

Public Review Draft EIR

Ridgemark Subdivision

SCH# 2020109022

April 30, 2025



Prepared by
EMC Planning Group

PUBLIC REVIEW DRAFT EIR

RIDGEMARK SUBDIVISION
SCH# 2020109022

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1.0 Introduction

1.1 Purpose for Preparing the EIR

The County of San Benito (County), acting as the lead agency, has determined that the Ridgemark Subdivision project (hereinafter “project”) could result in significant adverse environmental impacts and has required that an environmental impact report (EIR) be prepared to evaluate these potentially significant adverse environmental impacts.

This EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

1.2 Methodology

General

This EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The County has the discretionary authority to review and approve the proposed project. This EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this EIR prior to taking any discretionary action to approve the proposed project.

This EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and other technical experts.

The purpose of an EIR is to identify a project’s significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

An EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this EIR do not advocate a position "for" or "against" the proposed project. Instead, the EIR provides information on which decisions about the proposed project can be based. This EIR has been prepared according to professional standards and in conformance with legal requirements.

Emphasis

This draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence.

Forecasting

In accordance with CEQA Guidelines section 15144, preparing this draft EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

Degree of Specificity

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft EIR corresponds to the degree of specificity involved in the proposed project.

Technical Detail

The information contained in this draft EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft EIR. Appendices to this draft EIR are included on a CD on the inside, back cover.

Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft EIR was dependent upon information from many sources, including engineering reports and scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the

environmental analysis of the proposed project, are cited but not included in this draft EIR. This draft EIR cites all documents used in its preparation including, where possible, the page and section number of any technical reports that were used as the basis for any statements in the draft EIR.

1.3 EIR Process

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation as:

...a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation was prepared for the proposed project and circulated for 30 days from October 22, 2020 to November 23, 2020, as required by CEQA and the following agencies, organizations, and private individuals provided written responses:

- Native American Heritage Commission on October 27, 2020;
- Sunnyslope County Water District on October 27, 2020;
- Southside Elementary School District on October 27, 2020;
- San Benito High School District on November 5, 2020;
- Victoria Fernquist on November 6, 2020;
- California Department of Transportation on November 23, 2020; and
- Pat Johns on November 23, 2020.

In 2021, the project was revised to include an affordable housing complex and an additional access route. County staff determined that the change was great enough to warrant distribution of a revised notice of preparation that outlined the changes. The revised notice of preparation for the proposed revised project was circulated for 30 days from September 15, 2021 to October 15, 2021, and the following agencies, organizations, and private individuals provided written responses:

- Native American Heritage Commission on September 20, 2021;
- Sunnyslope County Water District on September 21, 2021;
- Hanna Rodriguez on September 22, 2021;

- Jenna Allen on September 22, 2021;
- Kelly Steadman on September 22, 2021;
- Southside School District on September 22, 2021 and October 15, 2021;
- Deryl Phy on September 23, 2021;
- Randy Steadman on September 23, 2021;
- Dianne Francis on September 24, 2021;
- Karen Fink on September 26, 2021 and September 30, 2021;
- Lori A. Boyd-Gibbs on September 26, 2021;
- Althea Dunning on September 27, 2021 and on September 30, 2021;
- John Ucovich on September 27, 2021;
- Kathy Gotschall on September 27, 2021;
- Ludmila Hasan on September 30, 2021;
- Dana Brinker on October 1, 2021;
- Steve Rosen on October 1, 2021;
- Jeff Rosen on October 3, 2021;
- Jason Guerra on October 4, 2021;
- Peggy Kelly-Sung on October 4, 2021;
- Bob Tiffany on October 5, 2021;
- California Department of Transportation, District 5 on October 5, 2021;
- Dan Valcazar on October 8, 2021 and on October 10, 2021;
- Andy Kellock/Michelle Sung on October 9, 2021;
- Tarasa Bettencourt on October 9, 2021;
- Pat Mapelli on October 11, 2021;
- Graniterock on October 11, 2021;
- Diane Stambaugh on October 12, 2021;
- Kay Filice on October 12, 2021;
- Robert Carpenter on October 12, 2021;
- Stephen J. Rosati on October 14, 2021 and October 16, 2021;
- San Benito High School District on October 15, 2021;

- Tim Johns on October 15, 2021;
- U.S. Fish and Wildlife Service on October 15, 2021;
- California Department of Fish and Wildlife on October 18, 2021 and November 4, 2021;
- Matteoni, O’Laughlin and Hechtman Lawyers on October 21, 2021; and
- Sandie Hartzie/Douglas Law on October 27, 2021.

Written comments from agencies, organizations, and private individuals to the original notice of preparation are included in [Appendix A](#). Written comments from agencies, organizations, and private individuals on the revised notice of preparation are included in [Appendix B](#).

As part of the early consultation process and pursuant to CEQA Guidelines section 15082(c)(1) regarding projects of statewide importance and section 15083 regarding early public consultation, a virtual scoping meeting via ZOOM was held on November 5, 2020, at 6:00 pm. Twelve members of the public attended, along with County staff and County consultants. Environmental issues raised at the scoping meeting included timing of Ridgemark Drive widening, traffic congestion and safety, wastewater treatment, and noise.

Draft EIR

Contents

This EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency is required to consider the information in the EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;
- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed project;
- Effects not found to be Significant;
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft EIR are outlined in the table of contents.

Public Review

This draft EIR will be circulated for a 45-day public review period. All comments received on the draft EIR will be addressed in the final EIR. CEQA Guidelines section 15024(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15024(d) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Final EIR Contents

Following circulation of the draft EIR for public review, a final EIR will be prepared. In accordance with CEQA Guidelines section 15132, the final EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15024(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final EIR and the draft EIR will constitute the entire EIR.

Certification

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.4 Terminology

Characterization of Impacts

This EIR uses the following terminology to denote the significance of environmental impacts.

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impacts

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A "beneficial impact" is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

Abbreviations and Acronyms

AB	Assembly Bill
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AFY	Acre Feet per Year

APN	Assessor's Parcel Number
AQ	Air Quality
AQMP	Air Quality Management Plan
BEES	Building Energy Efficiency Standards
BMP	Best Management Practices
BTU	British Thermal Unit
C ₂ F ₆	Hexafluoroethane
Caltrans	California Department of Transportation
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CalGreen	Green Building Standards Code
CBC	California Building Code
CBIA	California Building Industry Association
CDFW	California Department of Fish and Wildlife
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CF ₄	Tetrafluoromethane
CFC	Chlorofluorocarbon
CH ₄	Methane
CIP	Capital Improvement Plan
CN	Commercial Node
CNEL	24-hour Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO ₂	Carbon Dioxide

CO ₂ e	Carbon Dioxide Equivalent
CVP	Central Valley Project
CRHR	California Register of Historical Resources
CVPIA	Central Valley Project Improvement Act
dB	Decibel
dBA	A-weighted Decibel
DNL	Day/Night Average Noise Level
DOC	Department of Conservation
DOT	Federal Department of Transportation
DRA	Drought Reliability Assessment
DTSC	California Department of Toxic Substances Control
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
EMFAC	Emissions Factor
EPA	Environmental Protection Agency
FIRM	FEMA Flood Insurance Rate Map
GHG	Greenhouse Gases
GIS	Geographic Information System
GSP	Groundwater Sustainability Plans
GWP	Global Warming Potential
HFC	Hydrofluorocarbon
HUA	Hollister Urban Area
InSAR	Interferometric Synthetic Aperture Radar
LEED	Leadership in Energy and Environmental Design
L _{dn}	Day/Night Average Noise Level

L _{eq}	Noise Energy Equivalent Level
LOS	Level of Service
MT	Metric Tons
MGD	Million Gallons per Day
MMT	Million Metric Tons (One Teragram)
MOU	Memorandum of Understanding
MMRP	Mitigation Monitoring and Reporting Program
MBARD	Monterey Bay Air Resources District
MWELo	Model Water Efficient Landscape Ordinance
NO ₂	Nitrogen Dioxide
N ₂ O	Nitrous Oxide
NOC	Notice of Completion
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historical Places
O ₃	Ozone
PFC	Perfluorocarbon
PG&E	Pacific Gas & Electric Company
PM _{2.5}	Fine Particulate Matter 2.5 micrometers or less
PM ₁₀	Particulate Matter 10 microns or less
ppm	Parts per Million
PPV	Peak Particle Velocity
PRC	Public Resources Code
PUD	Planned Unit Development
RM	Residential Mixed Use

ROG	Reactive Organic Gases
RTP	Regional Transportation Program
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SGMA	Sustainable Groundwater Management Act
SO ₂	Sulfur Dioxide
SSCWD	Sunnyslope County Water District
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USEPA	United States Environmental Protection Agency
USGS	United States Geologic Survey
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan

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2.1 CEQA Requirements

CEQA Guidelines section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. The summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

This summary also includes a brief summary of the project description. Detailed project description information, including figures illustrating the project location and components, is included in Section 4.0, Project Description.

2.2 Proposed Project Summary

The Ridgemark Subdivision (“project”) is being proposed to meet a range of San Benito County (“county”) objectives. The proposed project is located within the approximate 618-acre Ridgemark Golf Course and Country Club property (“project site”), south of State Route 25 (Airline Highway) in unincorporated San Benito County (“County”), and southeast of the City of Hollister (“city”).

The underlying purpose of the project is to develop a portion (“development area”) of the existing Ridgemark property, and rezone, as necessary, all or a portion of the project site consistent with goals, policies, and objectives for residential and commercial uses as outlined in the 2035 San Benito County General Plan (general plan), as a means to create additional housing, facilitate job opportunities and attract future economic development within the county. The proposed project would amend the zoning on the project site as needed to establish a base zone of “Single-family Residential (R-1)” District combined with the “Planned Unit Development (PUD)” Combining District. The proposed project includes a vesting tentative map to re-subdivide an existing subdivision project site to accommodate 175 residential lots for eventual construction of 160 market-rate single-family residential units and up to 30 below-market-rate duplex or duet residential units (on 15 lots), and future construction of commercial/non-residential development, recreational/open space improvements, roadway improvements, and related utility infrastructure improvements within the development area.

2.3 Summary of Impacts and Mitigation Measures

The proposed project would result in significant and potentially significant impacts. Each of these significant impacts are identified in [Table 2-1, Summary of Significant Impacts and Mitigation Measures](#), located on the following pages. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less than significant impacts are not included in the summary table.

2.4 Summary of Alternatives

This EIR evaluates the environmental impacts of two project alternatives: a “No Project” alternative and a “Reduced Residential Development with Open Space” alternative. The impacts of each of the two alternatives are compared to those of the proposed project in Section 22.0, Alternatives. Section 22 also includes a discussion of four alternatives considered but rejected from further discussion.

The No Project alternative assumes that the proposed Ridgemark Subdivision project would not occur and all conditions at the project site would remain as they currently are. The zoning on the project site would remain as it is and there would be no subdivision of the property.

The Reduced Residential Development with Increased Open Space alternative includes the same development intensity as the proposed project but assumes that the scale of residential development would be reduced to 11 units (94 percent) so that residential vehicle trips would meet the less-than-significant VMT screening threshold of 110 daily vehicle trips recommended by the Governor’s Office of Planning and Research. The remaining residential units are assumed to occur near the entrance to the residential community and existing fallowed golf course would be maintained as open space or improved parkland with walking trails.

2.5 Areas of Known Controversy

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. The County is aware of potential controversy regarding an increase in traffic on the street system within the project site and on Southside Road.

2.6 Issues to be Resolved

CEQA Guidelines Section 15123 requires an EIR to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The County of San Benito is not aware of any issues to be resolved; however, the San Benito County Board of Supervisors will consider the analysis in this EIR, and make a decision whether to approve the proposed project.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Air Quality			
Impact 6-1: The Proposed Project May Be Inconsistent with the 2017 Clean Air Plan	Significant	AQ-1. To reduce operational ROG emissions below the air district threshold, prior to building permit issuance, the applicant shall include the following criteria air pollutant (ROG) emissions reduction features on the project plans: a. Natural gas and wood-burning fireplaces and stoves shall be prohibited. Restrictions on natural gas and wood-burning heating appliances shall be included on deeds for individual parcels. AQ-2. To reduce dust and equipment exhaust emissions from demolition, grading, and construction activities on the project site, the developer shall prepare a Construction Management Plan subject to the review and approval of the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit and shall implement the approved Construction Management Plan during construction activities. The approved Construction Management Plan, including Monterey Bay Air Resources District Dust Control Measures, shall be included on all bid documents, grading and construction plans and permits prior to issuance of any permit. The Construction Management Plan shall include the following measures: a. Heavy-duty diesel vehicles shall be required to have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation, and shall not be staged within 500 feet of nearest sensitive receptors. b. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment shall include the use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel. c. Idling times will 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 shall be provided for construction workers at all access points. d. Prior to issuance of a grading permit for each phase the contractor shall demonstrate that all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall be checked by a certified visible emissions evaluator.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 6-3: Generate Criteria Air Pollutants During Operations that Exceed Air District Thresholds and Degrade Air Quality	Significant	See Mitigation Measure AQ-1.	Less than Significant
Impact 6-4: Demolition and Construction Activity Could increase Sensitive Receptor Health Risks from Exposure to Toxic Air Contaminants	Significant	See Mitigation Measure AQ-2.	Less than Significant
Biological Resources			
Impact 7-1: Loss or Harm to Special-Status Plant Species (San Joaquin spearscale)	Significant	BIO-1. Prior to approval of grading permits, a biologist qualified in botany shall conduct a focused survey for San Joaquin spearscale in accordance with current CDFW and CNPS rare plant survey protocols (CDFW 2018 and CNPS 2001). The survey shall occur during the peak blooming period for this species to determine its presence or absence (typically April through October). If possible, a known reference population of the target species in the project vicinity shall first be visited to verify that the species is observable, and the focused survey shall be conducted within two weeks of observing the reference population in full bloom. The biologist shall then prepare a brief report documenting the results of the survey and, if appropriate, propose measures for avoiding or minimizing possible impacts to San Joaquin spearscale before and during construction, as included below. The report shall be submitted to the Director of Planning, Building and Code Enforcement or his/her designate. If the focused survey concludes the species is not present within the development area boundary, or if it is present but impacts to it can be completely avoided, then no mitigation would be required. If the focused surveys identify San Joaquin spearscale within the development area boundary and it would be affected by the proposed project, then appropriate mitigation shall be developed by the biologist and implemented by the applicant prior to issuance of a grading permit. Measures may include, but are not limited to: a. A qualified biologist shall identify an on-site or off-site mitigation area suitable for restoration of habitat and seed transplantation for this annual herb. The applicant shall be	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		responsible for the placement of a conservation easement over the mitigation area and the provision of funds to ensure the restoration of the mitigation area and its preservation in perpetuity. b. Prior to approval of a grading permit, a qualified biologist or native plant specialist shall perform seed collection from all special-status plants located within the impact areas and implement seed installation at the mitigation area at the optimal time. Additionally, topsoil from the special-status species occurrence area(s) shall be salvaged (where practical) for use in the mitigation area. c. A maintenance and monitoring program shall be developed by a qualified biologist and established for a minimum of five years after mitigation area installation to verify that restoration activities have been successful. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native plants. Monitoring shall include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years. The performance standard for successful mitigation shall be a minimum 3:1 replacement ratio (i.e., three plants observed in mitigation area for each plant lost from the development area) achieved in at least one of the five years of monitoring.	
Impact 7-2: Loss or Harm to Special-Status Wildlife Species (California Tiger Salamander and California Red-Legged Frog)	Significant	BIO-2. The project applicant will coordinate with the USFWS and CDFW to determine the appropriate course of action per the requirements of FESA and/or CESA (e.g., obtaining Incidental Take Permits) and implement the permit requirements prior to ground disturbance. BIO-3. Before construction activities begin at a development area, a qualified biologist, shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to California red-legged frog, California tiger salamander, western pond turtle, San Joaquin coachwhip, burrowing owl, American badger, San Joaquin kit fox, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. The applicant shall submit evidence of completion of this training to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate, prior to issuance of a grading permit. The qualified biologist shall train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		each day, the monitor shall check for animals under any equipment such as vehicles and stored pipes within active construction zones. The monitor shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If an animal is observed within an active construction zone, the qualified biologist shall be notified immediately and all work within 100 feet of the individual shall be halted and all equipment turned off until the individual has left the construction area. The applicant shall submit documentation of the sighting, measures taken to protect the individual, and communication with the California Department of Fish and Wildlife and US Fish and Wildlife Service to San Benito County Director of Planning, Building and Code Enforcement or his/her designate within 24 hours of the sighting. BIO-4. A qualified biologist shall conduct preconstruction surveys for California tiger salamander and California red-legged frog no more than two weeks (14 days) prior to the start of construction activities. The development areas will be surveyed for potential breeding, migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. BIO-5. Subject to revision per any Incidental Take Permits, protective measures shall be implemented, including, but not be limited to, the following: a. A qualified biologist shall be on site during all activities within 200 feet of aquatic habitat that may result in take of the California red-legged frog or California tiger salamander. b. To the extent possible, all ground-disturbing work within 200 feet of aquatic habitat shall be avoided between November 1 and March 31, the time period when California tiger salamanders and/or California red-legged frogs are most likely to be moving through upland areas. c. All ground-disturbing work within 200 feet of aquatic habitat should be accomplished during the dry season, with no construction activities occurring during rain events or within 24-hours following a rain event. d. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, equipment staging, storage, parking, and stockpile areas. e. If a California red-legged frog or California tiger salamander is encountered, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. A qualified biologist shall then assess the situation and select a course of action that shall avoid or minimize adverse effects to the animal.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		f. Uneaten human food and trash attracts crows, ravens, coyotes, and other predators of the California red-legged frog or California tiger salamander. A litter control program shall be instituted at each development area. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the development area at the end of each working day. g. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of the California red-legged frog or California tiger salamander. h. No insecticides or herbicides shall be used in the development area during construction or long-term operational maintenance where there is the potential for these chemical agents to enter aquatic habitat or uplands that contain potential habitat for the California red-legged frog or California tiger salamander. i. No pets shall be permitted in the development area, to avoid and minimize the potential for harassment, injury, and death of California red-legged frog or California tiger salamander. j. For on-site storage of pipes, conduits, and other materials that could provide shelter for special-status species, an open-top trailer shall be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials. k. To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog and California tiger salamander are most actively moving and foraging. l. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used in the development area to avoid California red-legged frogs or California tiger salamanders becoming entangled and trapped in them. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used. m. Trenches or pits one foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent the California red-legged frog or California tiger salamander from falling into them. n. The qualified biologist shall prepare monthly reports documenting compliance with protective measures for submission to the San Benito County Building Official or his/her designate during construction activities.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 7-3: Loss or Harm to Special-Status Wildlife Species (Western Pond Turtle and Western Spadefoot)	Significant	See Mitigation Measure BIO-3. BIO-6. The project applicant shall implement the following measures for the protection of western pond turtle and western spadefoot: a. Within 24 hours prior to vegetation removal or ground-disturbing activities within 200 feet of aquatic habitat, the project applicant shall retain a qualified biologist to conduct a pre-construction survey of the area in and adjacent to the development area for western pond turtle and western spadefoot. If any western pond turtles and/or western spadefoot are found in or adjacent to the development area, construction activities shall not commence until the individuals have left the area or the qualified biologist relocates the western pond turtle or western spadefoot to nearby suitable habitat a minimum of 300 feet from the development areas. Western pond turtle and western spadefoot relocation shall only be conducted with California Department of Fish and Wildlife authorization. b. During all initial ground-disturbing activities within 200 feet of aquatic habitat, the qualified biologist shall monitor construction activity to assess the potential impacts to turtles and/or spadefoot, if present. If a western pond turtle nest is discovered during initial ground-disturbing activity, all work shall stop and the California Department of Fish and Wildlife shall be contacted for guidance on how to proceed. Relocation of pond turtles, their nests, or western spadefoot shall only be conducted with California Department of Fish and Wildlife authorization. c. Disturbance to aquatic vegetation shall be avoided to the extent possible. Placement of all staging areas, access roads, and other construction related facilities shall be located a minimum of 100 feet away from aquatic habitat. d. Within 200 feet of aquatic habitat, all construction-related holes shall be covered at the end of each workday to prevent entrapment of western pond turtles. e. The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. The qualified biologist shall submit monthly reports documenting compliance with the measures above to San Benito County Building Official or his/her designate during construction within 200 feet of aquatic habitat.	Less than Significant
Impact 7-4: Loss or Harm to Special-Status Wildlife Species (San Joaquin Coachwhip)	Significant	See Mitigation Measure BIO-3. BIO-7. Within 14 days prior to vegetation removal or ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for San Joaquin coachwhip in and adjacent to the development areas. If any coachwhip(s) are found in or adjacent to the development areas, construction activities shall not	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		commence until the coachwhip(s) have left the area or the qualified biologist relocates the coachwhip to nearby suitable habitat a minimum of 300 feet from the development area. Coachwhip relocation shall only be conducted with California Department of Fish and Wildlife authorization. The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. If coachwhip(s) are found during the preconstruction surveys and/or during construction, documentation of coordination with the California Department of Fish and Wildlife shall be provided to San Benito County Director of Planning, Building and Code Enforcement or his/her designate as needed.	
Impact 7-5: Loss or Harm to Special-Status Wildlife Species (Burrowing Owl)	Significant	See Mitigation Measure BIO-3. BIO-8. To avoid/minimize impacts to burrowing owls potentially occurring on or adjacent to the development areas, the project applicant shall retain a qualified biologist to conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the development areas no less than 14 days prior to the start of construction or ground disturbance activities. Verification of presence/absence of burrowing owl at the burrow identified in 2023 near the eastern gatehouse shall be completed prior to construction in the vicinity. Surveys shall be conducted according to methods described in the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993)</i> and the <i>Staff Report on Burrowing Owl Mitigation (CDFW 2012)</i>. The applicant shall submit evidence of completion of the preconstruction survey to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993)</i> and the <i>Staff Report on Burrowing Owl Mitigation (CDFW 2012)</i>, shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation																							
		and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. <table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance Buffers (meters)</th></tr><tr><th>Low</th><th>Med</th><th>High</th></tr><tr><td>Nesting Sites</td><td>April 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting Sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting Sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table> If burrowing owls are found to occupy the development areas and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that will be impacted, thus ongoing surveillance of the development areas during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return. If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. The applicant shall submit evidence of consultation with California Department of Fish and Wildlife and compliance with minimization measures to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit.	Location	Time of Year	Level of Disturbance Buffers (meters)			Low	Med	High	Nesting Sites	April 1 – Aug 15	200 m	500 m	500 m	Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m	Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m	
Location	Time of Year	Level of Disturbance Buffers (meters)																								
		Low	Med	High																						
Nesting Sites	April 1 – Aug 15	200 m	500 m	500 m																						
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m																						
Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m																						

