

# THRESHOLDS OF SIGNIFICANCE

Final

PREPARED FOR

City of Gilroy

Adopted May 3, 2004 by the Gilroy City Council

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# Introduction

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## Background

### ***California Environmental Quality Act (CEQA)***

The California Environmental Quality Act (CEQA)<sup>1</sup> requires state, local, and other agencies to evaluate the environmental implications of their actions. CEQA further aims to prevent environmental effects of the agency actions by requiring agencies to avoid or reduce, when feasible, the significance environmental impacts of their decisions.

Agencies are informed of the environmental implications of their actions through preparation of initial studies and environmental impact reports. Environmental impacts that are considered “significant” require adoption of measures to mitigate impacts to less than significant, or insignificant, levels.

What is the definition of a “significant” impact? CEQA section 21068 defines a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” The CEQA Guidelines section 15382 defines “significant effect of the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

### ***Thresholds of Significance***

How does an agency know if a particular environmental impact is significant, and therefore requires mitigation? When an impact reaches a quantitative or qualitative threshold, the impact is considered significant. “Threshold of significant” can be defined as “a quantitative or qualitative standard, or set of criteria, pursuant to which the significance of a given environmental effect may be determined.”

CEQA Guidelines section 15064.7, Thresholds of Significance, states:

- (a) Each public agency is *encouraged* (emphasis added) to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and

compliance with which means the effect normally will be determined to be less than significant.

(b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

The City of Gilroy has developed and adopted local thresholds of significance, as encouraged by the CEQA Guidelines. In accordance with CEQA Guidelines section 15022, the City has adopted their own procedures implementing the State CEQA Guidelines. These implementing procedures are included as [Appendix A](#). These thresholds of significance are adopted as part of these implementing procedures.

### ***City's History for Determining Significance***

The City of Gilroy has historically used the same methodology for determining significant impacts as nearly every other public agency subject to CEQA. According to the Governor's Office of Planning and Research (OPR), very few public agencies have adopted thresholds of significance.<sup>2</sup>

The City Planning Division and their consultants use thresholds gathered from a variety of places including, but not limited to, general plan policies, ordinances, other agencies' thresholds, and industry "standards". Because the City had not previously adopted thresholds, and several individuals and consulting firms prepare environmental documents for the City, the determination of significant impacts had not always been consistent.

## **Purpose and Considerations**

### ***Purpose***

Although not required by CEQA, adopting thresholds of significance can provide the following benefits:

- Ensure significance determinations will be made on a consistent and objective basis;
- Promote efficiency and predictability in the initial study process; and
- Benefit decision makers, property owners, developers, contractors, City staff, and environmental consultants by communicating and clearing up confusion.

A threshold provides a rational basis for significance determinations. This complies with CEQA Guidelines section 15064 that requires that a lead agency determination of significance be “based to the extent possible on scientific and factual data.”

## **Considerations**

The following was considered in developing thresholds of significance.

- Threshold potential was investigated for all questions in the City of Gilroy initial study, focusing on the specific areas of study identified in the request for proposals: conversion of prime farmland, traffic impacts, noise impacts and secondary impacts associated with sound wall construction, potential parking impacts focusing on the downtown, and fire response time for proposed development at the urban edges of the City.

Each threshold contains a brief definition of the potential effect, reasons for significance, threshold criteria for significance, geographic scope of the criteria (if applicable), references to the acts or data upon which the criteria are based, and a menu of standardized mitigation measures, flexible enough to be tailored to individual projects. Thresholds are quantitative rather than qualitative wherever reasonably possible.

- Thresholds adopted for every question in the initial study checklist may not be feasible, as clear thresholds may not exist for every issue.
- Thresholds adopted by regional agencies (Santa Clara Valley Water District, Bay Area Air Quality Management District, Santa Clara County Agricultural Commissioner, etc.), state agencies (California Department of Fish and Game, Caltrans, etc.), and federal agencies (US Fish and Wildlife Service, US Army Corps of Engineers, etc.) *may* be appropriate for adoption on a local level.
- Thresholds must be consistent with the *Gilroy General Plan*.
- Thresholds will be reviewed as necessary to determine if revisions are necessary based upon changes in City policies, regional agencies' policies, state policies, or changes in the environment, which may cause a change in the way a resource is analyzed.
- Thresholds should be viewed as guidelines in determining the significance of an impact. Even if an effect is determined to be less than significant because it falls below a threshold, the project could have a significant effect on the environment, if a fair argument to the contrary is presented (CEQA Guidelines section 15064).

