that Urban Service Area boundaries and service and resource availability be used as a guide to growth. This policy will foster planned, responsible growth, its implementation will help mitigate impact 4.2-1.*
- 2.05 *This policy advocates regular review and evaluation of growth management goals, tools, and results as part of the periodic General Plan review process. If followed, this policy will help to foster planned, necessary growth. This will help mitigate impact 4.2-1.*
- 2.06 *This policy requires development impact fees to pay for new infrastructure, thus reducing land use conflicts.*
- 2.07 *This policy requires that properties to be developed for urban uses be inside the urban service area. This policy will help to insure land use consistency.*
- 2.08 *This policy directs the establishment of a 20-year boundary with the objectives of directing growth and location of urbanization, minimizing public services and infrastructure costs, and promoting compact development. This policy will help to mitigate potential land use inconsistencies in the General Plan.*
- 2.09 *This policy dictates that modification to the 20-year planning boundary take place only in the event of a comprehensive update of the City's General Plan. This policy will help to mitigate potential land use inconsistencies in the General Plan.*
- 2.10 *This policy sets forth circumstances under which 20-year planning boundaries can be altered without a General Plan review or a General Plan update. A project or projects which will provide a significant number of jobs or contribute substantially to the City's tax revenues qualify. This policy will help to mitigate potential land use inconsistencies in the General Plan.*
- 2.11 *This policy recognizes that long-term development may require expansion of the 20-year planning boundary.*
- 3.04 *This policy encourages industrial development if it provides jobs for Gilroy residents, and recommends placing the development near housing and where there are available public facilities. Following this policy will help mitigate potential land use incompatibilities.*
- 3.05 *This policy encourages concentration of heavy industrial activities in the City's southeast industrial area, to avoid incompatible land uses. Following this policy will help avoid or mitigate potential land use incompatibilities.*
- 3.06 *This policy encourages the development of well-designed park areas to attract new light industrial development in the Gilroy area.*
- 3.07 *This policy encourages the development of well-designed park areas to attract high-tech businesses and related industries to Gilroy.*
- 3.08 *This policy allows industrial park uses in areas other than those designated on the Land Use Plan map if the use is shown to meet the City's Industrial Design Guidelines for environmental compatibility with existing or planned uses. Following this policy will help to mitigate and avoid land use compatibility impacts.*

- 3.12 *This policy advocates agriculture as an interim and long-term use in areas designated for industrial development. Following this policy will help to mitigate and avoid land use compatibility impacts.*
- 3.13 *This policy encourages new commercial uses to group into clustered areas or centers containing professional offices, retail sales and service. Following this policy will help to mitigate and avoid land use compatibility impacts.*
- 3.14 *This policy promotes the use of rigorous design review procedure to protect residential uses from potential adverse effects from adjacent commercial centers.*
- 3.25 *This policy encourages a wide mix of uses in close proximity to each other in the Downtown area and encourages mixed use developments that integrate housing and commercial uses.*
- 4.02 *This policy advocates working with the county, LAFCO, and other relevant agencies to protect agricultural and grazing lands from encroachment by urban uses, and advocates implementing the strategies and actions recommended by the South County Agricultural Study.*
- 4.03 *This policy advocates containing urbanization within an area large enough to meet foreseeable need, but which will not intrude unnecessarily on, or cause premature conversion of, agricultural lands.*
- 4.04 *This policy recommends opposing urban development in County lands until such lands are annexed by the City of Gilroy.*
- 4.05 *This policy advocates recognizing agriculture as a compatible land use in undeveloped portions of the planning area.*
- 4.06 *This policy encourages area subject to natural hazards such as major flooding or soils with a high water table to remain in long term agricultural production.*
- 5.06 *This policy allows non-conforming uses in designated Historic Structures.*
- 10.12 *This policy advocates using the following criteria to identify Housing Infill Opportunity Sites or areas:*
- a) adequate vehicle and pedestrian access*
 - b) convenient access to transit*
 - c) convenient access to neighborhood services and facilities needed by the prospective resident*
 - d) convenient access to neighborhood recreation facilities*
 - e) cost-effective mitigation of physical site constraints*
 - f) cost-effective provision of adequate services and utilities to the site*
 - g) ability to meet applicable noise requirements*
 - h) adequate site size to provide parking*
- 11.04 *This policy encourages senior housing, including residential care facilities, to locate in or near residential neighborhoods that are convenient to public transit and within walking distance of shopping and restaurants.*
- 11.05 *This policy supports the provision of emergency shelter facilities and transitional housing for families and individuals who are homeless or who require special care services.*
- 11.06 *This policy sets the following criteria to identify potential sites for a new permanent shelter facility:*
- a) sites should be in close proximity to public transportation, and professional services*

- b) site should preferably be located a reasonable distance from schools, existing residential neighborhoods, industrial areas, and areas with a high concentration of bars and liquor stores*
- 12.10 *This policy promotes land use planning that helps to reduce automobile trips, thereby reducing congestion and helping to achieve air quality goals. In particular strive for a balance of jobs and housing in future development.*
- 26.01 *This policy recommends establishing a physical development pattern that is compatible with the noise environment of Gilroy.*
- 26.02 *This policy recommends that outdoor and indoor noise levels are within the maximum permitted levels.*
- 26.03 *The policy recommends enforcing stringent buffering standards to protect residents from freeway, expressway, highway and industrial areas wherever possible.*
- 26.04 *This policy recommends considering the acoustical design of projects in the development review process to reduce noise levels to acceptable levels.*
- 26.05 *This policy recommends requiring landscaped earth berms as an alternative to soundwalls where feasible to buffer noise along major thoroughfares adjacent to residential areas.*
- 27.04 *This policy recommends evaluating new development on sites that may have involved hazardous materials, to ensure there is no public health danger prior to granting development approvals.*
- 28.1 *This policy recommends that the City take an active leadership role to assure the use and implementation of the General Plan.*
- 28.2 *This policy recommends that the City conduct periodic reviews of the General Plan to evaluate its performance and effectiveness in light of changing conditions and trends.*
- 28.3 *This policy recommends that the City amend the General Plan as necessary in response to changes in local conditions and needs, and evaluate proposed amendments in regard to environmental impact and consistency with the other goals and policies contained in the plan document.*
- 28.4 *This policy recommends that the City promote the ongoing participation of community residents, businesses, and property owners in the planning and development process.*
- 28.5 *This policy recommends that the City encourage the participation of young people in the planning process.*
- 28.6 *This policy recommends that the City work with other local, regional, and state agencies to address planning issues that cut across jurisdictional boundaries.*

Actions

- 1.A *This action encourages updating all planning documents to ensure that all growth management plans are compatible.*
- 1.B *This action encourages the maintenance of hillside development guidelines to reduce land use conflicts.*
- 1.C *This action requires the creation of a task force to implement neighborhood district strategies designed to reduce land use conflicts.*

- 1.D *This action encourages the development of a Downtown Specific Plan to reduce land use incompatibilities in the Downtown area.*
- 1.E *This action encourages the development of a Hecker Pass Specific Plan to reduce land use conflicts in the Hecker Pass corridor.*
- 1.I *This action encourages community beautification efforts to enhance the attractiveness of the City and to reduce visual land use conflicts.*
- 2.A *This action encourages a review process for application for inclusion in the Urban Service Area, thus reducing land use conflicts.*
- 2.B *This action encourages the development of a 20-Year Boundary to reduce long-term land use conflicts.*
- 2.C *This action encourages the regular evaluation of the Residential Development Ordinance to ensure compatibility with the General Plan.*
- 2.D *This action encourages interagency coordination for growth management to reduce regional land use conflicts.*
- 3.A *This action would create "performance standards" for use in reviewing industrial development proposals to reduce land use conflicts with industrial developments.*
- 3.B *This action would ensure the use of industrial design guidelines to reduce land use conflicts with industrial developments.*
- 3.D *This action establishes commercial design and development standards to reduce land use conflicts with commercial developments.*
- 3.E *This action ensures the use of design guidelines and use controls for neighborhood commercial development, thus reducing land use conflicts.*
- 3.G *This action encourages the creation of a neighborhood revitalization strategy area to reduce land use conflicts relating to neighborhood uses.*
- 4.A *This action encourages interagency coordination to address agricultural land uses and reduce land use conflicts.*
- 4.B *This action encourages interagency coordination for agricultural protection, thus reducing possible land use conflicts relating to agriculture.*
- 9.A *This action requires a study to determine housing infill opportunity sites, thus reducing land use conflicts through zoning recommendations.*
- 11.A *This action encourages working with representatives from homeless service providers to select sites for homeless shelters, thus reducing land use conflicts through long-term planning.*
- 26.A *This action encourages the adoption of a noise ordinance to regulate noise in the City and help to prevent land use conflicts relating to noise generation.*
- 26.B *This action encourages the revision of the Zoning Ordinance noise standards, thus reducing land use conflicts relating to noise generation.*

- 26.C *This action encourages the use of noise standards as part of development review, thus reducing land use conflicts.*
- 26.D *This action encourages compliance with the State's noise insulation standards, thus reducing land use conflicts relating to noise.*
- 27.B *This action encourages regular inspection of hazardous materials storage, thus reducing land use conflicts.*
- 28.A *This action encourages the review and updating of the Implementation Priorities to reduce land use conflicts in long-term planning.*
- 28.B *This action would allow citizen requests to the City Council to amend the General Plan, thus reducing land use conflicts.*
- 28.C *This action would ensure regular General Plan review and updating, thus reducing land use conflicts in long-term planning.*
- 28.D *This action ensures the review and updating of the Housing Element to reduce potential land use conflicts with housing.*

Mitigation Measures: 4.4-A, 4.4-C, 4.4-D. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

C. AGRICULTURE.

1. Impact.

4.4-1. Conversion of agricultural uses to urban uses from implementation of the General Plan will cause loss of productive agricultural land, including prime farmland and farmland of statewide importance.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of loss of productive agricultural land, including prime farmland and farmland of statewide importance as a result of the conversion of agricultural uses to urban uses from implementation of the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.4-1:

Policies

- 1.01 *This policy encourages infill development and the preservation of agricultural resources, thus protecting productive agricultural land.*

- 1.03 *This policy restricts lands east of Highway 101 to only industrial and agricultural uses, thus protecting productive agricultural land.*
- 1.07 *This policy encourages the protection and enhancement of Hecker Pass as a scenic gateway, thus protecting productive agricultural land.*
- 1.09 *This policy encourages clustered development for increased densities, thus protecting productive agricultural land.*
- 2.01 *This policy promotes growth controls and a compact development pattern, thus protecting productive agricultural land.*
- 2.03 *This policy requires annexation to the City prior to development of new areas, thus protecting productive agricultural land.*
- 2.04 *This policy encourages the use of planning tools to control growth rates and locations, thus protecting productive agricultural land.*
- 2.05 *This policy encourages growth monitoring and evaluation as part of the periodic General Plan review process, thus protecting productive agricultural land.*
- 2.06 *This policy requires development impact fees to cover increased costs of providing public services.*
- 2.07 *This policy promotes the establishment of an Urban Service Area to identify land that could be potentially developed, thus protecting productive agricultural land.*
- 2.08 *This policy promotes the establishment of a 20-Year Boundary to identify potential development sites, thus protecting productive agricultural land.*
- 2.09 *This policy promotes the establishment of a 20-Year Boundary to identify potential development sites, thus protecting productive agricultural land.*
- 2.10 *This policy provides for “rare and exceptional circumstances” for amendments to the 20-Year Boundary.*
- 3.01 *This policy promotes the development of agricultural businesses, thus protecting productive agricultural land.*
- 3.11 *This policy advocates the recognition of agricultural industries as vital to Gilroy’s economy, thus protecting productive agricultural land.*
- 3.12 *This policy promotes agriculture uses in areas designated for industrial development, thus protecting productive agricultural land.*
- 4.01 *This policy ensures that agriculture is viewed as economically viable, thus protecting productive agricultural land.*
- 4.02 *This policy encourages agricultural land preservation, thus protecting productive agricultural land.*
- 4.03 *This policy encourages urban containment and compact development, thus protecting productive agricultural land.*

- 4.04 *This policy supports County land use regulations that promote agriculture, thus protecting productive agricultural land.*
- 4.05 *This policy encourages agricultural uses within the Planning Area, thus protecting productive agricultural land.*
- 4.06 *This policy encourages agricultural uses in hazard areas, thus protecting productive agricultural land.*
- 20.09 *This policy encourages preservation in perpetuity for agricultural lands, thus protecting productive agricultural land.*
- 20.10 *This policy encourages regional preservation efforts in preserving agricultural lands, thus protecting productive agricultural land.*

Actions

- 1.A *This action encourages collaboration between local agencies on growth management tools and practices, thus ensuring the protection of agricultural land.*
- 1.E *This action encourages the development of a Hecker Pass Specific Plan to ensure protection of nearby agricultural resources.*
- 2.A *This action requires review of applications for inclusion in the Urban Service Area, thus protecting agricultural land.*
- 2.B *This action encourages maintaining a 20-Year Boundary to guide long-term growth and protect farm land.*
- 2.C *This action encourages evaluation of the Residential Development Ordinance to ensure protection of farm land.*
- 2.D *This action encourages interagency coordination for growth management, thus protecting regionally important farm land.*
- 4.A *This action encourages implementation of “Strategies to Balance Planned Growth and Agricultural Viability” to ensure the protection of farm land.*
- 4.B *This action encourages interagency coordination for agricultural land protection*
- 11.C *This action encourages providing farm worker housing to protect the agriculture industry.*
- 20.A *This action encourages open space review processes to ensure the protection of farm land.*
- 20.E *This action would establish greenbelt definition and protecting and protection of agricultural land.*
- 20.F *This action would ensure the establishment of a greenbelt between Gilroy and San Martin to provide a buffer and further protect farm land.*
- 20.H *This action encourages effective open space management to protect agricultural lands.*
- 20.I *This action ensures review of current open space preservation tools for achieving preservation of agricultural lands.*

20.J *This action encourages collaboration with the Santa Clara County Open Space District to preserve farm land.*

Mitigation Measures: 4.4-A, 4.4-C. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a significant unavoidable impact. The General Plan includes mitigation measures that will lessen the significant impact on the conversion of agricultural uses to urban uses will cause loss of productive agricultural land, including some prime farmland. Despite implementation of these mitigation measures, the General Plan will result in significant unavoidable agriculture impacts that cannot feasibly be reduced to a non-significant level. This impact, therefore, is considered significant and unavoidable. See Statement of Overriding Considerations.

D. AGRICULTURE.

1. Impact.

4.4-2. Conversion of agricultural uses to urban uses will cause increases in land use compatibility problems and nuisance complaints due to urban uses being sited adjacent to agricultural uses.

2. Mitigation.

The General Plan and Final EIR contains many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased land use compatibility problems and nuisance complaints due to urban uses being sited adjacent to agricultural uses as a result of the conversion of agricultural uses to urban uses.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.4-2:

Policies

- 3.11 *This policy encourages the recognition of agriculture as an important industry and encourages efforts to promote adequate land use compatibility between agriculture and other uses.*
- 3.12 *This policy encourages agricultural uses in industrial areas to promote adequate land use compatibility between agriculture and other uses.*
- 4.01 *This policy supports the economic viability of agriculture to promote adequate land use compatibility between agriculture and other uses.*
- 4.03 *This policy encourages urban containment to promote adequate land use compatibility between agriculture and other uses.*
- 4.04 *This policy supports County regulations regarding agricultural lands to promote adequate land use compatibility between agriculture and other uses.*
- 4.05 *This policy promotes agricultural uses in the Planning Area to promote adequate land use compatibility between agriculture and other uses.*

4.06 *This policy encourages agricultural uses in hazardous areas to promote adequate land use compatibility between agriculture and other uses.*

Actions

1.A *This action encourages consistency amongst local and regional planning tools and documents to reduce land use incompatibilities.*

4.A *This action encourages implementation of “Strategies to Balance Planned Growth and Agricultural Viability” to reduce land use conflicts relating to agriculture.*

4.B *This action requires interagency coordination for agricultural protection and for addressing land use compatibility issues.*

Mitigation Measure: 4.4-C. *See Exhibit “A” attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

E. AGRICULTURE.

1. Impact.

4.4-3. Conversion of agricultural land to urban uses may potentially impact remaining farm operations.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the potential impact on remaining farm operations as a result of the conversion of agricultural land to urban uses.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.4-3:

Policies

3.01 *This policy encourages agricultural businesses, thus discouraging conversion of agricultural lands to urban uses.*

3.02 *This policy encourages economic development of agricultural businesses, thus discouraging conversion of agricultural lands to urban uses.*

3.11 *This policy encourages the recognition of agricultural uses, thus discouraging conversion of agricultural lands to urban uses.*

3.12 *This policy encourages agricultural uses in industrial areas, thus discouraging conversion of agricultural lands to urban uses.*

4.01 *This policy promotes the economic viability of agriculture, thus discouraging conversion of agricultural lands to urban uses.*

Actions

4.A *This action encourages implementation of “Strategies to Balance Planned Growth and Agricultural Viability” to preserve operating farm land.*

11.C *This action encourages providing farm worker housing to help preserve operating agricultural industries.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

F. TRAFFIC AND CIRCULATION.

1. Impact.

4.5-1. Build-out under the General Plan would increase vehicular traffic in the planning area, resulting in level of service deficiencies within the roadway network.

2. Mitigation

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased vehicular traffic in the planning area, resulting in level of service deficiencies within the roadway network as a result of build-out under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.5-1:

Policies

12.01 *This policy would ensure long-term planning decisions would be based on the proposed street map designed to accommodate the traffic anticipated by build-out of the General Plan, thereby reducing congestive conditions in the future.*

12.02 *This policy would ensure that existing and proposed transportation facilities are used as intended under the General Plan, thereby avoiding temporary congestion and reducing safety concerns.*

12.03 *This policy encourages bicycling and walking, thereby reducing vehicular traffic and associated congestion.*

12.05 *This policy ensures that there would be no new development southwest of Uvas Creek until adequate bridge service exists.*

12.06 *This policy would increase traffic capacity, reduce congestion, and maximize general safety on expressways by reducing intersections on Santa Teresa Boulevard and Hecker Pass Highway.*

- 12.07 *This policy would reduce the number of commercial driveways to prevent traffic conflicts and safety problems and improve traffic flow.*
- 12.08 *This policy states that traffic conditions in the city remain at a Level of Service C or better and, in some cases, maintain a Level of Service D or better. Therefore new projects would e required to mitigate if they would trigger new impacts (i.e., LOS deficiencies).*
- 12.09 *This policy encourages maintaining the city's Standard Level of Service to minimize traffic congestion.*
- 12.10 *This policy would ensure that a reasonable jobs-housing balance is maintained in order to reduce automobile trips and associated congestion.*
- 13.01 *This policy encourages new development to be designed to include public transit facilities and accessibility thus reducing vehicle trips.*
- 13.02 *This policy encourages the construction of Park and Ride lots to reduce the number of vehicles on the road.*
- 13.03 *This policy encourages high-density development and mixed-use facilities, especially near the Caltrain station, to encourage use of transit and reduce traffic.*
- 14.01 *This policy encourages emphasis on non-auto modes of travel through safer public facilities, thereby reducing traffic.*
- 14.02 *This policy encourages emphasis on walking and biking through compact, mixed-use development and increased infill construction, thereby reducing traffic.*
- 14.03 *This policy would ensure that bicycle and pedestrian paths and facilities are improved and expanded to encourage greater usage and reduced vehicular trips.*
- 14.04 *This policy encourages improved crossing design on both streets and bridges to encourage greater usage.*
- 14.05 *This policy ensures that private development would be involved in providing bikeways, pedestrian paths, and related facilities within development sites, to reduce new vehicle trips.*
- 14.06 *This policy ensures that the comprehensive traffic impact fee would finance General Plan bikeway improvements to increase usage.*
- 19.12 *This policy encourages new telecommunications technologies to reduce vehicle trips by telecommuting.*
- 21.03 *This policy aims to reduce automobile trips and traffic congestion by promoting infill development, reducing sprawl, and encouraging high-density and mixed-use development.*
- 21.04 *This policy encourages coordination with other regional transportation and air quality authorities to address transportation issues.*
- 27.03 *This policy ensures that transportation of hazardous materials would be strictly monitored and proper notification would take place in the event of a leak or spill.*

Policies (to a lesser extent)

1.01, 1.02, 1.04, 1.05, 1.08, 1.09, 1.10, 1.12, 2.09, 3.05, 3.13, 3.16, 3.18, 3.19, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 9.01, 9.02, 9.03, 10.12, 11.02, 11.04, 17.06, 17.07, 18.07

These policies encourage use of alternative transportation thus reducing the amount and length of vehicle trips and thereby reduce traffic congestion.