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 7-6: Loss or Harm to Special-Status Wildlife Species (Nesting Birds and Raptors)	Significant	See Mitigation Measure BIO-3. BIO-9. Prior to issuance of grading and construction permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities that include any vegetation removal or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. If construction activities are scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), nesting bird surveys shall be conducted by a qualified biologist. a. Two surveys for active nests of such birds shall occur within 10 days prior to start of grading or construction, with the second survey conducted within 48 hours prior to start of grading or construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. The applicant shall submit evidence of completion of the preconstruction survey to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate, prior to issuance of a grading permit. b. If the qualified biologist documents active nests within the development areas or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. This measure shall be implemented by the applicant prior to start of grading and construction activities and compliance shall be documented and submitted to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 7-7: Loss or Harm to Special-Status Wildlife Species (American Badger)	Significant	See Mitigation Measure BIO-3. BIO-10. Prior to issuance of a grading permit and within 14 days prior to vegetation removal or ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for American badger and their sign (dens, scat, etc.) in and adjacent to annual grassland within the development areas. If the species or a potential den is found in or adjacent to the development areas, the following measures shall be implemented: ▪ If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction. ▪ If the qualified biologist determines that potential dens may be active, construction activities shall not occur within 30 feet of active badger dens until an on-site passive relocation program can be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one-way doors at burrow entrances, remote camera monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. Implementation of a passive relocation program shall only be conducted with California Department of Fish and Wildlife authorization. The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. If American badger and/or their dens are found during the preconstruction surveys and/or during construction, documentation of coordination with the California Department of Fish and Wildlife shall be provided to the San Benito County Building Official or his/her designate as needed.	Less than Significant
Impact 7-8: Loss or Harm to Special-Status Wildlife Species (San Joaquin Kit Fox)	Significant	See Mitigation Measure BIO-3. BIO-11. The <i>U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 2011) shall be implemented prior to initiation of and during any construction activity in the development areas to avoid unintended take of individual San Joaquin kit foxes. Preconstruction/pre-activity surveys for San Joaquin kit fox shall be conducted by a qualified biologist no less than 30 days prior to the beginning of ground disturbance	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		and/or construction activities or any project activity that may impact San Joaquin kit fox. The surveys shall include all work and staging areas and a minimum 200-foot buffer of the development areas. The preconstruction surveys shall identify kit fox habitat features in the development areas, evaluate use by kit fox and, if possible, assess the potential impacts of the proposed activity. The status of all dens shall be determined and mapped. If a natal/pupping den is discovered within the development area or within 200 feet of the development area, the applicant shall consult with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) to establish an appropriate avoidance buffer. The avoidance buffer shall be maintained until such time as the burrow is no longer active and/or an incidental take permit is determined to be required and is obtained. In addition, the following measures shall be observed: ▪ Project-related vehicles shall observe a 20-mph speed limit in all development areas; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of designated development area shall be prohibited. ▪ To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 11 of the Construction and Operational Requirements in the Standardized Recommendations must be followed. ▪ Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or development area. - No firearms shall be allowed on the development area during construction activities. - To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on site during construction activities. - Use of rodenticides and herbicides on the development area during construction shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox. - In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape. - Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the qualified biologist and the San Benito County Building Official or his/her designate, as well as CDFW and USFWS. - A letter report shall be submitted to San Benito County documenting the results of the preconstruction surveys. If San Joaquin kit fox is encountered during construction, documentation of coordination with CDFW and USFWS shall be provided to the San Benito County Building Official or his/her designate.	
Impact 7-9: Loss or Harm to Special-Status Wildlife Species (Protected Bat Species)	Significant	See Mitigation Measure BIO-3. BIO-12. Approximately 14 days prior to disturbance activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or structures to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that will be demolished by the project. Trees and habitat adjacent to ponds and drainages shall be surveyed thoroughly. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the development areas, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked. a. If no roosting sites or bats are found, a letter report shall be prepared by the qualified biologist confirming absence and no further mitigation is required. The applicant shall submit the letter report to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. b. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with the California Department of Fish and Wildlife. c. If bats are found roosting outside of the nursery season (May 1 through October 1), the California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to the California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.	
Impact 7-10: Impacts to Sensitive Natural Communities (Oak Woodland, Wetland/Riparian)	Significant	BIO-13. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 50 feet from aquatic habitat. Prior to the onset of work, the construction contractor shall provide written documentation to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate that a plan to allow a prompt and effective response to any accidental spills has been prepared. All spills shall be cleaned up immediately with contaminated materials disposed of offsite in an appropriate facility.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		BIO-14. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability, with preference to plant species endemic to San Benito County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant List (Cal-IPC 2019) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the San Benito County Director of Planning, Building and Code Enforcement or his/her designate to confirm no invasive species shall be planted prior to occupation of the residences or commercial areas.	
Impact 7-11: Disturbance of Jurisdictional Wetlands and Waters	Significant	BIO-15. Prior to issuance of a grading permit within the project boundary, the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) shall be determined. If the USACE claims jurisdiction on any wetland or waters of the U.S., the applicant shall obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, an Individual Permit shall be obtained from the USACE. If wetlands or waters of the State are present, the applicant shall coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If impacts to wetlands, riparian areas, or streams are identified, the applicant shall coordinate with the CDFW to obtain a Streambed Alteration Agreement. To compensate for temporary and/or permanent impacts to jurisdictional waters that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: ▪ A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. ▪ To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Cultural and Tribal Cultural Resources			
Impact 8-1: Potential to Cause a Substantial Change to the Significance of an undiscovered Historic or Archaeological Resource	Significant	CR-1. Prior to issuance of a tree removal permit or grading permit, because the possibility that significant buried cultural resources might incidentally be found during construction activities, the developer shall include the following language on all construction documents and on any permits issued for the project, and the contractor shall implement the following measures: If archaeological resources are unexpectedly discovered during grading or construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional archaeologist. If the find is determined to be unique, appropriate mitigation measures shall be formulated and implemented subject to the review and approval of the County Director of Planning, Building and Code Enforcement.	Less than Significant
Impact 8-2: Potential Disturbance to Undiscovered Native American Remains During Grading and Construction	Significant	CR-2. Due to the possibility that Native American human remains may be discovered during project construction activities, the following language shall be included in all permit documents and implemented and implemented during tree removal, grading, and building permits: ▪ If human remains are encountered during construction, the project contractor shall immediately notify the County of San Benito Coroner and County Director of Planning, Building and Code Enforcement, and the following steps shall be taken: • Subject to the legal process, grant all duly authorized representatives of the Coroner and Director of Planning, Building and Code Enforcement permission to enter onto the property and to take all actions consistent with this County Code 19.05 and consistent with Cal. Health and Safety Code Section 7050.5 and Cal Gov't Code Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3. • If the coroner determines the remains to be Native American, then 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	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or authorized representative will rebury 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 48 hours after being allowed access to the site; 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.	
Impact 8-3: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource as Defined in Public Resources Code § 21074	Significant	TCR-1. Prior to implementation of Phase 2, the County and the Applicant will work with the Amah Mutsun Land Trust to conduct an Integrative Cultural Resource Survey of the ravine and adjacent uplands. The County shall also grant the Amah Mutsun Tribal Band/Amah Mutsun Land Trust a cultural conservation easement and shall enter into a Memorandum of Understanding with the Tribe to provide Amah Mutsun Tribal Band members with the opportunity to visit and conduct specific cultural, educational, stewardship, and habitat restoration-oriented activities within the open space area. Refer to Figure 4-1, which identifies the location of the proposed Ridgemark Ravine Open Space, shown in green as the contiguous area between Lot 51 and Ridgemark Drive, including the two ponds south of Marks Drive.	Less than Significant
Geology and Soils			
Impact 10-3: Damage or Destroy Previously Undetected Paleontological Resources During Construction	Potentially Significant	GEO-1. The following language shall be included in any permits issued for future development within the development area: If paleontological resources are unexpectedly discovered during construction, work shall be halted within 50 meters (160 feet) of the find until it can be evaluated by a qualified professional paleontologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with concurrence of San Benito County, and implemented.	Potentially Less than Significant
Greenhouse Gas Emissions			
Impact 11-1: Generate Substantial GHG Emissions	Significant	GHG-1. Prior to issuance of building permits for the proposed project, the applicant shall prepare a Greenhouse Gas (GHG) Reduction Plan. The GHG Reduction Plan shall demonstrate, with substantial evidence, that GHG emissions will be reduced to the year 2035 service population threshold of significance of 5.09 MT CO ₂ e per year per service	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		population. This would require that the project annual total GHG emissions of 5,065.49 MT CO₂e per year be reduced by 254 MT CO₂e per year [5,065.49 MT CO₂e – (5.09 MT CO₂e per service population x 945 service population)]. The GHG Reduction Plan shall prioritize implementing on-site GHG reduction measures that are within the control of the applicant. The <i>Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity</i> (California Air Pollution Control Officers Association 2021) provides reference to representative on-site mitigative measures in transportation, energy, water, construction, solid waste, and landscaping that may be applicable to the project. In lieu of or in addition to one or more on-site measures, the applicant may include in the Reduction Plan and take credit for GHG reductions resulting from making direct investments in off-site GHG reduction activities/programs in the vicinity. Examples of direct investments include building retrofit programs that pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting energy efficient windows, and insulation. Other examples include financing programs for installing electric vehicle charging stations, electrifying school buses, or planting local urban forests. The applicant may choose to retain a qualified air quality/GHG professional to quantify the GHG reductions that would result from implementing the Reduction Plan based on substantial evidence to be included in the Reduction Plan. The GHG reduction measures should be implemented even if their implementation would result in a GHG reduction, but the reduction cannot be reliably quantified. The resulting GHG emissions reduction volume must be equal to or greater than 254 MT CO₂e per year to avoid the significant GHG impact. If feasible on-site and/or direct investments in off-site reduction activities/programs are not available to mitigate the impact, the applicant may then secure the balance of the required GHG emissions reduction volume by purchasing and retiring carbon offset credits. The carbon offset credits shall meet the following performance standards: - Carbon offset credits shall be issued by a recognized, reputable and accredited registry that mandates the use of established protocols for quantifying and issuing the offset credits. Credits issued based on protocols approved by CARB should be prioritized. Examples of such registries include the Climate Action Reserve, American Carbon Registry, and Vierra. - The carbon offset credits should be generated from projects developed in the United States. Credits from projects developed internationally should not be used unless the applicant demonstrates with substantial evidence that sufficient carbon offsets from projects in the United States are unavailable. International offsets must be quantified and issued using established protocols that are	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		recognized in the United States and that are issued by recognized, reputable and accredited registries. All carbon offset credits purchased to reduce GHG emissions, must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Prior to County approval of building permits for the proposed project, the applicant shall submit the GHG Reduction Plan for review and approval of the San Benito County Director of Planning, Building and Code Enforcement. If carbon offset credits are proposed, the applicant shall, prior to approval of occupancy permits, provide documentation in the form of an executed contract or other certification that the credits have been obtained, subject to the performance standards listed above.	
Hydrology and Water Quality			
Impact 12-1: Erosion and Runoff During Construction and Operations That Violates Water Quality Standards or Waste Discharge Requirements	Significant	HYD-1. The applicant shall include the following information on all improvement plans and construction documents: Prior to issuance of a grading permit for each phase, the applicant shall prepare a detailed Final Drainage Plan for the control of operational storm water runoff that demonstrates compliance with general plan policies, County Code requirements and standards established by the regional water quality control board for compliance with non-point source storm water discharge. The Final Drainage Plan shall demonstrate that basin capacity, percolation rates, and storm water treatment meets the post-construction performance objectives and design criteria requirements of the Central Coast Regional Water Quality Control Board. The drainage plan shall outline best management practices and low impact development strategies that will be utilized by the developer to control and treat storm water runoff, including but not limited to methods to reduce impervious surfaces such as vegetated swales, permeable paving, landscaping, and other strategies. The drainage plan shall be subject to the review and approval of the San Benito County Engineer or his/her designate prior to issuance of any grading permit.	Less than Significant
Impact 12-3: Increase Impervious Surfaces that Prevent or Interfere with Groundwater Recharge	Significant	Refer to MM HYD-1, above.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 12-4: Runoff That Exceeds the Capacity of Existing or Planned Off-Site Stormwater Systems	Significant	Refer to MM HYD-1, above.	Less than Significant
Noise			
Impact 14-2: Expose New Sensitive Receptors to Traffic Noise that Exceeds Noise Level Standards	Significant	N-1. Prior to building permit issuance, the developer shall prepare at their expense, a site-specific acoustical analysis for residential development of Lots 145 and 146 to determine the appropriate location of building setbacks and appropriate noise attenuation to reduce exterior noise levels to less than 65 dB and reduce interior noise levels to 45 dB. Acceptable exterior noise attenuation may include berms and/or sound walls, the height and placement of which will be analyzed in the acoustical analysis. Acceptable interior noise attenuation may include sound-rated windows, sound-rated doors and wall assemblies; and/or increased setbacks between habitable buildings and the traffic noise source. The acoustical analysis may include all or a combination of these attenuation measures. Noise attenuation features shall be incorporated into the final improvement plans prior to issuance of a building permit.	Less than Significant
Impact 14-3: Expose Existing Receptors to Commercial Noise that Exceeds Noise Level Thresholds	Potentially Significant	N-2. Site- and project-specific acoustical analysis is required for commercial development in any phase once commercial improvement plans have been submitted and prior to approval of any commercial building permit. The required acoustical analysis shall be prepared by the applicant and shall identify the geographical relationship between new or expanded sources of noise and existing residential receptors and identify noise-producing characteristics of the sources such as activities or and the path of transmission between noise sources and sensitive receptors. Ambient noise levels without and with commercial development shall be quantified. The acoustical analysis shall include quantifiable noise reduction measures that reduce unacceptable noise levels to meet the County's 65 Ldn dB noise threshold for residential uses, and reduce increases in ambient noise levels to less than three dB. Options for noise mitigation include the use of building setbacks, the construction of berms and/or sound walls and the use of noise source equipment enclosures. The acoustical analysis shall be subject to review and approval of the San Benito County Director of Planning, Building and Code Enforcement prior to issuance of building permits. All approved noise reduction measures shall be included on all construction documents prior to issuance of building permits.	Potentially Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 14-4: Exposure to Unacceptable Noise Levels During Construction	Significant	N-3. The project applicant shall include the following language on all bid and construction documents: The developer shall prepare and the contractor shall implement a Construction Noise Control Plan during all demolition, grading and construction activities that occur within 500 feet of residential development. The Construction Noise Control Plan is subject to review and approval of the County of San Benito Director of Planning, Building and Code Enforcement or his/her designate shall include but not be limited to the following best management practices noise reduction measures: • Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists; • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from existing residences; • Locate staging areas and construction material areas as far away as possible from existing residences. The locations of construction staging areas shall be noted on the construction site plan for each phase of construction prior to issuance of any grading permit; • Prohibit all unnecessary idling of internal combustion engines; • Notify all abutting land uses of the construction schedule in writing; and • Designate a "disturbance coordinator" (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.	Less than Significant
Transportation and Traffic			
Impact 16-1: Conflict with Transportation Programs, Plans, Ordinances, or Policy Leading to Adverse Impacts	Significant	TRAN-1. Prior to County acceptance of the final map, and subject to review and approval of the Director of Planning, Building and Code Enforcement, the applicant shall submit proof of consultation with Caltrans determining if land area is needed for right-of-way improvements necessary to accommodate the planned SBCOG Class II bike lane along the project frontage on State Route 25. If right-of-way is required, the applicant shall	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		identify the land area and method of dedication on the final map and all improvement plans. TRAN-2. Prior to submittal of improvement plans on Commercial Parcel B, and subject to review and approval of the Director of Planning, Building and Code Enforcement, the applicant shall submit proof of consultation with Caltrans determining if land area is needed for right-of-way improvements associated with Caltrans planned widening of SR 25 between Fairview Road and Sunset Drive. If right-of-way is required, the applicant shall identify the land area and method of dedication on all improvement plans.	
Impact 16-2: Generate Home-based VMT per Resident that is Greater than 19.6 VMT per Resident	Significant	TRAN-3. Prior to issuance of occupancy certificates for residential development, the project developer shall coordinate with the County, the San Benito Council of Governments and the Ridgemark Owners Association to provide \$2,000.00 and establish a program to offer free transit passes for residents to use the Inter-County Transit service to the Gilroy Caltrain and Greyhound Stations. The program shall be approved by the San Benito County Director of Planning, Building and Code Enforcement. Information regarding this program shall be provided to each resident of a new house in the project. TRAN-4. Prior to issuance of an occupancy certificate for any commercial use, the developer shall construct a Class II bicycle lane on Ridgemark Drive between the intersection of State Route 25 and Ridgemark Drive and Commercial Area C. TRAN-5. All commercial development shall provide bike racks for each use. The locations of bike racks shall be shown on the project improvement plans.	Significant and Unavoidable

SOURCE: EMC Planning Group 2023

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3.0 Environmental Setting

3.1 Project Site and Vicinity Setting

Project Location

The proposed project is located within the approximate 618-acre Ridgemark Golf Course and Country Club property (“project site”), south of State Route 25 (Airline Highway) in unincorporated San Benito County (“County”) and southeast of the City of Hollister (“city”). Regional access to the project site is provided by State Route 25, Fairview Road, and Union Road. [Figure 3-1, Location Map](#), shows the regional setting of the project site. The areas of the project site within which proposed development would occur are identified in Figure 3-1 as “Development Area” (hereinafter “development area”). [Figure 3-2, Aerial Photograph](#), presents an aerial view of the project site and 253-acre development area. The development area consists of 253 acres within the 618-acre project site. The development area boundary represents the land area within the project site that would be re-subdivided and the general locations of proposed development with future residential and commercial uses.

Access to the site and development area is provided from State Route 25 in three locations. Primary access is from Ridgemark Drive at the intersection of Fairview Road/State Route 25/Ridgemark Drive. Secondary access is provided from State Route 25 by way of Dan Drive, a paved street located between the highway and an internal street, Paullus Drive, and a third access point is provided further east on State Route 25 by way of South Ridgemark Drive.

Existing Conditions

Project Site

Existing conditions on the project site consist of single-family and multi-family homes on 697 residential lots, one 18-hole golf course, maintenance sheds, one fallow former 18-hole golf course, driving range, six tennis courts, playground, and several water hazards and drainage ponds.

In 1972 the project site was subdivided and developed with a gated residential community with a 36-hole, PGA-quality golf course. In April 2014, when drought conditions forced the Sunnyslope County Water District to reduce water supply to the project site, 18-holes were eliminated, with many of the former fairways left fallow. The layout of remaining 18-hole golf course was modified and several fairways of the remaining 18-hole course were also left fallow. The topography of the project site is rolling hills upon which the existing gated residential community, clubhouse, transient

units, driving range, and existing and former golf courses are situated. The project site is at a higher elevation than State Route 25. There are several drainage courses and ponds on the project site interspersed with existing development and golf course fairways.

Development Area

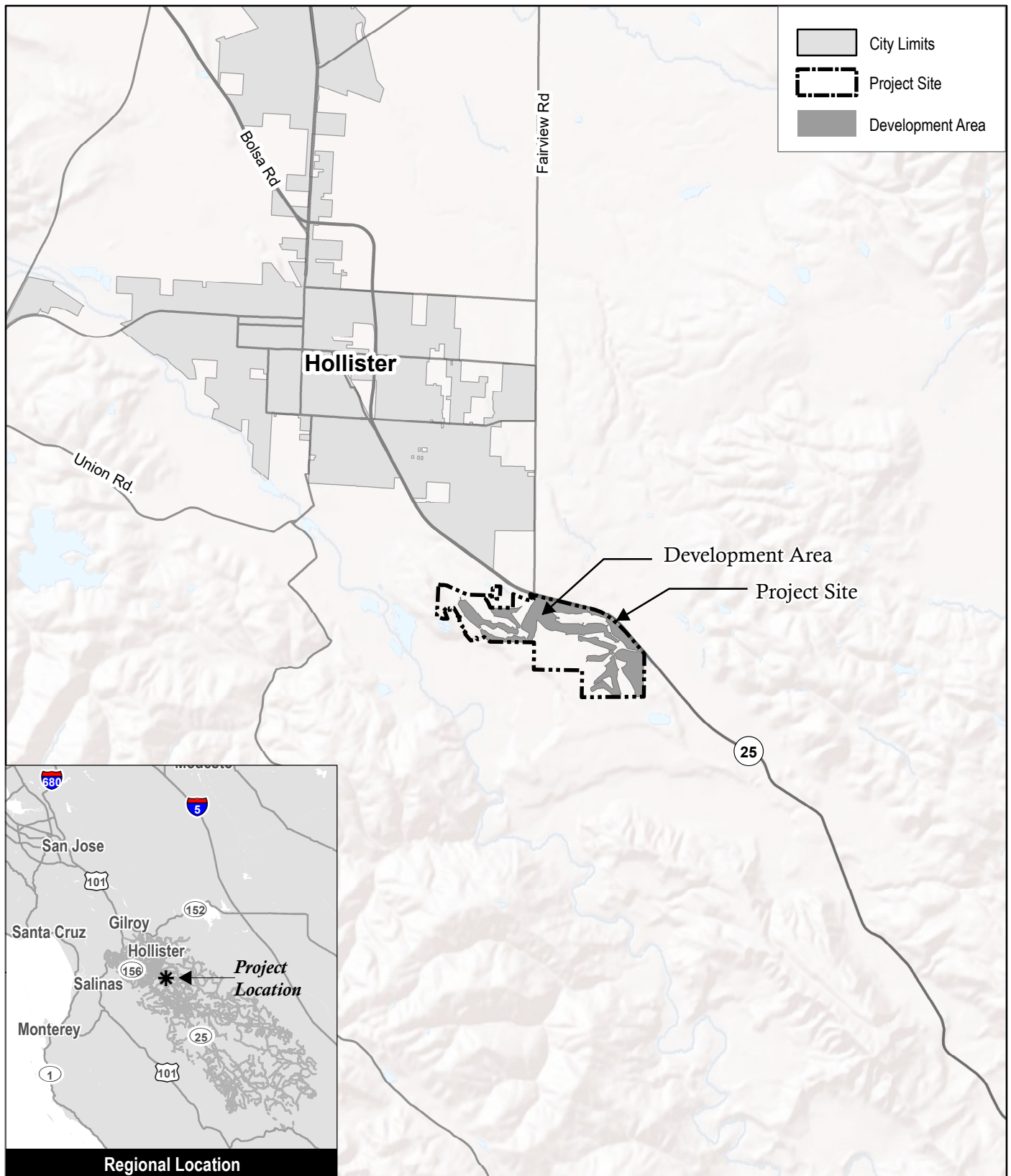
The development area is outlined in yellow on Figure 3-2, presented previously. As illustrated in Figure 3-2, the development area consists of several locations within and adjacent to the existing gated residential subdivision. Photographs of existing conditions at various locations within and adjacent to the development area are presented in [Figure 3-3, Site Photographs East of Ridgemark Drive](#), [Figure 3-4, Site Photographs North of South Ridgemark Drive](#), [Figure 3-5, Site Photographs East of South Ridgemark Drive](#), and [Figure 3-6, Site Photographs West of Ridgemark Drive](#).

Existing conditions within the development area but outside the gated residential community consist of the following:

- Areas located west of Ridgemark Drive include a multifamily residential development, and vacant land (for which commercial uses are planned under a previously-approved permit). No development is proposed in this area;
- Areas located east of Ridgemark Drive include the existing clubhouse and 32 transient units on 7.36 acres, a 3.36-acre parking lot, a 15.1-acre driving range, and 3.39 acres with landscaping and a drainage pond located between the existing clubhouse and State Route 25. These areas are within the development area within which commercial uses are proposed; and
- An additional 3.79 acres located on both sides of Dan Drive between the residential community and State Route 25. An existing maintenance yard is located within this area on the east side of Dan Drive. No development is proposed in this area.

