

EXHIBIT "A"

**Additional Mitigation Measures
for the City of Gilroy General Plan
(as approved by the City Council on June 13, 2002)**

AGRICULTURE

4.4-A Prior to any land use approval that would result in the conversion of land that is designated as prime farmland or farmland of statewide importance to an urban use (i.e., zoning changes, annexation to the City, urban service amendments, etc.) the City shall:

1. Implement a conservation and open space easement program.

Guidance for this program may be found, in part, in "A Proposal to Establish and Agricultural Conservation Easement Program in Santa Clara County"(Appendix F-3 of the Draft Environmental Impact for the City of Gilroy Revised General Plan dated September 2001)

As this implementation is of significance countywide, this program should be established as a joint effort of the City, the County, the Farm Bureau, the Open Space authority and other agencies.

This program shall offer the following options as an acceptable mitigation for said land use approval:

a. Purchase of an equal amount of prime agricultural land within the area of the Open Space Authority and the transfer of the ownership of this land to the Open Space authority or other City-approved agency.

b. Purchase of development rights on agricultural land within the area of the Open Space Authority and the transfer of the ownership of this land to the Open Space authority or other City-approved agency. The purchase value shall be equivalent in value to that required under (a) above.

c. Payment, in lieu of purchase, of fee to the Open Space Authority or other City-approved agency, equal to the amount required to comply with either of the above elements. The amount of this fee shall be equivalent in value to that required under (a) above.

2. Require all future projects that involve the conversion of agricultural land to urban uses to use generally accepted methodologies to identify the potentially significant impacts of changes in agricultural land use (Appendix F of the Draft Environmental Impact for the City of Gilroy Revised General Plan dated September 2001).

One example is the California Agricultural Land Evaluation and Site Assessment (LESA Model) developed by the California Department of

Conservation to help establish standards of significance for CEQA evaluations of agricultural land conversions.

Additional programs to protect prime farmland and farmland of statewide importance comparable to those used by other counties or cities described in the Draft EIR may be considered by the City from time to time for adoption as meeting the requirements of this mitigation.

In addition, the City shall consider joining the Open Space Authority to help conserve remaining viable agricultural land within the City's sphere of influence.

4.4-B Encourage active farming without further development on the remaining agricultural land within the South County area by implementing and reaffirming the policies outlined in this section related to agricultural resources.

4.4-C Where use compatibility impacts exist, the City shall require open space buffers be established between future residential uses and existing agricultural operations.

TRAFFIC

4.5-A The City shall work with the County of Santa Clara, the City of Morgan Hill and the Santa Clara Valley Transportation Agency (as the designated Congestion Management Agency for Santa Clara County), to develop and implement the South County Regional Transportation Plan and identify the mitigation measures required by the City under this plan for roadways outside the Gilroy City limits. Once adopted, Mitigation 4.5-D through 4.5-F may be revised to conform to this regional plan.

4.5-B For roadways within Gilroy's General Plan area, the City shall develop a comprehensive Traffic Circulation Master Plan, supported by a City Traffic Impact Mitigation Fee, that shall be imposed on all projects identified under CEQA as having a significant impact to the City's circulation element. Periodically, the City shall review and update its Traffic Circulation Master Plan and adjust the Traffic Circulation Master Plan and adjust the Traffic Impact Mitigation Fee appropriately.

4.5-C The City shall maintain a Level of Service (LOS) of "C" or better within the City for the roadway system with the exception of the following which shall be LOS of "D" or better: 1) Leavesley Road west of Highway 101 up to and including the Highway 101 south bound ramps/Leavesley intersection; 2) Tenth Street west of Highway 101 up to and including the Tenth Street/Monterey Road intersection; 3) Monterey Road north/west of Highway 101 up to and including the Monterey Road/Luchessa Avenue intersection; 4) Luchessa west of Highway 101 up to and including the Luchessa Avenue/Monterey Road intersection; 5) the entire City roadway system east of Highway 101; and 6) roadways designated as County Expressways that primarily serve regional needs.

