9 IMPLEMENTATION & FINANCING

9.1 INTRODUCTION

The implementation section of this chapter addresses the procedures for administering the *Specific Plan* and associated procedures for California Environmental Quality Act (CEQA) compliance. This chapter also addresses the phasing of improvements for the entire Specific Plan Area as well as methods for financing the improvements.

The *Hecker Pass Specific Plan* will be implemented through the development approval process and construction of individual projects within the Specific Plan Area. Although several financing mechanisms are available to developers of properties in the Specific Plan Area, it is anticipated that improvements will be constructed primarily with developer direct financing and partially with development impact fee reimbursements. More detailed information on specific plan financing is included in Section 9.4 of this chapter.

9.2 SUMMARY OF THE IMPLEMENTATION PROCESSES

The following implementation outline summarizes the key steps that have occurred and those that should generally be followed by the City and developers to ensure the effective and orderly implementation of the *Hecker Pass Specific Plan*.

- Certify the General Plan Update EIR and adopt the 2002-2020 General Plan.
- Award Residential Development Allocations under the 2001 RDO competition.
- Certify the Hecker Pass Specific Plan EIR and adopt the Hecker Pass Specific Plan
- Approve the *General Plan* Amendments related to the *Specific Plan*.
- Amend the Zoning Ordinance to designate the Hecker Pass Area as õHecker Pass Special Use District\Planned Unit Development (HPSUD\PUD)ö consistent with the *Hecker Pass Specific Plan*.
- Property owners/developers should execute private development agreements for RDO administration, right-of way dedications, easements, and infrastructure financing.
- Execute the *Hecker Pass Planned Residential Community RDO* Performance Agreement.
- Review and approve Tentative Subdivision Maps for individual developments (if required).



- Review and approve Planned Unit Development Architecture and Site Approval requests for individual developments.
- Review and approve improvement plans, grading plans and final subdivision maps for individual developments.

9.3 ELEMENTS OF THE IMPLEMENTATION PROCESS

- General Plan EIR Certification and General Plan Approval ó The 2002-2020 Gilroy General Plan was adopted by City Council on June 13, 2002 together with the Certification of the General Plan EIR. The 2002-2020 Gilroy General Plan establishes the goals, policies and land use designations necessary to formulate the Hecker Pass Specific Plan. With the creation of the õHecker Pass Special Use Districtö land use designation, the City mandated the preparation of a specific plan for the Hecker Pass Area. The General Plan goals and policies related to Hecker Pass establish the framework for the Specific Plan.
- <u>2001 Residential Development Ordinance (RDO) Competition</u> To ensure the comprehensive planning of the Hecker Pass Area and the systematic phasing of infrastructure, the City Council Awarded 427 RDOøs over a 6-year period from 2007-2012.
- Private Development Agreements Participating property owners within the Specific Plan Area will enter into a private development agreement to establish the administration and distribution of RDO allocations as well as the terms and conditions for their use in the *Specific Plan* and to insure predictable and equitable allocation of costs of basic and shared infrastructure, reimbursements of improvement costs benefiting other properties, and provisions for reciprocal and mutually benefiting right-of-way dedications and grants of easements for public and private infrastructure.
- Specific Plan EIR Certification 6 The Hecker Pass Specific Plan EIR was certified on January 18, 2005 by the City Council. The project EIR analyzed potential environmental impacts and established mitigation measures for the Specific Plan.
- <u>Specific Plan Adoption</u> ó After review and consideration of the *Hecker Pass Specific Plan*, its goals, policies and standards, and its conformance with the goals and policies of the *General Plan*, the City Council adopted the *Hecker Pass Specific Plan* on January 18, 2005.
- <u>RDO Performance Agreement</u> ó After allocation of RDOøs and approval of the *Specific Plan*, the City of Gilroy and the Hecker Pass property owners group will execute an RDO Performance Agreement for the *Hecker Pass Planned Rural Community*. The agreement will specify the number of allocations and the years in which they are to be used.
- Rezoning 6 In order to implement the goals and policies of the *Hecker Pass Specific Plan*, the City approved a rezoning request for the entire Specific Plan Area on February 7, 2005. The rezoning changed the Specific Plan Area to õHecker Pass Special Use District/Planned Unit Development (HPSUD\PUD)ö. Subsequent PUD and Architecture and Site rezonings may be required for individual projects. Other developments may only require Architecture and Site approval. All development requests must be consistent with the *Specific Plan*.