Actions

- 12.C This action encourages street design that is traffic-calming and includes pedestrian access to encourage walking versus driving.*
- 12.D This action encourages street design that distributes traffic evenly and maintains the city's Standard Level of Service.*
- 12.E This action requires dual access on streets serving 26 or more dwelling units to accommodate public safety vehicles without blocking other through traffic.*
- 13.A This action encourages the setting aside of land for Park and Ride lots to support ride-sharing, in order to reduce vehicle trips.*
- 13.B This action encourages the identification of land for potential Transit Oriented Development near the Caltrain station and to design strategies that encourage this type of development that would encourage increased transit use as an alternative to vehicle use.*
- 14.A This action encourages collaboration with Santa Clara County in implementing and planning trails and pathways to encourage alternative transportation.*
- 14.B This action encourages the implementation of the City Bicycle Transportation Plan, including the responsibility of developers to build these facilities on their property.*
- 14.C This action encourages designing bike and pedestrian bridges over Highway 101 and various drainage channels to encourage walking and biking.*
- 14.D This action encourages installing bike racks and lockers at all types of development.*
- 14.E This action encourages using easements to ensure that streets are designed with adequate facilities for walking and biking.*
- 14.F This action would maintain and improve road surface conditions for improved bicycle and vehicle travel.*
- 14.G This action would ensure that all future roads will accommodate bicycle and pedestrian travel.*
- 14.H This action discourages on-street parking in order to facilitate bike lanes and improved traffic flow.*
- 14.J This action ensures that the California Department of Transportation's "Planning and Design Criteria or Bikeways in California" be used, that encourages safety and efficiency for this alternative to vehicle use.*
- 21.A This action encourages designing pedestrian and bicycle amenities and building transit facilities.*

Mitigation Measures: 4.5-A, 4.5-B, 4.5-C, 4.5-D, 4.5-E, 4.5-F, 4.5-G. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR may reduce this potentially significant impact to less than significant level. However, some of the proposed roadway improvements are regional in nature and within the responsibility and jurisdiction of another public agency, and such changes have been or should be adopted by such other agency.

G. TRAFFIC AND CIRCULATION.

1. Impact.

4.5-3. Build-out under the General Plan may lead to increased parking demand and parking deficiencies in the City.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased parking demand and parking deficiencies in the City as a result of the build-out under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.5-3:

Policies

- 3.28 *This policy encourages the development of a Downtown Traffic Circulation plan discussing parking and street configuration in an effort to correct parking deficiencies.*
- 3.29 *This policy encourages the provision of off-street parking in the downtown area, thereby meeting the increased demand for parking.*
- 12.11 *This policy encourages the development of on-site parking in new developments and compliance with the city's Downtown Parking Ordinance in older areas to address existing and potential parking deficiencies.*
- 12.12 *This policy encourages the sharing of parking facilities between adjoining sites to properly meet parking demand.*
- 13.02 *This policy encourages the designation of specific areas as Park and Ride lots with related facilities in order to reduce parking demand.*
- 13.03 *This policy encourages the development of high-density development and mixed-use to reduce parking needs.*
- 14.01 *This policy encourages alternative transportation as a strategy for air quality goals and as a tool for reducing parking demand.*

- 14.02 *This policy encourages the use of land use planning as a tool to promote walking and biking, thereby reducing parking demand.*
- 14.03 *This policy encourages the development of safe, convenient, and attractive facilities to promote walking and biking and, in, turn, reduce the need for parking, in conjunction with the city's Bicycle Transportation Plan.*
- 14.04 *This policy encourages the development of pedestrian and bicycle crossing to encourage alternative transportation, thereby reducing parking demand.*
- 14.05 *This policy encourages the private development of pedestrian and bicycle facilities to encourage alternative transportation and reduce parking demand.*
- 14.06 *This policy encourages usage of the comprehensive traffic impact fee for bikeway improvements to promote bicycle transportation and reduce parking demand.*

Actions

- 12.A *This action ensures that all improvements for parking outlined in the General Plan are implemented in order to reduce parking demand and correct parking deficiencies.*
- 12.B *This action ensures that new development be designed with adequate space for parking and traffic circulation to prevent parking shortage problems.*
- 12.C *This action encourages residential street designs that allow for pedestrian and bicycle usage, thereby reducing parking demand.*
- 12.D *This action encourages collector street design that maintains the city's Standard Level of Service and corrects parking deficiencies.*
- 12.E *This action ensures proper access for public safety vehicles on streets serving 26 or more dwelling units.*
- 12.F *This action ensures that adequate on-site parking is provided in accordance with the Zoning Ordinance, thereby preventing parking shortages.*
- 12.G *This action ensures that adequate parking facilities are provided in the downtown area to avoid parking deficiencies.*
- 13.A *This action ensures land is reserved at key intersections for Park and Ride lots and related transit services, thereby reducing parking demand.*
- 13.B *This action ensures that land is set aside in the downtown area for transit oriented development, thereby reducing parking demand.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

H. TRAFFIC AND CIRCULATION.

1. Impact.

4.5-4. Build-out under the General Plan may increase hazards to bicyclist and pedestrian safety.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased hazards to bicyclist and pedestrian safety as a result of the build-out under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.5-4:

Policies

- 3.27 *This policy ensures the development of a safe and convenient downtown environment for pedestrians and bicyclists.*
- 3.28 *This policy ensures the provision of downtown street design that will create a safe and pleasant environment for pedestrians and bicyclists.*
- 12.03 *This policy encourages the design of residential street systems that allow for safe biking and walking and a reduction in hazards to bicyclists and pedestrians.*
- 14.01 *This policy encourages non-auto modes of transportation including safe pedestrian and bicycle facilities that will reduce hazards to bicyclists and pedestrians.*
- 14.02 *This policy encourages land use planning that promotes biking and walking and the development of safe pedestrian and bicycle facilities to reduce hazards to bicyclists and pedestrians.*
- 14.03 *This policy encourages the improvement of existing pedestrian and biking facilities and the design of new related facilities in a safe and convenient manner in order to reduce hazards to bicyclists and pedestrians.*
- 14.04 *This policy encourages the design of safe pedestrian and bicycle crossings in accordance with the Bicycle Transportation Plan that will reduce hazards to bicyclists and pedestrians.*
- 14.05 *This policy encourages the private development of bicycle and pedestrian pathways and related support facilities including safe facilities that will reduce hazards to bicyclists and pedestrians.*
- 14.06 *This policy ensures the usage of the comprehensive traffic impact fee to finance bikeway improvements to increase safety and reduce hazards for bicyclists.*
- 16.04 *This policy encourages the development of a Parks and Recreation System Master Plan to guide the design and maintenance of safe pedestrian and bicycle facilities to reduce hazards to bicyclists and pedestrians.*
- 16.12 *This policy encourages the creation of pedestrian and bikeway links to connect the City's park and community facilities in accordance with the County Trails Master Plan that will reduce hazards to bicyclists and pedestrians.*

Actions

- 12.C *This action encourages residential street design that allows for safe passage of pedestrians and bicyclists and a reduction of hazards to them.*
- 12.D *This action ensures that collector streets in residential areas are designed to promote pedestrian and bicycle use through increased safety measures designed to reduce hazards to bicyclists and pedestrians.*
- 14.A *This action encourages the design of safe trails and bikeways as part of a countywide network and requires that and from new development be dedicated for these uses.*
- 14.B *This action ensures the implementation of a City Bicycle Transportation plan to ensure the safety of bicycle facilities and reduce hazards to bicyclists.*
- 14.C *This action ensures coordination with Caltrans and the Santa Clara Valley Water District to provide safe bicycle and pedestrian crossings that will reduce hazards to bicyclists and pedestrians.*
- 14.D *This action ensures that adequate bicycle parking and storage be provided at key locations in the city.*
- 14.E *This action encourages street design that provides safe and adequate access for pedestrians and bicyclists, thereby reducing hazards to bicyclists and pedestrians.*
- 14.F *This action ensures that roads will be properly surfaced for safe bicycle usage, thereby reducing hazards to bicyclists.*
- 14.I *This action ensures that bike paths are wide enough for the passage of emergency vehicles, where necessary.*
- 14.J *This action ensures that bikeway planning and design follow the Caltrans standards in ensuring a reduction of hazards to bicyclists.*
- 16.A *This action ensures the implementation of the Parks and Recreation System Master Plan to provide safe pedestrian and bicycle facilities, thereby reducing hazards to bicyclists and pedestrians.*
- 21.A *This action encourages the development of on-site pedestrian and bicycle facilities to improve air quality.*

Mitigation Measure: 4.5-H. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

I. AIR QUALITY.

1. Impact.

4.6-1. Construction, earthmoving and clearing activities due to build-out of the General Plan would result in temporary, short-term increases in particulate matter emissions.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of temporary, short-term increases in particulate matter emissions as a result of the construction, earthmoving and clearing activities due to build-out of the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.6-1:

Policies

- 12.09 This policy would ensure maintenance of the city's Standard Level of Service to ensure better air quality and a reduction in particulate matter emissions.*
- 12.10 This policy would ensure land use planning that reduces automobile trips to help achieve air quality goals and provide a reduction in particulate matter emissions.*
- 21.01 This policy encourages land use planning that separates air pollution sources from residences and "sensitive receptors," thereby reducing particulate matter emissions.*
- 21.02 This policy encourages landscaping to reduce pollutants and to provide a reduction in particulate matter emissions.*

Actions

- 21.A This action encourages development that encourages alternative transportation and therefore improves air quality and provides a reduction in particulate matter emissions.*

Mitigation Measure: 4.6-A. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

J. AIR QUALITY.

1. Impact.

4.6-2. Construction activities during development under the General Plan would result in short-term exhaust emissions from construction equipment.

2. Mitigation:

The Final EIR contains a mitigation measure, which when implemented will lessen the impact of short-term exhaust emissions from construction equipment as a result of construction activities during development under the General Plan.

The implementation of the following mitigation measure will help to mitigate impact 4.6-2:

Mitigation Measure: 4.6-B. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

K. AIR QUALITY.

1. Impact.

4.6-3. Build-out of the General Plan would result in increases in criteria pollutant emissions due to increased vehicle trips and vehicle miles traveled and may result in regional impacts on air quality, particularly in downwind areas (i.e., south Gilroy).

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased criteria pollutant emissions due to increased vehicle trips and vehicle miles traveled and may result in regional impacts on air quality, particularly in downwind areas (i.e., south Gilroy) as a result of the build-out of the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.6-3:

Policies

- 3.04 *This policy would ensure phasing of housing and jobs according to the availability of local housing and public facilities in order to reduce vehicle trips, thereby reducing emissions.*
- 3.05 *This policy would ensure that industrial uses are located in one area to avoid possible pollution problems with residences and public facilities.*
- 3.10 *This policy encourages the removal of abandoned or defunct industrial structures to ensure public safety and avoid any possible release of emissions.*
- 3.18 *This policy encourages the incorporation of commercial areas into residential neighborhoods to decrease vehicle trips, thereby reducing emissions.*
- 3.25 *This policy would encourage a mix of uses downtown to include housing and transit facilities in order to reduce vehicle trips, thereby reducing emissions.*

- 3.27 *This policy would ensure that design improvements take place to make a safe and convenient pedestrian environment in the downtown area, resulting in reduced vehicle trips and reduced emissions.*
- 3.28 *This policy encourages the use of the Downtown Specific Plan to reduce vehicle trips by designing a pedestrian-oriented environment, thereby reducing emissions.*
- 9.01 *This policy encourages maintaining an adequate jobs-housing balance to reduce vehicle trips resulting from commuting out of the area, thereby reducing emissions.*
- 9.02 *This policy would ensure that a mix of housing types is available in terms of style and price to provide more choices for Gilroy residents and workers, therefore reducing commutes to and from other areas and reducing emissions.*
- 12.09 *This policy encourages maintaining the city's Standard Level of Service to minimize traffic congestion, thereby reducing emissions.*
- 12.10 *This policy encourages the use of land use planning to reduce automobile trips, thereby reducing emissions.*
- 13.01 *This policy encourages new developments to promote the use of transit and alternative transportation through design, thereby reducing vehicle trips and vehicle emissions.*
- 13.02 *This policy ensures that land will be dedicated for use as Park and Ride lots in order to reduce vehicle trips and reduce vehicle emissions.*
- 13.03 *This policy encourages emphasis on walking and biking through compact, mixed-use development and increased infill construction, thereby reducing vehicle trips and emissions.*
- 14.01 *This policy encourages non-auto modes of travel to reduce vehicle trips, thereby reducing vehicle emissions.*
- 14.02 *This policy encourages land use planning that promotes pedestrian and bicycle travel in order to reduce vehicle trips and emissions.*
- 14.03 *This policy would ensure that bicycle and pedestrian paths and facilities are improved and expanded to encourage greater usage and reduced vehicular trips, thereby reducing emissions.*
- 14.04 *This policy encourages improved crossing design on both streets and bridges to encourage greater pedestrian usage, thereby reducing vehicle trips and emissions.*
- 14.05 *This policy ensures that private development would be involved in providing bikeways, pedestrian paths, and related facilities within development sites to reduce automobile trips and vehicle emissions.*
- 14.06 *This policy ensures that the comprehensive traffic impact fee would finance General Plan bikeway improvements to increase usage and reduce vehicle trips, thereby reducing emissions.*
- 21.01 *This policy encourages land planning that separates air pollution sources from "sensitive receptors."*
- 21.02 *This policy encourages landscaping to reduce pollutants and emissions.*

- 21.03 *This policy aims to reduce automobile trips and traffic congestion by promoting infill development, reducing sprawl, and encouraging high-density and mixed-use development, thereby reducing vehicle emissions.*
- 21.04 *This policy encourages coordination with other regional transportation and air quality authorities to address transportation issues including regional air quality concerns relating to automotive emissions.*
- 25.01 *This policy permits development only in areas where the potential dangers to safety, health, and welfare can be properly mitigated.*
- 25.02 *This policy encourages the use of zoning and land use to regulate development in hazardous areas.*
- 25.03 *This policy encourages appropriate review to minimize hazards resulting from development.*
- 26.03 *This policy encourages the use of buffering standards to protect residences from noise-producing developments.*

Actions

- 1.A *This action ensures consistency between the Gilroy Zoning Ordinance and Zoning Map and the Land Use Plan Map.*
- 1.C *This action encourages the creation of task forces to implement strategies for improving neighborhood districts.*
- 1.D *This action requires development of a Downtown Specific Plan.*
- 1.I *This action encourages community beautification through landscaping.*
- 2.D *This action encourages interagency coordination for growth management and a regional approach to solving problems such as air pollution and traffic congestion.*
- 3.A *This action encourages development of “performance standards” for use in reviewing industrial development proposals to ensure safety for residents, especially in terms of air emissions.*
- 3.C *This action encourages the development of design standards for high-impact uses to beautify visually unattractive uses.*
- 3.G *This action supports the goals of the Neighborhood Revitalization Strategy Area to benefit the welfare of all residents.*
- 9.B *This action encourages providing incentive for infill development to reduce sprawl and its related traffic problems, thereby reducing vehicle emissions.*
- 9.C *This action encourages development of accessory units in residential areas.*
- 9.D *This action would provide incentives for mixed-use development to reduce vehicle trips, thereby reducing emissions.*
- 12.A *This action would ensure that all improvements outlined in the General Plan to maintain the city’s Standard Level of Service are adopted.*

- 12.H *This action establishes a comprehensive traffic impact fee for new developments to finance roadway improvements.*
- 13.A *This action encourages dedicating land for use as Park and Ride lots in order to reduce vehicle trips and related emissions.*
- 13.B *This action ensures that the Downtown Specific Plan is used to promote transit-oriented development to reduce vehicle trips and automotive emissions.*
- 13.C *This action encourages interagency coordination to improve transit service and to reduce automotive emissions.*
- 14.A *This action ensures coordination with Santa Clara County to implement trails and paths as part of a countywide network to promote alternative transportation, thereby reducing vehicle emissions.*
- 14.B *This action encourages the implementation of a citywide bicycle plan that includes private development of bike paths and lanes to reduce vehicle trips and related emissions.*
- 14.C *This action requires improved bridge crossings for safer pedestrian and bicycle usage to reduce vehicle trips and related emissions.*
- 14.D *This action encourages the provision of bike racks and lockers at key locations based on city standards for bicycle storage.*
- 14.E *This action encourages street design that provides easements for pedestrian and bicyclists.*
- 14.F *This action encourages proper road surface maintenance for safer driving conditions.*
- 14.G *This action encourages the inclusion of pedestrian and bicycle facilities on all future road development, thereby reducing vehicle trips and related emissions.*
- 14.H *This action supports restrictions on on-street parking to create safer travel environments.*
- 14.I *This action encourages bike paths to be designed to accommodate emergency vehicles, where necessary.*
- 14.J *This action requires that all bikeway planning and design be in accordance with Caltrans' standards.*
- 21.A *This action ensures that projects are evaluated in terms of their polluting potential and proper mitigation is required.*
- 25.B *This action would ensure that all building codes relating to hazards and safety are updated regularly.*

Mitigation Measures: 4.6-C, 4.6-D. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a significant and unavoidable impact. The General Plan includes mitigation measures that will lessen the General Plan's impact of increased criteria pollutant emissions due to increased vehicle trips and vehicle miles traveled and may result in regional impacts on air quality, particularly in downwind areas (i.e., south Gilroy). Despite implementation of these mitigation measures, the General Plan will result in significant unavoidable air quality impacts that cannot

feasibly be reduced to a non-significant level. This impact, therefore, is considered significant and unavoidable. See Statement of Overriding Considerations.

L. NOISE.

1. Impact.

4.7-1. Development consistent with the General Plan will increase noise levels above the maximum permissible noise levels at existing, previously developed uses including sensitive receptors due to increased levels of traffic and use of rail lines.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased noise levels above the maximum permissible noise levels at existing, previously developed uses including sensitive receptors due to increased levels of traffic and use of rail lines as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.7-1:

Policies

- 26.01 *This policy would ensure quiet neighborhoods and public facilities through physical development.*
- 26.02 *This policy would ensure that all noise levels are within the maximum permitted levels.*
- 26.03 *This policy would enforce noise buffering standards to protect residents from excessive noise, especially from noise related to traffic and rail.*
- 26.04 *This policy encourages project design that considers acoustics in an effort to reduce noise from vehicles and trains.*
- 26.05 *This policy would require landscaped earth berms to be integrated into developments as physical noise buffers.*
- 26.06 *This policy would ensure coordination with other regional agencies on noise issues that stem from transportation.*
- 26.07 *This policy would encourage public input on noise issues stemming from traffic and rail lines.*

Actions

- 26.A *This action ensures the adoption of a noise ordinance to regulate noise generated by traffic and rail lines.*
- 26.B *This action encourages the revision of the city's zoning ordinance to include noise standards, particularly for noise from traffic and trains.*
- 26.C *This action requires development review to include review of compliance with local noise standards.*

26.D *This action encourages adopted Noise Element guidelines to be in compliance with State noise criteria.*

3. Findings.

This is a significant and unavoidable impact. There is no feasible mitigation that could reasonably be imposed on the General Plan to mitigate the General Plan's impact of increased noise levels above the maximum permissible noise levels at existing, previously developed uses including sensitive receptors due to increased levels of traffic and use of rail lines. Despite implementation of these measures, the General Plan will result in significant unavoidable noise impacts that cannot feasibly be reduced to a non-significant level. This impact, therefore, is considered significant and unavoidable. See Statement of Overriding Considerations.

M. NOISE.

1. Impact.

4.7-2. The General Plan would allow new development adjacent to high volume roads and railroad tracks, which would potentially expose people to noise above maximum permissible noise levels.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of exposing people to noise above maximum permissible noise levels as a result of new development adjacent to high volume roads and railroad tracks under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.7-2:

Policies

26.01 *This policy would ensure quiet neighborhoods and public facilities through physical development that would consider the relationship between noise and development.*

26.02 *This policy would ensure that all noise levels are within the maximum permitted levels.*

26.03 *This policy would enforce noise buffering standards to protect residents from excessive noise generated by railroad tracks and high-volume roads.*

26.04 *This policy encourages project design that considers acoustics in an effort to reduce noise generated by railroad tracks and heavy traffic.*

26.05 *This policy would require landscaped earth berms to be integrated into developments as physical noise buffers.*

26.06 *This policy would ensure coordination with other regional agencies on noise issues.*

26.07 *This policy would encourage public input on noise issues.*

Actions

- 26.A *This action ensures the adoption of a noise ordinance to regulate noise generation, particularly noise generated by trains and high-volume roads.*
- 26.B *This action encourages the revision of the city’s zoning ordinance to include noise standards.*
- 26.C *This action requires development review to include review of compliance with local noise standards.*
- 26.D *This action encourages adopted Noise Element guidelines to be in compliance with State noise criteria.*

Mitigation Measure: 4.7-A. *See Exhibit “A” attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

N. NOISE.

1. Impact.

4.7-3. Development consistent with the General Plan would cause temporary increases in noise levels on and nearby project sites during periods of construction.