4.5-D Widen the following roads:

- Masten/Fitzgerald Avenues
- Buena Vista Avenue
- Hecker Pass Highway
- Tenth Street/Pacheco Pass Highway/ Highway 152
- Luchessa Avenue
- Santa Teresa Expressway
- Wren Avenue
- Monterey Highway
- San Ysidro/No Name Uno Avenue
- Highway 101 NB on- and SB off-ramps at Leavesley interchange
- Highway 101 SB and NB off-ramps at 10th Street
- Highway 101 NB off-ramp at Monterey
- "Eastside Boulevard" NB and SB approaches to Highway 152, including one additional through lane each way and a second SB left-turn lane
- Highway 152 eastbound from Camino Arroyo to Highway 101 NB on-ramp

4.5-E Extend the following roads:

- Rucker, west to Santa Teresa
- Golden Gate from the railroad (no crossing) to Murray
- Buena Vista, west to Santa Teresa (align with Day Road)
- Cohansey, west to Santa Teresa (align with Sunrise)
- Mantelli, west to Santa Teresa and west to Burchell Road
- Uvas Creek Drive, east to Wren
- Tenth Street, west to Santa Teresa
- Luchessa, east to Eastside and west to Santa Teresa
- Holloway, west to Brem Lane
- Southside Drive west to Bolsa Road (realign at Camino Arroyo)
- Mesa Road east to Farman Lane
- Santa Teresa southeast to Highway 25 (freeway interchange)
- Burchell, north to Mantelli extension
- Rancho Hills, north to Day Road
- Hirasaki, north to Cohansey
- Wren, north to Fitzgerald
- Church, north to Buena Vista
- Murray, north to Masten (align with 6th Street)
- Chestnut, south of Lewis
- Camino Arroyo, south to Southside Drive
- Rossi, north to Holloway

4.5-F Construct the following roads:

- Collector east of Club Drive
- Collector east of Ballybunion Avenue

- Collector from the above road south to Luchessa extension
- Collector along Princevalle Drain, from Camino Arroyo to Eastside Boulevard;
- Eastside Blvd., from Southside to the Leavesley Road (including an extension spur to Marcella)
- Buena Vista interchange (including weigh station fly-over)
- SB loop on-ramp and off-ramp at the 10th St. interchange (or direct connection to avoid weaving areas)
- Northbound loop on-ramp at the Masten interchange
- Railroad fly-over and expressway interchange at Buena Vista and Monterey
- Railroad fly-over on Southside Drive

4.5-G Upgrade Marcella, Las Animas **and portions of** Buena Vista Roads to collectors and upgrade Gilman Road west of Camino Arroyo to an arterial.

4.5-H The City shall prepare and implement a comprehensive traffic calming plan for the road network along 6th and Chestnut Streets from Camino Arroyo to 10th Street that includes strategies to reduce speeds and protect non-vehicular roadway uses such as turn prohibitions, bulb-outs, etc. due to the proximity of Eliot School.

AIR QUALITY

4.6-A Implement the following control measures as appropriate, depending on the size of the construction site, the proximity to sensitive receptors, and other factors that warrant additional emissions reductions:

Basic Control Measures - The following controls should be implemented at all construction sites:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Enhanced Control Measures - The following measures should be implemented at construction sites greater than four acres in area:

- All "Basic" control measures listed above.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Optional Control Measures - The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions:

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph or visible dust clouds affect sensitive receptors.
- Limit the area subject to excavation, grading and other construction activity at any one time.

4.6-B Include a policy or program in the General Plan to implement the following mitigation measures to reduce exhaust emissions from construction-related equipment to a less-than- significant impact.

- The idling time of all construction equipment shall not exceed five minutes.
- Limit the hours of operation of heavy duty equipment and / or the amount of equipment in use.
- All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications.
- When feasible, alternative fueled or electrical construction equipment shall be used at the project site.
- Use the minimum practical engine size for construction equipment.
- Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.

4.6-C The following Transportation Control Measures recommended by BAAQMD in the 2000 CAP should be implemented to ensure consistency with that plan and to reduce pollutant emissions.

- Establish and maintain bicycle advisory committees
- Designate a staff person as a Bicycle Program Manager
- Study signal preemption for buses on arterial streets with high volume of bus traffic
- Continue and expand local signal timing programs
- Designate a staff person as a Pedestrian Program Manager
- Study or consider traffic calming strategies in capital improvements programs
- Provide bicycle safety education
- In coordination with the BAAQMD, Metropolitan Transportation Commission, Caltrans, and FHWA, construct demonstration projects for low emissions and alternative fuel vehicles (including incorporating low-emission vehicle refueling infrastructure in projects), reductions in lawn and garden equipment emissions, recognition and promotion of Spare the Air Days, and others as described in the Bay Area 2000 Clean Air Plan.