Existing conditions within the development area within the gated residential community consist of the following:

- East of Ridgemark Drive, the development area includes portions of the existing active golf course, water hazards and drainage ponds. A number of water features/hazards are present on the fairways. Existing single-family residences adjoin much of the areas proposed for development;
- Existing multifamily residential development adjoins the development area near the center of the site east of the existing driving range and near the southern boundary of the project site along Duffin Drive;



Source: ESRI 2019

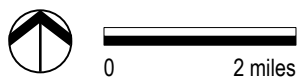
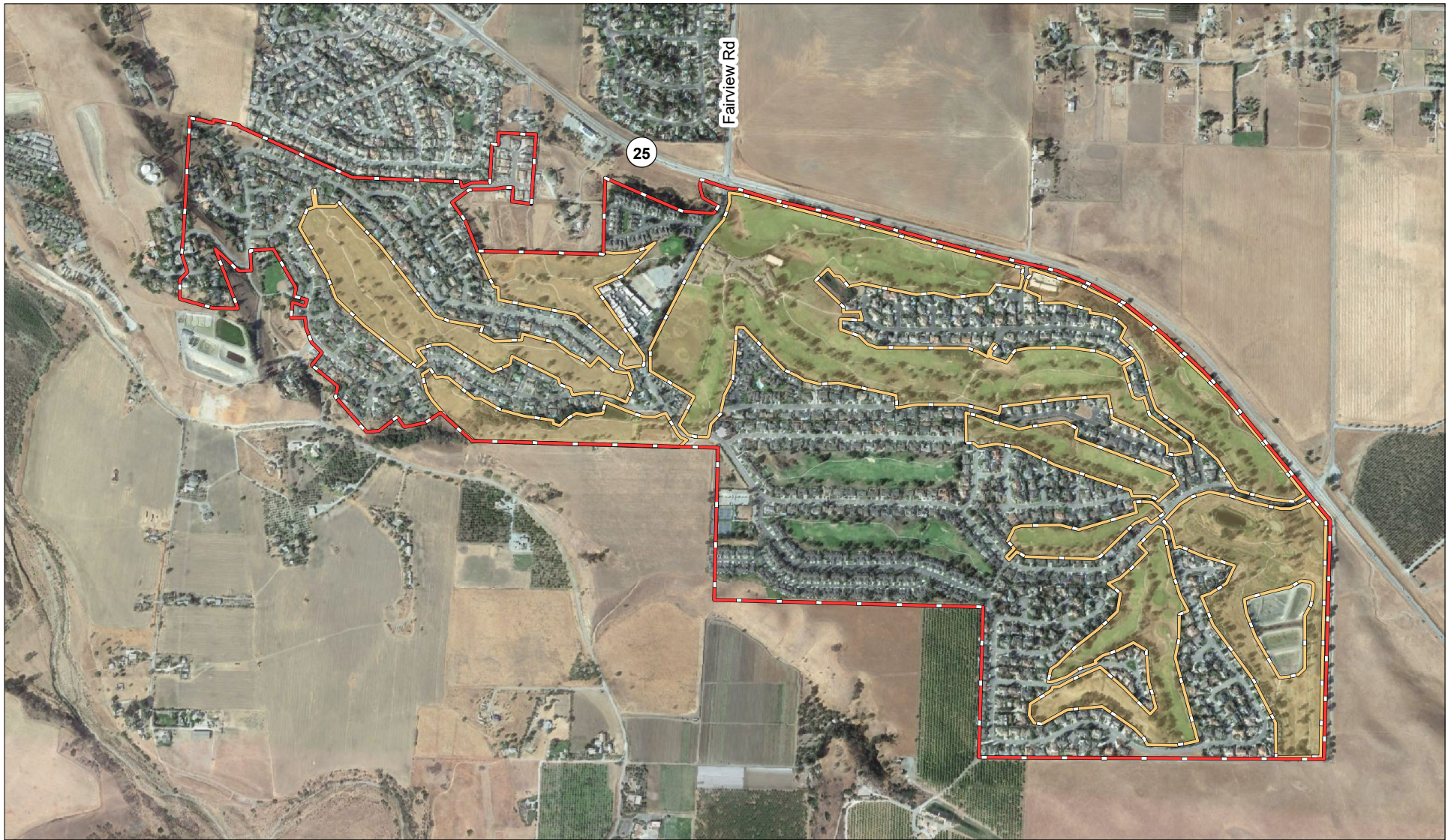


Figure 3-1
Project Location

Ridgemark Subdivision EIR

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0 1250 feet



Project Site



Development Area

Kelley Engineering & Surveying 2019, ESRI World Imagery 2021, Aerial Date: 09/11/2019



Figure 3-2
Aerial Photograph
Ridgemark Subdivision EIR

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① View Southeast by Lots 52-83



② View Southeast From Open Space West of Ridgemark Drive



③ View West from Ridgemark Drive



Project Site



Development Areas

Source: Google Earth 2018
Photographs: EMC Planning Group 2020



④ View West between Donald Drive and Marks Drive



⑤ View East of Lot 50 Pond



⑥ View East Lot 51

Figure 3-3 Site Photographs, East of Ridgemark Drive

Ridgemark Subdivision EIR

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① View Southeast from Ridgemark Drive Near State Route 25



② View Northwest Near Lot 118



③ View Northwest Pond near Lot 115



Project Site

Development Areas

Source: Google Earth 2018
Photographs: EMC Planning Group 2020



④ View North from Ridgemark Drive



⑤ View South over Driving Range



⑥ View South from the Clubhouse Entrance

Figure 3-4 Site Photographs, North of South Ridgemark Drive

Ridgemark Subdivision EIR

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① View Southeast from Lot 100



② View North across Lot 100



③ View East near Lot 100



Project Site



Development Areas

Source: Google Earth 2018
Photographs: EMC Planning Group 2020



④ View East near Lot 98



⑤ View West by Lots 84-91



⑥ View Northwest of existing Water Hazard by Lot 91

Figure 3-5 Site Photographs, East of South Ridgemark Drive

Ridgemark Subdivision EIR

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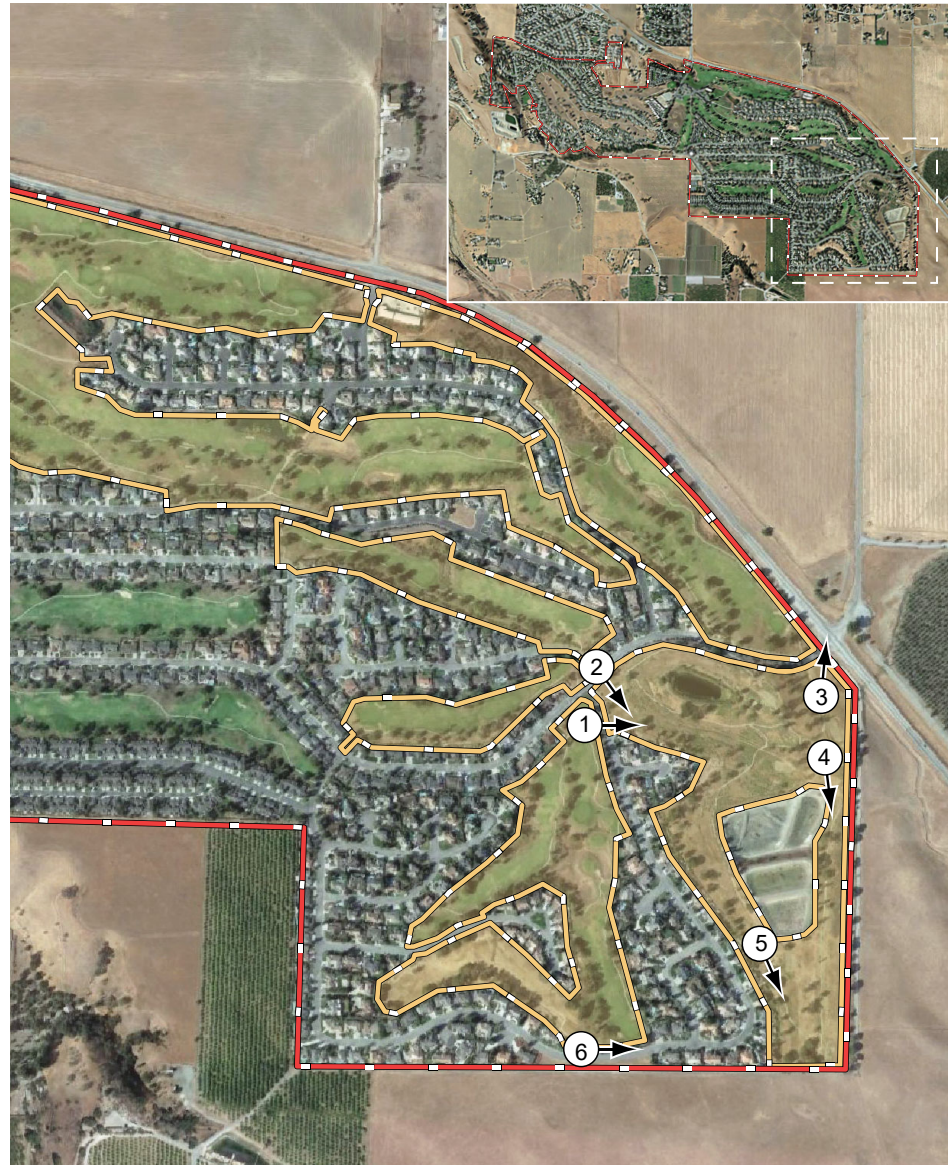
① View East from Lot 105



② View Southeast by Lot 123



③ View North near Lot 148



Project Site



Development Areas

Source: Google Earth 2018
Photographs: EMC Planning Group 2020



④ View South by Lot 150



⑤ View South by Lot 174



⑥ View East near Lots 114-115

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- Development areas within the eastern portion of the site, are generally located along and east of South Ridgemark Drive and Sonny's Way, and include natural drainages, former water hazards, drainage ponds, and fallow former fairways near the easternmost portion of the project site. Ornamental tree species and concrete golf cart paths are present within the otherwise fallow fairways. Existing homes and streets adjoin the development areas;
- Two water storage ponds, one owned and operated by Ridgemark and the other owned and operated by the Sunnyslope County Water District are located within the easternmost portion of the development area. The Ridgemark pond is used for irrigation. The Sunnyslope County Water District pond was dry at the time of the site visit. Unoccupied flat land between the Sunnyslope County Water District pond and State Route 25 to the north has been used for the disposal of landscape trimmings and construction spoils;
- West of Ridgemark Drive, the development area consists of the fallow former golf course fairways and streets. A number of ornamental tree species, concrete golf cart paths, and former drainage ponds are present within the otherwise fallow fairways west of Ridgemark Drive. Existing uses adjacent to the development area include a multifamily residential street near the entrance kiosk and single-family homes clustered around the fallow fairways; and
- South of Marks Drive, the development area consists of vacant land adjacent to two existing drainage ponds.

In addition to the areas described above, a drainage ditch runs east-west along the entire northern portion of the project site adjacent to State Route 25.

There are several areas within the proposed development area that can support native plant and animal species. Sensitive environmental characteristics include the views from State Route 25, which is eligible for designation as a state scenic highway, oak trees, and riparian and wetland communities. These characteristics are all discussed in detail in applicable sections of the EIR.

General Plan and Zoning Designations

General Plan

The project site has a *San Benito County 2035 General Plan* (general plan) land use designation of Residential Mixed (RM) across most of the site, and a Commercial Neighborhood (CN) node is identified on the general plan Figure 3-5 near the entrance to the project site at the intersection of Ridgemark Drive and Highway 25 (San Benito County 2015a). The RM land use designation allows certain urban uses outside of incorporated areas but within areas served by existing circulation and utility systems. Allowable land uses within this designation include residential land uses with a maximum residential land use density of 20 dwelling units per acre, and commercial uses serving the residences with a maximum floor-to-area ratio of 0.8. General plan policy LU-5.1 establishes CN nodes and allows commercial uses so long as they are located within a reasonable walking distance

of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. Neighborhood commercial uses are encouraged in these nodes to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.

Zoning

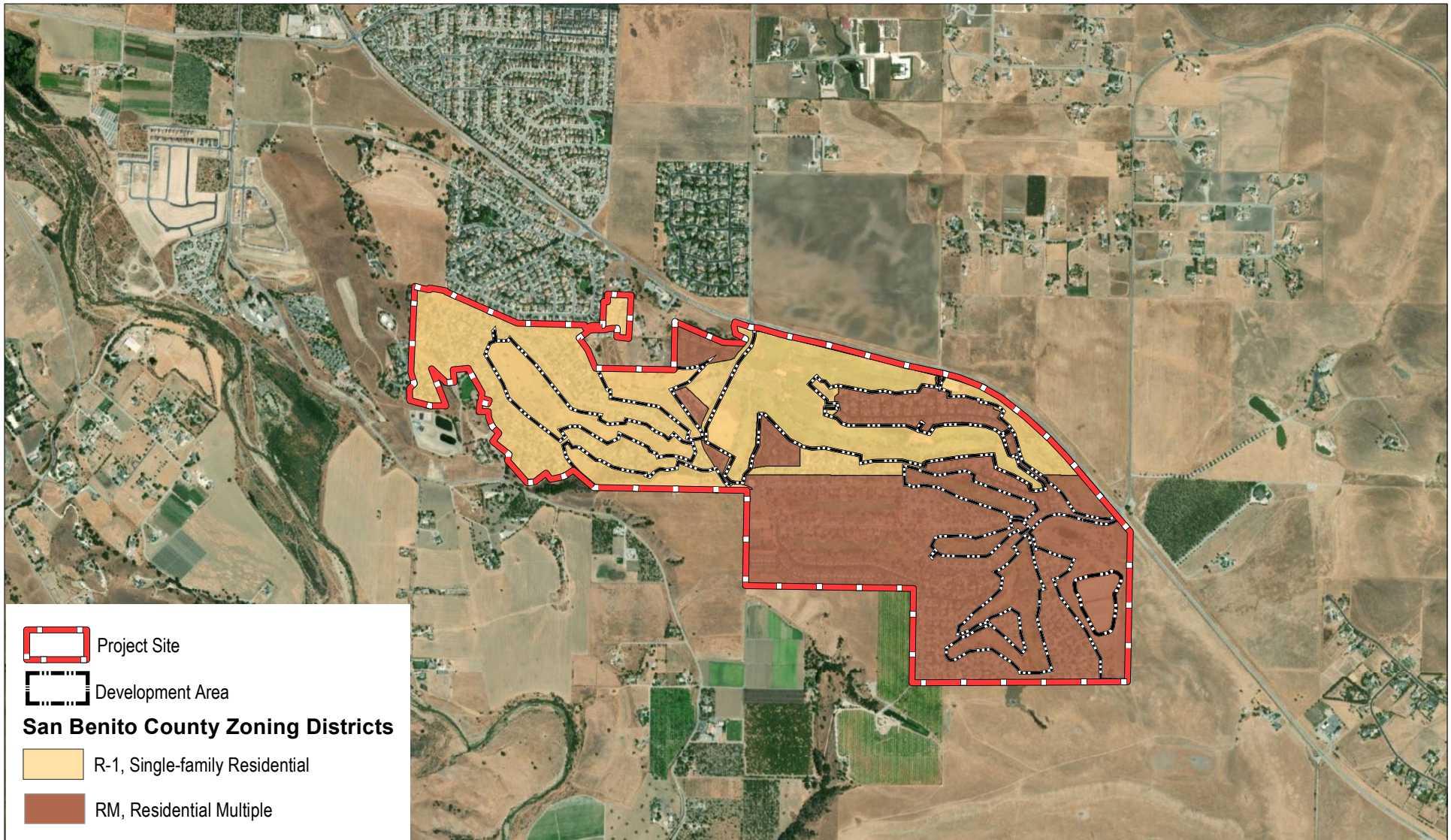
The project site lies within two San Benito County zoning districts: R-1, Single-family residential, and RM, Residential Multiple (San Benito County 2020). [Figure 3-7, Existing Zoning](#), illustrates the portions of the project site and development area that are subject to the R-1 and RM zone district requirements. The portion of the project site identified as “Contract Zone per Rec File No. 8403420” is located within the RM zone district. The RM district is intended to allow areas within the County that are already developed with urban land uses to continue where public sewer and water, as well as circulation, other utilities and services exist or can be provided to serve that density (San Benito County 2020). Allowable uses include single- and multiple-family residential development at land use densities and intensities greater than the R-1 zone district and commercial uses subject to approval of an overlay district or specific plan.

3.2 Baseline Conditions

The project site has seen many changes since 1972, when what used to be a turkey farm was subdivided and developed with a gated residential community with a 36-hole, PGA-quality golf course. As previously stated, drought conditions in 2014 forced the Sunnyslope County Water District to reduce water supply to the project site. However, for the purpose of this EIR, baseline conditions for water use on the project site will include the water used to irrigate the former 18-hole golf course (now fallow).

3.3 Regional Setting

San Benito County is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey Counties to the west, Santa Clara County to the north, and Merced and Fresno Counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles). San Benito County is largely rural, with over 90 percent of land used for farming, ranching, forestry, or other public uses (San Benito County 2015a).



Source: Google Earth 2020, ESRI 2017



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Surrounding Land Uses

Figure 3-8, [Project Site and Surrounding Land Uses](#), presents an aerial view of the project site and surroundings. In this figure, the development area is shaded. Land uses in the vicinity of the project site are presented in [Table 3-1, Surrounding Land Uses](#).

Table 3-1 Surrounding Land Uses

Direction	Land Uses
North	Quail Hollow and Oak Creek Neighborhoods; Sunnyslope County Water District Office; Future Ridgemark Assisted Care Facility; State Route 25 (Airline Highway); Future Roberts Ranch Subdivision; Cielo Vista Neighborhood; Future Gavilan College – San Benito Campus; Fairview Corners Residential Specific Plan; and Vacant Land
South	Southside Road; Future Promontory at Ridgemark Subdivision (approved but not yet constructed); Agricultural Land; Rural Residential; and Vacant Land
East	Vacant Land; Orchard; and Proposed Vintage Specific Plan Residential Development
West	Vacant Land and Rural Residences.

SOURCES: Google Earth 2019, EMC Planning 2020

Climate

The climate of the San Benito Valley is dominated by a semi-permanent high-pressure cell over the Pacific Ocean. In the summer, the high-pressure cell is dominant and causes persistent west and northwest winds over the entire California coast. Air descends in the Pacific high-pressure cell forming a stable temperature inversion of hot air over a cool coastal layer of air. The onshore air currents pass over cool ocean waters to bring fog and relatively cool air into the coastal valleys and the warmer air aloft acts as a lid to inhibit vertical air movement. The generally northwest-southeast orientation of mountain ridges restricts and channels the summer on-shore air currents. Surface heating in the interior portion of the Salinas and San Benito valleys creates a weak low pressure area, which intensifies the on-shore winds during the afternoon and evening. During the winter, the Pacific high-pressure cell migrates southward and has less influence on the air basin. Air frequently flows in a southeasterly direction out of the Salinas and San Benito valleys, especially during night and morning hours. Northwest winds are nevertheless still dominant in winter, but easterly flow is more frequent. The general absence of deep, persistent inversions and the occasional storm systems usually result in good air quality for the basin as a whole in winter and early spring.

Average annual temperatures in the vicinity of the project site range from a low of 46 degrees to 72 degrees (U.S. Climate Data 2022). Average annual precipitation is about 12.98 inches annually (San Benito County Water District 2022).

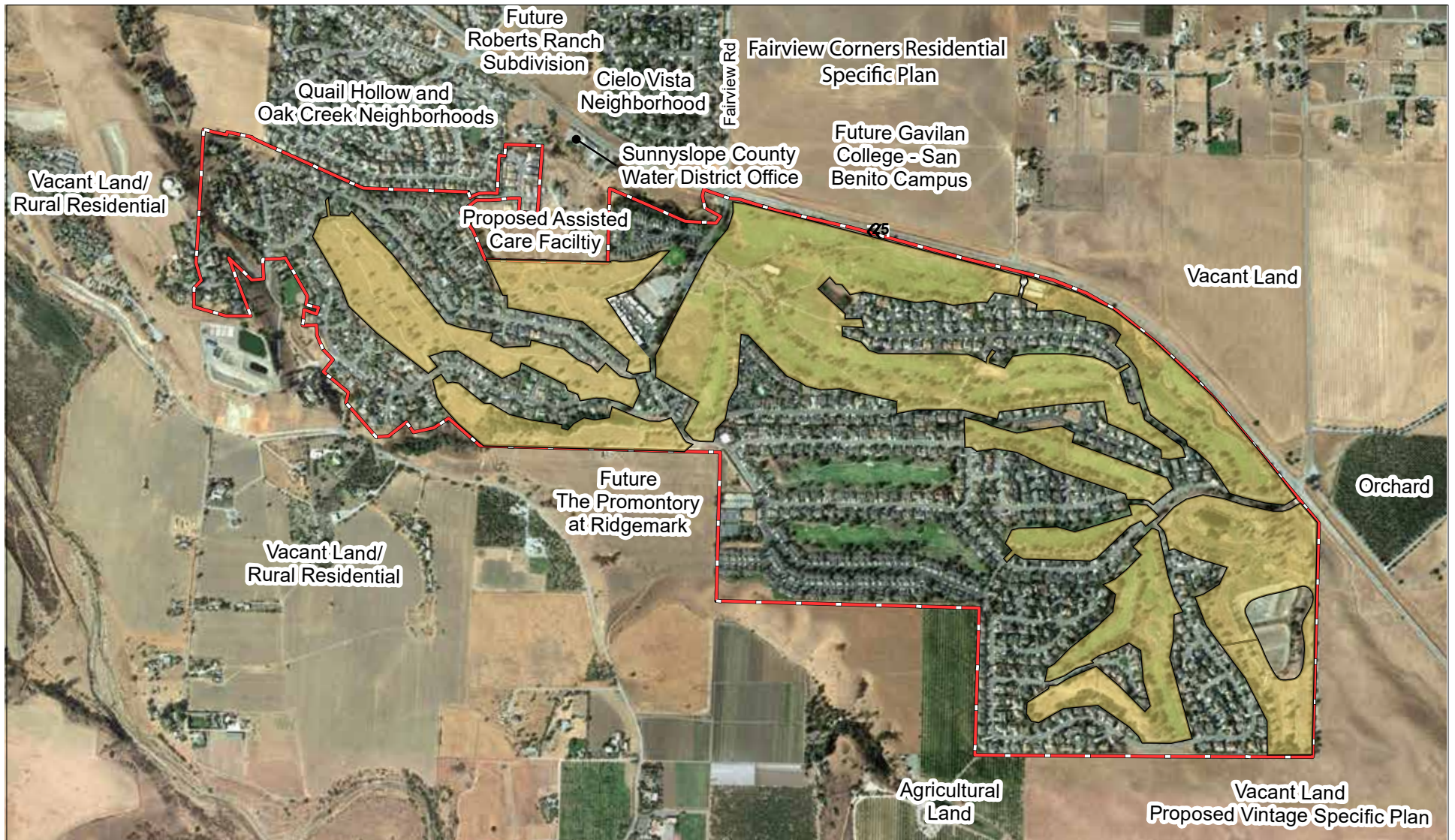
Aesthetics

The majority of land within the County is rural and its scenic quality is characterized by views of rolling hills framed by distant mountains to the east and west, rangeland, agricultural areas with row crops, pastures, orchards, vineyards, ranches, barns, and farms (San Benito County 2010). Most roadways within the County offer some views of rural agricultural landscapes. Caltrans has identified State Route 25 within San Benito County as an eligible scenic route in the State Scenic Highway Program (Caltrans 2022). When approaching the project site from the south on State Route 25, the rural character of the visual landscape transitions into urban development in the vicinity of the project site and City of Hollister. The proposed project would alter the visual character of portions of the the project site when viewed from State Route 25 and other public areas outside the project boundary.

Air Quality

The project site is located in the Northern Central Coast Air Basin (air basin). The air basin lies along the central coast of California covering an area of approximately 5,159 square miles, and is comprised of several interconnected valleys: a portion of the Santa Clara Valley; San Benito Valley; Salinas Valley, and Carmel Valley. The air basin is within the jurisdictional authority of the Monterey Bay Air Resources District (air district). Criteria air pollutants of primary concern within the air basin are ozone and particulate matter. During the summer months air pollution potential for the county as a whole is relatively high (particularly with respect to photochemical pollutants) due to hot summer temperatures, abundant sunlight, and the presence of frequent temperature inversions that limit the dispersion of pollutants and mixing of air layers. The most significant air quality problems in in the basin occur in late spring and fall when inversions restrict vertical and horizontal dispersion of pollutants. During this season north or east winds develop and often transport pollutants from either the San Francisco Bay Area or the Central Valley into the air basin, where the inversion enables pollutants to build up over several days (City of Hollister 2005).

During the winter, the Pacific high-pressure cell migrates southward and has less influence on the air basin. Air frequently flows in a southeasterly direction out of the Salinas and San Benito valleys, especially during night and morning hours. Northwest winds are nevertheless still dominant in winter, but easterly flow is more frequent. The general absence of deep, persistent inversions and the occasional storm systems usually result in good air quality for the basin as a whole in winter and early spring.



0 1250 feet



Project Boundary



Development Areas

Kelley Engineering & Surveying 2019, Google Earth 2018



Figure 3-8
Project Site and Surrounding Land Uses
Ridgemark Subdivision EIR

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Biological Resources

Records in the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) include observations of western spadefoot (*Spea hammondi*), prairie falcon (*Falco mexicanus*), and California horned lark (*Eremophila alpestris actia*) within the project boundaries. The project site also includes potential habitat for a number of other special-status species. The project site and surrounding vicinity contain known upland and breeding habitat areas for Federally-listed Threatened and State-listed Species of Special Concern California red-legged frog (*Rana draytonii*) and Federally-listed and State-listed Threatened California tiger salamander (*Ambystoma californiense*). Several of the existing water features and drainages on the project site east of Ridgemark Drive include locations where the California tiger salamander has been observed in the past, and these features may provide suitable habitat for the salamander and other special status plant and wildlife species.

Geology

The County is located within the Coastal Ranges Geomorphic Province. The northern central portion of the County is characterized by the relatively flat San Juan, Hollister, and Santa Ana Valleys that are composed of alluvium. The County is in a seismically active region, with several faults of major historical significance in the vicinity of the project site. Based on data collected by the California Geological Survey regarding California Historic Earthquakes with a magnitude of over 5.5, in excess of 15 earthquakes have been reported in the County dating back to the beginning of the 19th century. The principal active faults identified within the County are the San Andreas Fault and the Calaveras Fault. Numerous additional faults that are related to the San Andreas system have been mapped in the area and trend parallel or subparallel to the San Andreas Fault trace. Of these, the Calaveras fault is the most extensively mapped. It branches off of the San Andreas south of Hollister. The San Andreas Fault and the Calaveras Faults have both experienced movement in modern historic times. Historic records of these quakes indicate that the San Juan Bautista Mission was damaged during the 1906 San Francisco earthquake, and fault rupture was reported. Reports of damage and evidence of previous historical earthquakes have been documented. Fault rupture along the Calaveras Fault was last reported in 1897 during a magnitude 6.3 earthquake (San Benito County 2015b).

The project site is located within an Alquist-Priolo Special Study Zone and a Seismic Hazard Zone. Of the numerous faults known to exist in the Hollister area, the San Andreas, Quien Sabe, and Calaveras faults, along with small segments of the Tres Pinos fault, are classified by the California Geologic Survey as active or potentially active locally. The western portion of the project site is located within the Alquist-Priolo Earthquake Fault Zone due to its proximity to the Calaveras Fault and the eastern portion of the project site is located within the Alquist-Priolo Earthquake Fault Zone due to its proximity to the Tres Pinos fault, a branch of the Calaveras fault that is generally considered to be potentially active. The proposed project includes the placement of two residential

lots, lot 100 and lot 101 within an area of potential seismic activity, that may include a trace fault. Future development of residential uses on these lots could expose people and property to increased risks of human harm or property damage due to seismic activity.