- Tentative Subdivision Map ó Any development proposals requiring division of property will require the filing of a tentative map and review and approval of the City. Tentative maps must be consistent with the goals, policies and standards set forth in the *Specific Plan*. All subdivisions within the Hecker Pass Special Use District will be governed by the State Subdivision Map Act (Government Code Sections 66410-66499.58) as well as City standards and policies not included in the *Specific Plan*.
- Architecture and Site Approval (ASA) ó All Architecture and Site approvals shall be consistent with the goals and policies of the *Specific Plan* and shall implement the Community Design Guidelines set forth in the *Specific Plan*. Architectural and Site Approval shall be required for all development within the Hecker Pass Area and shall be subject to review and approval of the City staff, Planning Commission and City Council. Applications shall provide a site development plan, architectural design drawings, landscaping plans and any other information deemed necessary by the Planning Division.
- Conditional Use Permit Conditional uses under each of the land use categories within the Hecker Pass Specific Plan Area shall submit an application to the City of Gilroy for review by City staff and the Planning Commission. The Planning Commission shall review and discuss the application and approve the issuance of the Conditional Use Permit if the proposed use is located appropriately within the context of the Specific Plan, the community as a whole, adjacent uses, the surrounding circulation pattern, and nearby service facilities. Approval shall also be contingent upon the proposed use complying with all of the required conditions of that use. Conditional uses that adversely affect neighboring properties or that may cause nuisance to any person or property shall not be approved.
- <u>Improvement Plans</u> ó In order to construct improvements required for the implementation of the *Specific Plan*, developers must submit improvement plans for City review and approval. Improvement plans should include detailed engineered grading, street improvement and utilities plans that meet City requirements. Improvement plans should include infrastructure phasing plans when multiple phases are proposed or when off-siteo improvements are required. All improvement plans shall comply with the requirements of the *Specific Plan* and other City standards not included in the *Specific Plan*.
- Final Subdivision Mapsó All projects with approved tentative maps must submit final subdivision maps to the City Engineer for review and approval. Final maps must be consistent with the tentative map, must include all information required by the Gilroy City Code sections 21.42-21.92, and will be governed by the Subdivision Map Act (Government Code Sections 66410-66499.58). Once submitted, all City departments shall report in writing to the City Engineer whether the final map is in compliance or noncompliance with the laws of that department and shall provide a statement of changes necessary to comply with such laws. If required, after checking the map for completeness, correctness, and compliance with the tentative map, the City Engineer will present the map to the City Council for approval. Once approved, the developer shall submit the map to the County Surveyor or County Engineer for recording. The final map must be submitted and recorded within 60 days after all required signatures have been obtained or the map must be returned



to the City Engineer and retained by the City Engineer until the developer is ready to record the map immediately. Final maps must be recorded prior to the expiration of the tentative map or ofthe developer will be required to start the tentative map process again, the final map may be declared null and void and the developer may be required to prepare a new map.ö (Gilroy City Code, Sec. 21.51.1, 272).

9.4 FINANCING – INTRODUCTION

The financing section of this chapter is designed to provide flexibility for developments within a well-defined framework of cost allocations and funding mechanisms. The financing section identifies the basic infrastructure required to sustain the proposed uses within the Specific Plan Area and the costs allocated to the individual properties (basic infrastructure costs). This approach will allow for financial planning of phased development and cost reimbursement between property owners for shared improvements. Although some infrastructure costs may be reimbursable by the City, the majority of costs will be borne by private developers. Participating property owners within the Specific Plan Area will enter into a private development agreement to ensure predictable and equitable allocation of costs of basic infrastructure and reimbursements of improvement costs benefiting other properties. This chapter establishes policies and procedures that will allow the phasing of development and flexibility of financing mechanisms for property developers.

9.5 FINANCING OVERVIEW

The *Specific Plan* provides for the incremental improvement of infrastructure required to serve new development in the Specific Plan Area. The improvements will generally be phased to serve the minimum number of dwelling units required to fund the basic infrastructure for the Specific Plan Area.

A number of financing mechanisms may be used to fund basic infrastructure required for the *Specific Plan*. The ultimate type of financing mechanisms will be determined by property developers based on final technical analyses of costs, financing requirements, duration of funding, reimbursement requirements, absorption rates and market strategies.

