



City of Gilroy, California

Community Development Department
Planning Division
7351 Rosanna Street, Gilroy, CA 94583

Project Name: 1st Street & Kelton Drive Commercial Project

Project Number: Zone Change ZC18-05
Architectural and Site Review - AS 16-19

Address/Location: Northwest corner of 1st Street and Kelton Drive, City of Gilroy, CA

MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and 15097 of the CEQA Guidelines, which requires a MMRP as part of the Mitigated Negative Declaration (MND) process. The results of the environmental analysis, including findings related to the proposed mitigation measures, are documented in the Final MND.

CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the project including construction and throughout the project build-out. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately to ensure compliance.

The following MMRP matrix lists each of the mitigation measures adopted as a condition of project approval, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Air Quality				
<p>AQ-1. Include basic measures to control dust and exhaust during construction.</p> <p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. These measures shall be incorporated into all grading plan sets and the applicant shall implement the following best management practices:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage, that provides regulations for idling times, shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance 	<p>Inclusion of measures on approved construction plan sets..</p>	<p>City of Gilroy</p>	<p>Prior to issuance of grading and building permits.</p>	<input type="checkbox"/>

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<p>with applicable regulations.</p> <p>AQ-2. Selection of equipment during construction to minimize emissions. The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve at least a fleet-wide average of forty-six percent reduction in Diesel Particulate Matter (DPM) exhaust emissions. The plan shall be approved prior to the issuance of the first construction-related permit.</p>	Inclusion of approved plan on approved construction plan sets.	City of Gilroy	Prior to issuance of grading and building permits.	<input type="checkbox"/>
Cultural Resources				
<p>CUL-1. Perform Construction Monitoring, Evaluate Uncovered Archaeological Features, and Mitigate Potential Disturbance for Identified Significant Resources at the Project Site.</p> <p>Prior to grading or excavation on the Project site, the applicant shall hire a qualified professional archaeologist (i.e., one who meets the Secretary of the Interior’s professional qualifications for archaeology or one under the supervision of such a professional) to monitor the construction, to the extent determined necessary by the archaeologist. In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including darkened soil (midden), that could conceal cultural deposits, animal bone, obsidian and/or mortar are discovered during earth-moving activities, all ground-disturbing activity within 50 feet of the discovery shall be halted immediately, and the Planning and Building Divisions shall be notified within 24 hours. City staff shall consult with the Project archeologist to assess the significance of the find. Impacts on any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such representative is available, persons who represent tribal governments and/or organizations in and around Gilroy in which resources could be affected shall be consulted.</p>	Submit a signed copy of the contract with a qualified professional archeologist.	City of Gilroy	Prior to the issuance of the first grading or building permit.	<input type="checkbox"/>

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<p>CUL 2. Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site.</p> <p>If human remains are discovered during any construction activities, all ground-disturbing activity within fifty feet of the remains shall be halted immediately, and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. Additionally, the Building Division shall be notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within twenty-four hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Project Sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Gilroy Planning Division shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in State CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The applicant shall implement approved mitigation, to be verified by the Planning Division, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p>	Noted on the approval construction plan set.	City of Gilroy	Prior to the issuance of the first grading or building permit.	<input type="checkbox"/>
Cultural Resources				
<p>TR-1. Traffic Signal – 1st Street and Kelton Drive. Prior to the issuance of the first building permit, the applicant shall submit improvements plans to Caltrans for the installation of a traffic signal at the intersection of 1st Street and Kelton Drive.</p> <p>Prior to the issuance of the first occupancy permit, the applicant shall install a traffic signal, or other measures to address intersection level of service, acceptable to the City and Caltrans.</p> <p>In the event installation of the traffic signal is delayed, either by Caltrans or the First Street improvements being constructed by the City and Caltrans, the applicant shall be permitted to gain occupancy permits on a</p>	Verification of the submittal of a complete application to Caltrans.	City of Gilroy	Prior to issuance of first building permit.	<input type="checkbox"/>
	Approval of an encroachment permit by Caltrans allowing the intersection improvements.	City of Gilroy	Prior to the first occupancy permit.	<input type="checkbox"/>

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temporary occupancy permit basis, subject to submittal of financial securities for the signal improvements, to the approval of the City Engineer, to ensure construction of the improvement. When the traffic signal has been installed, the City shall issue the final Certificate of Occupancy.				
TR-2. Intersection Improvements – 3rd Street and Santa Teresa Blvd. Prior to the issuance of the first building permit the applicant shall pay the applicable Traffic Impact Fee as a fair-share contribution toward the improvements of this intersection.	Payment of Fee, presentation of receipt.	City of Gilroy	Prior to issuance of grading or building permit.	<input type="checkbox"/>
TR-3. Recordation of Parking Agreement: Prior to the issuance of the first building permit, the applicant shall record a parking agreement with the adjacent site consistent with the requirements of Gilroy City Code Section 30.31.30(g), to ensure that patrons of the center shall have access to at least thirty-nine parking spaces at all times as long as there is insufficient on-site parking. The form of the parking agreement shall be approved by the City Attorney.	Proof of recordation of the approved parking agreement.	City of Gilroy	Prior to issuance of first building permit.	<input type="checkbox"/>