Water Resources

Water supply in the county is primarily furnished through groundwater sources and water deliveries from the Federal Central Valley Project. The project site is located within the North San Benito Basin, which is administered by the San Benito County Water District (County Water District), and encompasses four groundwater subbasins: Bolsa, Hollister, San Juan Bautista, and Tres Pinos Valley (San Benito County Water District 2020). Groundwater in the basin is highly mineralized in some areas and of marginal quality for drinking and agricultural purposes (San Benito County 2015b).

In addition to being a source of water supply, groundwater basins in the county also provide water storage, which is critical in ensuring a reliable water supply through drought periods. Groundwater supply is currently stable due in part to groundwater recharge activities, and the increased use of Central Valley Project water in lieu of groundwater in recent years. The San Benito County Water District adopted the Groundwater Sustainability Plan for the basin on November 21, 2021, in cooperation with Santa Clara Valley Water District (San Benito County Water District 2022).

The Sunnyslope County Water District (SSCWD) is the local purveyor of domestic water supply to more than 5,600 customers in the vicinity including the project site. The SSCWD storage and distribution facilities include four groundwater wells and three reservoirs for a total capacity of 2.5 million gallons. The SSCWD operates and maintains storage tanks on Fairview Road in addition to the surface storage facility within the project site. The Fairview Road tanks have a total capacity of two million gallons, with one million gallons allocated to the City of Hollister. Pressure reducing/sustaining stations are used to maintain water pressure for supplemental flows during periods of peak demand.

The San Benito River, which flows west through the county south of the project site is listed as an impaired water body under Section 303(d) of the Clean Water Act. It is impaired by high levels of fecal coliform and sedimentation/siltation. As a result, storm water discharges into the San Benito River must meet water quality objectives and total maximum daily loads established by the Central Coast Regional Water Quality Control Board (regional water quality control board) for these pollutants.

Public Services

Law Enforcement and Fire Protection Services

Law enforcement is provided by the San Benito County Sheriff's Department. The Sheriff's department is headquartered at 2301 Technology Parkway. Fire protection services in unincorporated San Benito County (including the project site), as well as the Cities of Hollister and San Juan Bautista, are provided primarily by the City of Hollister Fire Department, which absorbed

the San Benito County Fire Department in 2013. Other fire protection services in the county include the Aromas Tri-County Fire Department, San Juan Bautista Volunteer Fire Department, and CAL FIRE. The City of Hollister Fire Department has two agreements with CAL FIRE: the automatic aid agreement provides automatic fire protection services, and the mutual aid agreement provides fire protection service upon radio request by the City of Hollister Fire Department.

Public School Facilities

The Southside and Hollister Elementary School Districts are the local elementary school districts that would serve elementary and middle school students generated by the proposed project.

Southside Elementary School District

The Southside Elementary School District includes only one school in its district: Southside School. Southside School is a rural transitional kindergarten through 8th grade school located just south of the project site (approximately 0.75 miles) at 4991 Southside Road. Students in grades kindergarten through eighth grade generated by the project and located in the southern half of the project site (i.e., residences located on and south of Lanini Drive, Freds Way, and South Ridgemark Drive) would attend this school. Southside Elementary School had a 2021 Fall enrollment of 224 students (School Facility Consultants 2020).

Hollister Elementary School District

The Hollister Elementary School District includes transitional kindergarten through 8th grade schools and would serve the students in these grades generated by the project that are located on and north of Ridgemark Drive. Ladd Lane Elementary School would serve the project-generated transitional kindergarten through 5th grade students at 161 Ladd Lane in Hollister and has a 2021 Fall enrollment of 740 students. Rancho San Justo Middle School would serve the project-generated 6th through 8th grade students at 1201 Rancho Drive in Hollister and had a 2021 Fall enrollment of 606 students.

San Benito High School District

High school students (grades 9-12) generated by the proposed project would be served by the San Benito High School District., specifically Hollister High School located at 1220 Monterey Street in Hollister, approximately three miles northwest of the project site. The 2021 Fall enrollment at Hollister High School was 3,423 students (California Department of Education 2022b).

Wastewater

The SSCWD operates wastewater facilities for more than 1,200 customers through County Service Areas in the county. The project site is located within SSCWD County Service Area 9, Ridgemark (CSA 9). Wastewater within the project site is collected through a system of gravity fed pipes, lift stations, and force mains (Sunnyslope County Water District 2021b) before treatment at the Ridgemark Wastewater Treatment Plant with a treatment capacity of 0.35 million gallons per day (mgd). The plant currently treats approximately 0.18 mgd, leaving an available capacity of

approximately 0.17 mgd (City of Hollister, San Benito County Water District, and Sunnyslope County Water District 2017). The proposed project would increase wastewater generation on the site and require wastewater conveyance infrastructure and wastewater treatment from SSCWD.

3.4 Project Consistency

In accordance with CEQA Guidelines section 15125(d), this section evaluates the proposed project's consistency with applicable plans and identifies and discusses inconsistencies between the proposed project and those plans. The following plans are applicable to the proposed project:

- *San Benito County 2035 General Plan* (San Benito County 2010);
- *San Benito Regional Transportation Plan 2018-2040* (Council of San Benito Governments 2018);
- *San Benito County Bikeway and Pedestrian Master Plan* (Council of San Benito Governments 2009);
- *Air Quality Management Plan* (Monterey Bay Air District 2017); and
- *Hollister Urban Area Water and Wastewater Master Plan Update*. (City of Hollister, San Benito County Water District, Sunnyslope County Water District 2017).

Relevant environmental policies in each of these plans are evaluated in [Table 3-2, Project Consistency Review \(San Benito County 2035 General Plan\)](#), on the following page.

Table 3-2 Project Consistency Review (San Benito County 2035 General Plan)

San Benito County 2035 General Plan Policy	Discussion
Land Use Element	
LU-1.1 Countywide Development. The County shall focus future development in areas around cities where infrastructure and public services are available, within existing unincorporated communities, and within a limited number of new communities, provided they meet the requirements of goal section LU-7 and demonstrate a fiscally neutral or positive impact on the County and any special districts that provide services to the project.	Consistent. The development area is within the Ridgemark Country Club community, an existing development within an unincorporated area of the County. As detailed in this EIR Section 15, Public Schools; Section, 17, Wastewater; Section 18, Water Supply; and Section 20, Effects Found Not to Be Significant, infrastructure and public services are available and can be extended to meet the needs of the proposed project. As a subdivision, specific design details are not yet available for the project; however, when construction is proposed, the project will be required to adhere to Goal LU-7 of the County's General Plan, which calls for preserving San Benito County's historic identity. The project would be required to be revenue neutral, through participation in a CFD or otherwise, as a condition of approval.
LU-1.2 Sustainable Development Patterns: The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.	Consistent. The proposed development areas are clustered within the existing Ridgemark Country Club community. New development will replace fallow golf course areas and transient units within the community, and includes commercial uses, which would reduce VMT. The proposed project is located in an area to accommodate the County's planned growth, in relatively close proximity to employment centers and shopping areas, thereby helping to reduce pollution and the expenditure of energy and other resources.
LU-1.3 Future Development Timing: The County shall ensure that future development does not outpace the ability of either the County or other public/private service providers to provide adequate services and infrastructure. The County shall review future development proposals for their potential to reduce the level of services provided to existing communities or place economic hardships on existing communities, and the County may deny proposals that are projected to have these effects.	Consistent. The proposed project is located within existing service areas and potential impacts to service providers are addressed in Section 13, Law Enforcement and Fire Protection; Section 15, Public School Facilities; Section 17 Wastewater; Section 18, Water Supply; and Section 19, Effects Not Found to Be Significant. As described therein, adequate police protection, fire protection, schools, parks, and recreational facilities, libraries, wastewater facilities, water supply, solid waste facilities and landfill capacity exist to serve the development. Further, as described in Section 16, Transportation and Circulation, circulation infrastructure would be adequate to serve the proposed project. Therefore, project development would not outpace the ability of service providers to provide adequate services or infrastructure and the proposed project is consistent with this policy.
LU-1.5 Infill Development: The County shall encourage infill development on vacant and underutilized parcels to maximize the use of land within existing urban areas, minimize the conversion	Consistent with Mitigation. The proposed project would resubdivide underutilized parcels to accommodate future development within the existing Ridgemark Golf and Country Club residential subdivision. Future development would occur within the boundary of the existing subdivision and is infill development where no

San Benito County 2035 General Plan Policy	Discussion
of productive agricultural land and open spaces, and minimize environmental impacts associated with new development as one way to accommodate growth.	agricultural land is present. The proposed project includes the provision of park and open space parcels and with implementation of mitigation measures identified herein, the proposed project would minimize environmental impacts associated with future development of the uses identified on the VTM.
LU-1.6 Hillside Development Restrictions: The County shall prohibit residential and urban development on hillsides with 30 percent or greater slopes.	Consistent. As discussed in Section 10, Geology and Soils, Section 25.08.028-E of the County Code requires the preparation of a geotechnical report and implementation of the recommendations therein. Compliance with applicable general plan policies and the County Code would ensure development on slopes greater than 30 percent is avoided.
LU-1.8 Site Plan Environmental Content Requirements: The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.	Consistent. The proposed Vesting Tentative Map and associated application materials submitted to the County show the locations of known fault hazards, slopes and potential wetlands and riparian habitat. The project site is not located within high fire hazard severity zone and is does not contain any 100-year floodplains or severe erosion hazards. In addition to compliance with applicable general plan policies identified herein, the County Code (e.g., Section 25.08.028-E) ensures that development would avoid geological hazards.
LU-1.10 Development Site Suitability: The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).	Consistent with Mitigation. As discussed in Section 10, Geology and Soils, the general plan and County Code require preparation of a geotechnical report, and implementation of the recommendations therein. This will ensure active seismic faults, slopes greater than 30 percent, and landslide hazard areas will be avoided. As discussed in Section 12, Hydrology and Water Quality, the project site is outside the effective 100-year FEMA floodplain. The site would be served by SSCWD for water and sewer and does not include well and septic systems. As discussed in Section 7, Biological Resources, all impacts to environmentally sensitive lands and important plant and animal communities would be less than significant with implementation of the mitigation measures identified therein. As discussed in Section 8, Cultural Resources impacts to archaeological resource would be less than significant with incorporation of the mitigation measures identified therein.
LU-2.1 Sustainable Building Practices: The County shall promote, and where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.	Consistent. Future development is subject to compliance with this measure. As part of County review of improvement plans, proposed development is required to comply with development standards and regulations contained in the California Building Standards Code. Together, these tools function as a fundamental mechanism for ensuring that new development is designed to implement building and building site energy efficiency and energy demand reduction measures. The current version of the California Building Standards Code includes requirements that mandate integrating renewable energy into new residential development of the type proposed. Additionally, the proposed project would be required to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

San Benito County 2035 General Plan Policy	Discussion
LU-2.2 Green Sustainable Building Practices: The County shall encourage sustainable building practices that go beyond the minimum requirements of the Title 24 CalGreen Code (i.e., Tier 1 or Tier 2 measures) and to design new buildings to achieve a green building standard such as Leadership in Energy and Environmental Design (LEED).	Consistent with Mitigation. See also discussion of LU-2.1. The proposed project would be subject to this measure. Refer to Section 11, Greenhouse Gas Emissions and Mitigation Measure GHG-1, which requires the preparation of an emissions reduction measure including measures that increase building energy efficiencies beyond Title 24 requirements. Implementation of Mitigation Measure GHG-1 ensures consistency with this policy.
LU-2.4 Solar Access: The County shall encourage new residential subdivisions and new commercial, office, industrial, and public buildings to be oriented and landscaped to enhance natural lighting and solar access in order to maximize energy efficiency.	Consistent with Mitigation. See also discussion of LU-2.1. The proposed project would be subject to this measure. Refer to Section 11, Greenhouse Gas Emissions and Mitigation Measure GHG-1, which requires the preparation of an emissions reduction measure including measures that increase building energy efficiencies beyond Title 24 requirements. Implementation of Mitigation Measure GHG-1 ensures consistency with this policy.
LU-2.7 Sustainable Location Factor: The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.	Consistent. Future development would occur within an existing residential subdivision and would not introduce new development outside of existing transportation corridors.
LU-4.1 Housing Stock Diversity: The County shall encourage a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds.	Consistent. The proposed project consists of 190 residential lots for eventual construction of 160 market-rate single-family residential units and up to 30 below-market-rate duplex or duet residential units.
LU-4.2 Urban Residential Development: The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.	Consistent with Mitigation. As discussed in Section 13, Law Enforcement and Fire Protection, Section 15, Public School Facilities, Section 17 Wastewater, Section 18, Water Supply, and Section 19, Effects Not Found to Be Significant, adequate public services exist to serve the project. Future development of the project includes residential and job-creating commercial uses, is located on State Route 25 and, with implementation of Mitigation Measures TRAN-1 - TRAN-4 (Section 16), the proposed project is consistent with this policy.
LU-4.5 Innovative Site Planning and Residential Design: The County shall encourage new residential developments to use innovative site planning techniques and to incorporate design features that increase the design quality, and energy efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.	Consistent with Mitigation. Future development is subject to compliance with energy and water conserving policies of the general plan and development standards and regulations contained in the California Building Code, which includes requirements that mandate integrating renewable energy into new residential development. Additionally, mitigation measure GHG-1 requires the implementation of measures that increase energy efficiencies of new development.

San Benito County 2035 General Plan Policy	Discussion
LU-4.6 Clustered Residential Program: The County shall continue to encourage the clustering of residential uses and the use of creative site planning techniques to promote preservation of agricultural land and open space areas.	Consistent. The proposed project would not result in development agricultural land or public open space.
LU-4.7 Clustered Residential Site Layout: The County shall encourage clustered residential development be designed to respect existing natural features (e.g., rivers and streams, hills and ridge lines, and substantial tree stands) as appropriate to the density and character of the development, and if applicable to use such features to separate clustered parcels from farming areas.	Consistent. Future development of the project site would replace existing commercial uses and place future development primarily in areas formerly occupied by golf course fairways.
LU-5.5: Strip Commercial: The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.	Consistent. The proposed project does not include a new strip development. A small commercial parcel is proposed in the State Route 25 commercial node consistent with the general plan land use designation of Neighborhood Commercial.
LU-5.6 Visitor-Oriented Commercial Uses: The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.	Consistent. The proposed project includes a commercial component within an existing commercial node identified in the general plan (County of San Benito 2015, Figure 3-5) that provides an opportunity for the development of visitor-oriented uses that promote the local history, local economy, and market locally-produced agricultural products.
LU-7.6 Minimizing Parking Impacts: The County shall minimize the visual impact of public and private parking by requiring it to be located at the rear and/or side of buildings and screened with landscape, where feasible, in order to preserve character and promote human-scale development.	Consistent. Future development is subject to compliance with this policy as part of the building permit review process.
LU-7.7 Screening: The County shall require screening of storage, trash receptacles, loading docks, and other building or site features to reduce visual impacts from public areas.	Consistent. Future development is subject to compliance with this policy as part of the building permit review process.

San Benito County 2035 General Plan Policy	Discussion
LU-7.10 New Development Design: The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.	Consistent. Future development is subject to compliance with this policy as part of the building permit review process.
Economic Development Element	
ED-4.5 Tourist Hotels and Resorts: The County should encourage the development of hotels and destination resorts that enhance community character, relate to the historical and physical features of the county, and create new opportunities for tourist attractions. This should include the creation of specialty hotels and resorts that cater to specific market segments, such as: winery/culinary tourism, outdoor recreation, adventure sports, dude ranches, ecotourism, and agritourism.	Consistent. The proposed subdivision includes a hotel use and while actual development is not proposed at this time and information regarding specific hotel operators are unknown, the project includes the opportunity to create tourist attractions that cater to winery/culinary tourism, outdoor recreation, adventure sports, dude ranches, ecotourism, and agritourism.
ED-5.9 Business-Traveler Lodging: The County shall encourage the development of hotels and other lodging facilities geared towards business travelers, concentrated near the cities of Hollister and San Juan Bautista, and existing and future employment centers.	Consistent. See above.
ED-8.4 Walking Distance to Parks: Strive to create development patterns such that the majority of residents are within a reasonable walking distance of a park, greenway, public plaza or recreation center.	Consistent. The proposed project includes 36-acres of private open space that will be within walking distance for the current Ridgemark residents as well as future residents.
Housing Element	
HOU-2C: The County shall assure that new housing efficiently uses land and causes minimum environmental impact.	Consistent. The proposed project includes redevelopment of underutilized parcels including transient units and a fallow golf course within the existing Ridgemark Golf and Country Club. The development area is interspersed within an existing developed community and is infill development, which will minimize environmental impacts associated with new development. With implementation of the mitigation measures described herein, future development of the development area would minimize impacts to aesthetics, air quality, biological, energy, geological, greenhouse gas emissions, hydrology and water quality, public services and water and wastewater resources.

San Benito County 2035 General Plan Policy	Discussion
HOU-2L: The County shall require, through specific plans, neighborhood design standards and development review, a mix of housing types, densities, designs and prices/rents in each planning area where land is available.	Consistent. A specific plan is not required for the proposed project, which is located within an existing residential subdivision. The proposed project is subject to design review and compliance with the County's Housing Element. Future development must adhere to Ridgemark HOA design standards.
HOU-5A: The County shall require energy-conserving construction, as required by state law.	Consistent. As a subdivision, specific design details are not yet available for the project; however, new development will be required to comply with development standards and regulations contained in CALGreen and the California Building Standards Code. Together, these tools function as a fundamental mechanism for ensuring that new development is designed to implement building and building site energy efficiency and energy demand reduction measures. The current version of the California Building Standards Code includes requirements that mandate integrating renewable energy into new residential development of the type proposed. See also, See related discussions for LU-2.1, LU-2.2, LU-2.4, and LU-7.10.
HOU-5B: The County shall encourage innovative site designs and orientation techniques, which incorporate passive and active solar designs and natural cooling techniques.	Consistent. See related discussions for HOU-5A, LU-2.1, LU-2.2, LU-2.4, and LU-7.10
HOU-5E: The County shall promote energy efficient land use planning by incorporating energy conservation as a major criterion for future decision making.	Consistent. See related discussions for HOU-5A, LU-2.1, LU-2.2, LU-2.4, and LU-7.10
Circulation Element	
C-1.3 Roadway Improvement Aesthetics: The County shall require roadway improvements, such as roadway alignment and grading, landscaping, and/or other treatments, to reflect a context sensitive approach and be based on the intended character, whether urban or rural, of a particular location to be designed to conform to existing landforms and to include landscaping and/or other treatments to ensure that aesthetics are preserved, including the County's rural character.	Consistent. The proposed project is subject to compliance with County design standards and consistency with Ridgemark HOA design standards.
C-1.5 Mitigating Transportation Impacts: The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.	Consistent. The proposed project is subject to payment of required traffic facility impact fees prior to issuance of building permits. See also discussion of consistency with PFS-1.12

San Benito County 2035 General Plan Policy	Discussion
C-1.9 Dedicate Rights-of-Way: The County shall require project applicants with property fronting along planned road improvements, as a condition of project approval, to dedicate right-of-way and/or construct improvements in accordance with the Circulation Diagram when (1) a nexus can be established between the proposed project and the dedication and/or construction; and (2) the dedication and/or construction would be roughly proportional to the project's impacts.	Consistent with Mitigation. Implementation of Mitigation Measures TRAN-1 and TRAN-2 require land dedication consistent with widening improvements planned by Caltrans and Class II Bikeway improvements on State Route 25 planned by the San Benito Council of Governments.
C-1.10 Street Network Plans: The County shall require project applicants to prepare a street network plan for any subdivision proposal located near existing, approved, or proposed development (county or city). The plan shall illustrate how adjoining properties will interconnect over the long-term and how the plan will improve pedestrian and bicycle connectivity. The plan shall include an interim access plan and a long-term plan that consolidates vehicular access onto arterials/collectors (via street network design, or some other method).	Consistent. The VTM includes a proposed circulation plan. Future development is subject to the provision of complete streets as required by the County code.
C-1.11 Discourage Cul-de-Sacs: The County shall encourage developers to minimize the use of cul-de sac streets in new development. Cul-de-sac streets shall not exceed 800 feet in length and no portion of the cul-de-sac street shall be more than 400 feet from an intersecting street or public accessway unless physical constraints make it unfeasible.	Consistent. The proposed circulation plan is consistent with this measure. Most of the development would occur on existing streets and cul-de-sacs, and several new streets and cul-de-sacs are proposed due to the configuration of former fairway areas.
C-1.12 Level of Service (LOS) Standard: The County shall endeavor to maintain a General Plan target goal of LOS D at all locations. If a transportation facility is already operating at an LOS D or E, the existing LOS should be maintained. Exceptions should be considered where achievement of these levels of service would cause unacceptable impacts to other modes of transportation, the environment, or private property.	Consistent. According to the project transportation analysis (Hexagon Transportation Consultants 2022), the proposed project would increase congestion on area roadways. Although not used to determine the significance of impacts, project-related congestion effects and improvements to maintain LOS D are identified in the traffic analysis. No impacts to other modes of transportation, the environment, or private property were identified related to changes in LOS. The proposed project is subject to payment of fair share fees for its contribution unacceptable LOS. Refer to Section 16, Transportation and the transportation analysis (Appendix L)

San Benito County 2035 General Plan Policy	Discussion
C-1.13 Upgrade Private Roads: The County shall require existing private roads to be upgraded to County standards as a condition of approval for any project that will be served by such roads.	Consistent. Proposed new streets and improvements to existing streets within the project site are subject to conformance with the County's street design standards.
C-1.14 Driveway Siting: The County shall encourage driveways to be located on adjacent collector streets rather than on arterial streets.	Consistent. There are no arterial roadways on the project site. No new driveways are proposed on State Route 25.
C-1.15 Street Networks That Enhance Neighborhood Character: The County shall encourage traditional interconnected street networks that provide alternate routes between neighborhoods and other measures that slow neighborhood traffic and enhance neighborhood character, such as those associated with Complete Streets.	Consistent. The proposed residential lots are placed within and adjacent to existing neighborhoods. As discussed in the Section 16, Transportation, new and improvements to existing streets are subject to compliance with this policy as part of the County's review of improvement plans.
C-1.19 Avoid Hazardous Areas: The County shall ensure that road development is minimized in hazardous areas (e.g., faults, flood plains, landslide areas, fire hazard areas) and that, if a hazard is present within a planned road alignment, the planned alignment is modified to the extent feasible to avoid the hazard.	Consistent. New streets are not proposed on hillsides or areas prone to landslide hazards. The project site is not located within a flood plain or fire hazard area.
C-2.1 Bicycle, Pedestrian and Equestrian Systems: The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems, as appropriate to the context, that serve both commuter travel and recreational use, and provide access to major destinations in the county.	Consistent With Mitigation. See responses to general plan policies C-1.9, C-1.10, C-1.15, C-2.6, and NCR-3.7. With implementation of Mitigation Measures TRAN-1 - TRAN-4 (Section 16), the proposed project is consistent with this policy.
C-2.6 Development Along Planned Bikeways: The County shall require project applicants of new developments adjacent to designated bikeways to provide the portion of the planned bikeway within the development, including rights-of-way dedication and/or construction when (1) a nexus can be established between the proposed development and the dedication and/or construction; and (2) the dedication and/or construction would be roughly proportional to the development's impacts.	Consistent with Mitigation. With implementation of Mitigation Measures TRAN-1 - TRAN-4 (Section 16), the proposed project is consistent with this policy.

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C-2.8 Sidewalks or Pedestrian Paths in Subdivisions: The County shall encourage project applicants to provide sidewalks or pedestrian paths, or other safe and convenient accommodations for pedestrians (e.g., shared-space streets) on all new roads or modifications to existing roads, as appropriate to the context, in accordance with County roadway design standards.	Consistent. See response to general plan policy C-2.1
C-2.10 Paths Through Cul-de-Sacs: The County shall encourage developments at a density of one unit per acre or greater to include paths for bicycle and pedestrian traffic through or near the ends of loop streets and cul-de-sacs over 500 feet in length and to facilitate bicycle and pedestrian travel.	Consistent. The proposed project includes bike and pedestrian pathways at cul-de-sacs.
C-2.11 Curb Ramps: The County shall require developments to include curb ramps at new intersections, consistent with ADA requirements.	Consistent. See response to general plan policy C-2.1
C-3.8 Transit in New Development: The County shall require new development at densities of one unit per acre or greater to provide funding for or construct transit stops and signs in appropriate locations and facilitate access to existing or future public transit through project design, consistent with the Local Transportation Authority Transit Design Guidelines.	Consistent. As part of the building permit application review process the project applicant will be required to pay fair share impact fees in compliance with general plan policy C-1.5.
C-3.9 Consistency with RTP: The County shall require all new development proposals to be consistent with and implement the San Benito County Regional Transportation Plan transit policies.	Consistent. Demand for transit facilities at the project site would be minimal. Implementation of Mitigation Measure TRAN-3 requires the provision of transit vouchers to new residents. See related discussion in Section 16.4.
C-5.7 Loading Facilities: The County shall require adequate loading facilities in commercial and industrial developments that require frequent loading and unloading of goods.	Consistent. Future development is subject to compliance with this policy. Compliance is verified as part of the building permit application review process.