- 4.6-D Projects proposed within one mile of sensitive receptors with the potential to generate odors or toxic pollutants should be required to conduct an odor or health risk assessment to evaluate the project's compatibility with the sensitive receptor. A sufficient buffer zone shall be provided when necessary.

NOISE

- 4.7-A As part of normal City review and approval procedures, the City shall require that developers reduce noise levels to which people will be exposed at new developments by using frontage roads, topography, buffering, landscaping or siting of uses, whenever possible, such that noise levels are consistent with the maximum permissible noise levels of the City. If noise levels at a future project site cannot be reduced to be consistent with standards using these measures, noise walls shall be used.
- 4.7-B As part of normal City review and approval procedures for future projects the following measures should be incorporated to mitigate construction noise:
- Limit construction activity to weekdays between 7:00 AM and 7:00 PM and Saturdays and holidays between 9:00 AM and 7:00 PM, with no construction on Sundays;
 - Require that all internal combustion engine-driven equipment are equipped with mufflers which are in good condition and appropriate for the equipment;
 - Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; and
 - Construct sound walls or other noise reduction measures prior to developing the project site.

GEOLOGY, SOILS, AND SEISMICITY

- 4.9-A In order to provide information to the public about earthquake hazards, faults and soil conditions, maps and explanations of these conditions shall be included in the Draft General Plan.
- 4.9-B Grading plans for subdivisions and large scale commercial and industrial developments shall include an approved drainage and erosion control plan to minimize the impacts from erosion and sedimentation during grading. This plan should conform to all standards adopted by the City of Gilroy. This plan should include measures such as (a) restricting grading to the dry season; (b) protecting all finished graded slopes from erosion; (c) protecting downstream storm drainage inlets from sedimentation; and (d) use of silt fencing to retain sediment in the project site. Site-specific erosion and sediment control measures shall be based on recommendations of the Central Coast Regional Water Quality Control Board (CCRWQCB) and measures contained in the

'Start at the Source, Design guidance Manual for Storm Water Quality Protection.

- 4.9-C After construction is completed for subdivisions and large-scale developments, all active drainage channels and culverts should be inspected for accumulated sediment. If sediment accumulation has occurred, these drainage structures should be cleared of debris and sediment.
- 4.9-D As soon as grading is complete, all exposed soils shall be seeded or vegetated with a City- approved seed mix and native vegetation to ensure that soils are stabilized.

FLOOD CONTROL, DRAINAGE, AND WATER QUALITY

- 4.10-A Upon submittal of an application for any specific plan, subdivision, tentative map, or other discretionary approval for development of the 664 acres of land proposed for inclusion in the 20-year growth boundary, the project applicant shall prepare, and submit, to the SCVWD and the City of Gilroy a detailed Flood Management and Mitigation Plan (FMMP) that includes, at a minimum, the recommendations in the Schaaf & Wheeler FMP (February 12, 2001). The FMMP shall be approved by the SCVWD and the City prior to filing of the Final Map. The FMMP shall include the following, at a minimum:
 - Relocation or elimination of the floodway to enable development to occur outside of any designated floodway;
 - Construction of a detention facility will provide storage for the project's surface runoff. The project shall be constructed to drain to the detention basin via an underground storm drain system, and the runoff shall be stored in the detention basin to be released at a rate that would not change the peak discharge in Llagas Creek; and
 - The slope of the floodway channel shall be flattened, to mitigate the increase in peak discharge to Llagas Creek and reduce overbank velocity. Two 3-foot drop structures shall be constructed which will make up for the reduction in fall associated with the flatter slope of the channel. The mitigation plan for the project shall also include local erosion protection for the Ronan Channel to protect the banks and channel bottom against the high velocities of the floodway flows in the areas where they enter the channel.
- 4.10-B Any future development that increases runoff should be evaluated by a site-specific or area-wide hydraulic analysis to ensure that the capacity requirements of drainage improvements are adequate and that post-development flow rates do not exceed pre- development levels. Any development creating runoff beyond the capacity of planned drainage improvements should be required to upgrade those improvements as a requirement or a condition of approval, subject to the review and approval of the City.
- 4.10-C To reduce impacts to a less-than-significant level, one of the following measures shall be implemented:

- The City shall obtain a municipal storm water National Pollutant Discharge Elimination System (NPDES) permit and prepare a Municipal Storm Water Pollution Prevention Plan as part of that permit approval.
- or -
- On a project-specific basis, post-construction water quality mitigation shall be implemented to prevent significant impacts of sedimentation and urban runoff based on recommendations by the Regional Water Quality Control Board. Guidance for appropriate measures is contained in the "Start at the Source, Design Guidance Manual for Storm Water Quality Protection, prepared for the Bay Area Stormwater Management Agencies Association."