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<sup>1</sup> Public Resources Code, Division 13, Sections 21000—21177, as amended December 1998.

<sup>2</sup> CEQA Technical Advice Series “Thresholds of Significance: Criteria for Defining Environmental Significance”, Governor’s Office of Planning and Research, September 1994; and Consultant’s telephone conversation with Katie Shulte-Jung at OPR in June 2002.

## THRESHOLDS OF SIGNIFICANCE CITY OF GILROY

Environmental Issue	Threshold
<b>1. Aesthetics.</b> Would the project:	
a. Have a substantial adverse effect on a scenic vista or degrade the existing visual character in the Hecker Pass Specific Plan Area (GP Policy 1.07) or the hillside areas (GP Policy 1.16, GP Policy 12.04)?	Inconsistencies with the development controls and design standards identified in the General Plan, page 3-39.
b. Substantially damage scenic resources viewed from Hecker Pass Highway, Santa Teresa Boulevard, and Pacheco Pass Highway (GP Policy 6.01, GP Policy 12.04)?	Non-compliance with State Scenic Highway Standards.
c. Substantially damage scenic resources viewed from Uvas Park Drive or Miller Avenue from First Street to Mesa Road (GP Policy 6.02)?	Lack of landscape and design requirements consistent with City ordinances, policies, etc.
d. Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101 (GP Policy 6.03, Action 1-H)?	Lack of sufficient landscape screening and protection of existing views.



Environmental Issue	Threshold
<b>1. Aesthetics.</b> Would the project:	
e. Result in unattractive entrances at the principal gateways to the City (north and south Monterey Street, Highway 152/Hecker Pass Highway, Highway 152/Pacheco Pass, north and south Santa Teresa Boulevard, and at the Highway 101 interchanges at Masten, Buena Vista, Leavesley, and Tenth Street) (GP Policy 1.10 and Action 1-H)?	Lack of sufficiently landscape entrances with landscaped medians, indicating civic pride and a concern for civic beauty.
f. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Non-compliance with GP Policies 19.13, 19.14, 19.15, and GP Action 19.G and the City’s adopted Lighting Standards that address minimizing light and glare impacts.
g. Include or require a wall or fence higher than seven feet above the existing grade at the property line?	Wall or fence greater than seven feet in height measured from the finished grade on the higher side of the fence, or as allowed by the Gilroy Zoning Ordinance, Section 34.

**Standardized Mitigation Measures**

- a. Design the project to be consistent with the development controls and design standards identified in the *Gilroy General Plan*, page 3-39.
- b. Comply with State Scenic Highway Standards. *Guidelines for the Official Designation of Scenic Highways*, California Department of Transportation, March 1996, is included as [Appendix B](#).
- c-e. Setbacks, landscaping, and design features appropriate to substantially preserve the views.
- f. Comply with applicable *Gilroy General Plan* policies and actions and with the City’s Lighting Standards.
- g. Project redesign that may include setbacks and other measures to ensure that a sound attenuation feature of no higher than seven feet is required. All sound attenuation features require landscaping consistent with the City’s Consolidated Landscaping Policy.

Environmental Issue	Threshold
<p><b>2. Agricultural Resources.</b> Would the project:</p> <p>a. Convert prime farmland or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to an urban use (projects requiring a legislative act, such as zoning changes, annexation to the City, urban service area amendments, etc)?</p>	<p><b>No Impact.</b> The project site does not contain prime farmland or farmland of statewide importance.</p> <p><b>Less than Significant.</b> Project site is less than 10 acres of prime farmland or less than 40 acres of farmland of statewide importance. The project site must also be within the Urban Service Area and the 20-year boundary of the general plan.</p> <p><i>Reference: The California Land Conservation Act (Williamson Act) California Government Code section 51222 states, "...agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land."</i></p> <p><b>Less than Significant.</b> Project site is 10 acres or greater of prime farmland or 40 acres or greater of farmland of statewide importance and has a LESA model score (see reference below) in the less than significant range.</p> <p><b>Significant.</b> Project site is 10 acres or greater of prime farmland or 40 acres or greater of farmland of statewide importance and has a LESA model score (see reference below) in the significant range.</p> <p><i>Reference: According to the California Department of Conservation, loss of prime farmland or farmland of statewide importance with a Land Evaluation and Site Assessment (LESA) score of 80 to 100 points is considered a significant adverse impact. The loss of agricultural land with a LESA score of between 60 and 79 is considered significant if either the Land Evaluation or the Site Assessment subcategories have scores of 20 or better. The loss of agricultural land with a LESA score of between 40 and 59 is considered significant if both the Land Evaluation and the Site Assessment subcategories have scores of 20 or better.</i></p> <p><i>Reference: City of Gilroy General Plan EIR Mitigation Measure 4.4-A</i></p>