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Public Facilities and Services Element	
PFS-1.10 Maximize Use of Existing Facilities: The County shall require new development projects to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.	Consistent. The proposed project is interspersed through an existing residential subdivision and future development would be connected to existing planned facilities and services within the Ridgemark community.
PFS-1.11 Pay Fair Share: The County shall require new development to pay its fair share of public facility and service costs.	Consistent. As a subdivision, no development is currently proposed. However, the project applicant for future development will be required to pay fair share of public facility and service costs as part of the building permit application review process.
PFS-1.12 New Development Requirements: The County shall require new development, in compliance with local, State, and Federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.	Consistent. The project applicant for future development will be required to pay fair share of public facility and service costs as part of the building permit application review process. The proposed project's potential impacts to service providers are addressed in Section 13, Law Enforcement and Fire Protection, Section 15, Public School Facilities, Section 17 Wastewater, Section 18, Water Supply, and Section 19, Effects Not Found to Be Significant. Transportation impacts are discussed in Section 16, Transportation. See also discussion of consistency with general plan policy C-1.5
PFS-3.9 Sufficient Water Supply for New Development: The County shall require new developments to prepare a source water sufficiency study and water supply analysis for use in preparing, where required, a Water Supply Assessment per SB 610 and a Source Water Assessment per Title 22. This shall include studying the effect of new development on the water supply of existing users. The County encourages the development of integrated regional water management plans or similar plans.	Consistent. As detailed in SSCWD's will serve letter, included in Appendix A, and Section 18, Water Supply, the proposed project is not subject to a Water Supply Assessment and sufficient water supplies are available to serve future development on the project site as well as SSCWD's existing and anticipated commitments.
PFS-4.1 Adequate Water Treatment and Delivery Facilities: The County shall ensure, through the development review process, that adequate water supply, treatment and delivery facilities are sufficient to serve new development, and are able to be expanded to meet capacity demands when needed. Such needs shall include	Consistent. As detailed in SSCWD's will serve letter, included in Appendix A, and Section 18, Water Supply, SSCWD has sufficient water supplies to serve future development on the project site. SSCWD has identified minor on-site (or adjacent to the site) infrastructure improvements that would be required to serve the future development on site to meet capacity demands and comply with water quality and waste discharge requirements.

San Benito County 2035 General Plan Policy	Discussion
capacities necessary to comply with water quality and public safety requirements.	
PFS-4.2 Water Facility Infrastructure Fees: As a condition of approval for discretionary developments, the County shall not issue approval for a final map until verification of adequate water and wastewater service has been provided, which may include verification of payment of fees imposed for water and wastewater infrastructure capacity per the fee payment schedule from the water and wastewater provider.	Consistent. SSCWD has provided a will serve letter, included in Appendix A, that verifies adequate water and wastewater service can be provided to future development on the site. As a condition of approval to final map approval, the project applicant may be required to provide verification of payment of fees imposed for water and wastewater infrastructure capacity.
PFS-5.3 Adequate Water Treatment and Disposal: The County shall ensure through the development review process that wastewater collection, treatment, and disposal facilities are sufficient to serve existing and new development, and are able to be expanded to meet capacity demands when needed.	Consistent. See above.
PFS-5.4 Developer Requirements: The County shall require that new development meet all County requirements for adequate wastewater collection, treatment, and disposal prior to project approval.	Consistent. Future development on the project site will connect to existing wastewater collection infrastructure and will be treated and disposed of at the Ridgemark WWTP, which meets County requirements. See related discussion in Section 17, Wastewater.
PFS-6.2 Best Management Practices: The County shall require best management practices in the development, upgrading, and maintenance of stormwater facilities and services to reduce pollutants from entering natural water bodies while allowing stormwater reuse and groundwater recharge.	Consistent. The proposed project includes on-site drainage infrastructure and construction the expansion of two retention basins in addition to one new retention basin. The retention basins would be designed to store and attenuate runoff from impervious surfaces (including, among others, rooftops) and would be sized in accordance with applicable standards and requirements to capture the 100-year post-development storm and release only a 10-year storm at pre-development levels. Stormwater would be collected in the retention basin and may infiltrate into the groundwater basin. The project would be consistent with Regional Water Quality post-construction stormwater management requirements for development projects in the central coast region. These requirements include specific performance requirements and best management practices to ensure reduction of pollutant discharges to the maximum extent practical and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. See related discussion in Section 12, Hydrology and Water Quality.
PFS-6.3 Natural Drainage Systems: The County shall encourage the use of natural stormwater drainage systems (e.g., swales, streams) to preserve and enhance the environment and facilitate groundwater recharge.	Consistent. See response to policy PFS-6.2. .

San Benito County 2035 General Plan Policy	Discussion
PFS-6.4 Development Requirements: The County shall require project designs that minimize stormwater drainage concentrations and impervious surfaces, complement groundwater recharge, avoid floodplain areas, and use natural watercourses in ways that maintain natural watershed functions and provide wildlife habitat.	Consistent. See response to policy PFS-6.2. Additionally, the project site is not located within a flood plain and the proposed development area is not located within a natural watercourse.
PFS-6.5 Stormwater Detention Facilities: Where necessary, the County shall require on-site detention/retention facilities and/or velocity reducers to maintain pre-development runoff flows and velocities in natural drainage systems.	Consistent. See response to policy PFS-6.2. . The proposed project includes on-site drainage infrastructure and the expansion of two retention basins in addition to one new retention basin. The retention basins would be designed to store and attenuate runoff from impervious surfaces (including, among others, rooftops) and would be sized in accordance with applicable standards and requirements to capture the 100-year post-development storm and release only a 10-year storm at pre-development levels. Stormwater would be collected in the retention basin and may infiltrate into the groundwater basin.
PFS-6.6 Stormwater Detention Basin Design: The County shall require stormwater detention basins be designed to ensure public safety, be visually unobtrusive, provide temporary or permanent wildlife habitat, and where feasible, provide recreation opportunities.	Consistent. When development is proposed, stormwater detention basins will be designed in conformance with this policy. This will be verified during the county's grading and building permit application review processes.
PFS-6.7 Runoff Water Quality: The County shall require all drainage systems in new development and redevelopment to comply with applicable State and Federal non-point source pollutant discharge requirements.	Consistent. Compliance with this policy is required and verified during the county's review of grading and building permit applications. The project would be consistent with Regional Water Quality post-construction stormwater management requirements for development projects in the central coast region. These requirements include specific performance requirements and best management practices to ensure reduction of pollutant discharges to the maximum extent practical and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards.
PFS-6.8 Reduce Erosion and Sedimentation: The County shall ensure that drainage systems are designed and maintained to minimize soil erosion and sedimentation and maintain natural watershed functions.	Consistent. See response to policy PFS-6.2. The project would meet (and potentially exceed) regional board post-construction requirements, which require capturing and infiltrating the 85th and 95th percentile 24-hour storm events. As such, the proposed project would not result in substantial erosion or siltation on- or off-site and would not create or contribute runoff water that would affect natural watershed functions.
PFS-9.7 Subdivision Improvement Requirements: The County shall require new residential and commercial development projects to include the facility components necessary to support modern telecommunication technologies, such as conduit space within joint utility trenches.	Consistent. Future development is required to include necessary telecommunication technology components. Compliance is verified by the County during review of improvement plans and grading/building permit applications.

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PFS-10.5 School Impact Fees: The County shall support the efforts of school districts to obtain necessary funding, including school impact fees.	Consistent. Future residential development is subject to the payment of school impact fees.
PFS-10.8 New Land Uses Near Schools: The County shall prohibit the siting of new land uses or facilities that use, store, emit, treat, or dispose of large quantities of hazardous materials within one-quarter mile of an existing public or private school facility.	Consistent. There are no schools located within ¼ mile of the project site.
PFS-12.4 Fair Share: The County shall require new development to pay its fair share of the costs for providing law enforcement service facilities and equipment to new residents.	Consistent. Future development is subject to the payment of law enforcement facility impact fees.
PFS-13.5 Water Service Standard: The County shall require all development within unincorporated communities to have adequate water supply, pressure, and capacity for fire protection.	Consistent. See the discussion in Section 18, Water Supply. SSCWD has verified adequate water supply.
PFS-13.6 Visible Signage: The County shall require that all roads and buildings are properly identified by name or number with clearly visible signs in order to promote faster response times.	Consistent. Future development will be required to identify roads and buildings with clearly visible signs as part of the building permit application process.
PFS-13.7 Fire Facility Fees: The County shall require new development to pay its fair share of fees for new fire station facilities, equipment, and staffing necessary to maintain the County's service standards in that area. New development may also be required to create or join a special assessment district or other funding mechanism, to pay the costs associated with the operation of a fire station.	Consistent. Future development is subject to the payment of fire protection facility impact fees.
PFS-13.9 Fire Safety Standard Compliance: The County shall ensure that all proposed developments are reviewed for compliance with the California Fire Code and other applicable State laws.	Consistent. When future development is proposed, compliance with the California Fire Code and other applicable State laws will be reviewed by the County as part of the building permit application review process.

San Benito County 2035 General Plan Policy	Discussion
Natural and Cultural Resources Element	
NCR-2.2 Habitat Protection: The County shall require major subdivisions within potential habitat of Federal- or State-listed rare, threatened, or endangered plant or animal species to mitigate the effects of development. Mitigation for impacts to species may be accomplished on land preserved for open space, agricultural, or natural resources protection purposes.	Consistent with Mitigation. Several special-status species have either been documented within the Ridgemark boundary or in the immediate vicinity, including San Joaquin spearscale, California tiger salamander, California red-legged frog, western pond turtle, western spadefoot, San Joaquin coachwhip, burrowing owl, American badger, San Joaquin kit fox, nesting birds, and protected bats. The proposed project would eliminate habitat for these species. Several mitigation measures including pre-construction surveys, establishment of buffer zones when protected species are observed, monitoring during construction by qualified biologist, construction personnel training, procurement of incidental take permits for impacts to special-status species, off-site compensatory habitat for California red-legged frog and California tiger salamander and the provision of compensatory wetland preservation are presented in the Biological Resources section. Successful implementation of these mitigation measures would reduce potential impacts to less than significant.
NCR-2.4 Maintain Corridors for Habitat: The County shall protect and enhance wildlife migration and movement corridors to ensure the health and long-term survival of local animal and plant populations, in particular contiguous habitat areas, in order to increase habitat value and lower land management costs. As part of this effort, the County shall require road and development sites in rural areas to: - Be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas; and - Incorporate measures to maintain the long-term health of the plant and animal communities in the area, such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.	Consistent with Mitigation. The proposed project includes construction within fragmented development areas within an existing residential and golf course development. The CDFW BIOS (2022) and the California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (Spencer et al. 2010) were reviewed for information on wildlife corridors in the region. Missing Linkages: Restoring Connectivity to the California Landscape and Critical Linkages: Bay Area & Beyond (Penrod et al. 2001, 2013) identifies movement corridors throughout California, including specific details on corridors in San Benito County, and these reports were also reviewed for information on regional wildlife movement and known wildlife corridors. No Essential Habitat Connectivity Areas or linkages are mapped within the project site or project vicinity. The nearest mapped landscape linkages begin approximately six miles to the east of the project site, in the foothills and mountains of the Diablo Range.
NCR-2.5 Mitigation for Wetland Disturbance or Removal: The County shall encourage the protection of the habitat value and biological functions of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands. The County shall require that development avoid encroachment and require buffers around these habitats to the extent practicable. The County shall further require mitigation for any development proposals that have the potential to	Consistent with Mitigation. As discussed in Section 7.0, Biological Resources, development on lots within areas identified as Phase 1 of the proposed vesting tentative map (Figure 4-1) have the potential to encroach upon coast live oak trees along the drainage near the southwestern border of the project. Future development that cannot be designed to avoid on-site protected woodlands must in conformance with the Interim Woodlands Management Ordinance, identify the total acreage and type of habitat, number of trees (including the species and each trees diameter at breast height), and canopy coverage that would be impacted. This information would be confirmed by County planning staff once the final design and improvement plans of future development within the proposed Phase 1 is submitted to San Benito County Director of Planning, Building and Code Enforcement or his/her designate as part of the County's grading and building permit review process. A

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reduce these habitats. Recreational trails and other features established within natural wetlands and aquatic and riparian buffer areas shall be, as long as such areas are not required to meet the Americans with Disabilities Act, located along the outside of the sensitive habitat whenever possible to minimize intrusions and maintain the integrity of the habitat. Exceptions to this action include irrigation pumps, roads and bridges, levees, docks, public boat ramps, and similar uses. In all cases where intrusions into these buffers are made, only the minimum amount of vegetation necessary to construct the feature shall be removed.	tree pruning/ removal permit may be required upon review of the plans, which would be determined prior to issuance of a grading permit. If a permit is necessary for impacts to woodlands, the project applicant is responsible for the payment of all associated fees for the acquisition of a permit. The fees would be applied to restoration activities that assure no net loss of woodlands habitat value. Additionally, future development on lots within areas identified as Phase 1 have the potential to encroach upon riparian vegetation along the drainage near the southwestern border of the project site. Future development on lots within areas identified as Phases 1, 3, 4, 5, 6, and commercial B-D shown on the proposed vesting tentative map (Figure 4-1) have the potential to encroach upon wetland vegetation associated with ponds and drainages. However, implementation of mitigation measures BIO-13 and BIO-14 would reduce potential impacts to riparian and wetland communities.
NCR-2.7 Migration of Oak Woodlands: The County shall encourage development near oak woodlands to be clustered to avoid, where technically or economically practical, the loss of heritage oak trees. The County shall require transitional buffers to help maintain viable ecosystems where appropriate. Where removal of trees cannot be avoided, the County shall require project applicants to prepare a mitigation plan that identifies on- or off-site tree replacement.	Consistent. The proposed project includes buffers between natural vegetation and other areas. See also discussion of consistency with general plan policy NCR-2.5.
NCR-2.8 Pre-Development Biological Resource Assessment: The County shall require the preparation of biological resource assessments for new development proposals as appropriate. The assessment shall include the following: a biological resource inventory based on a reconnaissance-level site survey, and an analysis of anticipated project impacts to: potentially occurring special-status species (which may require focused special-status plant and/or animal surveys); an analysis of sensitive natural communities; wildlife movement corridors and nursery sites on or adjacent to the project site; potentially jurisdictional wetlands/waterways; and locally protected biological resources such as trees. The assessment shall contain suggested avoidance, minimization, and/or mitigation measures for significant impacts to biological resources.	Consistent. A biological resource assessment was prepared for the proposed project (included in Appendix E), consistent with the requirements of this policy.

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NCR-2.9 Mitigation Funding and Site Protection: The County shall require that project applicants demonstrate that adequate funding can be provided to implement all required biological mitigation and monitoring activities. Habitat preserved as part of any mitigation and monitoring plan shall be preserved through a conservation easement, deed restriction, or other method to ensure that the habitat remains protected.	Consistent. See Mitigation Measures BIO-1 – BIO-15 and related discussion in Section 7, Biological Resources. Future development is subject to compliance with this policy prior to issuance of a grading permit. The project applicant is required to demonstrate adequate funding can be provided to implement the identified biological mitigation measures and monitoring activities.
NCR-2.10 Invasive Species: The County shall require that new developments avoid the introduction or spread of invasive plant species during construction by minimizing surface disturbance, seeding and mulching disturbed areas with certified weed-free native mixes, and using native or noninvasive species in erosion control plantings.	Consistent. Future development is subject to compliance with this measure. Compliance is verified during the County's design review process when landscape plans are reviewed to avoid the introduction or spread of invasive plant species.
NCR-3.7 On-Site Recreation: The County shall require new major subdivisions to include on-site recreation facilities, with design and features appropriate to the size, type, and setting of each subdivision and with financing for long-term maintenance.	Consistent. The proposed project includes appropriate open space and recreation facilities, including 36 acres of private open space and an existing golf course. A four-acre park is proposed on the currently fallow golf course area between Marks Drive and Donald Drive and is shown on Sheet C-3 and Sheet C-4 of the vesting tentative map that would include a tot lot, picnic area, tables, hard surface court for basketball and turf field, with connecting walking and bike trails. The park and trail system improvements would be designed in conjunction with the Ridgemark Homes Association, and improved areas would be dedicated to the association for their ownership and use and for long-term maintenance of these facilities.
NCR-3.9 Evaluation of New Development: The County shall require an evaluation of new development within existing communities to include an analysis of the individual and cumulative effect of the development on the recreational needs of the community and county.	Consistent. As discussed in Section 20, Effects Found Not to be Significant, the proposed project would provide private parkland onsite that exceeds the target ratio to serve the population generated by the project, such that demand from the project population would be met. In addition, the project is subject to payment of in-lieu fees for its share of maintenance and operation of existing, off-site county parks.
NCR-4.4 Open Space Conservation: The County shall encourage conservation and, where feasible, creation or restoration of open space areas that serve to protect water quality such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, and drainage canals.	Consistent with Mitigation. Refer to Section The proposed project includes 36-acres of open space. Future development on the site will avoid riparian and wetland areas to the extent feasible. Additionally, future development on lots within areas identified as Phases 1, 3, 4, 5, 6, and commercial B-D shown on the proposed vesting tentative map (Figure 4-1) will be required to implement mitigation measures BIO-13 through BIO-15 to reduce potential impacts to riparian and wetland communities.

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NCR-4.5 Groundwater Recharge: The County shall encourage new development to preserve, where feasible, areas that provide important groundwater recharge and stormwater management benefits such as undeveloped open spaces, natural habitat, riparian corridors, wetlands, and natural drainage areas.	Consistent. to policy PFS-6.2. As discussed in Section 12, Hydrology and Water Quality, the proposed project includes 36-acres of open space and stormwater control features such as detention basins, that will allow for the percolation of stormwater into the groundwater basin.
NCR-4.6 Groundwater Studies for New Development: To ensure an adequate water supply, large-scale development projects that meet the criteria in California Water Code section 10912 shall prepare an analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project in accordance with SB 610.	Consistent. The proposed project does not meet the criteria of California Water Code section 10912 that requires an analysis of the sufficiency of the groundwater from the basin to meet the project's projected water demand.
NCR-4.7 Best Management Practices: The County shall encourage new development to avoid significant water quality impacts and protect the quality of water resources and natural drainage systems through site design, source controls, runoff reduction measures, and best management practices (BMPs).	Consistent. Refer to the discussion in Section 12, Hydrology and Water Quality and the response policy PFS-6.2.
NCR-4.16 Develop in Existing Areas: The County shall encourage development to occur in or near existing developed areas in order to reduce the use of individual septic systems in favor of domestic wastewater treatment in an effort to protect groundwater quality.	The proposed development areas in interspersed within an existing community and would connect to SSCWD sewer collection infrastructure.
NCR-7.9 Tribal Consultation: The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State's Local and Tribal Intergovernmental Consultation requirements.	Formal Tribal Consultation per the requirements of AB 52 was conducted by county staff with the Amah Mutsun Tribal Band of Costanoan/Ohlone Indians and the results of AB 52 consultation are presented within Section 8.0, Cultural and Tribal Cultural Resources.
NCR-7.12 Archeological Artifacts: The County shall require an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may	Consistent. An archaeological report was prepared by a qualified archaeologist for the proposed project. The recommendations and conclusions are discussed in Section 8, Cultural Resources.

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result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the county's archaeological report guidelines available at the County Planning Department.	
NCR-8.4 Review Architectural Massing: The County shall review development proposals to ensure that the obstruction of views is minimized through architectural building massing and location that is compatible with scenic areas.	Consistent. Future development is subject to design review.
NCR-8.5 Review Site Planning: The County shall review development proposals to ensure a reasonable and attractive appearance from the highway concurrent with a harmonious relationship with the existing landscape and shall require development that determined not to be in harmonious relationship with the existing landscape to be screened from view through planting or other forms of visual buffers.	Consistent. See response to LU-1.2, and NCR-8.4. Future development is subject to compliance with this policy.
NCR-9.1 Light Pollution: The County shall continue to enforce the development lighting ordinance (SBC Code Chapter 19.13) and restrict outdoor lighting and glare from development projects in order to ensure good lighting practices, minimize nighttime light impacts, and preserve quality views of the night sky. The ordinance shall continue to recognize lighting zones and contain standards to avoid light trespass, particularly from developed uses, to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park.	Consistent. Future development is subject to conformance with the lighting design standards and performance thresholds for Zone II set forth in County Code Chapter 19.31. Conformance is verified during county review of building permit applications.
Health and Safety Element	
HS-2.9 Reduce Erosion and Sedimentation: The County shall ensure that flood control facilities are designed and maintained to minimize soil erosion and sedimentation and maintain natural watershed functions.	Consistent. As discussed in Section 12, Hydrology and Water Quality, the proposed project is subject to conformance with the regional board's specific performance requirements to reduce erosion and sedimentation. This would prevent stormwater discharges from causing or contributing to water quality degradation to the maximum extent practical and would ensure that natural watershed functions are maintained.

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HS-3.2 Subsidence or Liquefaction: The County shall require that all proposed structures, utilities, or public facilities within recognized near-surface subsidence or liquefaction areas be located and constructed in a manner that minimizes or eliminates potential damage.	Consistent. A site-specific geotechnical report is required prior to submittal of improvement plans to determine appropriate locations of building pads in compliance with this policy; refer to Section 10, Geology and Soils.
HS-3.6 Unstable Soils: The County shall require and enforce all standards contained in the current California Building Code related to construction on unstable soils, and shall make a determination as to site suitability of all development projects during the building permit review process. The County shall not approve proposed development sited within areas of known or suspected instability until detailed area studies are completed that evaluate the extent and degree of instability and its impact on the overall development of the area.	Consistent. See response to HS-3.2. Future development is subject to compliance with the most current California Building Code seismic standards.
HS-3.7 Setback from Fault Traces: The County shall require setback distances from fault traces to be determined by individual site-specific surface rupture investigations.	Consistent. County Code requires preparation of a fault investigation report to identify the location of the Tres Pinos Fault and determine the appropriate setbacks for building placement. The fault mapping will be prepared by a licensed geotechnical engineer concurrently with the required geotechnical report.
HS-3.8 Liquefaction Studies: The County shall require proposals for development in areas with high liquefaction potential to include detailed site-specific liquefaction studies.	Consistent. The California State Geoportal characterizes the project site as having a very low susceptibility to liquefaction (California State Geoportal 2022), which will be confirmed by the site-specific geotechnical report required by County Code Section 25.08.028-E.
HS-3.9 Seismic Safety Evaluation: The County shall require buildings three stories or higher, and locations zoned for multifamily housing, to include in development proposals measures to determine ground shaking characteristics, evaluate potential for ground failure, identify any other geologic hazards that might exist on the site, and mitigate for these hazards.	Consistent. See response to general plan policy HS-3.2. Preparation of a site-specific geotechnical report is required, future development is subject to compliance with recommendations of the geotechnical report.
HS-5.1 New Development: The County shall use the CEQA process to ensure development projects incorporate feasible mitigation measures to reduce construction and operational air quality emissions, and consult with the	Consistent with Mitigation. As discussed in Section 6.0, Air Quality, Mitigation Measure AQ-1 and Mitigation AQ-2 reduce construction and operational criteria air pollutant emissions to less than significant consistent with this policy.