2. Mitigation:

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of temporary increases in noise levels on and nearby project sites during periods of construction as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.7-3:

Policies

- 26.02 *This policy would ensure that all raised noise levels resulting from construction activity are within the maximum permitted levels.*
- 26.06 *This policy would ensure coordination with other regional agencies on noise issues.*
- 26.07 *This policy would encourage public input on noise issues arising from construction-related noise.*

Actions

- 26.A *This action ensures the adoption of a noise ordinance to regulate noise generation.*

Mitigation Measure: 4.7-B. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

O. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4.8-1. Development consistent with the General Plan could substantially increase the demand for fire protection beyond existing capacity of the City of Gilroy Fire Department.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased demand for fire protection beyond existing capacity of the City of Gilroy Fire Department as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-1:

Policies

- 2.01 *This policy would ensure that existing infrastructure is at maximum usage levels before investing in new infrastructure to ensure that demand for fire protection does not exceed existing capacity.*
- 2.02 *This policy would ensure that the growth rate does not exceed existing capacity of public services to ensure that demand for fire protection does not exceed existing capacity.*
- 2.03 *This policy would encourage development only on incorporated portions of the planning area that have adequate fire protection infrastructure to ensure that demand for fire protection does not exceed existing capacity.*
- 2.04 *This policy would ensure that existing infrastructure for public safety is a guideline for future development to ensure that demand for fire protection does not exceed existing capacity.*
- 2.06 *This policy would ensure that new developments pay fees for the new need for public services that they generate to ensure that demand for fire protection does not exceed existing capacity.*
- 2.08 *This policy would encourage using the "20-Year Boundary" to guide potential development to minimize public service costs.*
- 10.12 *This policy would establish criteria for developing infill lots for residential uses to minimize the need for more public safety infrastructure to ensure that demand for fire protection does not exceed existing capacity.*
- 15.01 *This policy would ensure the development of an adequate system of public facilities to ensure that demand for fire protection does not exceed existing capacity.*

- 15.06 *This policy would ensure proper staffing for community facilities to ensure that demand for fire protection does not exceed existing capacity.*
- 18.01 *This policy would ensure that police and fire services remain adequate in terms of manpower, equipment, and resources so that demand for fire protection does not exceed existing capacity.*
- 18.02 *This policy would encourage community education about crime and fire prevention.*
- 18.03 *This policy would ensure that facilities designated as command control centers in case of an emergency are designed to withstand a "maximum probable seismic event" and remain operational, thus ensuring that local emergency needs can be met with existing facilities.*
- 18.05 *This policy would ensure that essential emergency public services will be provided during natural catastrophes, thereby ensuring that community needs will be met by existing facilities.*
- 25.12 *This policy would encourage the restriction of development in Very High Fire Hazard Severity Zones, thereby ensuring that local demand for fire protection services can be met by existing facilities.*
- 25.13 *This policy would ensure that new and existing construction complies with all local and state regulations regarding fire safety, thus ensuring that adequate fire services will be available to the community.*
- 25.15 *This policy would ensure that adequate water flow exists for fire prevention services in order to supply adequate fire protection with existing facilities.*
- 25.16 *This policy would require developments in hillside areas to comply with specific Fire Department policies for hillside construction, thus ensuring that adequate fire protection can be provided by existing fire facilities.*

Actions

- 2.A *This action encourages review of applications for inclusion in the Urban Service Area, thus monitoring the demand for fire services*
- 18.A *This action encourages monitoring the levels of service of fire protection services, thus ensuring that demands are met.*
- 18.B *This action requires updating the Impact Fee Schedule for new development, thus ensuring that demands for fire service are met.*
- 18.C *This action encourages giving priority to capital improvements required to maintain adequate levels of fire services.*
- 18.D *This action encourages maintaining the City's mutual aid agreements with the surrounding jurisdiction, thus ensuring that fire demands are met.*
- 25.G *This action encourages providing plan checks for new construction to ensure that fire service demands are met.*
- 25.H *This action encourages adopting an ordinance to regulate hazardous fire conditions, thus ensuring that demands for fire services are met.*
- 25.I *This action encourages providing fire and life safety inspections to ensure that demands for fire services are being met.*

- 25.J *This action encourages the enforcement of prompt abatement of fire hazards, thus reducing demands for fire services.*
- 25.K *This action encourages providing fire and safety training to encourage preventive measures and thus reduce demands for fire services.*
- 25.L *This action would enforce the City's weed abatement ordinance, thus reducing demand for fire services by preventing fires.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

P. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4.8-2. Development consistent with the General Plan could substantially increase the demand for police protection beyond existing capacity of the City of Gilroy Police Department.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased demand for police protection beyond existing capacity of the City of Gilroy Police Department as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-2:

Policies

- 2.01 *This policy would ensure that new growth is directed to lands already in the Urban Service Area, thereby ensuring that demand for police services does not exceed existing capacity.*
- 2.02 *This policy would ensure that the rate of growth is controlled so that public services such as police protection will remain adequate.*
- 2.03 *This policy would encourage development only in the incorporated portion of the Planning area, thereby ensuring that existing police facilities can adequately serve the community.*
- 2.04 *This policy would ensure that rate, location, and extent of growth are determined by local planning tools and available resources, thus ensuring that demand for public services does not exceed existing capacity.*
- 2.06 *This policy would ensure that new development pay for all increases in public service costs that their development creates, thus ensuring that public facilities can meet increased demands.*

- 2.08 *This policy would encourage the use of a “20-Year Boundary” as a planning tool, thus minimizing public service expansion costs.*
- 10.12 *This policy would establish criteria for selection infill sites for housing, thus ensuring that new infill development can be served by existing police protection facilities.*
- 15.01 *This policy would ensure the development of a system of public facilities provides adequate police protection at a consistent level of service.*
- 15.06 *This policy would ensure adequate staffing and program support at all community facilities, including those related to police services.*
- 18.01 *This policy would ensure that a consistent level of service exists throughout the City for police services.*
- 18.02 *This policy would encourage a pro-active approach to crime and fire prevention through community education and awareness.*
- 18.03 *This policy would ensure that facilities designated as local command centers for emergency/disaster services are designed to withstand a “maximum probable seismic event: and remain operational, thus ensuring the availability of police services during such an event.*
- 18.05 *This policy would ensure essential emergency public services would be available during natural catastrophes through training and preparedness.*

Actions

- 2.A *This action encourages review of applications for inclusion in the Urban Service Area, thus monitoring the demand for police services*
- 18.A *This action encourages monitoring the levels of service of police protection services, thus ensuring that demands are met.*
- 18.B *This action requires updating the Impact Fee Schedule for new development, thus ensuring that demands for police services are met.*
- 18.C *This action encourages giving priority to capital improvements required to maintain adequate levels of police services.*
- 18.D *This action encourages maintaining the City’s mutual aid agreements with the surrounding jurisdiction, thus ensuring that police demands are met.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

Q. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4-8.3. Development consistent with the General Plan will increase the number of students in the Gilroy Unified School District, therefore exceeding the current capacity of the District.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of an increased number of students in the Gilroy Unified School District, therefore exceeding the current capacity of the District, as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-3:

Policies

- 1.05 This policy would ensure the maintenance and enhancement of existing neighborhoods to encourage infill development and the use of existing public facilities, such as schools.*
- 2.01 This policy would encourage new growth to be directed to lands within the Urban Service Area, thereby utilizing schools and other public facilities that are existing.*
- 2.02 This policy would encourage the rate of growth to be controlled by the availability of public facilities such as schools.*
- 2.03 This policy would ensure the development only occurs within the incorporated portion of the Planning Area, thus utilizing existing schools and other public facilities.*
- 2.04 This policy would ensure the use of planning tools as a method for controlling and directing growth, thus ensuring that existing schools and public facilities will not exceed their capacity.*
- 2.06 This policy would require that new development pay the service costs associated with increased demand for schools and public services.*
- 2.07 This policy would establish and maintain an Urban Service Area that indicates land potentially suitable for development, thereby ensuring that schools and other public facilities do not exceed their capacity*
- 2.08 This policy would establish a “20-Year Boundary” to direct the location of growth and maintain a suitable proportion between schools and new growth.*
- 15.01 This policy would ensure the development of a system of public facilities, including schools, that meets an adequate level of service in serving the demands of the community.*
- 15.06 This policy would ensure adequate staffing and program support for schools.*
- 16.18 This policy would encourage partnerships with community groups to assist with outreach to youth in conjunction with local schools.*

- 16.19 *This policy would ensure the continuation and enhancement of the partnership between the City and the Gilroy Unified School District to ensure adequate development of school facilities.*
- 16.20 *This policy would encourage expansion of the partnership between the City and Gavilan College.*
- 17.01 *This policy would ensure that policies and actions of the City in terms of educational facilities reflect the educational values of the Gilroy Unified School District Mission Statement.*
- 17.02 *This policy would ensure the control of the growth of new residential development in an effort to allow schools to develop new facilities to match the growth.*
- 17.03 *This policy would encourage the verification of the capacity of local schools as part of the review process for residential subdivisions, thereby ensuring that schools can adequately respond to growth.*
- 17.04 *This policy would require developers of new residential subdivisions to dedicate land and/or pay fees to offset increased costs for educational facilities.*
- 17.05 *This policy would ensure cooperation between the City, the Gilroy Unified School District, Gavilan College, and Santa Clara County in an effort to adequately plan for long-range growth.*
- 17.06 *This policy would encourage the development of educational facilities on land best suited for optimizing educational goals and ensuring that appropriate capacity is available.*
- 17.07 *This policy would encourage the siting of new educational facilities to be done in a way that promotes pedestrian and bicyclist safety, access to transit, and routes for school buses.*
- 17.08 *This policy would encourage the shared use of school facilities and community facilities and programs, thus increasing capacity of educational facilities.*
- 17.09 *This policy would ensure that educational facilities practice conservation efforts such as solar features and landscaping.*

Actions

- 2.A *This action encourages review of applications for inclusion in the Urban Service Area, thus monitoring the demand for schools.*
- 17.A *This action encourages interagency coordination to address the needs of the school district and the citizens.*
- 17.B *This action requires that the development review process consider the impacts of development on schools.*
- 17.C *This action encourages working with the school district to find appropriate school sites when considering new development.*
- 17.D *This action encourages including neighborhood representatives in addressing school decisions.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

R. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4.8-4. Development consistent with the General Plan will increase waste generation.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented will lessen the impact of an increase in waste generation as a result of Development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-4:

Policies

- 1.05 This policy would ensure the growth is managed in a way that allows public services related to waste to adequately maintain an appropriate capacity and level of service.*
- 2.01 This policy would ensure the maximization of existing infrastructure, thereby allowing waste management facilities to maintain adequate capacity.*
- 2.02 This policy would ensure that the rate of growth is controlled so as not to exceed existing waste management capacity.*
- 2.03 This policy would ensure that development only occur in the incorporated portion of the Planning Area, thus allowing waste management services to maintain adequate capacity.*
- 2.04 This policy would ensure that planning tools are utilized to ensure that waste management services remain adequate.*
- 2.06 This policy would require that new development pay for increases in public services such as waste management.*
- 2.07 This policy would establish and maintain an Urban Service Area to indicate lands that are appropriate for development.*
- 2.08 This policy would establish a “20-Year Boundary” to control growth to ensure that adequate public services such as waste management exists.*
- 10.02 This policy would establish incentives for affordable housing to encourage infill development, thereby utilizing existing waste management services.*
- 15.01 This policy would ensure the development of a system of public facilities that will meet the needs of the community.*
- 15.06 This policy would ensure adequate staffing and program support for all community facilities.*
- 24.01 This policy would ensure the reduction of the volume sent to solid waste sites through source reduction and recycling, thus reducing demand for waste services.*

24.02 *This policy would ensure the reduction of the volume of disposed waste by encouraging efforts to decrease consumption and recycling, thus reducing demand for waste services.*

24.03 *This policy would ensure that a new landfill site is designated to meet new waste disposal needs.*

Actions

2.A *This action encourages review of applications for inclusion in the Urban Service Area, thus monitoring the increased waste generation.*

15.A *This action encourages using Capital Improvement Program funds for public facility improvements, such as waste treatment facilities.*

24.A *This action requires the continuation of the City's Source Reduction and Recycling Program to reduce waste generation.*

24.B *This action encourages working with South Valley Disposal and Recycling to identify possible land fill sites for increased waste generation.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

S. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4.8-5. Development consistent with the General Plan will increase demand for parks and recreational facilities, including the pedestrian and bicycle trails system.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased demand for parks and recreational facilities, including the pedestrian and bicycle trails system, as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-5:

Policies

1.05 *This policy would ensure the maintenance and enhancement of existing neighborhoods to utilize existing parks and recreation facilities.*

1.06 *This policy would ensure the promotion of the Downtown area as the focal point for the City including the construction of a park area in the Downtown.*

3.22 *This policy would prohibit commercial development in the areas west of Santa Teresa Boulevard except for parks and recreational services.*

- 3.31 *This policy would encourage the exploration of possible park development in the Downtown area.*
- 3.32 *This policy would encourage the exploration of possible recreational facilities in the Downtown area.*
- 8.07 *This policy would encourage including play areas and tot lots in new residential construction marketed to families, thus reducing demand for neighborhood parks.*
- 14.01 *This policy would emphasize non-auto modes of travel through the creation of safer bikeways and providing bike racks and/or lockers.*
- 14.02 *This policy would ensure the promotion of walking and biking through land planning that emphasizes pedestrian and bicycle travel.*
- 14.03 *This policy would ensure the correction of deficiencies, expansion of facilities, and improvement of bicycle and pedestrian facilities to meet increased demand for these services and facilities.*
- 14.04 *This policy would ensure the proper design of street crossing to promote increased pedestrian usage.*
- 14.05 *This policy would encourage private development of bike and pedestrian facilities to encourage non-auto modes of transportation.*
- 14.06 *This policy would ensure the use of the comprehensive traffic impact fee for financing General Plan bikeway improvements.*
- 16.01 *This policy would ensure the maintenance of the City's established of 5 acres of developed park land per thousand population, thereby ensuring that demand for parks and recreation is met.*
- 16.02 *This policy would ensure the developers pay fees or dedicate land for park and recreational purposes, thus ensuring that demand for park services is met.*
- 16.03 *This policy would ensure the inclusion of cultural facilities as part of the parks and recreation system.*
- 16.04 *This policy would ensure the development of a Parks and Recreation System Master Plan to guide future development, thus ensuring that demand for park services is met.*
- 16.05 *This policy would ensure the development of a Trails Master Plan to ensure that demand for trails is met.*
- 16.06 *This policy would encourage the distribution of parks and recreation facilities throughout the City, thus ensuring that demand for parks is met.*
- 16.07 *This policy would ensure that parks and recreational facilities are planned, designed and implemented along with City standards, ensuring that demand for parks services is met.*
- 16.08 *This policy would ensure that adequate staff will exist for all parks and recreational facilities.*
- 16.09 *This policy would encourage that all park facilities comply with all standards set forth to establish accessibility for disabled persons.*
- 16.10 *This policy would provide parks and recreational services that are responsive to diverse cultures and ages, thus ensuring broad usage of these facilities.*

- 16.11 *This policy would ensure partial subsidies of some recreational programs and reasonable fees, thus ensuring that all community members will have access to these facilities.*
- 16.12 *This policy would ensure the creation of a network of bicycle and pedestrian pathways to connect the City's park and recreational facilities, thus ensuring adequate access to all facilities.*
- 16.13 *This policy would ensure the location of park facilities near gated residential developments to ensure adequate access.*
- 16.14 *This policy would encourage the construction of several new facilities by the year 2020 to accommodate the growing population.*
- 16.15 *This policy would ensure the continuation of support to programs and facilities related to the Gilroy Youth Center, thus ensuring the utilization of existing recreational facilities.*
- 16.16 *This policy would ensure the continuation of support to programs and facilities related to the Gilroy Senior Center, thus ensuring the utilization of existing recreational facilities.*
- 16.17 *This policy would ensure that the City considers the renting or leasing of space if existing facilities cannot accommodate specific programs or services.*
- 16.18 *This policy would ensure partnerships between community groups that focus on youth activities.*
- 16.19 *This policy would ensure the continuation of a partnership between the City and the Gilroy Unified School District.*
- 16.20 *This policy would ensure an increase partnership between Gavilan College and the City.*
- 16.21 *This policy would encourage partnerships between the City and other local and regional public agencies.*
- 16.22 *This policy would encourage partnerships between the City and nonprofit organizations.*
- 16.23 *This policy would ensure partnerships between the City and the private sector.*
- 17.09 *This policy would encourage the use of energy conservation measures in the construction and maintenance of school facilities.*
- 20.01 *This policy would preserve and protect various open space areas, thus reducing the demand for open space and recreational areas.*
- 20.05 *This policy would ensure the designation of open space areas as greenbelts to be used as public parks, thus meeting new demand for park facilities.*
- 20.06 *This policy would ensure the management and maintenance of public open space areas to meet demand for recreational facilities.*

Actions

- 1.A *This action encourages consistency between local and regional growth management tools and documents, thus reducing discrepancies regarding parks, open space, pedestrian facilities, and bike trails.*
- 1.J *This action encourages design review for all development prior to the issuance of a development permit, thus ensuring that adequate recreational facilities are included.*

- 14.A *This action requires coordination with Santa Clara County on implementing trails and bike paths to ensure that demand for recreational facilities is met.*
- 14.B *This action encourages the development of a bicycle transportation plan to ensure that demands for bike trails and facilities are met.*
- 14.C *This action encourages providing bike and pedestrian bridge crossing across the South Valley Freeway, thus ensuring that demands for recreational facilities are met.*
- 14.D *This action encourages providing bike parking and storage at key sites in the City, thus meeting demand for bicycle facilities.*
- 14.E *This action encourages easements for pedestrian and bicycle access to meet increased need for recreational facilities.*
- 14.F *This action requires improved road surfacing to create safe passages for vehicles and bicycles.*
- 14.G *This action encourages all future roadway design to include pedestrian and bicycle facilities, thus meeting demands for these recreational services.*
- 14.H *This action encourages restricting on-street parking to better accommodate traffic flow and bicycle lanes.*
- 14.I *This action encourages bike paths that are designed to accommodate emergency access.*
- 14.J *This action encourages following the State's criteria for safe bikeway design, thus meeting the recreational needs of the city.*
- 15.A *This action requires using the Capital Improvements Program funds for improving recreational facilities.*
- 15.B *This action encourages updating the Civic Center Master Plan to reflect the new recreational needs of the City.*
- 16.A *This action encourages using the implementation and action of the Parks and Recreation System Master Plan to ensure that new recreational needs are being met.*
- 16.B *This action encourages establishing specific trail alignment based on growth management documents, thus meeting increased demands for recreational services.*
- 16.C *This action encourages coordination between the private and public sectors to develop and support parks and recreational services.*
- 16.D *This action encourages exploring alternative financing methods, such as grants, bonds, and sponsorships, for funding parks and recreational services.*
- 16.E *This action encourages reviewing and updating the Master Plan to evaluate the current and future demands for recreational services.*
- 20.G *This action encourages using regulatory mechanisms to require easements and dedications to provide open space for recreational use.*
- 20.H *This action encourages examining and improving open space management practices, thus ensuring the availability of land for recreational uses*

20.I *This action encourages the use of open space preservation tools, thus setting aside areas for recreational uses.*

20.J *This action requires exploring regional methods of preserving open space for recreational uses.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

T. PUBLIC SERVICES, UTILITIES, PARKS AND RECREATION.

1. Impact.

4.8-6. Development consistent with the General Plan will increase demand for gas and electric utilities as well telecommunication capabilities.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased demand for gas and electric utilities as well telecommunication capabilities, as a result of development consistent with the General Plan