Environmental Issue	Threshold
<p><b>2. Agricultural Resources.</b> Would the project:</p>	
<p>b. Conflict with a Williamson Act contract?</p>	<p><b>No Impact.</b> Property is not in a Williamson Act contract, or the property is in a Williamson Act contract and the contract will expire prior to approval of the project, or a tentative cancellation has been approved, prior to filing the application.</p> <p><b>Less than Significant.</b> Property is in a Williamson Act contract that has three years or less left on a contract for which a notice of non-renewal was filed. The project site must also be within the Urban Service Area and the 20-year boundary of the general plan for the impact to be considered less than significant. (Three years is measured from the publication date of the EIR notice of preparation or from the commencement of environmental analysis. [State CEQA Guidelines section 15125])</p> <p><b>Significant.</b> Property is in a Williamson Act contract and does not satisfy the above criteria for No Impact or Less than Significant Impact.</p>
<p>c. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?</p>	<p>Incompatible land use determined on a project-by-project basis. Examples include residential uses, schools, and any other use sensitive to the impacts (noise, dust, pesticides, etc.) associated with adjacent agricultural operations.</p>

**Standardized Mitigation Measures**

- a. The applicant shall participate in the City of Gilroy’s Conservation and Open Space Easement Program, consistent with *City of Gilroy General Plan EIR* Mitigation Measure 4.4-A.
- b. The applicant shall participate in the City of Gilroy’s Conservation and Open Space Easement Program, consistent with *City of Gilroy General Plan EIR* Mitigation Measure 4.4-A. The degree of participation will be determined by the City of Gilroy on a project-by-project basis, and will depend upon the size of the parcel(s) in Williamson Act contract and the length of the contract term.
- c. Where land use compatibility impacts exist, open space buffer shall be established between future residential uses and existing agricultural operations, consistent with *City of Gilroy General Plan EIR* Mitigation Measure 4.4-C.

Environmental Issue	Threshold
<p><b>3. Air Quality.</b> Would the project:</p>	
<p>a. Conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP)?</p>	<p>Conflicts with CAP. Note: The GP EIR concluded that the GP was not consistent with the CAP, and a statement of overriding considerations was adopted.</p>
<p>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? BAAQMD indicates that any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.</p> <p>Note: Use project screening method, BAAQMD CEQA Guidelines Table 6, page 25, to determine if air quality modeling would be necessary.</p>	<p><i>Operational impacts</i> (BAAQMD CEQA Guidelines page 15):</p> <ul style="list-style-type: none"> <li>• ROG, NO<sub>x</sub>, and PM<sub>10</sub> — 80 lbs per day</li> <li>• CO — 550 lbs per day, or project traffic would impact intersections or roadway links operating at LOS D, E, or F, or would cause LOS to decline to D, E, or F, or project traffic would increase traffic volumes on nearby roadways by 10% or more, unless the increase in traffic volume is less than 100 vehicles per hour.</li> </ul> <p><i>Construction impacts</i> (see BAAQMD CEQA Guidelines page 12)</p> <ul style="list-style-type: none"> <li>• PM<sub>10</sub> —BAAQMD emphasizes implementation of effective and comprehensive control measures rather than detailed quantification of emissions.</li> </ul> <p><i>Plan impacts</i> (General Plan, Specific Plan, etc.): Inconsistency with CAP.</p>
<p>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?</p>	<p>Project individually has a significant air quality impact (b. above). For a project that does not individually have a significant operational air quality impact, the determination of significant cumulative impacts is based upon an evaluation of the consistency of the project with the General Plan and the General Plan with the CAP (a. above). BAAQMD CEQA Guidelines page 18.</p>

Environmental Issue	Threshold
3. <b>Air Quality.</b> Would the project:	
d. Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and PM <sub>10</sub> ), as determined in b. above?	Project or affected intersection is located in immediate vicinity of sensitive receptor and CO and PM <sub>10</sub> impacts were determined to be significant.
e. Create objectionable odors affecting a substantial number of people?	Project has the potential to frequently expose members of the public to objectionable odors.