San Benito County 2035 General Plan Policy	Discussion
Monterey Bay Unified Air Pollution Control District early in the development review process.	
HS-5.2 Sensitive Land Use Location: The County shall ensure adequate distances between sensitive land uses and facilities or operations that may produce toxic or hazardous air pollutants or substantial odors.	Consistent. The project site is not located in proximity to existing sources of TAC emissions. Future commercial development within the project site would not include uses that would produce TAC emissions or obnoxious odors during operations.
HS-5.4 PM10 Emissions from Construction: The County shall require developers to reduce particulate matter emissions from construction (e.g., grading, excavation, and demolition) consistent with standards established by the Monterey Bay Unified Air Pollution Control District.	Consistent with mitigation. As discussed in Section 6.0, Air Quality, Mitigation Measure AQ-2 requires preparation of a Construction Management Plan subject to the review and approval of the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. The approved Construction Management Plan must include Monterey Bay Air Resources District Dust Control Measures and will be included on all bid documents, grading and construction plans and permits prior to issuance of any permit.
HS-5.13 Reduce Air Pollution from Wood Burning: No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food.	Consistent with Mitigation. Mitigation Measure AQ-1 restricts residential natural gas and wood-burning heating appliances.
HS-6.1 Hazardous Materials Storage and Disposal: The County shall require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.	Consistent. Residential construction and operation may involve use and storage of some materials that are considered hazardous. These materials would be limited to typical solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. These materials would not be substantially different from household chemicals and solvents already in general and wide use throughout the county and in the vicinity of the project site at other residences. Furthermore, the handling, use, disposal and transport of these materials are governed by a comprehensive regulatory frame, with which the project would be required to comply.
HS-8.1 Project Design: The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms), and building construction practices. The County shall only consider the use of sound walls after all design-related noise mitigation measures have been evaluated or integrated into the project or found infeasible.	Consistent with mitigation. Future development proposed on the site will be required to be designed with proper building setbacks and building construction practices per Mitigation Measures N-1 – N-3, consistent with this policy. See discussion in Section 14, Noise.
HS-8.2 Acoustical Analysis: The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be ex	Consistent with Mitigation. An acoustical analysis was prepared for the proposed project, included in Appendix H. However, project- and site-specific information regarding future commercial development locations and uses are not yet available in detail sufficient to analyze project-level noise effects. Mitigation Measure 14-2 requires

San Benito County 2035 General Plan Policy	Discussion
posed to noise levels exceeding the “normally acceptable” criteria (e.g. “conditionally acceptable”, “normally unacceptable”) shown in Table 9-2. Land uses should be prohibited from locating, or required to mitigate, in areas with a noise environment within the “unacceptable” range.	site-specific acoustical analysis to ensure that proposed commercial uses do not exceed normally acceptable levels.
HS-8.3 Construction Noise: The County shall control the operation of construction equipment at specific sound intensities and frequencies during day time hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays.	Consistent with Mitigation. Mitigation Measure N-3, requires the project applicant to prepare and implement a Construction Noise Control Plan with noise-reducing measures during all demolition, grading and construction activities that occur within 500 feet of residential development, consistent with this policy.
HS-8.7 Acceptable Vibration Levels: The County shall require construction projects anticipated to generate a significant amount of vibration to ensure acceptable interior vibration levels at nearby noise-sensitive uses-based FTA criteria.	Consistent with Mitigation. Refer also to Section 14, Noise. Conformance to County Code Chapter 19.39 in addition to implementing Mitigation Measure N-3 would reduce exposures to demolition and construction vibration.
HS-8.11 New Project Noise Mitigation Requirements: Require new projects to include appropriate noise mitigation measures to reduce noise levels in compliance with the Table 9-1 and 9-2 standards within sensitive areas. If a project includes the creation of new non-transportation noise sources, require the noise generation of those sources to be mitigated so they do not exceed the interior and exterior noise level standards of Table 9-2 at existing noise-sensitive areas in the project vicinity, unless an exception is made by the County on a case-by-case basis. However, if a noise-generating use is proposed adjacent to lands zoned for residential uses, then the noise generating use shall be responsible for mitigating its noise generation to a state of compliance with the standards shown in Table 9-2 at the property line of the generating use in anticipation of the future residential development, unless an exception is made by the County on a case-by-case basis.	Consistent with Mitigation. See also discussion in Section 14, Noise. Implementation of Mitigation Measures N-1 through N-3 would reduce noise levels consistent with this policy.

San Benito County 2035 General Plan Policy	Discussion
HS-8.12 Construction Noise Control Plans: Require all construction projects to be constructed within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical: ▪ Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists; ▪ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; ▪ Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; ▪ Locate staging areas and construction material areas as far away as possible from adjacent land uses; ▪ Prohibit all unnecessary idling of internal combustion engines; ▪ Notify all abutting land uses of the construction schedule in writing; and ▪ Designate a "disturbance coordinator" (e.g. contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.	Consistent with Mitigation. See response to HS-8.3.

SOURCE: San Benito County 2015, WJVA 2022, Hexagon Transportation Consultants 2022, EMC Planning Group 2023.

4.0 Project Description

4.1 Project Objectives

The Ridgemark Subdivision, County Planning file PLN170008, (“project”) is being proposed to meet a range of San Benito County (“county”) objectives. The underlying purpose of the project is to develop a portion of the project site, and rezone, as necessary, all or a portion of the project site consistent with goals, policies, and objectives for residential and commercial uses as outlined in the 2035 San Benito County General Plan (general plan), as a means to create new housing, facilitate job opportunities and attract future economic development within the county. These objectives have guided the preparation of the proposed project:

- Locate new development in existing unincorporated communities or clustered developments as an alternative to locations that would compromise prime farmland, rangeland, and natural habitats and that would impose financial, social, and environmental impacts of urban sprawl.
- Develop a mixed-use project including residential, retail commercial, a hotel, a redesigned golf course and supporting amenities, expanded open space areas, and a new 4.0-acre park.
- Provide both market-rate and affordable housing options to accommodate residents of all income levels and life situations.
- Provide retail and tourism jobs so people can live and work in the county and reduce lengthy out-of-county commuting.
- Support the county’s tourism industry by developing a 154-room hotel and related facilities.
- Locate new residential and commercial development to utilize existing transportation networks, including State Route 25.
- Develop new commercial and residential uses in areas supported by adequate, long-term access to water, sewer, electric, gas, and other utilities.
- Provide a healthy living environment that includes walkable neighborhoods and access to support commercial, recreation and open space uses.
- Protect natural resources and open space areas from incompatible uses.

- Preserve the county’s environmental quality and diverse natural habitats.
- Encourage a healthy living environment that includes walkable neighborhoods, access to recreation and open space, healthy foods, medical services, and public transit.
- Become a leader in the efficient use of resources, including renewable energy, water, and land.

4.2 Project Description

The proposed project includes a vesting tentative map to re-subdivide the project site to accommodate 175 maximum residential lots for eventual construction of 160 market-rate single-family residential units and 30 below-market-rate duplex or duet residential units (on 15 lots), commercial/non-residential development, recreational/open space improvements, roadway improvements, and related utility infrastructure improvements within the development area shown on Figure 3-2.

Rezone

The proposed project includes rezoning, as necessary, on all or a portion of the project site to establish a base zone of “Single-family Residential (R-1)” District combined with the “Planned Unit Development (PUD)” Combining consistent with, and at the residential development density of 2.64 dwelling units per acre and the commercial development intensity of 158,000 square feet shown on the vesting tentative map and described in the application materials.

Vesting Tentative Map

The proposed vesting tentative map would re-subdivide the project site to create 175 maximum residential lots, five commercial/non-residential lots (Lots B-F), nine buffer zone lots, six undeveloped lots (Parcels A-F), five golf course lots, and one lot for a park; all within the proposed development area. The vesting tentative map site plan is presented in [Figure 4-1, Site Plan by Phase](#), presents a color-coded description of proposed lot locations within the development area and existing residential lots, streets and other existing improvements within overall project site. The vesting tentative map and development phases are presented in greater detail in [Appendix C](#). The number of lots and total acreage of the proposed uses of newly subdivided parcels are presented in [Table 4-1, Subdivision Components](#).

ROY LOMPA VESTING TENTATIVE MAP
"THE PROMONTORY AT RIDGEMARK"
90 UNITS

RESIDENTIAL LOTS DATA

PHASE	RANGE	SINGLE FAM.	DUETS	UNIT COUNT
PHASE 1	1 - 50	42	8	58
PHASE 2	51 - 83	32	1	34
PHASE 3	84 - 101	18	0	18
PHASE 4	102 - 114	13	0	13
PHASE 5	115 - 118	4	0	4
PHASE 6	119 - 175	51	6	63
TOTAL		160	15	190

COMMERCIAL PARCEL DATA

NAME	AREA
COMMERCIAL AREA B	3.393 ACRES
COMMERCIAL AREA C	3.298 ACRES
COMMERCIAL AREA D	7.358 ACRES
NON-RES. SUP. AREA E	2.714 ACRES
NON-RES. SUP. AREA F	1.079 ACRES

LEGEND

- EXISTING RESIDENTIAL LOT
- COMMERCIAL PARCEL
- GOLF COURSE PARCEL
- "BUFFER ZONE", PARK, AND UNDEVELOPED PARCELS
- EXISTING CREEK/TRIBUTARY
- EXISTING POND
- PROPOSED POND
- STORM DRAINAGE PATH
- WALKING PATH
- RESIDENTIAL LOT - PHASE 1
- RESIDENTIAL LOT - PHASE 2
- RESIDENTIAL LOT - PHASE 3
- RESIDENTIAL LOT - PHASE 4
- RESIDENTIAL LOT - PHASE 5
- RESIDENTIAL LOT - PHASE 6
- AFFORDABLE HOUSING - 30 UNITS

TYPICAL PROPOSED STREET SECTION
NTS

The diagram shows a cross-section of a street with a 50'-60' right-of-way. It includes a 15' wide paved fire road, a 3' AC rolled curb, a 9' AC base, and a 12' subgrade. The street is flanked by a 10' sidewalk and a 2' buffer zone. The total width is 50'-60'.

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Table 4-1 Subdivision Components

Land Use	Number of Lots	Acreage ^{1,2}
Residential	190 ³	71.68
Commercial	5	17.84
Buffer Zone	9	12.28
Pond or Other Undeveloped	6	19.33
Golf Course	5	115.32
Park	1	4.00
Right-of-Way	-	12.67
Total	201	253.12

SOURCE: Kelley Engineering and Surveying 2019

NOTES:

1. Numbers may vary due to rounding.
2. Acreages are approximate.
3. 160 market-rate single-family residential lots; 15-30 below-market-rate affordable housing lots (30 units).

New Parcels

The proposed subdivision includes the creation of six new Parcels A-F:

- Parcel A would be occupied by two new detention ponds and is generally located between the existing Sunnyslope County Water District Pond and the southeast corner of the project site adjacent to State Route 25 (refer to VTM Sheet C-9 and Sheet C-10);
- Parcel B would be occupied by a new detention pond generally located between the existing Sunnyslope County Water District Pond and the east boundary of the project site (refer to VTM Sheet C-9 and Sheet C-10);
- Parcel C would be occupied by the existing Ridgemark irrigation pond located south of South Ridgemark Drive (refer to VTM Sheet C-9);
- Parcel D would be undeveloped and is located on the former fairway between Marks Drive and Donald Drive, east of the proposed four-acre park (refer to VTM Sheet C-3);
- Parcel E would be undeveloped and is located between an existing pond and a proposed cul-de-sac (refer to VTM Sheet C-8); and
- Parcel F adjoins the north boundary of the project site east of Dan Drive and the existing non-residential support services area (refer to VTM Sheet C-12). A remodel of existing structures is proposed on this parcel.

Proposed Development

The locations of proposed residential, commercial and other non-residential lots that would be developed in phases within the development area are shown on Figure 4-1. Development would

include relocating and reconfiguring the existing golf course layout, relocating the existing driving range, new parks and open space. It is presumed that the driving range would be relocated during the early phases of residential development. Commercial development would include demolition of the existing transient units and existing parking lot to make way for the construction of 154-unit hotel and other commercial uses. The construction of open space buffers and parks, pedestrian and golf cart connections, utility infrastructure, new streets and emergency access are assumed to be constructed concurrently with development of each phase.

Residential Development

The proposed project includes 160 new market-rate single-family residential lots and 15-30 below-market-rate affordable housing lots that would be developed with, at most, 30 dwelling units as duplexes or duets on corner lots, each with driveways on separate streets. The residential uses and related access and utility infrastructure improvements would be developed in six phases on approximately 71.68 acres of land that was previously used as golf course and driving range. New residential lots on the former golf course would be located a minimum of 50 feet distant from any existing residential lot. All new proposed market-rate residential lots are a minimum of 10,000 square feet in size. The number of units anticipated to be developed by phase are described below in the discussion of development phasing. Based on the latest countywide persons per household figure of 3.34 (Department of Finance 2022), the proposed project would be expected to generate approximately 685 new residents.

Commercial/Support Facilities Development

Commercial retail sales and other nonresidential uses are proposed on five lots, Lot B through Lot F, totaling 17.84 acres. Lot A is the site of a previously approved commercial retail project and is not part of the proposed project. A summary of the proposed development intensity of each proposed lot is provided in [Table 4-2, Commercial/Non-residential Lots](#).

Table 4-2 Commercial/Non-residential Lots

Lot	Proposed Use	Acres	Building Square feet
B	Commercial	3.39	15,000
C	Commercial	3.30	30,300
D	Hotel/Clubhouse/Restaurant	7.36	107,000
E	Maintenance/Service	2.71	13,800
F	Maintenance/Service	1.08	5,400
Total		17.84	158,000

SOURCE: Kelley Engineering and Surveying 2021

Lot B is located on the east side of Ridgemark Drive between the existing clubhouse and State Route 25, Lot C consists of the existing parking lot west of Ridgemark Drive and south of the existing clubhouse, and would be developed with commercial retail uses. Lot D consists of the existing guest cottages that would be demolished to make way for the construction of the 154-unit hotel. Lots E and F, located farther east along State Route 25, would be developed with maintenance and service support facilities for the project site.

Parks and Open Space

Approximately 36 acres of open space is proposed within the project site. Fifty-foot-wide open space buffers would be provided between existing residences and proposed residences in all the former fairway areas. The open space buffers would generally follow existing golf cart paths within former golf course fairways. The driving range would be relocated to the open space area north of Donald Drive and west of Ridgemark Drive (refer to Sheet C-11 of the vesting tentative map in [Appendix C](#)). An existing pond within this area would be expanded (refer to Sheet C-3 in [Appendix C](#)). A four-acre park is proposed on the currently abandoned golf course area between Marks Drive and Donald Drive and is shown on Sheet C-3 and Sheet C-4 in [Appendix C](#). According to the application materials on file with the county, the proposed four-acre park would include a tot lot, picnic area, tables, hard surface court for basketball and turf field, with connecting walking and bike trails. The park and trail system improvements would be designed in conjunction with the Ridgemark Homeowners Association, and improved areas would be dedicated to the association for their ownership and use.

On the eastern portion of the development area open space areas/buffers with new detention ponds would be provided near the existing Ridgemark irrigation pond and Sunnyslope County Water District detention pond located south of South Ridgemark Drive and east of Sonny's Way. An existing detention pond located near the southeast corner of the intersection of State Route 25 and South Ridgemark Drive would be expanded and a third new detention pond would be created between the Sunnyslope County Water District Pond and the east property line of the project site. The new pond location is identified on Parcel B shown on Sheet C-9 and Sheet C-10 in [Appendix C](#). The locations of new and expanded detention ponds are also shown on Figure 3-7.

Access and Circulation

Proposed intersection and roadway improvements to Ridgemark Drive are shown on Sheet C-14 of [Appendix C](#). Ridgemark Drive would be widened from two lanes to four lanes, where possible, between State Route 25 and Marks Drive. North of the relocated gatehouse, Ridgemark Drive would transition to three travel lanes with a median turn lane (refer to Sheet C-14 in [Appendix C](#)). The intersection of Joe's Lane with Ridgemark Drive would be modified into a four-way stop with the addition of a new clubhouse driveway that extends into Commercial Lot B to provide access to Commercial Lot D. The existing residential entry gate would be relocated approximately 50 feet

farther south on Ridgemark Drive. An eastbound leg would be added to the intersection of Donald Drive and Ridgemark Drive to provide access to the new residential neighborhood on the former driving range.

Several new interior street extensions, intersections, and cul-de-sacs are proposed to provide access within several of the new residential areas. Based on information provided in the application materials on file with the county, all proposed roadways are assumed to be developed consistent with existing street standards within the project site. The location and configuration of new street improvements are described in greater detail in the discussion of development phases later in this section.

Project residents would be able to access Southside Road by way of a gated access road in the adjoining Promontory at Ridgemark subdivision south of the project site. The access route is shown on [Figure 4-2, Access to Southside Road](#). Circulation improvements that enable project traffic to use this route are to be constructed by the developer of the Promontory at Ridgemark project including a south leg that would be added to the intersection of Ridgemark Drive and South Ridgemark Drive on the Ridgemark Subdivision project site. The EIR analysis assumes that the access route via the Promontory development is fully operational and available to project residents.

Utility Infrastructure

The project site is located within the Sanitary Sewer County Service District (CSD) No. 9, which is administered and served by Sunnyslope County Water District. Sewer and water services will be provided by Sunnyslope County Water District. The proposed project would connect to water and sewer infrastructure in existing streets. Sewer and water main extensions would be constructed on proposed new streets. Wastewater would be conveyed to the Ridgemark Wastewater Treatment plant. On-site storm water facilities would be developed according to county standards.

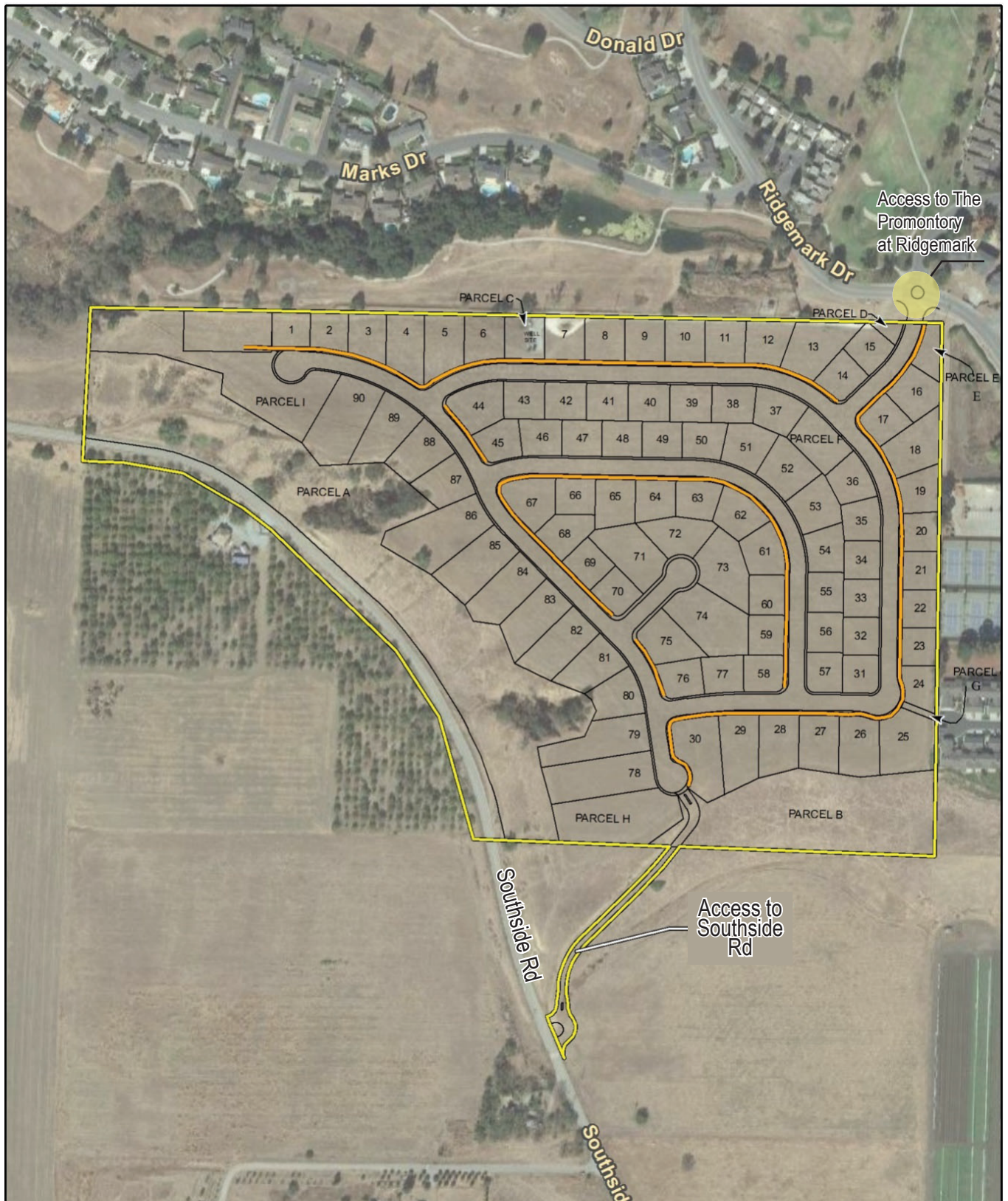
Development Phasing

The anticipated phasing strategy is illustrated by [Figure 4-1](#), presented previously, and on Sheet T-2 in [Appendix C](#). Proposed phasing of future improvements and related infrastructure within the development area is summarized below.

Phase 1

Residential development would consist of single-family residential development on a total of 50 new lots:

- Lots 1-23 and lots 28-29 would be located on land currently occupied by the driving range. Five affordable housing lots are included in this phase (Figure 4-1). All residential lots in this phase would be accessible by extending Donald Drive between Ridgemark Drive and South Ridgemark Drive, and adding two cul-de-sac extensions off the Donald Drive extension (refer to Sheet C-2 in [Appendix C](#));



Source: San Benito County 2017

Figure 4-2

Access to Southside Road

Ridgemark Subdivision EIR

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- Lots 24-27 would be located on open space between the existing multifamily developments south and east of the driving range. Two affordable lots are included in this phase. Access to these lots would be provided by the extension of Donald Drive, South Ridgemark Drive, and Ridgemark Drive (refer to Sheet C-2);
- Lots 30-41 would be located adjacent to existing residential uses on a portion of former golf course fairway located between Marks Drive and Donald Drive (refer to the vesting tentative map Sheet C-2) This phase includes one affordable lot (Figure 4-1);
- A new 20-foot-wide paved east/west emergency vehicle access road would be constructed from Donald Drive between an existing residence and lot 33 near the Ridgemark Drive intersection, west through Parcel D and the proposed four-acre park to the Phase 2 lots. The emergency vehicle access road would be available for pedestrian and bicycle use and would provide access to the new park (Kelley Engineering and Surveying 2021);
- Lots 42-50 would be located between the existing pond south of Marks Drive and the southern property boundary. Access to these lots would be provided by a new cul-de-sac off Ridgemark Drive; and
- Lot 50 would adjoin the southern property line of the project site at the end of the new cul-de-sac and would encompass two existing drainage ponds. Access to the lot is available from Marks Drive, Ridgemark Drive and the new cul-de-sac. A 50-foot-wide open space buffer zone is proposed generally following an existing golf cart path along the northwestern boundary of lot 50 that would separate new residential uses from existing adjacent residences (refer to Sheet C-2).

Commercial and infrastructure development would consist of construction of intersection modifications to connect new Phase 1 lots to Ridgemark Drive and to Marks Drive, the new driveway access to Lot D, construction of 15,000 square feet of commercial uses on Lot B, and widening of Ridgemark Drive (refer to Sheet C-11 and Sheet C-14).

Phase 2

Residential development would consist of single-family residential development on a total of 33 lots (lots 51-83) located on the western portion of the former golf course fairway located between Marks Drive and Donald Drive. One below market rate residential lot (Lot 52) is proposed (Figure 4-1). Access to the new residential lots would be provided by the construction of cul-de-sacs via a new street off Marks Drive. Additional improvements constructed during this phase are as follows:

- Construction of the 20-foot-wide paved emergency vehicle access road between the new street and extending east toward Donald Drive near the Ridgemark Drive intersection would be completed. The emergency vehicle access road would be available for pedestrian and bicycle use and would provide access to the new park.

- Development of residential uses in this phase would include a 50-foot-wide open space buffer between new and existing residential lots and a new six-foot wide walking path that would connect the new emergency vehicle access road to an existing cart path accessed from Bricks Way west of the old fairway.
- Lot 51 is located south of Marks Drive and would consist of a portion of the former golf course fairway located west of lot 50 and south of existing single-family residences on Marks Drive. This lot is accessible from the west where it adjoins Marks Drive (refer to the vesting tentative map Sheet C-3). Fifty-foot-wide open space buffers are proposed between the lot and adjacent residences. An existing cart path provides a connection through a wooded ravine with Lot 50 to the east.

Commercial and other nonresidential development in this phase would consist of removal of the existing clubhouse's parking lot and construction of the 30,300 square feet of commercial uses, parking, and landscaping on Lot C (refer to the vesting tentative map Sheet C-11).

Phase 3

Residential development would consist of single-family residential uses on 18 new lots:

- Lots 84-98 would be located on the north side of Ridgemark Drive near the 7th hole of the active golf course. Access to the existing golf course would be provided by two new golf cart paths; one between lot 89 and lot 90 on the north side of Ridgemark drive and another between lot 92 and an existing residence on the south side of Ridgemark Drive);
- Lot 99 would be located at the intersection of Paullus Drive and Ridgemark Drive; and
- Lots 100-101 are located within an area of seismic sensitivity (Kelley Engineering and Surveying 2021). Development of each of these lots with a residence would require site specific geotechnical investigations to determine the placement and feasibility of residential improvements.

Commercial development in this phase would consist of demolition of the existing guest room buildings (refer to the vesting tentative map Sheet C-11) and altered or remodeled clubhouse and restaurant buildings, and construction of the 154-room hotel on Lot D.

Phase 4

Residential development would consist of single-family residential development on a total of 13 lots (refer to the vesting tentative map Sheet C-7):

- Lots 102-103 would be located at the northwest corner of the existing intersection of Fred's Way and South Ridgemark Drive. Development of this area would include a golf cart path between the proposed Lot 102 and existing residential development to enable access from South Ridgemark Drive to the existing golf course 13th fairway;

- Lots 104-112 would be located south of South Ridgemark Drive and West of Sonny's Way with direct street access. Development of this portion of the site would include a cart path between lot 104 and existing development south of South Ridgemark Drive to enable access to the 9th fairway of the existing golf course; and
- Lots 113-114 are located on the north side of Sonny's Way near the southern boundary of the project site.