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.8-6:

Policies

1.08 *This policy would ensure coordinated development of areas with fragmented property ownership, thus ensuring coordination in providing utilities.*

1.13 *This policy would ensure the removal of overhead utility lines and require underground utilities in new developments.*

2.01 *This policy would encourage the maximum utilization of existing utilities by directing growth to areas within the Urban Service Area.*

2.02 *This policy would ensure that the rate of growth is controlled by the availability of utilities.*

2.04 *This policy would ensure that planning tools are used as methods for determining appropriate growth rates and location, thus ensuring that demand for utilities does not exceed existing capacity.*

2.06 *This policy would require that new developments pay fees for increases needed in the utility system.*

2.07 *This policy would establish and maintain an Urban Service Area to limit growth to areas that can be served by existing utilities.*

2.08 *This policy would establish a "20-Year Boundary" to limit growth to areas that can be served by existing utilities.*

- 2.09 *This policy would encourage citywide reviews of land availability to be performed with every amendment to the 20-Year Boundary*
- 10.02 *This policy would ensure incentives for affordable housing development, thereby ensuring the maximum use of existing utilities.*
- 17.09 *This policy would ensure that energy conservation measures are implemented to reduce demand for utilities.*
- 19.10 *This policy would encourage working with public, quasi-public, and private utility providers to ensure adequate levels of service.*
- 19.11 *This policy would encourage the undergrounding of utilities in older areas, as well as in new developments.*
- 19.12 *This policy would ensure the support of new telecommunication technologies.*
- 19.14 *This policy would encourage the promotion of energy-efficient outdoor lighting, thus reducing demand for utilities.*
- 23.05 *This policy would reduce energy consumption through building technologies, thereby reducing demand for utilities.*
- 25.01 *This policy would ensure that development is only permitted in area well-served by public services.*

Actions

- 2.A *This action encourages review of all applications for inclusion in the Urban Service Area, thus monitoring demand for utilities.*
- 8.J *This action encourages resource conservation to reduce demand for utilities.*
- 19.F *This action requires undergrounding of all utilities.*
- 19.G *This action encourages reviewing and updating the City's lighting standards to improve safety and reduce demand for utilities.*
- 23.C *This action requires new development to be energy-efficient, thus reducing demand for utilities.*
- 23.D *This action encourages providing the public with energy conservation information to reduce demand for utilities.*
- 23.E *This action encourages the enacting of an Alternative Energy Ordinance to reduce demand for utilities.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

U. GEOLOGY, SOILS AND SEISMICITY.

1. Impact.

4.9-1. Seismic shaking in the City during an expected earthquake on one of the nearby regional faults could cause structural and nonstructural damage to development allowed within the projected area.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of structural and nonstructural damage to development allowed within the projected area caused by seismic shaking in the City during an expected earthquake on one of the nearby regional faults.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.9-1:

Policies

- 2.08 *One of the objectives of this policy is to discourage development in areas subject to public safety hazards such as seismic shaking.*
- 2.09 *Amendments to 20-Year Boundary must be evaluated in terms of public safety hazards.*
- 4.06 *This policy would encourage areas subject to seismic shaking hazards to remain in agricultural production, thereby decreasing the potential for structural and non-structural damage.*
- 10.12 *When selecting sites for infill development, the criterion includes whether mitigation for geologic and soils hazards is cost effective.*
- 18.01 *This policy provides and maintains police and fire services that are adequate to respond to emergencies and potentially prevent harm to people and property caused by seismic shaking and related hazards.*
- 18.03 *This policy ensures that command centers for emergency/disaster services are designed to remain operational during a "maximum probable seismic event" and able to continue to provide services that may potentially prevent further seismic shaking related damage.*
- 18.04 *This policy promotes hazard awareness and prevention, including seismic hazards, through community education, to ensure citizens are aware of how to protect themselves from risk of structural and bodily hazards.*
- 18.05 *This policy promotes emergency preparedness and continuing provisions for essential public services during natural disasters, potentially preventing harm to people and property caused by seismic shaking and related hazards.*
- 18.06 *This policy ensures that high-occupancy structures and critical emergency facilities are not located in areas of high seismic risk. This policy also decreases the potential for damage to be caused by seismic shaking by ensuring that all such structures are designed to protect human life to the highest degree possible during a "maximum probable event" of seismic activity.*

- 18.07 *This policy ensures adequate access for emergency vehicles and equipment, facilitating the potential prevention of harm to people and property caused by seismic shaking hazards.*
- 20.01 *This policy preserves areas subject to strong groundshaking during earthquakes as open space, greatly reducing the potential for damage to development due to seismic shaking to occur in these areas.*
- 25.01 *This policy restricts development to areas where potential danger to residents caused by seismic shaking can be adequately mitigated to an “acceptable level of risk” and prohibits development in areas where emergency services cannot be provided.*
- 25.02 *This policy requires the use of zoning and other land use controls to regulate development in areas subject to seismic shaking hazards based on the potential degree of hazard and potential public cost incurred in the event of an emergency.*
- 25.03 *This policy requires appropriate studies as part of the development review process to assess potential seismic shaking hazards and assure that impacts are properly mitigated.*
- 25.04 *This policy aims to ensure that only urban uses with relatively high Risk Tolerances to seismic hazards would be placed in areas that have a potential for strong seismic shaking.*
- 25.05 *This policy ensures that all potential seismic shaking hazards are anticipated by considering all faults in the area to be active until evidence showing otherwise is developed.*
- 25.06 *This policy facilitates identification of areas of potential seismic risk, ensuring that potential seismic shaking hazards at various sites are anticipated and mitigated.*
- 25.07 *This policy decreases the potential for damage due to seismic shaking to occur by allowing only low intensity, low occupancy development in areas subject to high seismic risk.*
- 25.08 *This policy decreases the potential for damage due to seismic shaking to occur by assuring that structures are designed and constructed in accordance with the Uniform Building Code of the State of California.*
- 25.09 *This policy ensures proper site investigation and appropriate mitigation for development proposals and that site and construction design and engineering minimize potential damage from seismic shaking to an “acceptable level of risk.”*
- 25.10 *This policy ensures that roads, bridges, utility lines, and water storage tanks are designed and constructed to prevent damage during strong seismic shaking.*
- 25.11 *By restricting development on steep slopes, this policy would reduce the potential for earthquake-induced landslides to cause damage to structures.*

Actions

- 2.B *This action encourages maintaining a 20-Year Boundary to help control growth that may be affected by natural disasters such as earthquakes.*
- 18.A *This action encourages monitoring the levels of service of the emergency response agencies to ensure safety during a natural disaster.*
- 18.B *This action requires updating of the Impact Fee Schedule to ensure that public safety facilities are improved to keep up with new developments, thus ensuring maximum safety in the event of a natural disaster.*

- 18.C *This action encourages using Capital Improvement Programs funds to support emergency response services, thus ensuring adequate responses in times of emergency.*
- 18.D *This action requires maintaining the City's mutual aid agreements with surrounding jurisdictions to ensure adequate emergency response in the event of a natural disaster.*
- 25.A *This action encourages maintaining detailed hazard maps for adequate responses in emergency situations.*
- 25.B *This action encourages updating the building codes to help prevent damage in the event of a natural disaster.*
- 25.C *This action encourages building inspection programs to mitigate existing possible hazards.*
- 25.D *This action encourages addressing safety issues related to unreinforced masonry which may prove to be hazardous in the event of a natural disaster.*
- 25.E *This action requires soils reports for all new developments to assess their hazard potential in the event of a natural disaster.*
- 25.F *This action encourages new development to submit erosion and deposition control plans to ensure safety in the event of a natural disaster.*
- 25.N *This action requires providing public information regarding potential natural hazards.*

Mitigation Measure: 4.9-A. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

V. GEOLOGY, SOILS AND SEISMICITY.

1. Impact.

4.9-2. Liquefaction of unconsolidated sediments caused by seismic shaking during an expected earthquake could result in damage to development allowed within the project area.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of liquefaction of unconsolidated sediments caused by seismic shaking during an expected earthquake could result in damage to development allowed within the project area.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.9-2:

Policies

- 2.08 *One of the objectives of this policy is to discourage development in areas subject to public safety hazards such as liquefaction caused by seismic shaking.*
- 2.09 *This policy encourages amendments to the General Plan when public safety hazards, such as earthquakes, become planning issues.*
- 4.06 *This policy would encourage areas subject to liquefaction during seismic shaking, such as those having soils with a high water table, to remain in agricultural production, thereby decreasing the potential for structural and non-structural damage.*
- 10.12 *This policy only allows infill development on sites without public safety hazards, such as earthquake risks.*
- 18.01 *This policy provides and maintains police and fire services that are adequate to respond to emergencies and potentially prevent harm to people and property caused by liquefaction during seismic shaking.*
- 18.03 *This policy ensures that command centers for emergency/disaster services are designed to remain operational during a “maximum probable seismic event” and able to continue to provide services that may potentially prevent further damage.*
- 18.04 *This policy promotes hazard awareness and prevention, including seismic hazards, through community education.*
- 18.05 *This policy promotes emergency preparedness and continuing provisions for essential public services during natural disasters, potentially preventing harm to people and property caused by liquefaction during seismic shaking.*
- 18.06 *This policy ensures that high-occupancy structures and critical emergency facilities are not located in areas of high seismic risk. This policy also decreases the potential for damage to be caused by liquefaction during seismic shaking by ensuring that all such structures are designed to protect human life to the highest degree possible during a “maximum probable event” of seismic activity.*
- 18.07 *This policy ensures adequate access for emergency vehicles and equipment, facilitating the potential prevention of harm to people and property caused by liquefaction during seismic shaking.*
- 20.01 *This policy preserves areas subject to strong groundshaking during earthquakes as open space, reducing the potential for damage to development due to liquefaction caused by seismic shaking to occur in these areas.*
- 25.01 *This policy restricts development to areas where potential danger to residents caused by liquefaction during seismic shaking can be adequately mitigated to an “acceptable level of risk” and prohibits development in areas where emergency services cannot be provided.*
- 25.02 *This policy requires the use of zoning and other land use controls to regulate development in areas subject to liquefaction caused by seismic shaking based on the potential degree of hazard and potential public cost incurred in the event of an emergency.*
- 25.03 *This policy requires appropriate studies as part of the development review process to assess potential hazards due to liquefaction caused by seismic shaking and assure that impacts are properly mitigated.*

- 25.04 *This policy aims to ensure that only urban uses with relatively high Risk Tolerances to seismic and geologic hazards would be placed in areas that have a potential for liquefaction during seismic shaking.*
- 25.05 *This policy ensures that all potential seismic hazards, including liquefaction, are anticipated by considering all faults in the area to be active until evidence showing otherwise is developed.*
- 25.06 *This policy facilitates identification of areas of potential seismic risk, ensuring that potential hazards due to liquefaction caused by seismic shaking are anticipated and mitigated to the furthest extent possible.*
- 25.07 *This policy decreases the potential for damage due to liquefaction caused by seismic shaking to occur by allowing only low intensity, low occupancy development in areas subject to high seismic risk.*
- 25.08 *This policy decreases the potential for damage due to liquefaction caused by seismic shaking to occur by assuring that structures are designed and constructed in accordance with the Uniform Building Code of the State of California.*
- 25.09 *This policy ensures proper site investigation and appropriate mitigation for development proposals and that site and construction design and engineering minimize potential damage from liquefaction caused by seismic shaking to an “acceptable level of risk.”*
- 25.10 *This policy ensures that roads, bridges, utility lines, and water storage tanks are designed and constructed to prevent damage due to liquefaction caused by seismic shaking.*
- 25.11 *This policy restricts development on steep slopes, thus reducing risks associated with seismic shaking.*
- 27.04 *This policy evaluates new developments in terms of potential of public danger, thus reducing the possibility of seismic shaking.*

Actions

- 2.B *This action encourages maintaining a 20-Year Boundary to help control growth that may be affected by natural disasters such as earthquakes.*
- 18.A *This action encourages monitoring the levels of service of the emergency response agencies to ensure safety during a natural disaster.*
- 18.B *This action requires updating of the Impact Fee Schedule to ensure that public safety facilities are improved to keep up with new developments, thus ensuring maximum safety in the event of a natural disaster.*
- 18.C *This action encourages using Capital Improvement Programs funds to support emergency response services, thus ensuring adequate responses in times of emergency.*
- 18.D *This action requires maintaining the City’s mutual aid agreements with surrounding jurisdictions to ensure adequate emergency response in the event of a natural disaster.*
- 25.A *This action encourages maintaining detailed hazard maps for adequate responses in emergency situations.*
- 25.B *This action encourages updating the building codes to help prevent damage in the event of a natural disaster.*

- 25.C *This action encourages building inspection programs to mitigate existing possible hazards.*
- 25.D *This action encourages addressing safety issues related to unreinforced masonry which may prove to be hazardous in the event of a natural disaster.*
- 25.E *This action requires soils reports for all new developments to assess their hazard potential in the event of a natural disaster.*
- 25.F *This action encourages new development to submit erosion and deposition control plans to ensure safety in the event of a natural disaster.*
- 25.N *This action requires providing public information regarding potential natural hazards.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

W. GEOLOGY, SOILS AND SEISMICITY.

1. Impact.

4.9-3. Development allowed within the project area may be exposed to differential settlement, causing architectural and/or structural damage.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of exposure to differential settlement, causing architectural and/or structural damage as a result of development allowed within the project area.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.9-3:

Policies

- 2.08 *One of the objectives of this policy is to discourage development in areas subject to public safety hazards such as differential settlement due to expansive soils.*
- 2.09 *This policy requires review of the 20-Year Boundary area only when public hazards are identified, such as differential settlement.*
- 4.06 *This policy would encourage areas subject to natural hazards, such as differential settlement caused by expansive soils, to remain in agricultural production, thereby decreasing the potential for structural and non-structural damage.*
- 10.12 *This policy states that infill housing not occur on sites identified as having potential public safety hazards, such as differential settlement.*
- 18.01 *This policy requires that adequate standards of service are maintained to ensure proper emergency responses.*

- 18.03 *This policy ensures that all emergency facilities can withstand a “maximum probable seismic event” and remain operational.*
- 18.04 *This policy promotes hazard awareness and prevention through community education programs.*
- 18.05 *This policy promotes emergency preparedness and continuing provisions for essential public services during natural disasters, potentially preventing harm to people and property due to differential settlement caused by expansive soils.*
- 18.06 *This policy ensures that high-occupancy structures and emergency facilities are not located in areas that have high risk for differential settlement.*
- 18.07 *This policy requires adequate access for emergency vehicles in all development.*
- 20.01 *This policy preserves hazardous areas, such as those having expansive soils, as open space, reducing the potential for damage to development due to differential settlement to occur in these areas.*
- 25.01 *This policy restricts development to areas where potential danger to residents caused by differential settlement due to expansive soils can be adequately mitigated to an “acceptable level of risk” and prohibits development in areas where emergency services cannot be provided.*
- 25.02 *This policy requires the use of zoning and other land use controls to regulate development in areas subject to differential settlement due to expansive soils based on the potential degree of hazard and potential public cost incurred in the event of an emergency.*
- 25.03 *This policy requires appropriate studies as part of the development review process to assess potential hazards of differential settlement due to expansive soils and assure that impacts are properly mitigated.*
- 25.04 *This policy aims to ensure that only urban uses with relatively high Risk Tolerances to seismic and geologic hazards would be placed in areas that have a potential for differential settlement due to the presence of expansive soils.*
- 25.05 *This policy requires that all faults in the area be considered to be active faults, thus reducing risk of differential settlement occurring on developed land.*
- 25.06 *This policy encourages use of maps to identify areas subject to high seismic risk and high probability of differential settlement.*
- 25.07 *This policy allows only low intensity, low occupancy development in areas subject to high seismic risk and high probability of differential settlement.*
- 25.08 *This policy ensures that structural standards are used in all development, reducing the risk for differential settlement.*
- 25.09 *This policy ensures proper site investigation and appropriate mitigation for development proposals and that site and construction design and engineering minimize potential damage from differential settlement due to the presence of expansive soils to an “acceptable level of risk.”*
- 25.10 *This policy ensures adequate design of all roads, bridges and utility lines to reduce risks associated with differential settlement.*

25.11 *This policy designates areas with highly expansive soils on slopes greater than 10 percent as not suitable for development, thereby eliminating hazards associated with differential settlement of these areas.*

27.04 *This policy restricts development on steep slopes, thus reducing risks of differential settlement.*

Actions

2.B *This action encourages maintaining a 20-Year Boundary to help control growth that may be affected by natural disasters such as differential settlement.*

18.A *This action encourages monitoring the levels of service of the emergency response agencies to ensure safety during a natural disaster.*

18.B *This action requires updating of the Impact Fee Schedule to ensure that public safety facilities are improved to keep up with new developments, thus ensuring maximum safety in the event of a natural disaster.*

18.C *This action encourages using Capital Improvement Programs funds to support emergency response services, thus ensuring adequate responses in times of emergency.*

18.D *This action requires maintaining the City's mutual aid agreements with surrounding jurisdictions to ensure adequate emergency response in the event of a natural disaster.*

25.A *This action encourages maintaining detailed hazard maps for adequate responses in emergency situations.*

25.B *This action encourages updating the building codes to help prevent damage in the event of a natural disaster.*

25.C *This action encourages building inspection programs to mitigate existing possible hazards.*

25.D *This action encourages addressing safety issues related to unreinforced masonry which may prove to be hazardous in the event of a natural disaster.*

25.E *This action requires soils reports for all new developments to assess their hazard potential in the event of a natural disaster.*

25.F *This action encourages new development to submit erosion and deposition control plans to ensure safety in the event of a natural disaster.*

25.N *This action requires providing public information regarding potential natural hazards.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

X. GEOLOGY, SOILS AND SEISMICITY.

1. Impact.

4.9-4. Future grading, construction, and concentrated discharge of collected runoff could result in erosion and increased sedimentation, if not properly controlled.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of erosion and increased sedimentation as a result of future grading, construction, and concentrated discharge of collected runoff.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.9-3:

Policies

- 1.16 This policy minimizes the amount of grading for hillside development, decreasing the potential for erosion and increased sedimentation of nearby water resources.*
- 25.11 This policy restricts development on steep slopes, thus reducing risk of erosion and sedimentation.*
- 25.23 This policy requires new development to include green areas to reduce runoff, erosion, and sedimentation.*

Actions

- 15.A This action encourages using the Capital Improvement Program funds for preventing erosion and sedimentation.*
- 20.B This action encourages monitoring creeks to help prevent erosion and sedimentation.*
- 22.B This action requires interagency cooperation in preventing erosion and sedimentation through water quality control.*
- 25.F This action requires all new development to submit plans regarding erosion and deposition control.*

Mitigation Measures: 4.9-B, 4.9-C, 4.9-D. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

Y. FLOOD CONTROL, DRAINAGE AND WATER QUALITY.

1. Impact.

4.10-1. Future development consistent with the General Plan will place urban uses within areas designated as 1% flood zones.

2. Mitigation:

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of placing urban uses within areas designated as 1% flood zones as a result of future development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.10-1:

Policies

- 2.08 *This policy discourages development, and therefore, placement of urban uses within area designated as 1% Flood Zones.*
- 4.06 *This policy will decrease urban uses placed within 1% Flood Zones by encouraging agricultural land in those zones to remain in agricultural production.*
- 19.09 *This policy protects urban development placed within 1% Flood Zones from localized flooding.*
- 20.01 *This policy decreases urban uses placed within 1% Flood Zones by preserving and protecting riparian areas and floodways within these zones.*
- 20.02 *This policy decreases urban uses placed within 1% Flood Zones by preserving easements and setbacks adjacent to natural drainage, including small canyons and creeks..*
- 25.04 *This policy aims to ensure that only urban uses with relatively high Flood Risk Tolerances would be placed within 1% Flood Zones.*
- 25.17 *This policy requires coordination to alleviate flooding and drainage problems in the Planning Area, including area within 1% Flood Zones.*
- 25.18 *This policy will restrict urban developments within 1% Flood Zones, to those including measures to reduce flood hazards to an acceptable level of risk.*
- 25.19 *This policy decreases urban uses placed within 1% Flood Zones by leaving floodways in agricultural or recreational use where these uses exist.*
- 25.20 *This policy ensures the development of flood control measures to reduce flood damage.*
- 25.21 *This policy decreases urban uses placed within 1% Flood Zones by designing floodways with provisions for multiple uses.*
- 25.22 *This policy encourages new drainage channel design to reduce risks associated with flooding.*
- 25.23 *This policy encourages green areas designed to reduce runoff and reduce flooding risks.*

25.24 *This policy requires new development to retain and protect native vegetation to reduce erosion and flood risks.*

Actions

1.A *This action encourages updating the City's current growth management documents to ensure consistency and to protect residents from flooding and other hazards.*

2.B *This action encourages maintaining a 20-Year Boundary to guide long-term planning and restrict development from areas prone to flooding and other hazards.*

19.E *This action requires the creation of a storm drain master plan to prevent flooding and other hazards.*

25.A *This action encourages the creation of hazard maps to guide development away from areas prone to flooding and other hazards.*

25.B *This action requires updating of the building codes to prevent damage from flooding and other hazards.*

25.F *This action requires new developments to submit erosion and deposition plans to help prevent flooding and other hazards.*

25.M *This action encourages maintenance of the City's Flood Control Ordinance to prevent flooding and other related hazards.*

Mitigation Measure: *See Appendix B.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

Z. FLOOD CONTROL, DRAINAGE AND WATER QUALITY.

1. Impact.

4.10-2. An increase in impervious surfaces from build-out of the General Plan could increase the volume and flow rate of runoff generated in the City, potentially causing localized flooding, erosion or siltation, alteration of drainage patterns or exceeding capacities of drainage systems.