**Standardized Mitigation Measures**

- a. No mitigation required. Reiterate conclusions and findings in the *Gilroy General Plan Final EIR*.
- b-e. A variety of mitigation measures are recommended in the BAAQMD CEQA Guidelines Chapter 4, which is included as [Appendix C](#).

Environmental Issue	Threshold
<b>4. Biological Resources.</b> Would the project:	
<p>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>	<p>Project has the potential to result in a “taking” of a species listed, or proposed for listing, or a candidate for listing under the state and/or federal Endangered Species Act, or protected by the Migratory Bird Treaty Act, or otherwise considered to have a special status in local plans, or to substantially modify the habitat for such species.</p> <p>There are many areas in the City where disruption would not create a significant impact on special-status species or other biological resources. Examples of areas where impacts are presumed to be insignificant include:</p> <ul style="list-style-type: none"> <li>• small acreages (i.e., less than 5 acres) of non-native grassland if wildlife values are low (i.e., potential burrowing owl habitat is absent)</li> <li>• individuals or stands of non-native trees if not used by important animal species, such as raptors or other nesting migratory birds</li> <li>• areas of historical disturbance, such as intensive agriculture</li> <li>• small pockets of habitats already significantly fragmented or isolated, and degraded or disturbed</li> <li>• areas of primarily ruderal vegetation resulting from pre-existing man-made disturbance</li> </ul>

Environmental Issue	Threshold
<p>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>	<p><u>Riparian Habitat</u></p> <p>Project has the potential to adversely affect riparian habitat in the following ways:</p> <ul style="list-style-type: none"> <li>• direct removal of riparian vegetation</li> <li>• disruption of riparian wildlife habitat, particularly animal dispersal corridors and/or understory vegetation</li> <li>• intrusion within the upland edge of the riparian canopy (generally within 50 feet in urbanized areas and within 100 feet in rural areas and along major rivers), leading to potential disruption or animal migration, breeding, etc. through increased noise, light and glare, and human and domestic animal intrusion</li> <li>• disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (i.e., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential</li> <li>• construction activity that disrupts critical time periods (nesting, breeding) for fish and other wildlife species.</li> </ul>

Environmental Issue	Threshold
b. continued...	<p><u>Native grassland</u></p> <p>Removal or severe disturbance to native grassland, 1/4 acre or greater, would be considered significant. Removal or severe disturbance to a patch or patches of native grassland less than 1/4 acre, which are not clearly isolated and are a part of a significant native grassland or an integral component of a larger ecosystem, would also be considered significant.</p> <p><u>Oak woodland</u></p> <p>Project-related impacts may be considered significant due to changes in habitat value and species composition, such as habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, and/or removal of a significant number of trees that would cause a break in the canopy or disruption in animal movement in and through the woodland. (Removal of individual oak trees is addressed in checklist item (e), below.)</p>



Environmental Issue	Threshold
<p>c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?</p>	<p>Project has the potential to adversely affect wetlands in the following ways:</p> <ul style="list-style-type: none"> <li>• result in a net loss of important wetland area or wetland habitat value, either through direct or indirect impacts to wetland vegetation, degradation of water quality, or threaten the continuity of wetland-dependent animal or plant species</li> <li>• substantially interrupt wildlife access, use, and dispersal in wetland areas and between contiguous habitats through riparian areas</li> <li>• diminish hydrological conditions, such as the quantity and quality of run-off, of wetland systems</li> </ul> <p>Authorization from the Corps is required in order to engage in activities that fill or otherwise alter Corps-jurisdictional areas. Authorization can be obtained through the Individual Permit process for large projects, or through the Nationwide Permit (NWP) process for projects that are of a size and extent that will result in minimal impacts to jurisdictional areas. Projects that are subject to approval of an Individual Permit would have significant adverse impacts on Corps-jurisdictional areas. Projects that are subject to approval of a NWP may or may not have significant adverse impacts on Corps-jurisdictional areas. Some NWPs identify a limit to the size and extent of wetland impacts that can occur without any authorization required from the Corps (i.e., less than 1/10 acre). Projects with this level of impact would have no significant adverse impact. Alternatively, NWPs may require compensatory mitigation for impacts over a certain size and extent. Projects requiring mitigation to qualify for a NWP would result in significant impacts to Corps-jurisdictional areas. The threshold of significance is defined by regulations of Section 404 of the Clean Water Act and the NWP program.</p>