BIOLOGICAL RESOURCES

4.12-A Implementing Actions in the General Plan should be expanded to provide more specific guidelines for creek easements or setbacks, to clarify protected habitats, and to require or encourage exotic invasive plant removal and use of drought resistant, native and non-invasive exotic ornamental species on City property and for proposed new developments. To strengthen existing policies and implementing actions, the following additions or changes are recommended so that impacts due to habitat loss are reduced to a less-than-significant level:

- Action 20.B Habitat and Urban Streams/Creek Protection - Require development along creeks to be set back from the entire floodway¹ of the creek. Require development along Uvas Creek and the main branch of Llagas Creek to be set back either the entire area of the floodway or 250 feet on either side of the creek centerline, whichever is greater. Note: This action could also use a buffer identified as 50 - 100 feet from the top of the bank or edge of the riparian corridor, stretching outward, whichever is greater. Alternatively, setbacks for individual developments can be established through conditions developed during the regulatory permitting process with the trustee or resource agencies. Development of the buffer policy shall also create an exception or variance process for those situations where strict imposition of the standard would be reasonably infeasible.
- Require development along tributary creeks to be set back from the entire designated floodway of the creek. Setbacks required should allow

¹ A FEMA designated floodway is the portion of the floodplain that is to be reserved for the passage of flood flows. The floodway is where the flood waters are likely to be the deepest and fastest. The floodway should be kept free from obstruction to allow the floodwaters to move downstream. Developing (e.g., placing fill or buildings) within the floodway requires approval from the community that has jurisdiction over land use decisions in the floodplain. For clarification purposes, the floodplain is the area inundated during a 100-year flood (a flood that has a 1-percent chance of being equaled or exceeded in any given year), and therefore, is sometimes referred to as the "100-year floodplain." For example, within the Llagas Creek Overflow floodplain, there exists the Llagas Creek Overflow floodway (as shown on the Flood Boundary and Floodway Map (FBFM) for Santa Clara County, dated August 2, 1982), which is a 650 foot-wide swath of land extending from Leavesley Road to the Ronan Channel.

adequate room for trails and access on both sides of the creek. The Santa Clara Valley Water District shall be consulted regarding the determination of creek setbacks and buffers to ensure that they will accommodate the restoration of riparian habitat, trails, flood control access, and the protection of riparian habitat. Determination of actual layout and size of these creekside linear parks is recommended for further study which could be addressed in the City's Parks and Recreation Master Plan.

- Setback land could be dedicated to the City by the subdivider/developer or the City could purchase an easement over the setback area.
- Action 20.C Habitat Protection Ordinance - revise to include creeks, native grasslands, oak woodlands and native riparian communities.
- Revise the City Street Tree Ordinance and Landscape Policy to include specific lists and landscape guidelines emphasizing native species for use in special habitat areas; i.e., riparian corridors and hillside areas.
- When developing new projects, eliminate exotic invasive pest plants to the extent feasible and practical. Promote use of native plants and non-invasive exotics in landscape plans for new development.

4.12-B To strengthen existing policies and implementing actions and further reduce the potential impact to special status species to a less-than-significant level, the following additions or changes are recommended:

- Action 20.D - Revise to include consultation with National Marine Fisheries Service and the U.S. Fish & Wildlife Service for developments that may impact listed species, and include appropriate mitigation measures for other special status plant and wildlife species regulated by California Department of Fish & Game that are known to or may potentially occur within the Gilroy Planning Area. Standardized or general mitigation measures for specific special status species can be accessed through the appropriate agencies.
- Prior to construction of a proposed project within the planning area where special status species may be impacted, the appropriate jurisdiction shall require preparation of a biological assessment to determine the presence/absence of any special-status plant or wildlife species. If special-status species are known to occur or have the potential to occur, appropriate resource agency contacts shall be made and mitigation developed in consultation with a qualified biologist and the resource agencies.
- If initial biological assessments for a proposed project determine the presence or potential presence of a state or federally listed species on the site, the project applicant shall consult with the CDFG or USFWS, respectively, for guidance on whether or not the project can avoid impacts to the species. The project shall avoid impacts through re-design wherever possible. If impacts cannot be avoided, the project shall

incorporate mitigation to reduce impacts to the extent possible based on consultation with a qualified biologist and the resource agencies.