2. Mitigation:

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased volume and flow rate of runoff generated in the City, potentially causing localized flooding, erosion or siltation, alteration of drainage patterns or exceeding capacities of drainage systems as a result of an increase in impervious surfaces from build-out of the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.10-2:

Policies

- 2.08 *This policy discourages development in areas subject to natural hazards, thus reducing the risks of flooding, erosion, and siltation.*
- 4.06 *This policy encourages agricultural uses in areas subject to flooding to reduce erosion and siltation.*
- 19.09 *This policy protects development from localized flooding by providing a drainage system designed to handle increased runoff from impervious surfaces.*
- 20.01 *This policy will preserve vegetation in open space areas which protects hillsides, habitat areas, and riparian communities from erosion and alteration of drainage patterns caused by increased runoff.*
- 20.02 *This policy ensures the preservation of the natural pattern and erosion control function of drainage and riparian areas.*
- 5.04 *This policy requires development controls that would reduce the risk of erosion, siltation, and flooding.*
- 25.17 *This policy requires agency coordination ensuring that flood control measures are designed to alleviate flooding and drainage problems caused by increased runoff.*
- 25.18 *This policy will restrict urban development in areas that are most prone to the effects of increased runoff, such as localized flooding and erosion.*
- 25.19 *This policy encourages agricultural and recreational uses in high-risk floodway areas thus reducing damage to developments.*
- 25.20 *This policy ensures that measures to reduce flood damage are implemented.*
- 25.21 *This policy will decrease siltation of drainage channels due to erosion caused by increased runoff by providing and protecting vegetation to capture eroded sediment.*
- 25.22 *This policy will decrease siltation of drainage channels due to erosion caused by increased runoff by providing and protecting vegetation to capture eroded sediment.*
- 25.23 *This policy will decrease the percentage of impermeable area included in new development and increase absorption of runoff from paved areas, thereby reducing the negative effects of increased runoff.*
- 25.24 *This policy will reduce runoff velocity on hillsides, resulting in decreased erosion and alteration of drainage patterns due to increased runoff.*

Actions

- 1.A *This action encourages updating the City's current growth management documents to ensure consistency and to protect residents from flooding and other hazards.*
- 2.B *This action encourages maintaining a 20-Year Boundary to guide long-term planning and restrict development from areas prone to flooding and other hazards.*

- 19.E *This action requires the creation of a storm drain master plan to prevent flooding and other hazards.*
- 25.A *This action encourages the creation of hazard maps to guide development away from areas prone to flooding and other hazards.*
- 25.B *This action requires updating of the building codes to prevent damage from flooding and other hazards.*
- 25.F *This action requires new developments to submit erosion and deposition plans to help prevent flooding and other hazards.*
- 25.M *This action encourages maintenance of the City's Flood Control Ordinance to prevent flooding and other related hazards.*

Mitigation Measure: 4.10-B. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

AA. FLOOD CONTROL, DRAINAGE AND WATER QUALITY.

1. Impact.

4.10-3. Future construction activities and post-construction uses in the City could result in degradation of water quality in nearby surface water bodies by adding pollutants to storm water runoff.

2. Mitigation:

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of degradation of water quality in nearby surface water bodies by adding pollutants to storm water runoff as a result of future construction activities and post-construction uses in the City.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.10-3:

Policies

- 22.01 *This policy ensures agency cooperation in enforcing water quality controls on construction and development sites.*
- 22.02 *This policy encourages interagency coordination in addressing water quality issues.*
- 22.03 *This policy prohibits development of waste facilities, septic systems, and industries using toxic chemicals in areas where polluting substances may come in contact with surface waters.*
- 22.04 *This policy ensures that City drinking water exceeds required state standards.*

- 22.05 *This policy requires continued monitoring to ensure that surface water quality standards are maintained.*
- 22.06 *This policy requires continued monitoring of private wells and expands the scope of testing to include tests of more wells, tests on constituents not yet tested in private wells (i.e., volatile organics, bacteriological, radiological, etc.), and periodic retesting of selected private wells. Policies 22.06 through 22.10 do not mitigate for Impact 4.10-3. These policies mitigate for impacts to groundwater. Impact 4.10-3 refers to water quality of surface water bodies affected by pollutants carried by storm water runoff. However, some of the policies identified as mitigating for 4.10-2 would also mitigate for Impact 4.10-3, but are not listed (20.01, 20.02, 25.21, 25.22 for example). Policies which protect, preserve, or establish riparian and other vegetation mitigate for Impact 4.10-2 because this vegetation slows runoff and filters eroded sediment from runoff before it reaches surface waters. These policies would also mitigate for Impact 4.10-3 because the same vegetation would slow and filter pollutants from storm water runoff before it enters surface water bodies.*
- 22.07 *This policy continues programs to identify and seal abandoned and unused wells, as such wells may be prime sources for transferring contaminants from the upper to the lower aquifer. See note following Policy 22.06.*
- 22.08 *This policy continues land use policies that limit the number of individual septic systems in areas vulnerable to groundwater contamination because of the potential for cumulative degradation of water quality. See note following Policy 22.06.*
- 22.09 *This policy restricts development on properties that have soils with 11 rapid water percolation to protect water quality. Commercial and industrial developments in such areas shall only be permitted under the strict safety limitations required by the City's and/or County's Hazardous Materials Specialists. See note following Policy 22.06.*
- 22.10 *This policy provides greater protection of the aquifers that supply drinking water to South County, give special consideration to the management of contaminants (e.g., hazardous materials, sanitary effluents) in groundwater recharge areas where no protective aquitard layer exists. See note following Policy 22.06.*

Actions

- 22.A *This action encourages developing a comprehensive water quality tracking program to prevent pollutants in storm water runoff.*
- 22.B *This action encourages working with surrounding jurisdictions to address water quality issues, including pollutants in storm water runoff.*
- 22.C *This action requires a water quality monitoring program to monitor groundwater and storm water runoff for evidence of pollutants.*
- 22.D *This action encourages identification and sealing of abandoned or unused wells to prevent pollutants in the storm water runoff.*

Mitigation Measure: 4.10-A. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

BB. WATER SUPPLY AND WASTEWATER.

1. Impact.

4.11-1. Development consistent with the General Plan could increase the demand for water in the planning area when compared with water demand projections in the Water Master Plan (1993).

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of increased demand for water in the planning area when compared with water demand projections in the Water Master Plan (1993) as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.11-1:

Policies

- 1.05 *This policy aims to ensure the existing population has adequate water throughout the 20-year life of the General Plan.*
- 2.01 *This policy will limit the amount of water line loss (i.e., inevitable leaks from water supply pipelines which increase with distance from source to user) that would occur in the water system because it limits leapfrog or non-compact development patterns.*
- 2.02 *This policy would, if implemented properly, prevent the creation of a new water user, if a water constraint exists (i.e., the water supply system was unable to adequately serve them or an existing user after the new users are added to the system).*
- 2.04 *This policy would use water resources availability as a tool for managing the rate, location and extent of growth such that new growth would be restricted if adequate water supplies are not available.*
- 2.05 *This policy would allow for updating the growth management goals and tools to make it more able to respond to any potential water supply constraints in the future.*
- 2.06 *This policy requires that new developments pay all of the incremental public service costs that they generate.
This would require that if a new development triggered a requirement for new water supply facilities or sources, that the development would be required to pay for their incremental share of the costs.*
- 2.07 *This policy establishes and maintains an Urban Service Area that indicates the area of land that could potentially be developed in the next 5 years and to which the City is committed to providing*

basic infrastructure and services. Urban zoning, development approvals, and building permits will only be granted to properties within the Urban Service Area. The City will not accept development proposals on land outside the Urban Service Area, and will coordinate with the County to discourage premature subdivision of such land. Applications for inclusion in the Urban Service Area will be accepted annually and evaluated in light of General Plan policies promoting infill development and efficiency in the provision of urban services.

The evaluation of requests for additions to the City's Urban Service Area shall include consideration of the availability of adequate water supply for the new area.

- 2.08 *This policy maintains a semi-static 20-year horizon for potential maximum development that will ensure that water supplies are developed in a timely way for the anticipated buildout (within 20-years) of that area.*
- 2.09 *This policy elaborates upon Policy 2.08 by providing a mechanism that would allow amendments to the 20-Year Boundary Line if criteria or certain situations exist. The consideration of the Boundary Line amendment would be required to consider urban services availability/provision (such as water).*
- 10.12 *This policy requires consideration of adequacy of water supply systems prior to selecting sites for housing.*
- 19.01 *This policy would, if implemented, ensure that the groundwater supply is maintained sustainable, and by itself may be considered complete mitigation for the potential impact of the General Plan on adequate water supply.*
- 19.02 *This policy encourages water system efficiency and will limit the amount of water line loss (i.e., inevitable leaks from water supply pipelines which increase with distance from source to user) that would occur in the water system because it limits leap-frog or non-compact development patterns.*
- 22.01 *This policy maintains close coordination with the agencies and organizations that share jurisdiction and interest relative to South County's water supply and water quality, including: the Regional Water Quality Control Board; Santa Clara Valley Water District; County Health Department; County Executive's Office; County Planning Office; Morgan Hill Planning Department; and the San Martin Planning Committee.*
Inter-agency coordination will ensure that water supply issues that cross jurisdiction lines are resolved cooperatively. In addition to local planning and conservation, use of and compliance with the SCVWD's information, policies and programs will be the key ingredient in ensuring long-term reliability of water for Gilroy.
- 22.02 *This policy ensures compatible ordinances, standards, and enforcement procedures regarding water quality in all South County jurisdictions so that there is no advantage for a company to locate in an area with lower standards. Also, encourage the two Regional Water Quality Control Boards that have jurisdiction in South County to agree on compatible water quality standards for South County and consistent approaches to implementing the State Board's non-degradation policy.*
Protecting water quality in existing sources will ensure that the sources will remain viable and is necessary to prevent adverse health effects and maintain adequate water supply.
- 22.03 *This policy prohibits development of waste facilities, septic systems, and industries using toxic chemicals in areas where polluting substances may come in contact with groundwater, floodwaters, creeks, or reservoir waters. Within the Gilroy Planning Area, identify land uses that may contribute to the degradation of groundwater quality and ensure adequate monitoring, controls and enforcement to protect groundwater quality.*
Protecting water quality in existing sources will ensure that the sources will remain viable and is necessary to prevent adverse health effects and maintain adequate water supply.

- 22.04 *This policy ensures that City drinking water exceeds the required and recommended standards set forth by the State of California Department of Environmental Protection. Protecting water quality in existing sources will ensure that the sources will remain viable and is necessary to prevent adverse health effects and maintain adequate water supply.*
- 22.10 *This policy provides greater protection of the aquifers that supply drinking water to South County, give special consideration to the management of contaminants (e.g., hazardous materials, sanitary effluents) in groundwater recharge areas where no protective aquitard layer exists. Protecting water quality in existing sources will ensure that the sources will remain viable and is necessary to prevent adverse health effects and maintain adequate water supply.*
- 23.01 *This policy promotes water conservation and encourage the use of reclaimed or recycled water to reduce the overall demand on water resources. Ensure that recycled wastewater is treated in accordance with state and federal standards. Water conservation and reclamation is a key element to the City's and the SCVWD's long-term water supply programs by reducing the potable water demands of City users.*
- 23.02 *This policy encourages development of water reclamation facilities, where feasible, in order to make reclaimed water available to help meet the growing water needs of the South County region. Reclamation (or water recycling) has been identified as a key long-term water source by the City and the SCVWD for appropriate irrigation and industrial uses. The ability to use reclaimed water optimally benefits the potable water supply availability for urban uses and reduces the amount of effluent that the South County Regional Wastewater Authority must dispose to percolation/evaporation ponds.*
- 23.03 *This policy encourages the use of drought-resistant landscaping and low-flow irrigation systems to help reduce overall demand. This additional conservation measures will reduce long-term demand on the water supply system.*
- 23.04 *This policy uses reclaimed water for landscape irrigation, especially for large water users such as golf courses. Water conservation and reclamation is a key element to the City's and the SCVWD's long-term water supply programs by reducing the potable water demands of City users.*

Actions

- 2.A *This action encourages reviewing applications for inclusion in the Urban Service Area, thus reviewing the demand for water in the planning area.*
- 4.A *This action encourages implementation of "Strategies to Balance Planned Growth and Agricultural Viability" to monitor and reduce demand for water in the planning area.*
- 8.J *This action requires resource conservation as a means to reducing water demand in the planning area.*
- 15.A *This action encourages using funds from the Capital Improvement Program to improve public service and therefore better address demand for water in the planning area*
- 19.A *This action requires developer to pay fees to offset the increased demand for water generated by their new development.*
- 19.B *This action encourages interagency coordination to address demand for water in the regional planning area.*

- 19.C *This action encourages regular updating of the Water master Plan to monitor and address demand for water in the planning area.*
- 22.A *This action requires a comprehensive groundwater management program to monitor and address demand for water in the planning area.*
- 23.A *This action encourages the recycling of treated wastewater for use in landscape irrigation, thus reducing water demand in the planning area.*
- 23.B *This action encourages educating residents on water conservation, thus reducing demand for water in the planning area.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

CC. WATER SUPPLY AND WASTEWATER.

1. Impact.

4.11-2. Development under the General Plan would cause an exceedance of the sewer collection system and sewer treatment plant capacities due to an increase in flows over that estimated in the Sewer Master Plan. The capacity of the existing percolation ponds used by the SCRWA would also be exceeded without acquisition of adequate land and subsequent construction of ponds, to accommodate increased flows.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of an exceedance of the sewer collection system and sewer treatment plant capacities due to an increase in flows over that estimated in the Sewer Master Plan as a result of development under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.11-2:

Policies

- 2.01 *This policy will ensure that development can only take place where existing infrastructure can accommodate new development, thus ensuring that existing sewer capacity is not exceeded.*
- 2.02 *This policy would ensure that growth rates are controlled by infrastructure capacity, thus ensuring that existing sewer capacity is not exceeded.*
- 2.03 *This policy would allow urban development only in the incorporated portion of the Planning Area that has appropriate infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 2.04 *This policy would utilize planning tools for managing growth rates based on available infrastructure, thus ensuring that existing sewer capacity is not exceeded.*

- 2.05 *This would provide for review and evaluation of growth management tools based on available infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 2.06 *This would require new developments pay impact fees for infrastructure improvements, thus ensuring that existing sewer capacity is not exceeded.*
- 2.07 *This policy would establish and maintain an Urban Service Area based on available infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 2.08 *This policy maintains a semi-static 20-year horizon for potential maximum development, thus ensuring that existing sewer capacity is not exceeded.*
- 2.09 *This policy elaborates upon Policy 2.08 by providing a mechanism that would allow amendments to the 20-Year Boundary Line based on available infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 2.10 *This policy elaborates upon Policy 2.08 by providing a mechanism that would allow amendments to the 20-Year Boundary Line based on available infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 10.12 *This policy establishes selection criteria for infill development based on availability of infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 19.03 *This policy would ensure the maintenance of adequate sewers, thus ensuring that existing sewer capacity is not exceeded.*
- 19.04 *This policy encourages that development be controlled by availability of infrastructure, thus ensuring that existing sewer capacity is not exceeded.*
- 19.05 *This policy encourages the use of state-of-the-art treatment and disposal facilities for wastewater, thus ensuring that existing sewer capacity is not exceeded.*
- 19.06 *This policy requires that new development be connected to the City's principal wastewater treatment plant, thus ensuring that existing sewer capacity is not exceeded.*
- 19.07 *This policy discourages the use of lift stations, thus ensuring that existing sewer capacity is not exceeded.*
- 19.08 *This policy encourages the consideration of available infrastructure in new development, thus ensuring that existing sewer capacity is not exceeded.*
- 22.01 *Inter-agency coordination will ensure that sewer issues are resolved, thus ensuring that existing sewer capacity is not exceeded.*
- 22.02 *This policy ensures compatibility between ordinances, standards, and enforcement procedures regarding sewer services, thus ensuring that existing sewer capacity is not exceeded.*
- 22.03 *This policy ensures that sewer service will be constructed without polluting local waterways, thus ensuring that existing sewer capacity is not exceeded.*
- 22.04 *This policy ensures that City drinking water exceeds State standards.*
- 22.05 *This policy ensures water quality monitoring for pollutants, thus ensuring that existing sewer capacity is not exceeded.*

- 22.06 *This policy ensures the monitoring of private wells.*
- 22.07 *This policy ensures the identification and sealing of abandoned and unused wells which may contain pollutants.*
- 22.08 *This policy ensures that land use policies will limit the number of individual septic systems in areas vulnerable to groundwater contamination.*
- 22.09 *This policy restricts development on soils with “rapid water percolation” in order to protect water quality.*

Actions

- 2.A *This action encourages reviewing applications for inclusion in the Urban Service Area, thus reviewing the demand for sewer services in the planning area.*
- 4.A *This action encourages implementation of “Strategies to Balance Planned Growth and Agricultural Viability” to monitor and reduce demand for sewer services in the planning area.*
- 15.A *This action encourages using funds from the Capital Improvement Program to improve public service and therefore better address demand for sewer services in the planning area*
- 19.A *This action requires developer to pay fees to offset the increased demand for sewer services generated by their new development.*
- 19.D *This action encourages a long-term wastewater management plan to address demand for sewer services in the regional planning area.*
- 22.A *This action encourages regular updating of the Water master Plan to monitor and address demand for sewer services in the planning area.*
- 22.B *This action requires interagency coordination to monitor and address demand for sewer services in the planning area.*
- 22.C *This action requires a comprehensive water quality monitoring program to monitor and address demand for sewer services in the planning area.*
- 23.A *This action encourages the recycling of treated wastewater for use in landscape irrigation, thus reducing sewer services demand in the planning area.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

DD. BIOLOGICAL RESOURCES.