Environmental Issue	Threshold
<p>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Project has the potential to adversely affect wildlife movement or nursery sites in the following ways:</p> <ul style="list-style-type: none"> <li>• reduce or eliminate species diversity or abundance</li> <li>• reduce or eliminate quantity or quality of nesting areas</li> <li>• limit reproductive capacity through losses of individuals or habitat</li> <li>• fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources</li> <li>• limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes)</li> <li>• interfere with natural processes, such as fire or flooding, upon which the habitat depends</li> </ul> <p>In general, any activities in or adjacent to defined wildlife movement corridors (i.e., riparian corridor, areas that are contiguous with adjacent open space areas, etc.) that could potentially disturb, restrict movement or activity, or facilitate increased predation of wildlife species would be considered a significant adverse impact. Refer to section (a) for examples of areas where impacts to wildlife movement are presumed to be insignificant.</p>

Environmental Issue	Threshold
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Project includes removal of on-site trees considered to be significant under the City of Gilroy Consolidated Landscaping Policy, Section 6.0.  For individual trees that are not considered part of a woodland or forest community. Effects on woodland habitat are addressed in checklist item (b) above.
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Any conflict could be considered significant. As of November 2002, there are no approved Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat conservation plan applicable to the City of Gilroy.

**Standardized Mitigation Measures**

Mitigation measures will vary depending upon the impact and whether or not another permitting agency will have specific permitting requirements. Measures should be recommended by a qualified biologist.

a-e. Measures would include, but not be limited to, the following:

1. Consultation with U.S. Fish and Wildlife Service, California Department of Fish and Game, and/or the National Marine Fisheries Service to determine appropriate measures;
2. Avoidance, minimization, and/or replacement of significant biotic, wetlands, or riparian resources (will include consistency with Gilroy General Plan policies 20.01 through 20.10).
3. Pre-construction surveys for significant wildlife (e.g. burrowing owls, nesting raptors, etc.)

Environmental Issue	Threshold
<p><b>5. Cultural Resources.</b> Would the project:</p>	
<p>a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?</p> <p>Note: Historical resources include, but are not limited to, a) those historically &amp; architecturally significant structures identified on the City’s Historical &amp; Cultural Resources Map (1978-79); and b) potentially any structure 50 years or older. A historic property report may be recommended for structures 50 years or older. (The State Office of Historic Preservation recommends 45 years.)</p>	<p>As identified in detail in the State CEQA Guidelines section 15064.5(b).</p>
<p>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?</p> <p>Note: Project located in archaeologically sensitive areas as identified on the City’s Historical &amp; Cultural Resources Map (1978-79) require preparation of a preliminary archaeological reconnaissance by a qualified archaeologist.</p>	<p>As identified in detail in Public Resources Code Section 21083.2.</p>
<p>c. Disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>Any disturbance of human remains.</p>

## Standardized Mitigation Measures

a-c. Where a significant impact has been identified, measures should be developed by a qualified historian or archaeologist, as appropriate.

The follow measures are standard for every project involving earth-moving activities.

1. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included on any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Gilroy Planning Division:

If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented (Gilroy General Plan Policy 5.07).

2. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e), subject to the review and approval of the City of Gilroy Planning Division:

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Environmental Issue	Threshold
<b>6. Geology and Soils.</b> Would the project:	
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<p>There are no earthquake fault zones, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, in the Gilroy Planning Area.</p> <p>For projects where there is substantial evidence of a know fault, structures proposed within 100 feet of such a fault would be considered to be subject to a significant impact.</p>
(2) Strong seismic ground shaking?	<p>Any project containing structures has the potential to be affected by seismic activity. The Gilroy Planning Area is within the highest seismic risk zone (Zone 4) designated in the Uniform Building Code. Seismic events can result in soil failure causing damage to structures, creating potentially safety hazards to humans.</p> <p>The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated. (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is require in the project.</p>
(3) Seismic-related ground failure, including liquefaction?	<p>The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated. (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is require in the project.</p>