Commercial development would consist of remodeling the existing residential/golf course support buildings/storage areas on Lot E (Kelley Engineering and Surveying 2022).

Phase 5

Residential development would consist of single-family residential development on four lots (lots 115-118) located at the end of Paullus Drive (refer to Sheet C-8). Access to these lots would be provided by a cul-de-sac extension of Paullus Drive west along an existing maintenance road.

Commercial development would consist of remodeling the existing residential/golf course support buildings/storage areas on Lot E and Lot F (refer to Sheet C-12).

Phase 6

Residential development would consist of single-family residential development on a total of 57 lots located south of South Ridgemark Drive and east of Sonny's Way near the existing Ridgemark and Sunnyslope County Water District ponds. Six affordable housing lots are included in this phase. Access to all new lots would be provided by South Ridgemark Drive and new residential streets and cul-de-sacs that extend east from Sonny's Way between two existing ponds, and south between the existing Sunnyslope County Water District pond and the east boundary of the project site. The following lots are proposed:

- Lots 119-126 are located at the southeast intersection of South Ridgemark Drive and Sonny's Way;
- Lots 127-140 would generally be located between the Ridgemark irrigation pond and the existing Sunnyslope County Water District pond; and
- Lots 141-175 would generally be located between the existing Sunnyslope County Water District pond and adjacent existing residential development and the east boundary of the project.

Development within these areas would include open space buffers between existing residential uses, construction of four new drainage ponds, expansion of the existing drainage pond located on the southeast corner of the existing intersection of South Ridgemark Drive and State Route 25, construction of a new six-foot wide pedestrian pathway around the existing Ridgemark irrigation pond, construction of a new pathway between the Sunnyslope County Water District pond and existing development on Sonny's Way, and construction of an emergency vehicle access route that

connects an existing service road with the cul-de-sac near the proposed Lots 131 and Lot 132. No changes are proposed to the existing Ridgemark irrigation pond or the Sunnyslope County Water District pond.

No other commercial/non-residential development is proposed during this phase.

Ridgemark Ravine Open Space

The County and the Amah Mutsun Tribal Band have engaged in consultation due to the Tribe's historical association with the project area. County staff and Tribe representatives visited the project site on two separate occasions in 2022-23 as part of the tribal consultation process. As a result of the consultation, the existing native habitat and open space area near the San Benito River will be preserved, reducing the size of residential Lots 50 and 51 to establish a permanently protected open space area, referred to as the proposed Ridgemark Ravine Open Space. In Figure 4-1, Vesting Tentative Map by Phase, this area is identified in green, generally between Lots 50 and 51. This land will be made available as an amenity for neighborhood residents, providing a small natural area for walking, running, birdwatching and visitation with on-leash dogs. There is an existing pathway that may be maintained or converted into an unpaved trail with minimal amenities such as benches. Signage or interpretive panels providing education regarding the native plants, birds and habitat within the open space area and Amah Mutsun history and relationships with species and features at the site could be considered. Lastly, the establishment of a cultural conservation easement and memorandum of understanding within this preserved area may occur to provide Tribe members with the opportunity to visit and conduct specific cultural, educational, stewardship and habitat restoration-oriented activities within the open space area.

4.3 Intended Uses of the EIR

In accordance with CEQA Guidelines section 15124(d), following is a list of agencies that are expected to use this EIR in their decision-making, and a list of the approvals for which this EIR may be used. These lists include information that is known to the Lead Agency.

County of San Benito

- Subdivision;
- Master Plan Amendment;
- Rezoning the project site from “Contract Zone” to “Planned Unit Development (PUD) District”;
- Vesting Tentative Subdivision Map for up to 160 single-family residential lots and 15 affordable lots (with a maximum of 30 duets/duplexes), as well as commercial lots, infrastructure, and open space;

- Conditional Use Permits for commercial development;
- Adoption of an Affordable Housing Plan; and
- Adoption of a Parks & Open Space Master Plan.

Other Agencies

- Sunnyslope County Water District;
- United States Fish and Wildlife Service;
- California Department of Transportation (Caltrans – Encroachment Permits);
- California Department of Fish and Wildlife; and
- Central Coast Regional Water Quality Control Board.

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5.0 Aesthetics

This section of the draft EIR addresses the project's effects on scenic resources, the change of visual character of the project site and its surroundings due to the project, and the impact of new sources of light and glare that would be added by the project. Determinations of significance for visual effects are inherently subjective. Interpretations of existing conditions or changes in existing conditions brought about by a proposed action are subject to the perceptions and sensitivities of the analyst or the viewer experiencing the change. The analysis in this section is a good-faith effort to objectively identify the existing aesthetic setting and changes in that setting resulting from future development of the project site.

Unless otherwise noted the information in this section is derived from field analysis and observation, and information obtained from a variety of sources including the project plans, the *San Benito County 2035 General Plan* (2015a) ("general plan") and the San Benito County Code ("County Code").

No written comments about aesthetics were received on the notice of preparation (2020). Several written comments were received from the public on the revised notice of preparation (2021) raising environmental concerns regarding effects of development on views and open space and impacts to visual resources resulting from the previously proposed 38-unit affordable apartment complex near the gated entry point on Ridgemark Drive. The apartment use is no longer proposed and has been replaced by affordable units being integrated within the 190-lot residential subdivision. The revised notice of preparation and comments are included in [Appendix B](#).

5.1 Environmental Setting

Vicinity Visual Qualities

Scenic vistas within San Benito County ("County") consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the Gabilan Mountain Range to the west and Diablo Mountain Range to the east (San Benito County 2015b, pp. 5-3 – 5-4). The majority of scenic resources within the County consist of rolling terrain that provides mid- to long-range views of rangeland, cropland, rural residential uses, varying agricultural uses (including orchards), some sparse oak woodland, and historic mining uses and geologic resources in the western part of the county. Most roadways within the county offer some views of rural agricultural landscapes. The natural landscape transitions into higher density urban development near the cities of San Juan Bautista and Hollister.

The visual characteristics in the vicinity of the project site are characterized primarily by rangeland and rural development to the east and south, including large-lot rural residential and other low-density single-family residential uses, and the more urbanized areas of the City of Hollister to the north and west. Undeveloped land and agricultural countryside form a cohesive rural visual character. The grazing and agricultural lands in the vicinity of the project site afford views of landscapes that are representative of San Benito County as a whole.

Project Site Visual Character

Visual Attributes

The project site is the approximately 618-acre Ridgemark Golf Course and Country Club property, south of State Route 25 (Airline Highway). The topography of the project site consists of rolling hills at a higher elevation than Fairview Road, State Route 25, and Southside Road, south of the project site. The project site is improved with golf courses, single-story clubhouse and restaurant, two story hotel rooms and single-family and multifamily residential uses. Several apartment complexes are located on Joe's Lane, just south of State Route 25 and west of Ridgemark Drive. Apartments and townhomes are also located adjacent to Ridgemark Drive within the project site near the gated entrance. The overall visual character is low-density residential interspersed with the golf course fairways. Visual attributes of this existing low-density residential development combine to form a cohesive visual pattern of primarily low-profile building forms interspersed with ornamental landscaping and the golf course fairways.

There are several multistory apartments and townhomes located west of Ridgemark Drive, and south of State Route 25. The current clubhouse is single-story and the design and mass of the existing cottages are similar to a two-story apartment layout with established ornamental tree species and landscaping. The visual attributes of visible portions of the project site consist of low and medium family residential development dispersed along fallow and active golf course fairways with ornamental landscaping. The visual attributes of the development area in the vicinity of Ridgemark Drive include the unirrigated driving range at the gated entry and fallow fairways west of Ridgemark Drive.

Public Views

The development area (refer to Figure 3-2) consists of 253 acres within the 618-acre project site. The development area is not visible from Southside Road, and limited public views of the development area are available from Fairview Road and State Route 25 and from Ridgemark Drive north of the gated entry. The clubhouse and two-story "cottages are partially visible from Fairview Road, State Route 25, and Ridgemark Drive. Representative public views from Fairview Road and State Route 25 are presented in [Figure 5-1, Public Views from Fairview Road and Eastbound State Route 25](#), and [Figure 5-2, Public Views from State Route 25](#).



① View East From State Route 25



② View South Toward Entrance to Site



Project Site

Development Areas

Source: Google Earth 2022
Photographs: EMC Planning Group 2022



③ View Southwest Toward Hotel Site



④ View West Toward Existing Clubhouse

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① View West from State Route 25



② View Southeast of S Ridgemark Dr



- Project Site
- Development Areas

Source: Google Earth 2022
 Photographs: EMC Planning Group 2022



③ View Northwest Toward Development Area



④ View Northwest Toward Development Area

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Viewers

Viewers on Fairview Road consist of southbound travelers approaching the intersection of Fairview Road/State Route 25/Ridgemark Drive, beyond which can be seen existing fairways, clubhouse, and townhomes on the rolling hills of the project site near the main entrance. Foreground views toward the site at the intersection of Fairview Road/State Route 25/Ridgemark Drive are dominated by existing developed multifamily uses, the clubhouse, ornamental landscaping and fairways. A portion of the proposed development area is located within view of persons travelling east or west on State Route 25. Views of the development area from State Route 25 are limited to foreground views of landscaped fairways framed by residential development (refer to Figure 5-1). Hillside development within the former fairways in the eastern portion of the project site near the Sunnyslope County Water District retention pond would be briefly visible by westbound travelers on State Route 25 (refer to plates 3 and 4 in Figure 5-2). Eastbound views of this portion of the development area are obscured by foreground topography and vegetation (refer to plates 1 and 2 in Figure 5-2).

Scenic Highways

The California Department of Transportation (Caltrans) has designated the portion of State Route 25 adjacent to the project site as eligible for State scenic highway designation (California Department of Transportation 2022). Currently, no highway within San Benito County is officially designated as a State scenic highway. While general plan policies establish local scenic highway designation, Route 25 is not among the designated highways.

Lighting

San Benito County is recognized as having ideal topographic and atmospheric conditions uniquely suited for astronomical observation. The County's rural character, relatively limited development, varying elevations, and location provide exceptional nighttime views and dark skies. Star gazing opportunities are provided at the Fremont Peak State Park and at Pinnacles National Park; an astronomical observatory has also been established in Fremont Peak State Park. In order to maintain these nighttime visual conditions, the County approved provisions to protect and preserve the nighttime sky by regulating outdoor lighting, particularly lighting that would interfere with astronomical observations and the enjoyment of the night sky.

The project site is located approximately eight miles northeast of Fremont Peak State Park, and falls within Lighting Zone II, which, as established by Section 19.31.005 of the San Benito County Code, exists in areas between 5 and 13 miles from the center of Fremont Peak State Park. Existing sources of light and glare consist of existing development on the site and vicinity. On-site lighting sources include the clubhouse, restaurant, pro shop, overnight accommodations, residential development and landscape lighting throughout the project site.

5.2 Regulatory Setting

State

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State scenic highways are designated by Caltrans to promote the protection and enhancement of the natural scenic beauty of California's highways and adjacent corridors. California's Scenic Highway Program was created by the Legislature in 1963. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. In order to acquire an "officially designated scenic highway" label, the State and Caltrans require local jurisdictions to adopt a scenic corridor protection program to protect and enhance the adjacent scenic resources. In the San Benito County area, The County is the responsible local agency in this regard. Corridor protection programs are required to contain the following five elements:

- Regulations of land use and density of development;
- Detailed land and site planning;
- Control of outdoor advertising; and
- Careful attention to and control of earthmoving and landscaping.

Local

2035 San Benito County General Plan

The following general plan goals and policies pertaining to aesthetics are applicable to the proposed project.

Land Use Element

Goal LU-1 To maintain San Benito County's rural character and natural beauty while providing areas for needed future growth.

LU-1.5 Infill Development. The County shall encourage infill development on vacant and underutilized parcels to maximize the use of land within existing urban areas, minimize the conversion of productive agricultural land and open spaces, and minimize environmental impacts associated with new development as one way to accommodate growth.

LU-4.6 Clustered Residential Program. The County shall continue to encourage the clustering of residential uses and the use of creative site planning techniques to promote preservation of agricultural land and open space areas.

LU-4.7 Clustered Residential Site Layout. The County shall encourage clustered residential development be designed to respect existing natural features (e.g., rivers and streams, hills and ridgelines, and substantial tree stands) as appropriate to the density and character of the development, and if applicable to use such features to separate clustered parcels from farming areas.

Goal LU-5: Commercial and Mixed-Use Development. To promote the development of regional, thoroughfare, and locally-serving commercial uses at key opportunities sites in the unincorporated County.

LU-5.2: New Commercial Thoroughfare Nodes. The County shall encourage new Commercial Thoroughfare (CT) nodes, as shown on the Land Use Diagram, serving travelers and tourists along state routes. The County shall require these uses to have adequate public services, be compatible with surrounding land uses, and respect the scenic character of the County. Figure 3-5 shows the locations, Table 3-1 describes the land use designation, and Appendix A, Glossary defines “Centralized Commercial Node Development.”

Goal LU-7 To preserve San Benito County's historic identity and rural community character.

LU-7.7 Screening. The County shall require screening of storage, trash receptacles, loading docks, and other building or site features to reduce visual impacts from public areas.

LU-7.9 Art in Public Places. The County shall encourage the placement of art in public places such as social gathering spaces, plazas, bicycle/pedestrian areas, commercial shopping centers, and employment centers.

LU-7.10 New Development Design. The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.

Circulation Element

C-1.3 Roadway Improvement Aesthetics. The County shall require roadway improvements, such as roadway alignments and grading, landscaping, and/or other treatments, to reflect a context sensitive approach and be based on the intended character, whether urban or rural, of a particular location to be designed to conform to existing landforms and to include landscaping and/or other treatments to ensure that aesthetics are preserved, including the county’s rural character.

Natural and Cultural Resources Element

Goal NCR-8 To enhance and preserve the attractive visual qualities of scenic vistas and corridors in the county.

NCR-8.4 Review Architectural Massing. The County shall review development proposals to ensure that the obstruction of views is minimized through architectural building massing and location that is compatible with scenic areas.

NCR-8.5 Review Site Planning. The County shall review development proposals to ensure a reasonable and attractive appearance from the highway concurrent with a harmonious relationship with the existing landscape and shall require development that determined not to be in harmonious relationship with the existing landscape to be screened from view through planting or other forms of visual buffers.

Goal NCR-9 The County shall promote the preservation of dark skies necessary for nighttime astronomical viewing at local observatories. **NCR-9.1 Light Pollution Reduction.** The County shall continue to enforce the development lighting ordinance (SBC Code Chapter 19.13) and restrict outdoor lighting and glare from development projects in order to ensure good lighting practices, minimize nighttime light impacts, and preserve quality views of the night sky. The ordinance shall continue to recognize lighting zones and contain standards to avoid light trespass, particularly from developed uses, to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park.

NCR-9.1: Light Pollution Reduction. The County shall continue to enforce the development lighting ordinance (SBC Code Chapter 19.13) and restrict outdoor lighting and glare from development projects in order to ensure good lighting practices, minimize nighttime light impacts, and preserve quality views of the night sky. The ordinance shall continue to recognize lighting zones and contain standards to avoid light trespass, particularly from developed uses, to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park.

San Benito County Code of Ordinances

The County Code contains several regulations and standards implementing the general plan policies identified above that are relevant to an evaluation of the visual quality of the project site and vicinity. Building plans for development on the project site would be reviewed for consistency with the following ordinances.

Chapter 19.31 requires the use of outdoor lighting systems and practices be designed to reduce light pollution and glare, and to protect the nighttime visual environment by regulating outdoor lighting which interferes with astronomical observations and enjoyment of the night sky. Section 19.31.002 states the provisions of Chapter 19.31 apply to all proposed new land uses, developments, buildings, structures or building additions, as well as street lights on county and private roadways. Section 19.31.005 provides design criteria and performance standards for exterior lighting within three established lighting zones, with Zone I imposing the strictest regulations and Zone III imposing the least restrictive. The project site is located in Zone II.

Title 25, Zoning, was updated and adopted by the San Benito County Board of Supervisors as Ordinance 1043 on June 28, 2022. Chapter 25.07, General Development and Design Standards, sets forth site design and architectural standards to promote quality design of new residential structures and additions as well as new commercial, industrial, and similar nonresidential uses. Chapter 25.07

supports the County's intent to protect the character and the social and economic stability of agricultural, residential, and other areas within the County. The Chapter also facilitates the appropriate location of community facilities, institutions, transportation, and park and recreational areas.

Section 25.07.017, Hillside/Ridgeline, applies the design review requirements to development on slopes greater than 15 percent, or along the viewshed corridors of Highway 101, Highway 156, Highway 25 north of Panoche Road and Fairview Road, at an elevation of 200 feet or higher above the identified viewshed corridor; and located in a place that is visible from the nearest point along said viewshed corridor and one and one-half miles in either direction along the viewshed corridor.

5.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to the subject of aesthetics, as it does on a whole series of additional environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of aesthetic resources, or on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, "CEQA grants agencies discretion to develop their own thresholds of significance" (*Ibid.*). Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here.

For the purposes of this EIR, a significant impact related to aesthetics would occur if implementation of the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; and/or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Checklist Questions Deemed Not Applicable

- Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

As described in the regulatory setting section 5.2, the project site is located adjacent to an eligible scenic highway, but is not located within a designated state scenic highway corridor, nor is it shown in the general plan as within an existing or proposed County scenic corridor. Consequently, there is no potential for the proposed project to substantially damage scenic resources within a state scenic highway corridor. No further discussion of these issues is necessary.

5.4 Analysis, Impacts and Mitigation Measures

IMPACT 5-1	Substantial Adverse Impact on a Scenic Vista	Less than Significant
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San Benito County’s scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. Although the project site is not identified in the general plan as a scenic resource and is not part of the Diablo or Gabilan mountain ranges, it is located in the foreground of public views of those scenic features when viewed from State Route 25 and Fairview Road (refer to Figure 5-1 and Figure 5-2). However, clear views to the mountains are limited; existing views of the two scenic mountain ranges are obscured by the topography and existing development and landscaping of the project site.

The proposed project subdivides areas within an existing established residential subdivision and country club into residential and commercial lots. Future development will replace fairways and expand the existing clubhouse and hotel units while adding two neighborhood commercial retail components. Future development of residential and commercial lots would be visually dispersed among existing visual attributes of the project site. Development of the proposed residential lots would consist of single-family residential construction at a density similar to the existing development and would occur primarily toward the interior of the project site. The location of proposed commercial retail and residential uses on development areas at the interior of the project site would not be visible from Fairview Road or State Route 25. Future residential development on lots visible to viewers on State Route 25 and Fairview Road would be consistent with the overall visual character of existing development on the project site.

Future commercial development would be most visible to southbound viewers on Fairview Road and westbound viewers on State Route 25, as they approach Ridgemark Drive. Future commercial development of the lot at the intersection of State Route 25 and Ridgemark Drive would introduce new urban forms in the immediate foreground, which currently consists of ornamental landscaping maintained grassy areas and a pond. The proposed location for this commercial use is at a lower elevation than the rest of the site and would not interfere with views to the distant mountains. Development of this use would be subject to compliance with general plan policies for design review and visual compatibility, in particular with policy LU-5.2, which requires the design of

commercial uses to respect the character of the county. However, the reconstructed clubhouse and expanded hotel use have the potential to introduce new urban shapes and forms with greater mass that would be visible from both public roadways. All new development on the project site would be subject to conformance to County Code Chapter 25.07 General Development and Design Standards and Chapter 19.31 Development Lighting once improvement plans are prepared and submitted.

Construction of commercial and residential uses within view of the two roadways could also result in temporary changes in visual conditions. Temporary changes that can interfere with visual quality may occur due to construction activities, which may involve large types of equipment, storage and staging areas, and short-term grading and paving activities that can generate dust. Such activities would worsen the visibility of views experienced by traveling motorists and could impact nearby residents. However, the construction associated with new commercial development and single-family and multi-family residences would generally be a relatively short-term, temporary visual impact.

Implementation of general plan policies including design criteria, setback standards, buffering techniques, roadway aesthetics, and landscaping improvements would reduce the effects of urbanization on visual resources when viewed from public roadways. Further, building height, floor area, site coverage, and design is subject to conformance to County Code Chapter 25.07 to ensure that the County’s development and design standards are met. Additionally, all proposed development is subject to conformance with the exterior lighting requirements in County Code Chapter 19.33. Compliance with the County general plan policies and code provisions would ensure that project impacts to scenic vistas are less than significant.

IMPACT 5-2	Substantial Change in Visual Character of the Site and Surrounding Areas	Less than Significant
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The degree to which the project site is visible to potential viewers from public viewpoints is fundamental for assessing the extent to which the proposed project would substantially alter the visual character of the site. Viewer sensitivity to project changes is also an important factor that is largely dependent on the frequency and duration of views of the visual change and to viewer sensitivity to change.

Public views are available from Fairview Road, State Route 25 and Ridgemark Drive. Areas beyond the entry gate on Ridgemark Drive are privately owned. Existing public views are dominated by the golf course fairways and ornamental landscaping with intermittent views of existing houses and clubhouse buildings. Visibility of the development area on which improvements/changes are proposed is dependent on the location of the viewer. The visual attributes of the site that are visible from Fairview Road and State Route 25; the clubhouse, residences, fairways, etc., are less visually discernable at greater distances from the site (refer to Figure 5-1 and Figure 5-2). As noted in the

discussion of impacts to scenic vistas, limited direct views of the existing Ridgemark subdivision, as a whole, are available from both the westbound and eastbound directions on State Route 25, and southbound Fairview Road, with the most direct views being from Fairview Road. Viewer sensitivity would be greatest from Fairview Road as it is more likely to be used by local residents/commuters familiar with the area as opposed to viewers using State Route 25, which is a popular tourist route. The site is visible within 1.5 miles distant when traveling south on Fairview Road, but partially obscured by existing topography and development when approaching from the west on State Route.

On State Route 25, views of the site by westbound viewers are available over a distance of about two miles; and intermittent views are available to eastbound viewers within one mile of the site. State Route 25 is a highly travelled commuter, freight, and visitor route with a posted speed limit of 55 miles per hour. Consequently, the frequency of views is high, especially during commute hours; however, the duration of these views as once approaches and passes by the site is brief and occurs only for about two minutes. There are no singular unique or dominant visual attributes that draw the eye to the site along this segment of State Route 25 (refer to Figure 5-1 and Figure 5-2).

Development of the project has the potential to alter existing visual character of the site. Commercial development near the intersection of Fairview Road/State Route 25/Ridgemark Drive and the new hotel/clubhouse building would introduce new urban shapes and visual forms to the site foreground and midground views, which may be perceived by viewers on these public roadways as the most noticeable visible change to the project site. Development of residential uses proposed in phases 1, 2, 4,5, and part of Phase 3 (refer to Figure 4-2), are all significantly set back from State Route 25 and are dispersed throughout the existing residential uses and undulating topography of the project site. Therefore, changed visual attributes of these lots are unlikely to be distinguishable from existing development when viewed from either State Route 25 or Fairview Road.

Changes to the internal visual character of the project site may potentially be perceived negatively by private viewers within the project site (residents, visitors). Although the proposed project includes open space buffer areas between proposed lots and existing residences, and along the north boundary of the project site, the increase in residential density will change the open visual character of the former fairways. The design of any development within the private areas of the project site would also be subject to review by the Ridgemark Homeowners Association in addition to conformance to County Code Chapter 25.07.

Compliance with general plan policies identified in this section and conformance to County Code Chapter 25.07 and Chapter 19.31 are required as part of the use permit review process for the proposed commercial uses and development review for proposed residential uses. Compliance with the County general plan policies and code provisions would ensure that new urban forms, height, massing and design would ensure that changes to the visual character of the site would be less than significant.

IMPACT 5-3	Introduce New Sources of Substantial Light or Glare with Potential to Adversely Day or Affect Nighttime Views	Less than Significant
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The proposed project would increase the development intensity on the project site and would add new sources of light and to an existing residential subdivision and country club. The addition of neighborhood commercial retail uses to the site would be the source of the greatest lighting intensity. Future development within the development area would add sources of exterior residential and commercial lighting and outdoor lighting for streets, parks and parking lots. The project site is located within Zone II of the County’s Dark Skies Ordinance (County Code Chapter 19.31), which requires outdoor lighting systems and practices be designed to reduce light pollution and glare, and to protect the nighttime visual environment by regulating outdoor lighting that interferes with astronomical observations and enjoyment of the night sky.

Development of the proposed uses within the development area of the project site is subject to conformance with the lighting design standards and performance thresholds for Zone II set forth in County Code Chapter 19.31. Chapter 19.31 requires lighting plans and specifically restricts outdoor lighting fixtures and light splay is shielded below a horizontal plane. The ordinance also requires 1) minimization of light splay across property boundaries for all light fixtures other than streetlights, and 2) verification of compliance in accordance with the approved plan. Zone II requirements restrict total outdoor light output (excluding streetlights used for illumination of county roadways or private roadways), place caps of 50,000 initial raw lamp lumens per net acre for shielded lighting averaged over the entire project, and no more than 5,500 initial raw lamp lumens per net acre for permitted unshielded fixtures, and limit illumination of outdoor recreational facilities to 11p.m. unless concluding a scheduled recreational or sporting event in progress prior to 11 p.m.