1. Impact.

4.12-1. Development consistent with the General Plan would replace existing wildlife habitat with new structures and landscaping.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of replacement of existing wildlife habitat with new structures and landscaping as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.12-1:

Policies

- 1.09 This policy aims to protect wildlife habitat by encouraging clustered development.*
- 1.16 This policy aims to protect wildlife habitat by encouraging clustered development in hillside areas and design of roadways such that the ecological character of the hillsides is preserved.*
- 2.01 This policy directs new development to areas within or adjacent to the Urban Service Area, ensuring a compact development pattern, and avoiding expansion of development into wildlife habitat areas outside of the Urban Service Area.*
- 2.04 This policy encourages the use of growth management tools to reduce conflicts between wildlife and development.*
- 2.08 This policy encourages the establishments of a 20-Year Boundary to reduce conflicts between wildlife and development.*
- 12.04 This policy aims to protect wildlife habitat by preserving the ecology of the hillsides to the west of the City when designing circulation facilities and roadways.*
- 20.01 This policy preserves and protects open space natural resource and wildlife habitat areas.*
- 20.02 This policy aims to protect wildlife habitat by protecting the ecological value of creeks and natural areas in the Gilroy Planning Area.*
- 20.03 This policy preserves important plant and wildlife habitat types and requires provisions for compensation for loss of them.*
- 20.04 This policy preserves areas that support rare or endangered species and requires provisions for compensation for loss of them.*
- 20.05 This policy designates protected open space areas to create natural buffers between Gilroy and surrounding communities, potentially decreasing the amount of wildlife habitat replaced by development.*
- 20.06 Provides for the management and maintenance of public and private open space areas in a manner that ensures habitat protection.*
- 20.07 This policy recommends the development and application of a variety of preservation tools to protect open space in and around the city, potentially decreasing the amount of wildlife habitat replaced by development.*
- 20.08 This policy requires preservation of open space and recreational areas to reduce conflicts between wildlife and development.*

20.09 *This policy ensures that when land preservation measures are required as a condition of project approval, the land is preserved in perpetuity, potentially decreasing the amount of wildlife habitat replaced by development.*

20.10 *This policy aims to support regional open space preservation programs, potentially decreasing the amount of wildlife habitat replaced by development.*

Actions

20.A *This action encourages an open space review process to help ensure that existing wildlife habitats are preserved.*

20.B *This action encourages protection of the local creeks to ensure that wildlife habitats are preserved.*

20.C *This action requires the implementation of a Habitat Protection Ordinance to ensure protection of wildlife habitats.*

20.D *This action encourages consultation with state officials on fish and wildlife impacts to ensure preservation of habitats.*

20.E *This action requires greenbelt definition and protection in the regional area, thus preserving wildlife habitats.*

20.F *This action encourages a greenbelt or other buffer between Gilroy and San Martin to help preserve wildlife habitat.*

20.H *This action encourages improving open space management practices to ensure preservation of wildlife habitats.*

20.I *This action requires review the current open space preservation tools to ensure the protection of wildlife habitat.*

20.J *This action encourages interagency coordination in preserving wildlife habitats.*

Mitigation Measure: 4.12-A. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

EE. BIOLOGICAL RESOURCES.

1. Impact.

4.12-2. Development consistent with the General Plan could affect potential habitat of special-status species.

2. **Mitigation.**

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of affecting potential habitat of special-status species as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.12-1:

Policies

- 20.01 *This policy preserves and protects open space natural resource and wildlife habitat areas, including potential special-status species habitat.*
- 20.02 *This policy aims to protect potential special-status species habitat by protecting the ecological value of creeks and natural areas in the Gilroy Planning Area.*
- 20.03 *This policy preserves important plant and wildlife habitat types, including potential special-status species habitat and requires provisions for compensation for loss of them.*
- 20.04 *This policy preserves areas that support rare or endangered species and requires provisions for compensation for loss of them.*
- 20.05 *This policy designates protected open space areas to create natural buffers between Gilroy and surrounding communities, potentially decreasing effects on potential special-status species habitat.*
- 20.06 *Provides for the management and maintenance of public and private open space areas in a manner that ensures habitat protection, including potential special-status species habitat.*
- 20.07 *This policy recommends the development and application of a variety of preservation tools to protect open space in and around the city, potentially decreasing affects on potential special-status species habitat.*
- 20.09 *This policy ensures that when land preservation measures are required as a condition of project approval, the land is preserved in perpetuity, potentially decreasing affects on potential special-status species habitat.*
- 20.10 *This policy aims to support regional open space preservation programs, potentially decreasing affects on potential special-status species habitat.*

Actions

- 20.A *This action encourages an open space review process to help ensure that existing wildlife habitats of special-status species are preserved.*
- 20.B *This action encourages protection of the local creeks to ensure that wildlife habitats of special-status species are preserved.*
- 20.C *This action requires the implementation of a Habitat Protection Ordinance to ensure protection of wildlife habitats of special-status species.*
- 20.D *This action encourages consultation with state officials on fish and wildlife impacts to ensure preservation of habitats of special-status species.*

20.H *This action encourages improving open space management practices to ensure preservation of wildlife habitats of special-status species.*

20.I *This action requires review the current open space preservation tools to ensure the protection of wildlife habitats of special-status species.*

20.J *This action encourages interagency coordination in preserving wildlife habitats of special-status species.*

Mitigation Measure: 4.12-B. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

FF. BIOLOGICAL RESOURCES.

1. Impact.

4.12-3. Development consistent with the General Plan could affect potential jurisdictional wetland habitat and riparian habitat.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of affecting potential jurisdictional wetland habitat and riparian habitat as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.12-3:

Policies

20.01 *This policy preserves and protects open space natural resource and wildlife habitat areas, including potential jurisdictional wetland habitat and riparian habitat.*

20.02 *This policy aims to protect potential jurisdictional wetland habitat and riparian habitat by protecting the ecological value of creeks and natural areas in the Gilroy Planning Area.*

20.03 *This policy preserves important plant and wildlife habitat types, including potential jurisdictional wetland habitat and riparian habitat and requires provisions for compensation for loss of them.*

20.04 *This policy preserves areas that support rare or endangered species, including jurisdictional wetland habitat and riparian habitat and requires provisions for compensation for loss of them.*

Actions

20.A *This action encourages an open space review process to help ensure that existing jurisdictional wetland habitats and riparian areas are preserved.*

- 20.B *This action encourages protection of the local creeks to ensure that jurisdictional wetland habitats and riparian areas are preserved.*
- 20.C *This action requires the implementation of a Habitat Protection Ordinance to ensure protection of jurisdictional wetland habitats and riparian areas.*
- 20.D *This action encourages consultation with state officials on fish and jurisdictional wetland impacts to ensure preservation of habitats and riparian areas.*

Mitigation Measure: 4.12-C. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

GG. BIOLOGICAL RESOURCES.

1. Impact.

4.12-4. The cumulative effects of the General Plan combined with other development in the region could adversely impact biological resources.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of adversely impact biological resources as a result of the cumulative effects of the General Plan combined with other development in the region.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.12-4:

Policies

- 20.01 *This policy preserves and protects open space natural resource and wildlife habitat areas, potentially decreasing adverse impacts to biological resources.*
- 20.02 *This policy aims to protect the ecological value of creeks and natural areas in the Gilroy Planning Area, potentially decreasing adverse impacts to biological resources.*
- 20.03 *This policy preserves important plant and wildlife habitat types and requires provisions for compensation for loss of them, potentially decreasing adverse impacts to biological resources.*
- 20.04 *This policy preserves areas that support rare or endangered species and requires provisions for compensation for loss of them, potentially decreasing adverse impacts to biological resources.*
- 20.05 *This policy designates protected open space areas to create natural buffers between Gilroy and surrounding communities, potentially decreasing adverse impacts to biological resources.*

- 20.06 *Provides for the management and maintenance of public and private open space areas in a manner that ensures habitat protection, potentially decreasing adverse impacts to biological resources.*
- 20.07 *This policy recommends the development and application of a variety of preservation tools to protect open space in and around the city, potentially decreasing adverse impacts to biological resources.*
- 20.09 *This policy ensures that when land preservation measures are required as a condition of project approval, the land is preserved in perpetuity, potentially decreasing adverse impacts to biological resources.*
- 20.10 *This policy aims to support regional open space preservation programs, potentially decreasing adverse impacts to biological resources.*

Actions

- 20.A *This action encourages an open space review process to help ensure that biological resources are preserved.*
- 20.B *This action encourages protection of the local creeks to ensure that biological resources are preserved.*
- 20.C *This action requires the implementation of a Habitat Protection Ordinance to ensure protection of biological resources.*
- 20.D *This action encourages consultation with state officials on fish and wildlife impacts to ensure preservation of biological resources.*
- 20.H *This action encourages improving open space management practices to ensure preservation of biological resources.*
- 20.I *This action requires review the current open space preservation tools to ensure the protection of biological resources.*
- 20.J *This action encourages interagency coordination in preserving biological resources.*

Mitigation Measure: 4.12-D. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a significant unavoidable impact. The General Plan includes mitigation measures that will lessen the impact of adversely impact biological resources as a result of the cumulative effects of the General Plan combined with other development in the region. Despite implementation of these mitigation measures, the General Plan will result in significant unavoidable biological impacts that cannot feasibly be reduced to a non-significant level. This impact, therefore, is considered significant and unavoidable. See Statement of Overriding Considerations.

HH. VISUAL QUALITY AND AESTHETICS.

1. Impact.

4.13-1. Development consistent with the General Plan could conflict with adjoining development relative to height, mass and scale, and could create additional solar shading on adjacent properties.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of conflicts with adjoining development relative to height, mass and scale, and could create additional solar shading on adjacent properties as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.13-1:

Policies

- 3.03 This policy aims to ensure that new commercial and industrial developments contribute to an overall attractiveness of the community and reduce possible solar shading occurring through structural conflicts.*
- 3.05 This policy aims to ensure that heavy industrial uses are grouped together, thereby reducing possible structural conflicts and the resulting solar shading.*
- 3.14 This policy ensures the use of standards and review procedures in architectural review of commercial buildings, thus reducing structural conflicts.*
- 3.18 This policy encourages neighborhood commercial uses that are built using design standards that will reduce structural conflicts and the resultant solar shading.*
- 3.21 This policy encourages new commercial development along First Street to use a Planned Unit Development approach and architectural standards that will reduce structural conflicts and solar shading problems.*
- 3.26 This policy aims to ensure that the Downtown area is architecturally appealing in an effort to make the area attractive to businesses.*
- 3.30 This policy preserves and protects historical or architecturally significant buildings in the Downtown area, including limiting possible structural conflicts.*
- 5.03 This policy aims to encourage preservation of historic structures and limit possible structural conflicts involving the significant buildings.*
- 5.04 This policy encourages the designation of a Downtown Historic District and ensures the preservation of it through design standards that will reduce structural conflicts.*
- 8.01 This policy promotes maintenance and rehabilitation of existing housing and implement design standards that reduce structural conflicts with these housing units.*

- 8.06 *This policy aims to protect the character of existing neighborhoods through design standards that limit structural conflicts and reduce solar shading.*

Actions

- 1.B *This action encourages hillside development guidelines to reduce structural conflicts and solar shading*
- 1.J *This action encourages design review of all new development to reduce structural conflicts and solar shading.*
- 3.A *This action requires developing “performance standards” for use in reviewing industrial developments to reduce structural conflicts and solar shading.*
- 3.B *This action encourages applying industrial design guidelines to reduce structural conflicts and solar shading.*
- 3.C *This action encourages design standards for high-impact uses to reduce structural conflicts and solar shading.*
- 3.D *This action requires commercial design and development standards to reduce structural conflicts and solar shading.*
- 3.E *This action encourages use controls and design guidelines for neighborhood commercial developments to reduce structural conflicts and solar shading.*
- 5.D *This action encourages design review in historic preservation districts to reduce structural conflicts and solar shading.*
- 6.B *This action encourages scenic highway development standards to reduce structural conflicts and solar shading.*
- 8.B *This action requires strict code enforcement in an effort to reduce structural conflicts and solar shading.*
- 8.C *This action encourages rehabilitation loan programs to encourage mixed-se development while reducing structural conflicts and solar shading.*

Mitigation Measure: 4.13-A. *See Exhibit “A” attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

II. VISUAL QUALITY AND AESTHETICS.

1. Impact.

4.13-3. Development consistent with the General Plan will potentially result in a reduction of Gilroy’s current “small-town” rural character.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of a reduction of Gilroy's current "small-town", rural character as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.13-3:

Policies

- 1.01 This policy ensures orderly, compact development in an effort to retain Gilroy's rural character.*
- 1.04 This policy aims to guide the construction of new neighborhoods so as to retain the rural character of Gilroy.*
- 1.05 This policy preserves existing neighborhoods to ensure the maintenance of the compact, rural character of Gilroy*
- 1.07 This policy preserves the unique qualities of Hecker Pass, thus enhancing the rural character of Gilroy.*
- 1.09 This policy encourages clustered development in order to maintain the compact, rural quality of Gilroy.*
- 1.10 This policy aims to provide clear gateways to be entry points to the City, thus enhancing the rural, small-town quality of Gilroy.*
- 1.11 This policy promotes city beautification in order to preserve the rural, small-town quality of Gilroy.*
- 1.12 This policy promotes tree planting along city streets in order to enhance the rural quality of Gilroy.*
- 1.13 This policy promotes the undergrounding of utilities to enhance the small-town, rural quality of Gilroy.*
- 1.14 This policy aims to regulate signage and billboards to ensure the maintenance of a small-town, rural quality.*
- 1.15 This policy prohibits signs within 1,000 feet of Santa Teresa Boulevard to enhance the rural quality of Gilroy.*
- 1.16 This policy minimizes the construction of hillside development in an effort to preserve the rural quality of Gilroy.*
- 3.03 This policy ensures that new commercial and industrial development maintain attractive scale and design, thus preserving the rural quality of Gilroy.*
- 3.05 This policy aims to consolidate heavy industrial uses into one area, thus enhancing the small-town quality of Gilroy.*
- 3.06 This policy consolidates industrial uses into industrial districts, thus enhancing the compact quality of Gilroy.*

- 3.08 *This policy allows industrial park uses around the city if it enhances the small-town character of Gilroy.*
- 3.09 *This policy requires landscaping to screen industrial areas and uses, thus preserving the rural quality of Gilroy.*
- 3.10 *This policy requires that abandoned industrial structures be removed, thus removing unsightly structures from the city.*
- 3.13 *This policy encourages the clustering of commercial uses, thus enhancing the compact quality of Gilroy.*
- 3.14 *This policy ensures the use of design standards and review in any new commercial design, thus enhancing the architectural quality of Gilroy.*
- 3.15 *This policy requires landscaping in commercial areas that will enhance the small-town quality of Gilroy.*
- 3.16 *This policy requires auto-oriented uses to have high-quality architectural design to enhance the small-town character of Gilroy.*
- 3.18 *This policy encourages commercial uses in neighborhoods to enhance the small-town quality of Gilroy.*
- 3.21 *This policy encourages new commercial development on First Street to use a Planned Unit Development approach in an effort to maintain Gilroy's small-town quality.*
- 3.26 *This policy encourages business development in the Downtown area, thus enhancing Gilroy's small-town character.*
- 3.27 *This policy encourages a pedestrian environment in the Downtown area that enhances the small-town quality of Gilroy.*
- 3.28 *This policy would improve the traffic circulation in the Downtown area, thus enhancing the small-town quality of the Downtown.*
- 3.29 *This policy would improve the traffic circulation and parking in the Downtown area, thereby enhancing the small-town quality of Gilroy.*
- 3.30 *This policy preserves and protects historic structures in the Downtown area, thus enhancing the small-town quality of Gilroy.*
- 3.31 *This policy aims to explore the possible construction of a park or plaza in the Downtown area which would enhance the small-town atmosphere of Gilroy.*
- 6.01 *This policy supports the designation of scenic highways to maintain the rural character of the Gilroy area.*
- 6.02 *This policy preserves the scenic features of roadways in the Gilroy area, thus enhancing the rural character of Gilroy.*
- 6.03 *This policy encourages landscaping along Highway 101 that would match the rural character of Gilroy.*

- 8.01 *This policy aims to maintain and rehabilitate existing housing, thus enhancing Gilroy's compact design.*
- 8.04 *This policy preserves houses and neighborhoods of historical significance, thus enhancing the small-town quality of Gilroy.*
- 8.05 *This policy ensures that the goals of affordable housing and historic preservation are compatible.*
- 8.06 *This policy preserves and protects the character of existing residential neighborhoods, thus enhancing the compact, small-town nature of Gilroy.*
- 8.08 *This policy aims to conserve existing mobile homes in Gilroy, thus enhancing the compact quality of the City.*
- 12.02 *This policy ensures the protection of the character of existing residential neighborhoods.*
- 12.04 *This policy preserves scenic routes in the area, thus enhancing the rural quality of Gilroy.*
- 20.01 *This policy preserves and protects open space areas, thus enhancing the rural quality of Gilroy.*
- 20.02 *This policy aims to protect local creeks, thus enhancing the rural quality of Gilroy.*
- 20.05 *This policy preserves and protects greenbelt areas, thus enhancing the rural quality of Gilroy.*
- 20.06 *This policy promotes management and maintenance of public open space, thereby enhancing the rural, small-town quality of Gilroy.*
- 20.07 *This policy preserves and protects open space area, thus enhancing the rural quality of Gilroy.*
- 20.08 *This policy aims to protect open space areas and also to preserve and expand recreational areas, thus enhancing the rural quality of Gilroy.*
- 20.09 *This policy ensures that open space and dedicated lands are preserved in perpetuity, thus ensuring the enhancement of the rural quality of Gilroy.*
- 20.10 *This policy supports regional preservation efforts, thus ensuring the rural, compact quality of Gilroy.*
- 21.02 *This policy promotes the use of landscaping as a tool to reduce air pollution and as an enhancement to Gilroy's small-town atmosphere.*
- 26.05 *This policy promotes the use of earth berms to act as soundwalls and contribute to the rural character of Gilroy.*

Actions

- 1.A *This action encourages consistency among all growth management tools and documents to maintain Gilroy's rural atmosphere.*
- 1.B *This action encourages the use of hillside development guidelines to maintain Gilroy's rural atmosphere.*
- 1.E *This action requires the development of a Hecker Pass Specific Plan to maintain Gilroy's rural atmosphere.*

- 1.F *This action encourages development of campus industrial specific plans to cluster industrial development and maintain Gilroy's small-town atmosphere.*
- 1.G *This action encourages deep-rooted tree planting to beautify Gilroy and enhance its small-town character.*
- 1.H *This action encourages developer to include gateway landscaping in their development plans to enhance the rural quality of Gilroy.*
- 1.I *This action encourages community beautification efforts to enhance Gilroy's small-town atmosphere.*
- 1.J *This action encourages design review of all new developments to ensure the maintenance of Gilroy's rural atmosphere.*
- 1.K *This action encourages strict enforcement of Gilroy's sign ordinances to maintain Gilroy's small-town atmosphere.*
- 3.A *This action encourages developing "performance standards" for use in industrial development review to maintain Gilroy's small-town quality.*
- 3.B *This action would apply industrial design guidelines to new industrial developments to ensure the maintenance of Gilroy's small-town atmosphere.*
- 3.C *This action would ensure the development of design standards for high-impact uses, thus enhancing the small-town quality of Gilroy.*
- 3.D *This action encourages implementing commercial design and development standards to enhance Gilroy's small-town character.*
- 3.E *This action ensures development of use controls and design guidelines for neighborhood commercial development, thus maintaining Gilroy's small-town atmosphere.*
- 3.G *This action encourages supporting the neighborhood revitalization strategy area in an effort to enhance Gilroy's small-town atmosphere.*
- 5.B *This action encourages review of structural modifications and use changes in Gilroy's historic areas to enhance Gilroy's small-town character.*
- 5.D *This action encourages design review in historic preservation districts to ensure the maintenance of Gilroy's small-town character.*
- 6.A *This action encourages scenic highway designations to enhance Gilroy's rural quality.*
- 6.B *This action encourages scenic highway development standards to ensure the maintenance of Gilroy's rural atmosphere.*
- 8.G *This action encourages property maintenance regulations to enhance the small-town character of Gilroy.*
- 12.C *This action encourages residential street designs that include sidewalks and street trees, thus enhancing Gilroy's small-town atmosphere.*
- 12.D *This action encourages collector streets to be designed to enhance the small-town quality of Gilroy's residential areas.*

- 19.F *This action encourages undergrounding of utilities to enhance Gilroy's rural, small-town atmosphere.*
- 19.G *This action encourages establishing lighting standards to enhance Gilroy's small-town quality.*
- 20.A *This action encourages an open space review process for all proposed developments in open space areas, thus enhancing the rural character of Gilroy.*
- 20.E *This action would provide greenbelt definition and protection, thus enhancing Gilroy's rural character.*
- 20.F *This action would ensure a greenbelt or buffer between Gilroy and San Martin to enhance the rural quality of the area.*
- 20.G *This action encourages using planning tools to ensure the availability of open space access, thus maintaining Gilroy's rural character.*
- 20.H *This action ensures improvement of open space management practices to ensure the maintenance of Gilroy's rural quality.*
- 20.I *This action encourages using open space preservation tools to enhance Gilroy's rural atmosphere.*
- 20.J *This action encourages interagency coordination in addressing open space issues and enhancing Gilroy's rural character.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

JJ. VISUAL QUALITY AND AESTHETICS.

1. Impact.

4.13-4. Development consistent with the General Plan will potentially result in an increase in lighting.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of a potential increase in lighting as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.13-4:

Policies

- 19.13 *This policy promotes the use of appropriate outdoor lighting as an aid to public safety.*

19.14 *This policy aims to promote outdoor lighting that is energy efficient.*

19.15 *This policy promotes the use of lights that reduce glare and “light pollution.”*

Actions

19.G *This action encourages developing lighting standards to regulate “light pollution” and glare sources.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

KK. CULTURAL RESOURCES.