Environmental Issue	Threshold
<b>6. Geology and Soils.</b> Would the project:	
(4) Landslides?	<p>Development on slopes greater than 10 percent may be subject to significant impacts.</p> <p>For projects proposed on slopes greater than 10 percent, a geotechnical report should be required for the environmental review process. General Plan Policy 25.11 states that slopes of 10 to 30 percent may be suitable for low intensity, low density development, subject to site-specific review and approval. Slopes greater than 30 percent, areas of high landslide risk, and area with highly expansive soils on slopes greater than 10 percent are not suitable for development and will remain in open space.</p> <p>The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is required in the project.</p>
b. Result in substantial soil erosion or the loss of topsoil?	<p>The City requires an erosion and deposition control plan for all new development detailing appropriate methods of erosion and deposition control during site development and subsequent use (General Plan Action 25.F)</p>
e. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<p>The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated. (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is required in the project.</p>

Environmental Issue	Threshold
<b>6. Geology and Soils.</b> Would the project:	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<p>Project proposed on slopes greater than 10 percent and in areas with highly expansive soils are not suitable for development (General Plan Policy 25.11).</p> <p>Otherwise, the City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is require in the project.</p>

**Standardized Mitigation Measures**

a-d. A soils, geology, or geotechnical report may be required at the discretion of City staff. The geologist or geotechnical engineer will make recommendations for mitigation measures, when appropriate.



Environmental Issue	Threshold
<b>7. Hazards and Hazardous Materials.</b> Would the project:	
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Projects that routinely transport, use, or dispose of hazardous materials.
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Projects that routinely transport, use, or dispose of hazardous materials.
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Projects located within one-quarter mile of an existing or proposed school that emit hazardous emissions or handle hazardous materials.  Projects meeting this threshold require a special study to determine the potential health impacts on school children, teachers, and faculty.
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	Project sites identified on this list.  Projects located on this list would require preparation of a special study to determine the potential hazards to the public and/or the environment. As of October 2002, there is only one site in the Gilroy Planning Area on this list. It is located at the corner of Monterey Road and Sixth Street.
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Project would impair implementation of or physically interfere with applicable plans.

Environmental Issue	Threshold
<b>7. Hazards and Hazardous Materials.</b> Would the project:	
f. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?	Projects located in an area identified in General Plan Figure 8-2 as a very high fire hazard severity zone or “mutual threat zone.”

**Standardized Mitigation Measures**

a-f. Mitigation measures would be developed consistent with the requirements of the City of Gilroy Building, Life, and Environmental Safety Division, the Santa Clara County Environmental Health Department, and the State Department of Toxic Substances Control, where appropriate.

Environmental Issue	Threshold
<p><b>8. Hydrology and Water Quality.</b> Would the project:</p>	
<p>a. Violate any water-quality standards or waste-discharge requirements?</p> <p>Note: GP Policies 22.01 through 22.10 address water quality.</p>	<p>Any violation would be significant.</p>
<p>b. Substantially deplete ground-water supplies or interfere substantially with ground-water recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted?)</p>	<p>Any project that is inconsistent with the City’s Water Master Plan.</p>
<p>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that would result in <i>substantial erosion or siltation on- or off-site?</i></p>	<p>Any alteration of a natural drainage, including small canyons and seasonal creeks (GP Policy 20.02 and GP Action 20.B).</p> <p>Lack of adequate erosion control measures (GP Policy 25.11 and GP Actions 25.E and 25.F).</p> <p>Note: Projects adjacent to a Santa Clara Valley Water District facility may require a permit from the water district.</p>
<p>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner that would result in <i>flooding on- or off-site?</i></p>	<p>Any alteration of a natural drainage, including small canyons and seasonal creeks (GP Policy 20.02 and GP Action 20.B).</p> <p>Any alteration resulting in on- or off-site flooding.</p> <p>Note: Projects adjacent to a Santa Clara Valley Water District facility may require a permit from the water district.</p>

Environmental Issue	Threshold
<b>8. Hydrology and Water Quality.</b> Would the project:	
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?	Inconsistent with the City’s Storm Water Master Plan.
f. Otherwise substantially degrade water quality?	Any project that is inconsistent with the City’s or Storm Water Management Plan.
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	Inconsistency with the City’s Flood Control Ordinance.
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	Inconsistency with the City’s Flood Control Ordinance or the Federal Emergency Management Agency (FEMA) regulations.
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	With the exception of the foothills, the entire Gilroy planning area is within one or more inundation areas for dam failure (ABAG Dam Failure Inundation Hazard Map for Gilroy, 1995). However, these dams were designed to meet special seismic design specifications and are regularly inspected and maintained by the Santa Clara Valley Water District. Therefore, the potential for the project to be inundated due to a dam failure is considered a less than significant impact.