This section describes the key features of the funding mechanisms available to Specific Plan Area developers. The mechanisms discussed in this section fall into four distinct categories:

- Cost sharing of privately funded infrastructure;
- Citywide Sources- Impact Fees, Connection Fees;
- Assessment and Special Tax Secured Financing Special Assessment Districts, Mello-Roos Community Facilities Districts, Landscape and Lighting Maintenance Districts (See Section 9.7); and
- Area-Specific Fees, Dedications and Exactions Area of Benefit Fees, Development Impact Fees, Dedications and Exactions.



As discussed earlier in this chapter, it is likely that most improvements will be directly financed by developers of the properties through a variety of mechanisms including:

- Cost allocations or assessments for basic infrastructure benefiting all participating properties;
- Proportionate cost sharing for mutually benefiting adjacent properties; and
- Project direct costs associated with individual projects.

In order to facilitate these financing mechanisms, participating property owners will enter into a private development agreement to ensure the equitable allocation and reimbursement of costs for basic infrastructure.

<u>Basic Infrastructure Costs</u> - Basic infrastructure consists of those improvements that directly benefit all of the participating Specific Plan Area properties. Portions of the basic infrastructure will be constructed as each phase of the Specific Plan Area is developed. Costs for the improvements will be allocated to each development based on the types of proposed land uses and the intensity. In order to equitably distribute the improvement costs, the *Specific Plan* establishes a methodology for weighing different land uses and associated costs. Each type of land use was evaluated based upon demand and use factors for various types of infrastructure including trip generation rates, storm drainage, sanitary sewer demands, and water consumption and irrigation requirements.

Based upon these weighted land use factors, each type of dwelling unit was allocated a õunit costö proportionate to its õuse/demandö factor. For commercial land uses, an equivalent unit per acre cost was established. Cost burdens on some of the proposed commercial uses suggest that these land uses may not be able to bear their fair share of the basic infrastructure costs. The relatively high cost burdens on commercial uses result largely from the significant allocation of roadway and utilities costs to these uses. Even though the use/demand factors for the higher intensity commercial uses and residential uses are roughly comparable, the majority of the allowable commercial uses have much lower use/demand factors. Because the Specific Plan requires a relatively high amount of infrastructure compared to the low overall density, the commercial uses would have to bear higher improvement costs than comparable urban commercial uses. Additionally, Agri-tourist and Agricultural Commercial uses in the Specific Plan Area must not exceed 25% building coverage (10% within the Agri-tourist overlay designation) resulting in a minimum of 75% non-structural area (90% in the Agri-tourist overlay designation), thus increasing the relative cost of improvements. Compounding this situation is the relatively high risk and failure rate for tourism dependent businesses in uncertain markets. Since the Agriculture Commercial and Agri-Tourist Commercial uses are key components for implementing the goals of the General Plan, it is desirable to create special provisions to compensate for the cost burdens on the commercial uses.

Based on the use/demand factors for all permitted commercial uses in the Specific Plan Area, Equivalent Cost Units (ECU¢s) ranged generally from 5 to 7 units per acre depending on the type of use. To compensate for the infrastructure cost burden on commercial and quasi-public uses, the ECU rate was set at 3 ECU per acre on commercial uses and 1.5 ECU per acre on quasi-



public uses. The residual infrastructure costs for the commercial uses and quasi-public uses are shifted to the residential uses. Residential uses are considered able to absorb the additional infrastructure costs since residential use accounts for nearly 95% of the equivalent units in the Specific Plan Area. Simply put, residential uses within the Specific Plan Area are expected to subsidize the commercial uses in order to maximize their potential feasibility.

The total basic infrastructure cost for the *Specific Plan* is approximately \$10-12 million. These costs are in addition to those typically borne by projects of the size and magnitude of the *Hecker Pass Specific Plan*.

The *Hecker Pass Specific Pla*n offers substantial amenities and improvements of value to the City of Gilroy including:

- Abundant open space areas that include a combination of natural open space, agricultural areas, Uvas Creek Park Preserve, private open space, and private open space with public access;
- An extensive trail system for walking and bicycling;
- Comprehensive architectural and site design guidelines;
- Specially designed street sections that are not only sensitive to the rural character of the area, but provide separated pathways that are pedestrian and bicycle friendly;
- A mixture of housing types that encourage a diverse community;
- A newly created Agri-Tourist Commercial land use designation that will add to the rural feel of the area and attract tourists:
- A recycled water distribution system; and
- A safer access point to the Municipal Gilroy Golf Course.