1. Impact.

4.14-1. Development consistent with the General Plan could result in adverse impacts on cultural resources, including on historical, archaeological, paleontological, or human remains.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented will lessen the adverse impacts on cultural resources, including on historical, archaeological, paleontological, or human remains as a result of development consistent with the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.14-1:

Policies

1.06 *This policy aims to promote the use of the Downtown area as a historic area preserving the historic feeling of Gilroy.*

3.24 *This policy aims to establish a Downtown Historic District to preserve the historic resources of Gilroy.*

3.30 *This policy encourages historic preservation, restoration, and re-use in the Downtown area, preserving the historical resources of Gilroy.*

5.01 *This policy encourages public and private efforts to preserve historic and archaeological resources in Gilroy.*

5.02 *This policy encourages the use of state and federal funding to provide incentives for public and private efforts in preserving historical resources of Gilroy.*

5.03 *This policy aims to ensure the preservation of historic or architecturally significant homes in Gilroy, particularly in the historic city center.*

- 5.04 *This policy aims to establish a Downtown Historic District and provide incentive for preserving Gilroy's historic resources.*
- 5.05 *This policy ensures the promotion of adaptive reuse of older buildings, particularly in the Downtown Historic District.*
- 5.06 *This policy allows non-conforming uses in designated Historic Structures, taking into consideration neighboring uses.*
- 5.07 *This policy ensures that if archaeological resources or human remains are discovered, the proper evaluative processes will be implemented, thus ensuring the preservation of archaeological and historic resources.*
- 8.04 *This policy aims to protect homes or neighborhoods of historic significance, thus ensuring the preservation of historical resources.*
- 8.05 *This policy aims to ensure that the goals of affordable housing and historic preservation are compatible, thus ensuring the protection of historic resources without conflicting with the present-day goals of Gilroy.*
- 16.02 *This policy ensures that developers of new subdivisions dedicate land for recreational facilities, including cultural facilities, thus preserving the cultural quality of Gilroy.*
- 16.03 *This policy encourages the inclusion of cultural facilities as part of the Park and Recreation System, thus ensuring the preservation of the cultural quality of Gilroy.*

Actions

- 5.A *This action encourages using historic preservation designations to help preserve cultural and historical resources.*
- 5.B *This action encourages review of structural modification and use changes in historic areas to preserve Gilroy's historic resources.*
- 5.C *This action requires Environmental Impact Reports for historic structures to help preserve the community's historic resources.*
- 5.D *This action encourages design review in historic preservation districts to preserve Gilroy's historic resources.*
- 5.E *This action encourages periodic updating of the City's Survey of Historic Structures, thus preserving historic resources.*
- 5.F *This action requires a public information program on historic preservation to involve the community in preserving historic resources.*
- 5.G *This action encourages supporting development of Mills Act Agreements to help preserve historic resources.*
- 5.H *This action encourages adopting an historic preservation ordinance to help preserve historic resources.*
- 5.I *This action encourages archaeological assessments for all CEQA projects, thus preserving cultural and archaeological resources.*

Mitigation Measure: 4.14-A. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

LL. HAZARDOUS MATERIALS.

1. Impact.

4.15-1. People in the City of Gilroy could be exposed to health risks due to exposure to existing contaminated properties.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of exposure to health risks due to exposure to existing contaminated properties on people in the City of Gilroy.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.15-1:

Policies

- 25.01 *This policy aims to permit development only in areas where potential danger to residents can be mitigated to an acceptable level of risk and adequate emergency services can be provided, thus protecting Gilroy residents from existing contamination.*
- 25.02 *This policy encourages using zoning and development controls to regulate development in hazardous areas, thus protecting Gilroy residents from existing contamination.*
- 25.03 *This policy requires appropriate studies of potential hazardous as part of the development review process, thus protecting Gilroy residents from existing contamination.*
- 27.04 *This policy encourages the evaluation of new development on sites that may have hazardous materials, thus protecting Gilroy residents from existing contamination.*

Actions

- 25.A *This action encourages the creation of detailed hazard maps to reduce risk on contamination.*
- 25.B *This action encourages regular updating of building codes to reduce risk of contamination.*
- 25.C *This action requires building inspection programs to reduce risk of contamination.*
- 25.E *This action requires soils reports for all new developments to identify possible causes of contamination.*
- 25.I *This action encourages fire and life safety inspections to identify and eliminate possible sources of contamination.*

Mitigation Measure: 4.15-A. See Exhibit "A" attached hereto and incorporated by this reference.

3. Findings.

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

MM. HAZARDOUS MATERIALS.

1. Impact.

4.15-2. Development under the General Plan will result in potential exposure to health and safety risks related to the storage, transportation and use of hazardous materials.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of exposure to health risks due to exposure to existing contaminated properties on people in the City of Gilroy.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.15-2:

Policies

- 3.04 *This policy aims to discourage industrial uses that would create noxious or nuisance conditions, thus reducing health and safety risks.*
- 3.05 *This policy aims to concentrate heavy industrial uses close to major transportation routes and emergency services, thus reducing health and safety risks.*
- 10.12 *This policy encourages infill housing only on sites without significant hazards, thus reducing health and safety risks.*
- 22.03 *This policy prohibits development that may result in polluting substances coming in contact with water sources, thus reducing health and safety risks.*
- 22.04 *This policy ensures that City drinking water exceeds the required and recommended standards set forth by the State of California, thus reducing health and safety risks.*
- 22.05 *This policy aims to ensure that all water sources are monitored, thus reducing health and safety risks.*
- 22.06 *This policy aims to ensure that all private wells are tested and monitored, thus reducing health and safety risks.*
- 22.09 *This policy restricts development that would negatively impact water quality, thus reducing health and safety risks.*
- 22.10 *This policy provides greater protection of drinking water from contaminants, thus reducing health and safety risks.*

- 25.01 *This policy ensures that development only occurs in areas where danger to the health, safety, and welfare of residents is reduced.*
- 25.02 *This policy aims to regulate development on potentially hazardous areas by using zoning and development controls, thus reducing health and safety risks.*
- 25.03 *This policy requires appropriate studies as part of the development review process to identify possible hazards, thus reducing health and safety risks.*
- 27.01 *This policy ensures inspection and monitoring of hazardous materials, thus reducing health and safety risks.*
- 27.02 *This policy encourages source reduction, waste minimization, and on-site pretreatment of hazardous materials and waste, thus reducing health and safety risks.*
- 27.03 *This policy ensures that the City will work with the necessary jurisdictions to monitor the transportation of hazardous materials and waste, thus reducing health and safety risks.*
- 27.04 *This policy ensures the new development will be evaluated to ensure that there will be no public health danger.*
- 27.05 *This policy encourages coordination and implementation of public education programs regarding hazardous materials and waste management.*

Actions

- 8.B *This action encourages strict code enforcement to help reduce risk of exposure to hazardous materials.*
- 22.B *This action encourages interagency coordination to address water quality issues and to reduce possible exposure to hazardous materials.*
- 25.A *This action requires using detailed hazard maps to identify and eliminate possible exposure to hazardous materials.*
- 25.I *This action encourages fire and life safety inspections to identify and eliminate possible exposure to hazardous materials.*
- 27.A *This action encourages interagency coordination in addressing hazardous materials issues.*
- 27.B *This action requires a hazardous materials storage ordinance to identify and eliminate possible sources of hazardous materials.*
- 27.C *This action encourages implementing a household hazardous waste element to handle household hazardous waste issues.*
- 27.D *This action encourages constructing a collection facility for household hazardous wastes, thus reducing exposure to hazardous materials.*
- 27.E *This action encourages implementing a hazardous waste education program to involve the public in hazardous waste reduction.*

3. **Findings.**

This is a potentially significant impact. The implementation of the General Plan's policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

NN. **HAZARDOUS MATERIALS.**

1. **Impact.**

4.15-3. Development under the General Plan will result in potential exposure to health and safety risks related to agricultural chemicals in the groundwater.

2. **Mitigation.**

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented will lessen the impact of potential exposure to health and safety risks related to agricultural chemicals in the groundwater as a result of development under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.15-3:

Policies

- 4.06 *This policy aims to encourage long-term agricultural production where high water tables exist and natural hazards such as flooding occur, thus reducing agricultural chemicals in the groundwater.*
- 8.06 *This policy aims to protect the character of existing neighborhoods, thus reducing development in agricultural areas and preventing agricultural chemicals in the groundwater.*
- 22.10 *This policy encourages protection of the aquifers in groundwater recharge areas, thus reducing agricultural chemicals in the groundwater.*
- 25.01 *This policy permits development only in areas where risks of hazards are low, thus reducing agricultural chemicals in the groundwater.*
- 25.02 *This policy ensures that development will be limited in hazardous areas by using zoning and development controls, thus reducing agricultural chemicals in groundwater.*
- 25.03 *This policy requires development review to involve potential hazards evaluation, thus reducing agricultural chemicals in groundwater.*
- 27.01 *This policy ensures the monitoring and inspection of local, state, and federal standards regarding hazardous materials and waste, thus reducing agricultural chemicals in groundwater.*
- 27.04 *This policy encourages evaluation of new developments that involve screening for hazardous conditions, thus reducing the risk of agricultural chemicals in groundwater.*

Actions

- 8.B *This action encourages strict code enforcement to reduce risk of agricultural chemicals in the groundwater.*
- 25. *This action encourages creating detailed hazard maps to be used in reducing the risk of agricultural chemicals being present in the groundwater.*
- 25.B *This action requires regular updating of the building codes to prevent agriculture chemicals in the groundwater.*
- 25.E *This action requires soils repots for all new development to reduce the risk of agricultural chemicals in the groundwater.*
- 27.B *This action encourages a hazardous materials storage ordinance to prevent agricultural chemicals from being present in the groundwater.*

Mitigation Measures: 4.15-B, 4.15-C, 4.15-D, 4.15-E. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

OO. HAZARDOUS MATERIALS.

1. Impact.

4.15-4. Development under the General Plan will result in potential exposure to health and safety risks related to the use of pesticides on neighboring agricultural properties.

2. Mitigation.

The General Plan and Final EIR contain many policies, actions and mitigation measures, which when implemented, will lessen the impact of potential exposure to health and safety risks related to the use of pesticides on neighboring agricultural properties as a result of development under the General Plan.

The implementation of the following policies, actions and mitigation measures will help to mitigate impact 4.15-4:

Policies

- 4.06 *This policy aims to encourage long-term agricultural production where high water tables exist and natural hazards such as flooding occur, thus reducing exposure to pesticides.*
- 8.06 *This policy aims to protect the character of existing neighborhoods, thus reducing development in agricultural areas and preventing exposure to pesticides.*

- 25.01 *This policy permits development only in areas where risks of hazards are low, thus reducing exposure to pesticides.*
- 25.02 *This policy ensures that development will be limited in hazardous areas by using zoning and development controls, thus reducing exposure to pesticides.*
- 25.03 *This policy requires development review to involve potential hazards evaluation, thus reducing exposure to pesticides.*
- 27.01 *This policy ensures the monitoring and inspection of local, state, and federal standards regarding hazardous materials and waste, thus reducing exposure to pesticides.*
- 27.04 *This policy encourages evaluation of new development that involves screening for hazardous conditions, thus reducing exposure to pesticides.*

Actions

- 8.B *This action encourages strict code enforcement to reduce risk of pesticides on neighboring properties.*
- 25.A *This action encourages creating detailed hazard maps to be used in reducing the risk of pesticides on neighboring properties.*
- 25.B *This action requires regular updating of the building codes to prevent pesticides on neighboring properties.*
- 25.E *This action requires soils repots for all new development to reduce the risk of pesticides on neighboring properties.*
- 27.B *This action encourages a hazardous materials storage ordinance to prevent pesticides on neighboring properties.*

Mitigation Measures: 4.15-F, 4.15-G, 4.15-H. *See Exhibit "A" attached hereto and incorporated by this reference.*

3. Findings.

This is a potentially significant impact. The implementation of the General Plan’s policies, actions and mitigation measures identified in the Final EIR will reduce this potentially significant impact to less than significant level.

II. FINDINGS CONCERNING PROJECT ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6(d), the Final EIR identifies and evaluates the comparative merits of alternatives to the General Plan, which could eliminate any significant adverse environmental impacts of the General Plan or reduce them to a level of insignificance. These alternatives are evaluated in the Final EIR even if they would impede to some degree the attainment of project objectives or would be more costly.

A. PROJECT ALTERNATIVE NO. 1

1. Description: The “No Project” Alternative.

This alternative is required by CEQA, and assumes that the General Plan would not be adopted, new uses proposed in the General Plan area would not occur, and new policies would not be implemented. This alternative assumes that development would occur within the City’s planning area, consistent with that allowed under the existing General Plan.

2. Comparison to General Plan.

Potential impacts to agriculture, air quality, noise, traffic, water demand, visual quality and aesthetics, and biological resources resulting from the General Plan would be avoided or reduced under this alternative. Therefore, overall environmental impacts and demands on services would be reduced under the No Project Alternative and it is therefore considered to be environmentally superior to the General Plan. The No Project Alternative would also meet some of the General Plan’s objectives, however, not to the extent of any of the other alternatives or the General Plan.

3. Finding.

While the Final EIR identifies the No Project Alternative as environmentally superior to the General Plan, specific, economic, social or other conditions make this alternative infeasible as that term is defined in CEQA (CEQA Guidelines 15091(a)(3)) because it would fail to accomplish the following City objectives to the extent that the General Plan would:

- *It would not manage growth as much as the General Plan*
- *It would not minimize costs as much as the General Plan*
- *It would not focus growth inward as much as the General Plan*
- *It would not strengthen the downtown as much as the General Plan*
- *It would not promote jobs and business development as much as the General Plan*
- *It would not create quality, diverse neighborhoods as much as the General Plan*
- *It would not support affordable housing as much as the General Plan*
- *It would not protect resources as much as the General Plan*
- *It would not ensure public safety as much as the General Plan*

B. PROJECT ALTERNATIVE NO. 2

1. Description: The Concentrated Growth Alternative.

The Concentrated Growth Alternative removes specific areas from the General Plan 20-year planning area, and adds stronger policies to encourage Downtown infill projects through the Residential Development Ordinance (RDO) process and firmer language in support of mixed

uses Downtown. This alternative also allows for an increase in building heights to six stories (except within the historic core), while maintaining the same approximate Downtown boundaries.

2. Comparison to General Plan.

This alternative reduces planned development, thus decreasing water demand requirements, drainage and water quality impacts, traffic volumes in some areas in and around the City, traffic-related noise, air pollutant emissions, impacts related to open space, agricultural land conversion to urban uses, geotechnical hazards, biotics, and public services. Accordingly, the increased density in the Downtown District under this alternative would increase potential impacts to viewsheds due to the increased height of buildings. Potential impacts associated with the implementation of infrastructure facilities identified in the General Plan would remain, although they would be slightly reduced in the areas of wastewater, water, public services and stormwater. Despite the reduction in traffic-related noise and air pollutant emissions, contributions to regional air emissions may still exceed the significance thresholds, and increased development would expose people to noise levels above maximum permissible noise levels. As with the proposed project, development under the Concentrated Growth Alternative could result in some removal of sensitive habitats. Also, impacts related to loss of agricultural land would be reduced substantially under this alternative, but the impact would still be considered significant and unavoidable (due to the 10-acre standard).

The Concentrated Growth Alternative would result in fewer overall environmental impacts and would lessen the severity of almost all impacts, with the exception of viewshed, associated with the proposed project or any other alternative discussed in the Final EIR and is therefore considered to be the environmentally superior alternative. The Concentrated Growth Alternative would also meet many of the General Plan's objectives.

3. Finding

While the Final EIR identifies the Concentrated Growth Alternative as the environmentally superior alternative, specific economic, social or other considerations (specifically, provision of employment opportunities for highly trained workers) make this alternative infeasible as that term is defined in CEQA because this alternative would fail to accomplish the following City objectives to the extent that the General Plan would:

- *It would not promote jobs and business development as much as the General Plan*
- *It would not provide a substantial enough link between growth and resources as much as the General Plan*
- *It would not promote jobs and business development as much as the General Plan*
- *It would not provide a substantial enough level of diverse economic opportunities as much as the General Plan*

In particular, the large Campus Industrial area east of Highway 101 included in the General Plan and not in the Concentrated Growth Alternative provides better economic opportunities for the City to find high technology companies interested in future large-scale, campus development in

Gilroy because the area contains contiguous, large, undeveloped parcels. Specifically, the Guiding Principles for the General Plan (see page 3-6) states:

“Gilroy’s economic health and vitality is of utmost importance, providing jobs for residents and revenues to support City services. The General Plan promotes a strong local economy by supporting the growth and expansion of existing local businesses; ensuring adequate land to attract new commercial and industrial businesses, including small- and medium-size businesses; creating a new ‘campus industrial’ land use to specifically attract high-tech businesses; and establishing policies in support of economic development activities.”

The addition of the new Campus Industrial section, recommended under the General Plan east of Highway 101, is immediately adjacent to vital city services, including but not limited to water and sewer. Other city services, necessary for continued planned growth, are in close proximity and are readily available. From the 660 acre site, only 430 acres will be designated Campus Industrial. This net acreage will provide a strong link between industrial growth and planned resources within the city.

In addition, the inclusion of the 660 site will add approximately 234 acres of open space land, located along Llagas Creek. This land will contribute directly to the existing network of parks, paths, and trails within the community. This inclusion will contribute significantly to the overall diversity of recreation facilities available to the citizens of Gilroy and the local community.

Overall, this alternative fails to provide the necessary level of industrial growth needed in order to sustain a vibrant economic community and a thriving job base within the city. The Concentrated Growth Alternative is not superior to the General Plan.

C. PROJECT ALTERNATIVE NO. 3

1. Description: The Original Proposal Alternative.

This alternative consists of the original version of the General Plan proposed by the General Plan Update Committee and documented in the General Plan Update 1999 - 2020 (dated June 1999), and evaluated in the Draft EIR (dated August 1999) and Final EIR (dated October 1999).

2. Comparison to proposed project.

Due to reduction in planned development, this alternative would reduce water demand requirements, traffic volumes, traffic related noise, air pollutant emissions, impacts related to open space, loss of agricultural land, geotechnical hazards, biotics, public services, and drainage and water quality impacts from stormwater runoff. This alternative would increase noise levels above the maximum permissible noise levels at sensitive receptors; however, it would not have as severe of an impact on noise sensitive receptors as would the General Plan. Development of this alternative could cause an increase in stormwater contaminant loading; however, this impact would not be significant with implementation of "best management practices" and maintenance of facilities. Potential impacts associated with the implementation of infrastructure facilities would remain, but would be slightly reduced in the areas of wastewater, water, public services and utilities (including energy), and stormwater. This alternative could also result in some removal of sensitive habitats. Mitigation measures also applicable to the proposed project would

mitigate these potential impacts to a less-than-significant level; although the mitigation necessary to reduce traffic impacts to a less-than-significant level would be reduced due to reduction in trip generation in the areas east of Highway 101. Although the impacts related to loss of agricultural land would be reduced substantially under this alternative, this impact would still be considered significant and unavoidable (due to the 10-acre standard). Likewise, contribution to regional air emissions caused by this alternative would still exceed the significance thresholds, thus persisting as an unavoidable impact.

The Original Proposal Alternative would result in fewer overall environmental impacts and would lessen the severity of almost all impacts associated with the proposed project, and is therefore considered to be environmentally superior to the General Plan. The Original Proposal Alternative would also meet many of the General Plan's objectives.

3. Finding.

While the FEIR identifies the Original Proposal Alternative as environmentally superior to the General Plan, specific economic, social or other conditions (specifically, provision of employment opportunities for highly trained workers) make this alternative infeasible as that term is defined in CEQA because this alternative would fail to accomplish the following City objectives to the extent that the General Plan would:

- *It would not promote jobs and business development as much as the General Plan*
- *It would not provide a substantial enough link between growth and resources as much as the General Plan*
- *It would not promote jobs and business development as much as the General Plan*
- *It would not provide a substantial enough level of diverse economic opportunities as much as the General Plan*

In particular, the large Campus Industrial area east of Highway 101 included in the General Plan and not in the Original Proposal Alternative provides better economic opportunities for the City to find high technology companies interested in future large-scale, campus development in Gilroy because the area contains contiguous, large, undeveloped parcels. Specifically, the Guiding Principles for the General Plan (see page 3-6) states:

“Gilroy’s economic health and vitality is of utmost importance, providing jobs for residents and revenues to support City services. The General Plan promotes a strong local economy by supporting the growth and expansion of existing local businesses; ensuring adequate land to attract new commercial and industrial businesses, including small- and medium-size businesses; creating a new ‘campus industrial’ land use to specifically attract high-tech businesses; and establishing policies in support of economic development activities.”