**Standardized Mitigation Measures**

- a. Project would be required to be consistent with all applicable requirements.
- b. Provide proof of long-term water supply.
- c-e. Require consistency with applicable general plan and Santa Clara Valley Water District policies and with the City Storm Drain Master Plan.
- g/h. Require consistency with the City’s Flood Control Ordinance.

Environmental Issue	Threshold
<b>9. Land Use &amp; Planning.</b> Would the project:	
a. Physically divide an established community?	No threshold proposed. Project will be evaluated based upon the circumstances associated with the project and its surrounding environment.
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Any such conflict could be considered significant. Evaluation would be covered under environmental subject such as noise, hazards, etc.

**Standardized Mitigation Measures**

- b. Refer to other applicable sections of the checklist.

Environmental Issue	Threshold
<p><b>10. Mineral Resources.</b> Would the project:</p>	
<p>a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</p>	<p>The California Department of Conservation, Division of Mines and Geology identifies significant mineral resources (specifically alluvial deposit) in the Uvas Creek vicinity in southwestern Gilroy and west of Gilroy. Identified as Sector D, these mineral resources are classified MRZ-2, defined as, “areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.” DMG Open File Report 99-01, <i>Update of Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region</i> (2000), states that incompatible uses of land are defined as improvements of high cost such as high-density residential developments, intensive industrial developments, commercial developments, and major public facilities. Land that have compatible uses are defined as those that are nonurbanized or that have very low density residential development (1 unit per 10 acres), lands that lack high-cost improvements, and lands used for agriculture, silviculture, grazing, or open space.</p> <p>Incompatible land uses within Sector D would result in a significant adverse impact on the mineral resource.</p>

**Standardized Mitigation Measures**

- a. Mitigation measures should be developed in consultation with City staff and the Department of Conservation, Division of Mines and Geology.

Environmental Issue	Threshold
<b>11. Noise.</b> Would the project:	
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the general plan?	Exceeds permissible maximum outdoor and indoor noise levels adopted in GP Policy 26.02, Figure 8-3. This policy specifically addresses noise level increases on a project level basis. See <a href="#">Appendix D</a> for proposed policy revisions.
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels?	No threshold is proposed. Project resulting in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels would require a special study to determine the impact and recommend mitigation measures.
c. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	All construction projects have the potential to result in substantial temporary increases in noise levels. The City’s approach to mitigating construction related noise impacts is to condition General Plan EIR Mitigation Measure 4.7-B on all construction projects.

**Standardized Mitigation Measures**

- a. Mitigations should be recommended by a qualified noise consultant on a project-by-project basis. Mitigations may include, but not be limited to, building construction, project design, and earth berms or soundwalls consistent with *Gilroy General Plan* policies 26.01 through 26.07.
- b. Mitigations should be recommended by a qualified noise consultant on a project-by-project basis.
- c. All construction activities shall comply with General Plan Mitigation Measure # 4.7-B, which is presented, with revisions, as follows:

As part of normal City review and approval procedures for future projects the following measures shall be incorporated to mitigate construction noise, as determined feasible by the City Planning and Engineering divisions:

- a. 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;
- b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; and
- c. Construct sound walls or other noise reduction measures prior to developing the project site.



Environmental Issue	Threshold
<b>12 Population and Housing.</b> Would the project:	
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<p>A significant impact may occur under either of the following circumstances:</p> <p style="padding-left: 40px;">Legislative act resulting in greater densities than currently established by the General Plan; or</p> <p style="padding-left: 40px;">Extending infrastructure that may encourage growth in areas not previously planned for growth</p>
b. Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	No threshold identified. Will need to be evaluated case by case based upon existing housing circumstances.

**Standardized Mitigation Measures**

Mitigation measures should be developed on a project-by-project basis.