<u>Shared Improvement Costs</u> - Shared improvements are those that directly benefit adjacent properties. An example of shared improvements would be a roadway together with its associated trails and utilities that runs between two properties. Each benefiting property would pay its proportionate share of costs based upon property frontage or some other equitable factor. Should one property develop before other benefiting properties, the provider of shared infrastructure will be entitled to reimbursement of costs.

<u>Project Direct Costs</u> 6 Project direct costs are those required for development of individual projects, financed directly by the project developer and not subject to reimbursement by other properties.

9.6 SPECIFIC PLAN PHASING

Phasing of the *Hecker Pass Specific Plan* must be carefully coordinated to not only ensure a comprehensive and efficient build-out, but to also allow for the financially feasible sequencing of infrastructure improvements. Compared to other areas in Gilroy, the Hecker Pass Area will require more infrastructure per residential unit or commercial acre due to the relatively low density and intensity of uses. Additionally, because the various uses in the Specific Plan Area are separated by large open spaces and spread out over such a large area, longer stretches of



infrastructure are required to reach each use. In order to provide adequate traffic circulation and public utilities for future uses, improvement phasing will require the bulk of the infrastructure to be constructed with the initial phases of development (see Figure 9-1 and Figure 9-2 - Conceptual Development Phasing Plan).

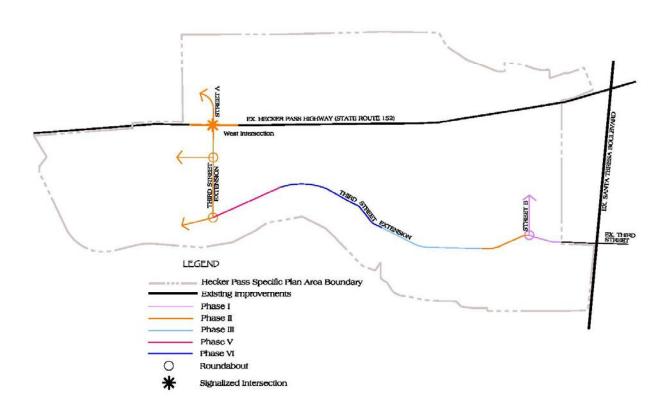
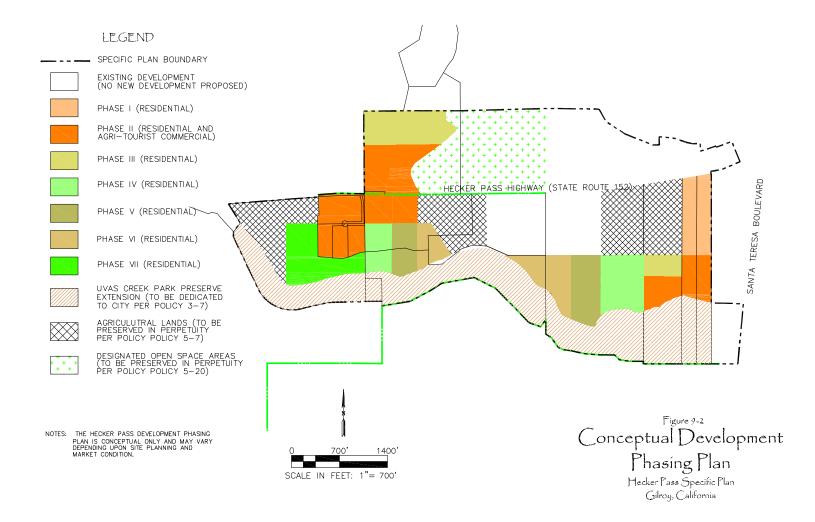


Figure 9-1: Basic Infrastructure Phasing

Note: The Hecker Pass Basic Infrastructure Phasing Plan is conceptual only. Actual alignments, intersection locations and designs may vary, subject to City of Gilroy and Caltrans review.

The purpose of the Conceptual Phasing Plan is to identify the major development components and the likely sequencing of improvements. The sequencing of improvements will be largely based on the improvement schedule of RDO allocations. Other factors influencing project phasing are market conditions, timing requirements for individual projects, financial considerations, and regulatory agency constraints. Because of the many factors affecting project phasing, the Conceptual Phasing Plan should be implemented within the context of the *Specific Plan* Private Development Agreement and through the filing of tentative maps for individual projects.