4.12-C To strengthen existing policies and implementing actions and further reduce the potential impact to wetlands and riparian habitat to a less-than-significant level, the following additions or changes are recommended:

- Require wetland delineation studies of proposed projects, including City-initiated projects, that may affect potential jurisdictional wetlands.
- Future development should avoid substantial adverse impacts on emergent wetland habitats. Unavoidable impacts to these habitats should be mitigated at a 3:1 ratio or as determined in consultation with the appropriate resource agencies. Any developments along Uvas and Llagas Creeks should include an appropriate setback or buffer from the top of the creek bank and planting of native riparian species within disturbed or non-native areas of this buffer. In addition, project-specific biological surveys shall be undertaken along natural tributaries to Uvas and Llagas Creeks to determine if setbacks or buffers are warranted for projects along other natural creeks.

4.12-D To strengthen existing policies and implementing actions and further reduce the potential cumulative impact to wetlands and riparian habitat to a less-than-significant level, the following additions or changes are recommended:

- The City of Gilroy should continue to work with Santa Clara County and the Santa Clara Valley Water District to enhance the Uvas Creek riparian corridor for fish and wildlife including the removal of arundo, or giant reed, and other invasive exotics and replacement with native riparian species and enhancement efforts to help protect and recover native steelhead populations. In addition, based on the comments received from the Santa Clara Valley Water District, Llagas Creek and the tributaries of Uvas and Llagas Creeks shall be afforded similar protections.

VISUAL QUALITY AND AESTHETICS

4.13-A The City may require a solar shade analysis for the proposed development projects involving more than two stories in the Downtown area.

CULTURAL RESOURCES

4.14-A In areas identified as archaeologically sensitive: A comprehensive cultural resource evaluation would be required at the time specific development projects are proposed. Unsurveyed areas would require a thorough field inspection to identify potential historic and prehistoric resources. After specific cultural surveys have been conducted, appropriate plans for evaluation and mitigation of impacted resources would be completed as necessary. The City shall exercise discretion in requiring project applicants to perform one or all of the following:

- Planning construction to avoid archaeological sites.

- "Capping" or covering the archaeological site with a layer of soil prior to construction. Capping may be used where serious soil compaction will not occur; the covering materials are not chemically active; and the site has been recorded.
- Deeding the archaeological sites into permanent conservation easements.

HAZARDOUS MATERIALS

- 4.15-A The City, in conjunction with the California Department of Conservation, shall initiate the preparation of a map generally showing the locations within the City that possess soils or rock material with the potential to contain naturally-occurring asbestos for use by the Community Development Department in their review of proposed projects. A registered soils engineer shall evaluate proposed projects within areas on this map for impacts due to naturally-occurring asbestos, and develop and implement appropriate mitigation, if necessary.
- 4.15-B Conduct well and ditch tailwater tests to determine the presence of "Category 1" (highly bioaccumulative or toxic) herbicides and pesticides and triazide herbicides as well as other chemicals that have the potential to pollute the groundwater and pose health risks. The list of suspected and confirmed chemicals that could leach into and pollute groundwater is provided by Title 3, Division 6, Section 6800(b) of the State Code of Regulations.
- 4.15-C If any "Category 1" or other chemicals that can pollute the groundwater as defined in Mitigation 4.15-A are found, conduct a health risk assessment to determine if people will be exposed to hazardous levels of contaminants.
- 4.15-D If the health risk indicates that additional mitigation measures are needed to prevent continued groundwater contamination, bioremediation with the use of appropriate bacteria, or other appropriate technology as approved by the relevant resource agency, should be carried out.
- 4.15-E Provide a densely landscaped fence around the perimeter of the property to prevent residents and domestic pets from trespassing on adjoining farms, and to reduce some of the potential for chemical wind drift.
- 4.15-F Provide a 100-300 feet buffer strip between the agricultural farmlands (unless they are organic operations) and the residentially zoned land.
- 4.15-G Project sponsors should provide a densely landscaped fence around the perimeter of the property to prevent residents and domestic pets from trespassing on adjoining farms, and to reduce some of the potential for chemical wind drift.
- 4.15-H Potential home buyers shall be informed of the agricultural-related hazards that may arise. The county shall enforce this ordinance and should ensure that proper farming operations are occurring to minimize these problems. These include, for instance, prohibition of spraying on windy days, and

posting notices on fields that have been sprayed indicating when the field can be safely re-entered.