The addition of the new Campus Industrial section, recommended under the General Plan east of Highway 101, is immediately adjacent to vital city services, including but not limited to water and sewer. Other city services, necessary for continued planned growth, are in close proximity and are readily available. From the 660 acre site, only 430 acres will be designated Campus Industrial. This net acreage will provide a strong link between industrial growth and planned resources within the city.

In addition, the inclusion of the 660 site will add approximately 234 acres of open space land, located along Llagas Creek. This land will contribute directly to the existing network of parks, paths, and trails within the community. This inclusion will contribute significantly to the overall diversity of recreation facilities available to the citizens of Gilroy and the local community.

Overall, this alternative fails to provide the necessary level of industrial growth needed in order to sustain a vibrant economic community and a thriving job base within the city. The Original Proposal Alternative is not superior to the General Plan.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

A. There are significant effects and cumulative significant effects of the General Plan, since substantial inconsistencies with local, regional, state and federal plans, policies and regulations regarding agricultural land preservation that have been identified in the Final EIR but may not be avoided or substantially lessened.

1. Impact.

4.1-1: Substantial inconsistencies with local, regional, state and federal plans, policies and regulations regarding agricultural land preservation.

- *This is a significant and unavoidable impact.*

2. Discussion.

The Final EIR found that the General Plan would be potentially inconsistent with regional policies to preserve agricultural land, by expanding the 20-year planning area and re-designating areas from agricultural to urban uses within the expanded Planning Area. The intent of the General Plan process was to focus growth in areas of least impact on agriculture, and to stay largely within the planning area defined in the previous general plan. The existing General Plan area contains sufficient land to provide growth opportunities projected to be necessary by this General Plan. By adding 664 acres of land to the 20-year General Plan area in addition to almost 300 net acres in other areas, future development consistent with the General Plan will cause a substantial loss of agricultural land. This will result in substantial inconsistencies with local, regional, state and federal plans, policies and regulations calling for agricultural land preservation.

3. Mitigation.

Many policies and implementing actions proposed in the General Plan are included that would reduce this impact; these policies and actions are listed in the Final EIR following the impact. In addition, the City is proposing mitigation measures to reduce this impact to the extent possible. Even with the policies, actions, and mitigation measures being adopted, the Final EIR found that this is a significant and unavoidable impact.

B. There are significant effects and cumulative significant effects of the General Plan, since the conversion of agricultural uses to urban uses from implementation of the General Plan will cause loss of productive agricultural land, including prime farmland and farmland of statewide

importance, that have been identified in the Final EIR but may not be avoided or substantially lessened.

1. Impact.

4.4-1: Conversion of agricultural uses to urban uses from implementation of the General Plan will cause loss of productive agricultural land, including prime farmland and farmland of statewide importance.

- *This is a significant and unavoidable impact.*

2. Discussion.

The net acreage of Farmland to be added to the General Plan area for urban development is approximately 952 acres of which approximately 70% is the 664 acres proposed for campus industrial and open space east of the outlets. The total amount of prime farmland to be converted from an open space designation to an urban designation is 381 acres. This exceeds the CEQA threshold of 10 acres. This total loss of agricultural land is considered a significant and unavoidable impact.

3. Mitigation.

Many policies and implementing actions proposed in the General Plan are included that would reduce the severity of this impact; these policies and actions are listed in the Final EIR following the impact. In addition, the City is proposing mitigation measures to reduce this impact to the extent possible. Even with the policies, actions, and mitigation measures being adopted, the Final EIR found that this is a significant and unavoidable impact.

C. There are significant effects and cumulative significant effects of the General Plan, since the build-out under the General Plan would increase vehicular traffic in the planning area, resulting in level of service deficiencies within the roadway network that have been identified in the Final EIR but may not be avoided or substantially lessened.

1. Impact.

4.5-1: Build-out under the General Plan would increase vehicular traffic in the planning area, resulting in level of service deficiencies within the roadway network.

- *This is a significant impact and potentially unavoidable*

2. Discussion.

Build-out of the General Plan, without new transportation improvements, would result in substantial increases in traffic volume on many of the roadways throughout the planning area. The most significant projected traffic increases are on the roadway facilities that provide connections to job centers located along the Highway 101 corridor. Other than the freeway, these roadways include Highway 152, Monterey Road, Santa Teresa Expressway, Buena Vista Avenue and Luchessa Avenue. The projected level of service on virtually all the major

roadways serving Gilroy is projected to fall below the City's standard for roadway level of service. The existing roadway network would be very inadequate due to capacity deficiencies within and around the General Plan boundary limits. Levels of service (LOS) would decline below LOS C (or LOS D in areas designated by General Plan policy 12.08) on many road segments. The City has historically consulted with, and in the future plans to consult with, the Santa Clara Valley Transportation Authority on a project-by-project basis regarding improvements to bus stops and related facilities on any new road or upgrade of existing roads.

3. Mitigation.

In addition to the implementation of the policies and actions in the General Plan, the improvements required to mitigate the increased traffic volumes forecasted for the General Plan alternative to satisfactory levels of service are included in mitigation measures in the Final EIR. Roadway improvements (widening) recommended would ease the magnitude of projected traffic volumes and increase the capacity of existing arterial streets. In particular, many ramps would have to be added or widened to accommodate the industrial and commercial development along the freeway and east of the outlets. New east-west arterials in the north (Cohansey, Buena Vista) and south (Tenth Street extension, Luchessa) parts of the City and north-south arterials in the area east of Highway 101 will also ease access to the freeway for the future new residents and employees of Gilroy. If these mitigation measures are not implemented, due to lack of funding or any other reason, Impact 4.5-1 would be significant and unavoidable.

D. There are significant effects and cumulative significant effects of the General Plan, since the build-out of the General Plan would result in increases in criteria pollutant emissions due to increased vehicle trips and vehicle miles traveled, and may result in regional impacts on air quality, particularly in downwind areas (i.e., south of Gilroy) that have been identified in the Final EIR but may not be avoided or substantially lessened.

1. Impact.

4.6-3: Build-out of the General Plan would result in increases in criteria pollutant emissions due to increased vehicle trips and vehicle miles traveled and may result in regional impacts on air quality, particularly in downwind areas (i.e., south of Gilroy).

- *This is a significant and unavoidable impact.*

2. Discussion.

Growth associated with build-out of the General Plan would result in direct and indirect impacts on regional air quality. This growth could introduce new stationary sources of pollutants associated with industry (direct air quality impacts), but this is not expected to be significant due to the predominance of new industrial lands being designated as campus industrial. Campus Industrial uses include office, high technology, research uses, and some light industry, which are not associated with significant pollutant emissions. The majority of additional pollutants would be related to transportation (indirect air quality impacts).

Impacts due to increased vehicle emissions were determined to be significant due to the potential inconsistency of the General Plan with the 2000 Clean Air Plan (CAP) of the BAAQMD (based

on greater population projections in the General Plan than were used for the CAP). The 2000 CAP uses ABAG's Projections '98 as the basis for the emission inventory. The population estimates of the General Plan for 2020 are more than ABAG's '98 Projections for 2020 that were used to prepare the 2000 CAP. Therefore, the population-based emission estimates in the CAP do not accurately reflect the emissions expected due to build-out of the General Plan, and the estimated population growth in Gilroy is not consistent with the CAP. This is a significant impact on regional air quality.

3. Mitigation.

The policies and implementing actions in the General Plan would reduce this impact due to the extensive provisions for reducing vehicle trips. In addition, mitigation measures are proposed that would further reduce the level of severity of the impact. The impact, however, would not be reduced to a less-than-significant level, and therefore, would remain significant and unavoidable.

E. There are significant effects and cumulative significant effects of the General Plan, since the development consistent with the General Plan will increase noise levels above the maximum permissible noise levels at existing, previously developed uses including sensitive receptors due to increased levels of traffic and use of rail lines that have been identified in the Final EIR but may not be avoided or substantially lessened.

1. Impact.

4.7-1: Development consistent with the General Plan will increase noise levels above the maximum permissible noise levels at existing, previously developed uses including sensitive receptors due to increased levels of traffic and use of rail lines.

- *This is a significant and unavoidable impact.*

2. Discussion.

Development under the General Plan will significantly increase traffic on the roadways within the City. This will increase the noise levels experienced by City residents and visitors. This is a particular concern for sensitive receptors that are located near major roadways. Not only will the noise level increase at discrete locations, but the distance to noise contour lines along roadways will increase significantly. For example, with General Plan build-out, the 70 Ldn contour will move 70 feet further from Santa Teresa Boulevard north of Gavilan Road compared to existing conditions. Under existing conditions, the contour is 50 feet from the centerline of Santa Teresa Boulevard; under General Plan conditions, the contour is 120 feet from the centerline.

Railroad noise is not expected to increase significantly due to implementation of the General Plan; however, it will increase in the future due to cumulative development and the expected increase in the use of railroads. In addition, development consistent with the General Plan will increase the density of land use in the proximity of railroad tracks and, therefore, will increase the exposure of people to railroad noise.

3. Mitigation.

Policies and implementing actions in the General Plan will reduce the noise impacts somewhat, however, many land uses are proposed that will place sensitive receptors close to major roadways. People using parks and open space or outside areas adjacent to most major roadways will be exposed to noise levels above the maximum permissible outdoor noise level standards shown in the Final EIR despite buffering, landscaping, and/or walls. In some cases, indoor noise levels within existing structures may exceed indoor noise standards. Sites where incompatibilities could occur include existing uses along Santa Teresa Boulevard, Wren Avenue, Hecker Pass Road, First Street, Monterey Street, Tenth Street, Highway 101 and other locations where receptors are located in close proximity to heavily-traveled roadways. Mitigation measures proposed would reduce the impacts, however, not to a less-than-significant level; therefore, this impact is considered significant and unavoidable.

F. CUMULATIVE IMPACT: LAND USE AND AGRICULTURAL

1. Discussion.

The General Plan will contribute to the cumulative conversion of open space to urban development in the region. General Plan development will result in the permanent loss of open space on sites that are presently vacant and the expansion of urban uses into existing agricultural and open space lands. The General Plan Update committee sought to limit expansion of the City to the east of 101 in order to preserve the area cited as the most important agricultural land in the area; however, the General Plan results in substantial expansion to the east. Currently, 2,145 acres of open space and agricultural land are available for potential development within the City limits. Build-out of the entire area within the General Plan 20-year boundary would result in the loss of over 5,000 acres of agricultural land by allowing urban uses on property used for agriculture. This would result in a loss of 1,333 more acres of Prime and Statewide –Important Farmland over the existing General Plan. A portion of the farmland to be lost is classified as prime agricultural land by the California Department of Conservation. The amount of open space lost would vary depending on the scale and design of future development. The addition of new land available for development contributes to the cumulative loss of agricultural land and its related impacts, and weakens the incentives for in-fill development.

2. Mitigation.

Many policies and actions proposed in the General Plan are included that would reduce the severity of this impact; these policies and actions are listed in the Final EIR following the impact. In addition, the City is proposing mitigation measures to reduce this impact to the extent possible. Even with the policies, actions, and mitigation measures being adopted, the Final EIR found that the loss of agricultural land resulting from build-out of the General Plan would be considered a significant unavoidable cumulative impact.

G. CUMULATIVE IMPACT: BIOLOGICAL RESOURCES

1. Discussion.

Cumulative development in the region could adversely affect biological resources in the region, including creeks and associated aquatic and riparian habitat, coastal oak woodlands and serpentine-associated plant communities. Of particular concern is the potential for cumulative impacts to adversely affect Uvas Creek and its associated aquatic and riparian habitat. The Uvas Creek corridor is the most significant biological habitat in this area, and it could degrade further due to continued development in the region.

2. Mitigation.

Future projects will be required to conduct biological studies and propose mitigation for impacts to the riparian habitat. The implementation of this policy/mitigation, in addition to other policies and actions in the General Plan and additional mitigation proposed by the City in the Final EIR, would offset many of the impacts. However, the proposed development allowed in the General Plan, when combined with other regional development affecting the creek, would result in degradation of the riparian habitat complex, resulting in a significant and unavoidable cumulative biological impact.

H. CUMULATIVE IMPACT: VISUAL RESOURCES

1. Discussion.

The geographic scope for the analysis of visual resources is generally confined to South Santa Clara County, which is visually connected by similar terrain and smaller development intensities. Future cumulative development would result in visual impacts as undeveloped visually sensitive lands are converted to urban uses. The cumulative visual impacts would be most notable in areas where new development occurs outside existing urban areas. Infill development occurring within or adjacent to existing urbanized areas would result in minor visual impacts, although it could affect adjacent parcels by increasing density, creating glare, and decreasing open space. Cumulative development in South Santa Clara County would result in potentially significant visual impacts associated with the cumulative loss of open space, increase in development, and alteration of the rural character of the area over time. While the visual design quality and site-specific impacts of proposed projects can be controlled through the policies and programs accompanying the Plan, modifications outside the City are not the City's jurisdiction. Without a detailed analysis of each jurisdiction's guidelines, and without specific project designs, it is not feasible to accurately assess the significance of this impact on a regional cumulative level.

2. Mitigation.

Regulations governing design, density, and preservation of open space are the responsibility of each jurisdiction. The City has included guidelines for these areas in the General Plan that reduce the visual impacts of development within the existing limits to a less-than-significant level. In addition, the Final EIR also includes a mitigation measure to allow the City the opportunity to require that applicants conduct sun-shade analyses for projects in the downtown

area. Because the effectiveness of the policies, actions, and mitigation measures in areas outside the City is uncertain, this is considered to be a significant and unavoidable cumulative impact.

I. CUMULATIVE IMPACT: TRAFFIC

1. Discussion.

The geographic scope for the traffic analysis includes those areas outside the City, generally to the north, that would be affected by additional commuter traffic generated by the General Plan. This cumulative traffic analysis is based on the traffic report prepared by Higgins & Associates and projections of regional traffic growth and trends. The proposed plan will substantially increase traffic at the freeway interchanges and roads leading to these interchanges. Cumulative traffic impacts are considered to be significant and unavoidable based on the rapid population growth and vehicle use within and in the vicinity of Santa Clara County. Existing freeway deficiencies are addressed in Regional Transportation Plans; however, unless regional transit/transportation solutions are found to reduce cumulative regional traffic impacts to a less-than-significant level, the project would contribute to significant traffic impacts on freeways (i.e., U.S. 101).

2. Mitigation.

Mitigation measures for this impact include existing transportation planning conducted by the City, policies and implementing actions in the General Plan, mitigation measures in the Final EIR, and the programs, plans, regulations, etc. of state and regional transportation and transit agencies. Even with implementation of all of these mitigation measures, the project would contribute to significant unavoidable cumulative traffic impacts on freeways (including U.S. 101), because necessary regional transportation improvements may not be implemented prior to deficient level of service conditions.

J. CUMULATIVE IMPACT: AIR QUALITY

1. Discussion.

The geographic scope for the cumulative air quality analysis includes those areas located within the Bay Area Air Basin, which extends north to Napa County, as well as northern portions of the North Central Coast Air Basin which receives downwind emissions. The air pollution emissions resulting from implementation of the General Plan will contribute to cumulative increases in regional emissions. Based on expected regional growth due to the General Plan and other areas' growth exceeding recent ABAG projections (and therefore assumptions in the 2000 Clean Air Plan), development under the General Plan will contribute to cumulative impacts on regional air quality. Due to the tendency of pollutants to travel with the wind to downwind areas, increased emissions in the Gilroy area and Santa Clara Valley are expected to contribute to air quality concerns in San Benito and Monterey Counties.

2. Mitigation.

Mitigation measures for this impact include existing City programs, policies and implementing actions in the General Plan, mitigation measures in the Final EIR, and the programs, plans,

regulations, etc. of federal, state and regional air quality agencies (U.S. EPA, California Air Resources Board, the Bay Area Air Quality Management District, and the Monterey Bay Unified Air Pollution Control District). Even with implementation of all of these mitigation measures, the project would contribute to significant unavoidable air quality impacts, because exceedances of ambient air quality standards or safe concentrations of toxic contaminants may occur. The project would contribute to significant unavoidable cumulative air quality impacts from vehicular emissions.

K. STATEMENT

After review of the entire administrative record, including the Final EIR, the staff report, and the oral and written testimony and evidence presented at public hearings, the City Council finds, pursuant to CEQA Section 21081 (b) and CEQA Guidelines Section 15093, that specific economic, legal, social, technological and other benefits of the General Plan outweigh the General Plan's unavoidable adverse environmental impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the General Plan's benefits.

The City Council further finds that, in the event it is determined that the mitigation measures identified in the Final EIR above do not reduce the significant environmental impacts identified and analyzed in the Final EIR to a less-than-significant level, the benefits described below outweigh any and all potential adverse impacts of the General Plan.

The City Council adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the General Plan and the anticipated benefits of the General Plan. The City Council finds that each of the benefits set forth below in this Statement of Overriding Considerations constitutes a separate and independent ground for finding that the benefits of the General Plan outweigh the risks of its potential significant adverse environmental impacts. The benefits of the General Plan, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the General Plan, are as follows:

- 1) **It would promote economic development within the City.** The 430 acres of Campus Industrial to be designated east of Highway 101 provides needed economic opportunities for the City to find high technology companies interested in future large-scale, campus development in Gilroy because the area contains contiguous, large, undeveloped parcels. Attracting this private investment to the City would increase tax revenues and encourage further investment, meeting the City's economic development goals. As described in the General Plan, Gilroy's economic health and vitality is of utmost importance, providing jobs for residents and revenues to support City services. The General Plan promotes a strong local economy by supporting the growth and expansion of existing local businesses; ensuring adequate land to attract new commercial and industrial businesses, including small- and medium-size businesses; creating a new 'campus industrial' land use to specifically attract high-tech businesses; and establishing policies in support of economic development activities.

- 2) **It would provide for development of a balanced community in terms of type and distribution of jobs and housing, economic development.** As described on page 4.3-9 of the Final EIR, many Gilroy residents are not working in the City even when the number of jobs matches the number of housing units in the area. Commuting patterns identified by the traffic analysis in the Final EIR indicate that Gilroy residents are commuting north to the San Jose area to work, while many people who work in Gilroy are commuting from Hollister and other areas south of Gilroy. The main reason for this commute is the imbalance between cost of housing and the prevailing wage within the communities. In order to decrease the amount of long-distance commuting necessitated by this imbalance, a region-wide effort to standardize wages and home prices throughout the Valley would be necessary. To the extent possible at the local level, the General Plan seeks to address this problem by bringing higher wage jobs to Gilroy and adding more affordable housing than would be built under the current General Plan.
- 3) **It would strengthen the Downtown area.** As described in the General Plan, Downtown is the historic center of Gilroy, and the community desires to retain its historic character and strengthen its role as the City's center. The General Plan places a high priority on Downtown and sets forth a variety of policies to support that position, including development of a Downtown Specific Plan to coordinate and guide development efforts there.
- 4) **It would create quality, diverse neighborhoods.** The General Plan supports development of quality, diverse neighborhoods that meet the needs of all Gilroyans, and establishes a new land use designation titled "Neighborhood District" to help achieve this goal.
- 5) **It would support affordable housing.** The General Plan encourages a mix of housing types in new residential areas, ensures adequate land for medium and high density housing, and sets forth a number of policies and supporting programs to specifically address housing affordability.
- 6) **It would enhance quality of life for the residents of Gilroy and the region.** Through its policies and actions, it would promote the planning and design of development that would enhance the character of the City, protect natural resources, ensure public safety services are maintained at adequate levels, minimize costs, and manage growth.

IV. ADOPTION OF THE MITIGATION/MONITORING PROGRAM

The City Council hereby adopts the mitigation measures set forth in the Final EIR, the Additional Mitigation Measures attached hereto as Exhibit "A," and the Mitigation Monitoring Program attached hereto as Exhibit "B," both exhibits incorporated herein by this reference.

PASSED AND ADOPTED this 13th day of June, 2002, by the following vote:

AYES: DILLON, GARTMAN, PINHEIRO, VELASCO and SPRINGER

NOES: ARELLANO, MORALES

ABSENT: NONE

APPROVED:

Thomas W. Springer, Mayor

ATTEST:

Rhonda Pellin, City Clerk