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9.7 ON-GOING MAINTENANCE

As the Hecker Pass Specific Plan Area is developed, a master homeowners association for the area, landscape lighting and maintenance district, community service district, or other such entity will assume maintenance. If a maintenance district is established and is later voted out by its membership, it is the responsibility of the property owners to establish a new maintenance entity, such as an HOA, to continue maintenance in the Specific Plan Area. The maintenance entity shall be formed with the completion of the first development project. Subsequent development projects will be added to the association in concurrence with occupation of residential units. In addition to the master association, each development will have an individual homeowners association that is responsible for the project open space for that individual project.

The master maintenance entity may be responsible for coordinating the individual homeowners associations, leasing agricultural properties to agricultural operators, maintaining any unleased agricultural lands and any common open spaces that serve the entire Specific Plan Area, and mediating any conflicts between residents, commercial uses, and agricultural operations. The maintenance entity will adopt a set of Covenant, Conditions and Restrictions that are in conformance with the *Specific Plan* and include an Integrated Agricultural Management Plan (See Section 5.2.1.3). The maintenance entity will be responsible for maintaining landscape strips, medians, and roundabouts in public roadways. The adjacent property owner will maintain all other landscaping, except for landscaping in publicly owned lands. All private open space areas, agricultural areas, private trails, as well as landscaping, fencing, structure or other design features associated with these areas will be maintained by the adjacent property owner, the property lessee or the maintenance entity. Street signs, street lights and street furniture within public right-of-ways and publicly owned lands designed specifically for the Specific Plan Area will be designed at the time of development with the consultation of City staff to determine what may reasonably be maintained by the City versus the maintenance entity.

9.8 MITIGATION AND MONITORING PROGRAM POLICIES

9.8.1 INTRODUCTION

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

9.8.2 MONITORING PROGRAM

The basis for this monitoring program is the mitigation measures included in the project environmental impact report. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the proponents of the Hecker Pass Specific Plan (HPSP) are required to complete.

The attached checklist is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report. The monitoring checklist is divided into two sections. The first section includes mitigation measures for the HPSP related actions. Mitigations for the HPSP consist largely of requirements to include new policies in the HPSP with which subsequent individual projects must be consistent.

9.8.3 MONITORING PROGRAM PROCEDURES

The City of Gilroy shall use the attached monitoring checklist for the Hecker Pass Specific Plan project. The monitoring program should be implemented as follows.



- The Gilroy Community Development Department is responsible for coordination of the monitoring program, including the monitoring checklist. The Community Development Department should be responsible for completing the monitoring checklist and distributing the checklist to the responsible individuals or agencies for their use in monitoring the mitigation measures;
- 2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring checklist to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring checklist should not be returned to the Community Development Department;
- 3. The Community Development Department will review the checklist to ensure that appropriate mitigation measures and additional conditions of project approval included in the monitoring checklist have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals; and
- 4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Gilroy.

9.8.4 HECKER PASS SPECIFIC PLAN MITIGATION MONITORING CHECKLIST

The following mitigations shall be incorporated as policies in the HPSP prior to discretionary approval of any entitlements for projects within the specific plan area. *The applicant shall be responsible for implementing the mitigations by incorporating them into the HPSP. The Gilroy Planning Division shall be responsible for monitoring and reviewing the HPSP to ensure that the mitigations have been incorporated into it.*

4. Individual project applicants shall specify in project plans the implementation of the following dust control measures during grading and construction activities for any proposed development. The measures shall be implemented as necessary to adequately control dust, subject to the review and approval by the City of Gilroy Planning Division:

The following measures shall be implemented at all construction sites:

- É Water all active construction areas at least twice daily;
- É Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;



- É 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;
- É Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- É Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- É Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- É Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- É Limit traffic speeds on unpaved roads to 15 mph;
- É Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- É Replant vegetation in disturbed areas;
- É Place a minimum of 100 linear feet of 6 to 8 inch average diameter cobble at all exit points to dislodge and trap dirt from vehicle tires;
- É Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour; and
- É Limit the area subject to excavation, grading and other construction activity at any one time.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

5. A qualified biologist shall survey the grassland area located to the north of the Hecker Pass Highway planned for residential development for potential aestivation habitat. If the area is determined to be aestivation habitat for the California tiger salamander, the biologist shall consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service regarding mitigation and permit requirements that must be incorporated as conditions of project approval.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division