Environmental Issue	Threshold
<p><b>13. Public Services.</b> Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:</p>	
<p>a. Fire protection?</p>	<p>Project would require physical changes (new or altered facilities) to ensure average emergency response time of less than 5.0 minutes (General Plan Policy 18.01).</p>
<p>b. Police protection?</p>	<p>Project would require physical changes (new or altered facilities) to ensure average emergency response time of approximately 4.5 minutes (General Plan Policy 18.02).</p>
<p>c. Schools?</p>	<p>Projects are required to dedicate land and/or pay fees to offset costs of providing necessary public schools. Lack of required dedication and fees would constitute a significant impact.</p>
<p>d. Parks?</p>	<p>Projects are required to dedicate land and/or pay fees to offset providing necessary park and recreation facilities. Lack of required dedication and fees would constitute a significant impact.</p>
<p>e. Other Public Facilities?</p>	<p>Note: Recommend defining, or deleting.</p>

**Standardized Mitigation Measures**

a-e. Payment of City-wide and/or school district-wide impact fees. Large urban service area amendments, annexation, and Specific Plan areas *may* require additional mitigation measures such as the provision of land for new facilities.

**14. Transportation/Traffic**

Environmental Issue	Threshold
<p><b>14. Transportation/Traffic.</b> Would the project:</p>	
<p>a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system?</p>	<p><b>Signalized Intersections</b></p> <p>Signalized intersection Level of Service (LOS) falls from A, B, or C, to D, E, or F, except in commercial and industrial areas (as specified on the Standard Levels of Service Map, page 6-11 of the general plan) where the LOS falls from A, B, C, or D, to E or F.</p> <p>For signalized intersections already operating at unacceptable LOS D, a significant impact would occur if a project increases average delay more than 2.0 seconds.</p> <p>For signalized intersections already operating at unacceptable LOS E or F, a significant impact would occur if a project increases average delay by 1.0 second. A one second increase in delay is well within variations in delay experienced from day to day. This increase would be indiscernible by the motoring public.</p> <p>Staff will have the flexibility to determine significance when the forecasted average vehicular delay is within two seconds of the acceptable level of service standard. Determinations would be based upon size of the project, the specific intersection/road segment affected, and any extenuating circumstances.</p> <p><b>Unsignalized Intersections</b></p> <p>Same as signalized intersections. In addition, the threshold for a significant impact at an unsignalized intersection would occur if the side street level of service is E or worse and the peak hour signal warrant established in the most recent version of the Caltrans Traffic Manual is met.</p>

Environmental Issue	Threshold
<b>14. Transportation/Traffic.</b> Would the project:	
b. Exceed, either individually or cumulatively, a level of service standard established by the Santa Clara Valley Transportation Authority for designated roads or highways?	As of December 2002, the Monterey Highway/Leavesley Road intersection is the only intersection included in the CMP network. The existing SCVTA standard for this intersection is LOS D.
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	In general, the threshold for traffic conflicts associated with left and right turn vehicles shall conform with warrants for left and right turn lanes as defined <i>Guidelines for Reconstruction of Intersections</i> , Chapter V, Caltrans, August 1985.  Staff will determine significant hazards on a project-by-project basis.
d. Result in inadequate emergency access?	Insufficient emergency access per City Code or as determined by the City Engineer.
e. Result in inadequate parking capacity?	Insufficient parking capacity per City Code. Proposed Downtown Business District parking standards are included in <a href="#">Appendix E</a> . Would require an amendment to the City Code.
f. Conflict with any City of Gilroy General Plan Transportation and Circulation Element policies?	Any conflict would be considered significant.

**Standardized Mitigation Measures**

- a. Payment of City-wide traffic impact fee. Additional mitigation measures would be identified by the City traffic engineer or a qualified transportation engineering consultant on a project-by-project basis.

Environmental Issue	Threshold
<b>15. Utilities and Service Systems.</b> Would the project:	
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Exceeds requirements or potentially significant if inconsistent with City's Sewer Master Plan.
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially significant if inconsistent with City's Water Master Plan or Sewer Master Plan.
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially significant if inconsistent with City's Storm Drain Master Plan.
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Potentially significant if inconsistent with City's Water Master Plan.
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Potentially significant if inconsistent with City's Sewer Master Plan.
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs?	Potentially significant if inconsistent with the General Plan.

**Standardized Mitigation Measures**

- a. Payment of City-wide impact fees. The City Engineering Division may identify additional necessary mitigation measures on a project-by-project basis.

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