- 6. All future development within the specific plan area shall implement the following conditions to minimize disturbance to potentially significant cultural resources. Each of the following shall be made a condition of approval for grading and Building Permits:
- a. Developers of each project within the specific plan area shall contract with a qualified archaeologist to provide an archeological site assessment to determine the need for monitoring during grading and excavation activities.
- b. If cultural resources or human remains are discovered during construction, work shall be halted at a minimum of 165 feet (50 meters) from the find and the area shall be staked off. The monitoring professional archaeologist, if one is on site, shall be notified. If a monitoring professional archaeologist is not on-site, the city shall be notified immediately and a qualified professional archaeologist shall be retained. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the professional archaeologist and implemented by the responsible party.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

9. Prior to development of any property within the specific plan area, a Phase 1 Environmental Site Assessment shall be prepared in accordance with ASTM Standard(s) to identify whether past or existing uses of the project property may have adversely affected soil or groundwater, or would otherwise pose a health hazard during site development or habitation. If the Phase I assessment finds that past uses may have contaminated the site, a Phase 2 Site Assessment shall be prepared. If contamination is present, clean up and disposal of such contamination shall be in compliance with federal, state and local regulations governing the cleanup and disposal of hazardous waste. Results of the Phase 1 and, if needed, the Phase 2 assessment and cleanup shall be presented to and approved by the City of Gilroy Engineering Division prior to issuance of a Building Permit.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

10. Any development (i.e. public recreational facilities) with foundations or support on the ground that is located within 50 feet (or the distance in effect at the time of application) of the Uvas Creek top of bank shall conform to requirements of the Santa Clara Valley Water District.

Party responsible for implementation: Applicant



Party responsible for monitoring: Gilroy Planning Division

11. All noise generating construction activities shall be limited to weekdays between 7:00 AM and 7:00 PM, and to Saturdays between 9:00 AM and 7:00 PM. No construction is allowed on Sundays or city holidays. In addition, temporary berms or noise attenuation barriers shall be utilized when necessary. This requirement shall be attached as a contractor work specification for all projects.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

18. Applicants for projects within the specific plan area shall be responsible for widening Hecker Pass Highway to a four-lane urban arterial from Santa Teresa Boulevard to the East intersection. This improvement is contingent on approval of the HPSP applicant@s general plan amendment that would reclassify Hecker Pass Highway to an arterial. Applicants shall coordinate with the City of Gilroy Engineering Division to design and implement the widening project. Removal of deodar cedar trees along the highway must be avoided wherever possible and improvements must be consistent with State scenic highway guidelines.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

19. Applicants for projects within the specific plan area shall be responsible for upgrading Hecker Pass Highway to a two-lane arterial from the East intersection to the Bonfante Gardens intersection. This improvement is contingent on approval of the HPSP applicantors general plan amendment that would reclassify Hecker Pass Highway to a two-lane arterial. Applicants shall coordinate with the City of Gilroy Engineering Division to design and implement the upgrade project. Removal of deodar cedar trees along the highway must be avoided wherever possible and improvements must be consistent with State scenic highway guidelines. The upgrade project must be approved by the relevant State and local agencies.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

20. Applicants for individual projects within the specific plan area shall contribute traffic impact fees for future cumulative circulation improvements consistent with the requirements of the City of Gilroy citywide traffic impact fee ordinance. Fees shall be paid to the city prior to issuance of development permits.

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

22. Storm water detention shall be designed to prevent an increase in the 2-year, 10-year and 100-year peak discharge for the project area (refinement of existing HPSP policy 8-6)

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

23. Hecker Pass Specific Plan EIR Table S1, Summary of Impacts and Mitigation Measures. The area of concern, Agriculture, will be modified to state:

ŏHPSP Public Safety (Agricultural Management) Policies 5-93 through 5-97; Policy 5-7: ŏTo ensure the preservation of designated agricultural areas in perpetuity, permanent agricultural easements, deed restrictions, or other such instruments shall be created for each property in each agricultural area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and that map shall generally describe the area to be restricted. To ensure the preservation of designated open space areas in perpetuity, permanent open space easements, deed restrictions, or other such instruments shall be created for each property in each open space area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and, that map shall generally describe the area to be restricted.ö

Party responsible for implementation: Applicant

Party responsible for monitoring: Gilroy Planning Division

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