All proposed lighting is subject to the compliance with general plan policies (presented previously) that address the proliferation of nighttime light sources that can affect nighttime views and conformance to the exterior lighting requirements and standards of County Code Chapter 19.31 once improvement plans are prepared and submitted. Compliance with general plan policies and code provisions would ensure that new sources of light and glare would not result in a significant impact. Therefore, the light and glare impacts associated with the proposed project would be less than significant.

5.5 Cumulative Impact Analysis

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future that could cause or exacerbate

cumulatively considerable impacts to the County's visual resources including lighting or glare that has the potential to alter day or nighttime views of scenic resources. The cumulative context for this analysis is buildout of the land uses identified in the general plan.

Geographic Scope

The geographic scope for cumulative impact analysis focuses on the viewsheds from State Route 25 and Fairview Road and areas within Zone II of the County's Night Sky Ordinance within which the project is located, and within the project site because the project's effects to aesthetic resources are localized and site-specific.

Cumulative Impact

The general plan EIR identified significant and unavoidable impact from new development that would permanently and cumulatively diminish nighttime views of the sky and adversely affect light-sensitive parks such as Fremont Peak State Park and Pinnacles National Park, rural residential and agricultural uses, and recreation and open space uses. The general plan EIR concluded that implementation of general plan policy NCR 9.1 would support the County's implementation of its dark sky ordinance, County Code Chapter 19.31, and successful implementation of policies and zoning standards would reduce the extent of the cumulative light impact to the night sky, but not to a less-than-significant level. The EIR found that interior and exterior lighting generated by urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution (County of San Benito 2015, p. 5-49).

Project Contribution

The proposed project would contribute light to significant cumulative lighting impacts to nighttime views. This is a cumulatively considerable impact. However, the project site is located adjacent to the City of Hollister, which is an existing source of substantial light and glare, and project site is already substantially developed with urban uses that generate light and glare. New sources of light and glare generated by development of the uses identified in the proposed subdivision that would increase the intensity of lighting on the project site are subject to compliance with general plan policies and County Code Chapter 19.31 or the control and minimization of light and glare.

Conclusion

Due to its location within an existing development that is located adjacent to an existing urban area, compliance with general plan policies and standard conformance with County Code Chapter 19.31 would reduce the project's contribution to less than cumulatively considerable.

6.0 Air Quality

This section of the EIR evaluates potential impacts to regional and local air quality. Construction (short-term) and operational (long-term) impacts are evaluated. The information presented in this section is derived largely from the following sources:

- *2014 Regional Growth Forecast* (Association of Monterey Bay Governments [AMBAG] 2018);
- *CEQA Air Quality Guidelines* (Monterey Bay Unified Air Pollution Control District 2008);
- *2012-2015 Air Quality Management Plan*. (Monterey Bay Air Resources District 2017);
- *Ridgemark Subdivision Emissions Modeling Methodology, Assumptions, and Results* (EMC Planning Group 2022);
- *San Benito County 2035 General Plan* (San Benito County 2015a); and
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update*. San Benito County 2015b).

No written responses to the notice of preparation (2020) were received that raised air quality concerns. One written response to the revised notice of preparation (2021) was received that raised a general concern regarding localized vehicle emissions generated by traffic congestion. The notice of preparation (2020) and comments received are included in [Appendix A](#); the revised notice of preparation (2021) and comments received are included in [Appendix B](#).

6.1 Environmental Setting

The County of San Benito (“County”) is located within the 5,159 square mile North Central Coast Air Basin (“air basin”), which is comprised of several interconnected valleys: the San Benito Valley, a portion of the Santa Clara Valley, Salinas Valley, and Carmel Valley.

A semi-permanent high-pressure cell in the eastern Pacific Ocean is the basic controlling factor in the air basin’s climate. In the summer, a dominant, high-pressure cell causes persistent west and northwest winds over the coast transporting pollutants from the air basin to the Central Valley. Air descends in the high-pressure cell forming a stable temperature inversion of hot air over a cool coastal layer of air. Onshore air currents pass over cool ocean waters to bring fog and relatively cool air into the coastal valleys. Warmer air aloft acts to inhibit vertical air movement.

The generally northwest-southeast orientation of mountain ranges restricts and channels summer on-shore air currents. Surface heating in the interior portion of the Salinas and San Benito valleys creates a weak low-pressure cell, which intensifies on-shore airflows during the afternoon and evening. In the fall, the surface winds become weak, and the marine layer grows shallow, dissipating altogether on some days. Airflow is occasionally reversed in a weak offshore movement, and the relatively stationary air mass is held in place by the high-pressure cell, which allows pollutants to build up over a period of a few days. It is most often during this season that the north or east winds develop, which can transport pollutants from either the San Francisco Bay Area or the Central Valley into the air basin.

During the winter, the high-pressure cell migrates southward and has less influence on the air basin. Air frequently flows in a southeasterly direction out of the Salinas and San Benito valleys, especially during night and morning hours, transporting pollutants from the air basin to the Central Valley. Northwest winds are nevertheless still dominant in winter, but easterly flow is more frequent. The general absence of deep, persistent inversions and the occasional storm systems usually result in good air quality for the air basin as a whole in winter and early spring.

Criteria Air Pollutants and their Effects on Human Health

The six most common and widespread air pollutants of concern, or “criteria pollutants,” are ground level ozone, nitrogen dioxide, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, volatile organic compounds are a key contributor to the criteria pollutants because they react with other substances to form ground level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in [Table 6-1, Common Criteria Air Pollutants](#).

The primary pollutants of concern in San Benito County are ozone, and particulate matter (PM) that is 10 and 2.5 microns or less in size. Health effects of criteria air pollutants include, but are not limited to, asthma, bronchitis, chest pain, coughing, throat irritation, and airway inflammation. Currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project’s criteria air pollutant emissions and specific human health impacts. An air district’s thresholds of significance for criteria air pollutants are not intended to be indicative of any localized human health impact that an individual project may have. For the purposes of the California Environmental Quality Act (“CEQA”), air quality analysis for criteria air pollutants is not really a localized, project-level impact analysis but one of regional, cumulative impacts. For these reasons, it is not the norm for CEQA practitioners to conduct an analysis of the localized health impacts associated with a project’s criteria air pollutant emissions as part of the CEQA process.

Table 6-1 Common Criteria Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone	Ground-level ozone is not emitted directly into the air. It results from chemical reactions between nitrogen oxides and volatile organic compounds in presence of sunlight.	▪ Automobiles; ▪ Industrial facilities; ▪ Gasoline vapors; ▪ Chemical solvents; ▪ Electric utilities.	▪ Chest pain, coughing, throat irritation, and airway inflammation ▪ Worsens bronchitis, emphysema, and asthma. ▪ Affects sensitive vegetation and ecosystems.
Nitrogen Dioxide	Reddish-brown gas formed during combustion of fuel. Nitrogen dioxide is a part of a group of highly reactive gases known as nitrogen oxides.	▪ Combustion of fuel; ▪ Automobiles; ▪ Power plant; ▪ Off-road Equipment.	▪ Irritate respiratory system / increase respiratory infections ▪ Development of asthma ▪ Forms acid rain – harms sensitive ecosystems ▪ Creates hazy air ▪ Contributes to nutrient pollution in coastal waters
Respirable and Fine Particulate Matter	Mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, soot, dirt, or smoke can be seen with the naked eye. Others are so small that they can only be detected with an electron microscope.	▪ Automobiles; ▪ Power Plants; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Smokestacks.	▪ Aggravated asthma; ▪ Irritation of the airways, coughing, and difficulty breathing; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide	Colorless, odorless gas released when something is burned.	▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic.	▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Dizziness, unconsciousness, and death (at high levels).
Sulfur Dioxide	Colorless acid gas with a pungent odor formed during combustion of fuel. In the entire group of sulfur oxides, sulfur dioxide is the component of the greatest concern.	▪ Fuel combustion; ▪ Industrial processes; ▪ Locomotives, ships, and other heavy equipment; ▪ Volcanoes.	▪ Makes breathing difficult; ▪ Worsens asthma; ▪ Contributes to acid rain; ▪ Reduced visibility; ▪ Damages statues and monuments.
Lead	Lead is a naturally occurring element found in small amounts in the earth's crust.	▪ Ore and metal processing; ▪ Leaded aviation fuel; ▪ Waste Incinerators; ▪ Utilities; ▪ Lead-acid battery manufacturers.	▪ High blood pressure and heart disease in adults; ▪ Behavioral problems, learning deficits, and lowered IQ in infants and young children; ▪ Decreased plant and animal growth; ▪ Neurological effects in vertebrates.

SOURCE: United States Environmental Protection Agency 2021

Ozone

Ground-level ozone is created by complex chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Since ground-level ozone is not emitted directly into the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant.

Ozone is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to ozone. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to ozone damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that ozone also damages vegetation.

If project-generated concentrations of volatile organic compounds and/or nitrogen oxides exceed the applicable thresholds of significance, concentrations of ground-level O₃ resulting from these pollutants could potentially result in significant resulting in adverse human health impacts.

Volatile Organic Compounds (Ozone Precursor)

Volatile Organic Compounds (VOC) are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal. VOCs are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, as well as a list of compounds specifically excluded by the California Air Resources Board (CARB) or the United States Environmental Protection Agency (U.S EPA). In their gaseous form VOC are referred to as Reactive Organic Gases (ROG).

Nitrogen Oxides (Ozone Precursor)

Most nitrogen oxides (NO_x) are created during combustion of fuels. Nitrogen oxides are a major contributor to ozone formation. Nitrogen dioxide (NO₂) is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. Like ozone, nitrogen dioxide is not directly emitted, but is formed through a reaction between nitric oxides and atmospheric oxygen. Nitrogen dioxide also contributes to the formation of particulate matter (see discussion below). Nitrogen dioxide concentrations in the air basin have been well below ambient air quality standards; therefore, nitrogen dioxide concentrations from land use projects are not a concern.

Particulate Matter (PM₁₀ and PM_{2.5})

Particulate matter is comprised of small, suspended particles, primarily composed of dust particles, nitrates, and sulfates. Particulate matter is classified as under 10 microns (suspended particulate matter or PM₁₀) and under 2.5 microns (fine particulate matter or PM_{2.5}). Suspended particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil

and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is suspended particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 microns in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10 microns in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

Carbon Monoxide (CO)

Carbon monoxide is a component of motor vehicle exhaust, which contributes about 56 percent of all carbon monoxide emissions nationwide. Other non-road engines and vehicles (such as construction equipment and boats) contribute about 22 percent of all carbon monoxide emissions nationwide. Carbon monoxide can cause harmful health effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues. Carbon monoxide contributes to the formation of ground-level ozone.

Higher levels of carbon monoxide generally occur in areas with heavy traffic congestion. In cities, 85 to 95 percent of all carbon monoxide emissions may come from motor vehicle exhaust.

Concentration of carbon monoxide is a direct function of vehicle idling time and, thus, traffic flow conditions. Transport of carbon monoxide is extremely limited; it disperses rapidly from the source under normal meteorological conditions. Under certain meteorological conditions, however, carbon monoxide concentrations close to a congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.).

Emissions thresholds established for carbon monoxide apply to direct or stationary sources.

Typically, high carbon monoxide concentrations are associated with roadways or intersections operating at unacceptable levels of service. Congested intersections with high volumes of traffic could cause carbon monoxide “hot spots,” where localized high concentrations of carbon monoxide occur. There is no available data for hot spots in the County; regional data for hot spots in the County would be evaluated by the air district in 2024 (David Frisbey, Personal Communication 2022).

Sulfur Dioxide (SO₂)

Within the larger group of gaseous sulfur oxides (SO_x), sulfur dioxide (SO₂) is the component of greatest concern, and is used as the indicator for the group. Emissions that lead to high

concentrations of SO₂ generally also lead to the formation of other SO_x. SO₂ is a colorless acid gas with a pungent odor. SO₂ is produced by the combustion of sulfur-containing fuels, such as oil, coal and diesel. SO₂ dissolves in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment. Health effects of SO₂ include damage to lung tissue and increased risk of acute and chronic respiratory disease.

Lead (Pb)

Pb is a metal found naturally in the environment as well as in manufactured products. Thirty years ago, mobile sources were the main contributor to ambient Pb concentrations in the air. Pb was phased out of on-road vehicle gasoline between 1975 and 1996 (Newell and Rogers 2003). Consequently, levels of Pb in the air decreased 98 percent between 1980 and 2014 (United States Environmental Protection Agency 2021a). As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of Pb in air are generally found near Pb smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants (“TACs”) are pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. There are hundreds of different types of TACs with varying degrees of toxicity. TACs can be classified as either carcinogens or non-carcinogens. Potential human health effects from exposures to TACs include birth defects, neurological damage, cancer, and death.

Diesel Emissions

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and TACs. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter (DPM). Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the TACs contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. DPM emissions are responsible for a majority of California's estimated cancer risk attributable to TAC exposures (California Air Resources Board 2022a). Short-term exposure to DPM is associated with variable irritation and inflammatory symptoms and contributes to numerous health impacts, including increased hospital admissions, particularly for heart disease, but also for respiratory illness, and even premature death.

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. The U.S. EPA regulates diesel engine design and fuel composition at the federal level, and

has implemented a series of measures since 1993 to reduce nitrogen oxides and particulate emissions from off-road and highway diesel equipment. Before the U.S EPA began regulating sulfur in diesel, diesel fuel contained as much as 5,000 parts per million (ppm) of sulfur. In 2006, U.S. EPA introduced stringent regulations to lower the amount of sulfur in diesel fuels to 15 ppm. This fuel is known as ultra-low sulfur diesel. U.S. EPA's diesel standards target emissions from on-road (or highway) vehicles and non-road engines and equipment. Collectively, diesel standards reduce harmful emissions from both on-road and non-road diesel sources by more than 90 percent (United States Environmental Protection Agency 2021c).

U.S. EPA Tier 1 non-road diesel engine standards were introduced in 1996, Tier 2 in 2001, Tier 3 in 2006, with final Tier 4 in 2014 (DieselNet 2022). The CARB held the first public workshop on the development of Tier 5 emissions standards that seek to further reduce NO_x and particulate matter in a 2028-2030 timeframe. [Table 6-2, Typical Non-Road Engine Emissions Standards](#), compares emissions standards for NO_x and particulate matter from non-road engine Tier 1 through Tier 4 for typical engine sizes.

Table 6-2 Typical Non-Road Engine Emissions Standards

Engine Tier and Year Introduced	NO _x Emissions			Particulate Emissions		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	-- ²	-- ²	-- ²	0.22	0.15	0.15
Tier 3 (2006)	-- ²	-- ²	-- ²	-- † ³	-- † ³	-- † ³
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2022

NOTES:

1. Expressed in g/bhp-hr, where g/bhp-hr stands for grams per brake horsepower-hour.

2. Tier 1 standards for NO_x remained in effect.

3. † - Not adopted, engines must meet Tier 2 PM standard.

In California, non-road equipment fleets can retain older equipment, but fleets must meet averaged emissions limits. As of January 2018, new equipment for large and medium fleets must be Tier 3 or better; by January 2023 small fleets must meet the Tier 3 or better standard; and over time the older equipment must be fitted with particulate filters. Large and medium fleets have increasingly strict fleet compliance targets through 2023 and small fleets through 2029. A small fleet has total horse power of 2,500 or less, and a medium fleet has total horsepower of between 2,500 and 5,000.

Owners or operators of portable engines and other types of equipment can register their units under the CARB statewide Portable Equipment Registration Program in order to operate their equipment throughout California without having to obtain individual permits from local air districts (California Air Resources Board 2022b).

Construction Emissions

Emissions generated during construction are “short-term” in the sense that they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of reactive organic gasses, nitrogen oxides, suspended particulate matter, and carbon monoxide. Emissions of reactive organic gasses, nitrogen oxides, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Suspended particulate matter emissions are generated primarily by wind erosion of diesel engines.

Asbestos

Asbestos handling and disposal are regulated by Federal and State law. Asbestos is found in several kinds of building materials. Asbestos is generally not harmful when asbestos-containing materials are left undisturbed, but when disturbed, microscopic fibers can be dislodged and remain in the air for long periods. If asbestos fibers are inhaled, they can become lodged in body tissues and pose a serious health threat, in particular lung disease.

Naturally-occurring asbestos has sometimes been used for unpaved gravel roads, landscaping, and fill. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. While it is present all over the state of California — in 42 of 58 counties — naturally occurring asbestos can be found most abundantly in and around Humboldt County, in areas of San Benito and Monterey counties, and in western El Dorado County (U.S. Environmental Protection Agency 2022).

Stationary Source Emissions

Stationary sources include factories, boilers, generators, and gasoline dispensing stations, and dry cleaners, all of which require an operating permit from the air district. There currently are no stationary sources of emissions on the project site. The air district was contacted to determine if any stationary sources are located in the vicinity of the project site. According to the air district, the stationary source nearest to the project site is a combustion source at the San Benito Foods facility located at 110 Hawkins Street Hollister, California, approximately three miles northwest of the site (CARB 2022f).

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, and hospitals. Sensitive receptors near the project site include residences located within and outside the project site adjacent to the development area. development

area. The nearest school is Southside School located approximately 0.5 miles south of the development area and the nearest healthcare facility is Hazel Hawkins Memorial Hospital approximately 1.7 miles northwest of the development area (Google Earth 2022). There are no known daycare centers within one-quarter mile of the development area.

6.2 Regulatory Setting

Federal

United States Environmental Protection Agency

The U.S. EPA was established on December 2, 1970 to create a single agency that covered several agency concerns: federal research, monitoring, standard-setting and enforcement. The purpose of the U.S. EPA is to protect the overall health of humans and the environment. The U.S. EPA does this by safeguarding all Americans from the hazardous risks in the environment where they live and work. Environmental safety is one of the primary concerns of U.S. policies and the following are commonly used to establish environmental policy: natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade.

Federal Clean Air Act

The federal Clean Air Act, adopted in 1970 and amended in 1990, provides the basis for federal air quality standards. Historically, air quality laws and regulations have divided air pollutants into two broad categories of airborne pollutants: criteria pollutants and TACs. The Clean Air Act is implemented by the U.S. EPA. The Clean Air Act established two types of National Ambient Air Quality Standards: primary and secondary. Primary standards set limits to protect public health, including the health of sensitive persons such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

In general, the Clean Air Act creates a partnership between state and federal governments for implementation of the Clean Air Act provisions. The federal Clean Air Act requires states to prepare an air quality control plan known as a State Implementation Plan. California's State Implementation Plan contains the strategies and control measures that California will use to attain the National Ambient Air Quality Standards. If, when reviewing the State Implementation Plan for conformity with Clean Air Act Amendments mandates, the U.S. EPA determines a State Implementation Plan to be inadequate, U.S. EPA may prepare a Federal Implementation Plan for the non-attainment area and may impose additional control measures.

National Ambient Air Quality Standards

Ambient air quality is described in terms of compliance with the state and national standards. State standards are discussed below. In general, criteria pollutants are pervasive constituents, such as those

emitted in vast quantities by the combustion of fossil fuels. Both the state and federal governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. [Table 6-3, National and California Ambient Air Quality Standards](#), lists national and California ambient air quality standards for common air pollutants.

Table 6-3 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	National Standards ¹				California Standards ²	
		Primary ^{3,4}		Secondary ^{3,5}		Concentration ³	
		ppm	µg/m ³	ppm	µg/m ³	ppm	µg/m ³
O ₃ ⁶	1 Hour	-	-	-	-	0.09	180
	8 Hour	0.07	137	0.07	137	0.07	137
PM ₁₀ ⁷	24 Hour	-	150	-	150	-	50
	Annual	-	-	-	-	-	20
PM _{2.5} ⁷	24 Hour	-	35	-	35	-	-
	Annual	-	12	-	15	-	12
CO	8 Hour	9	10	-	-	9.0	10
	1 Hour	35	40	-	-	20.0	23
NO ₂ ⁸	Annual	0.053	100	0.053	100	0.03	57
	1 Hour	0.100	188	-	-	0.18	339
SO ₂ ⁹	Annual	0.03	See note 9	-	-	-	-
	24 Hour	0.14	See note 9	-	-	0.04	105
	3 Hour	0.5	-	0.5	1,300	-	-
	1 Hour	0.075	196	-	-	0.25	655
Pb ^{10,11}	30 Day Average	-	-	-	-	-	1.5
	Rolling 3-month Average	-	0.15	-	0.15	-	-
	Calendar Quarter	See note 10	1.5	See note 10	1.5	-	-
Visibility Reducing Particles ¹²	8 Hour	No Federal Standards				See note 12	
Sulfates	24 Hour					-	25
Hydrogen Sulfide	1 Hour					0.03	42
Vinyl Chloride ¹⁰	24 Hour					0.01	26

SOURCE: California Air Resources Board 2016

NOTES:

1. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
 2. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
 3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
 4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
 5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
 6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
 7. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
 8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
 9. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
 10. The CARB has identified lead and vinyl chloride as 'TACs' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
 11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
 12. In 1989, the CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.
-

National Emissions Standards for Hazardous Air Pollutants are emissions standards set by the U.S. EPA for an air pollutant not covered by National Ambient Air Quality Standards that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness. The standards for a particular source category require the maximum degree of emission reduction that the U.S EPA determines to be achievable, which is known as the Maximum Achievable Control Technology.

State

California Air Resources Board

The federal Clean Air Act gives states primary responsibility for directly monitoring, controlling, and preventing air pollution. The CARB is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. The duties of the CARB include coordinating air quality attainment efforts, setting standards, conducting research, and creating solutions to air pollution. The CARB, which is a state agency located within the California Environmental Protection Agency, oversees regional or local air quality management plans within their respective jurisdictions. The CARB grants regional air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips.

Air Quality Management Plans

The federal Clean Air Act requires areas with unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts prepare State Implementation Plan elements and submit them to the CARB for review and approval. CARB forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register.

California Ambient Air Quality Standards

The California Ambient Air Quality Standards were established in 1959 by the California Department of Public Health to set air quality standards and controls for vehicle emissions. The California Ambient Air Quality Standards (refer to Table 6-3) are often stricter than the National Ambient Air Quality Standards. When state thresholds are exceeded at regional monitoring stations, an “attainment plan” must be prepared that outlines how an air quality district will achieve compliance with the state standards.

California Air Toxics Program

California has a comprehensive and effective Air Toxics Program. Several pieces of legislation form the basis for the CARB to identify and control air toxics from a multitude of sources, inform the public of significant toxic exposures and provide ways to reduce risks from these exposures.

The Toxic Air Contaminant Identification and Control Act of 1983 or Assembly Bill (“AB”) 1807 established the California Air Toxics Program that was designed to reduce exposure to air toxics. The program involves a two-step process: risk identification and risk management. In the risk identification step, upon CARB's request, the Office of Environmental Health Hazard Assessment evaluates the health effects of substances other than pesticides and their pesticidal uses. Substances with the potential to be emitted or are currently being emitted into the ambient air may be identified as a TAC. Once a substance is identified as a TAC, and with the participation of local air districts, industry, and interested public, CARB prepares a report that outlines the need and degree to regulate the TAC through a control measure (California Air Resources Board 2022c).

The Air Toxics Hot Spots Information and Assessment Act or AB 2588 was enacted in 1987, and requires stationary sources to report the types and quantities of certain substances their facilities routinely release into the air. The goals of AB 2588 are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels (California Air Resources Board 2022c).

California Office of Environmental Health Hazard Assessment (OEHHA)

The OEHHA and CARB develop recommended methods for conducting health risk assessments to evaluate health risks from exposures to TACs. The most recent OEHHA risk assessment guidelines were published in February of 2015. These guidelines incorporate methods designed to provide for enhanced protection of children, as required by State law. CARB has provided additional guidance on implementing OEHHA's recommended methods. Current MBARD regulations/guidelines (Rule 1000 – Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants) specify use of the most recent OEHHA guidelines when conducting health risk assessments.

Regional/Local

Monterey Bay Air Resources District

The Monterey Bay Air Resources District (“air district”) was created in 1965 by the Monterey County Board of Supervisors. Within the air district are the counties of Monterey, San Benito, and Santa Cruz; these counties comprise the air basin. The air district is charged with regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, providing guidelines for analysis of air quality impacts pursuant to CEQA, and preparing an air quality management plan to maintain or improve air quality in the air basin. The air district has developed thresholds of significance for criteria air pollutants, which are included in the *CEQA Air Quality Guidelines* (“CEQA Guidelines”) (Monterey Bay Unified Air Pollution Control District 2008).

In accordance with the Clean Air Act, the CARB is required to designate regions of the state as attainment, non-attainment, or unclassified with regard to that region's compliance with criteria air pollutants standards. An “attainment” designation for a region signifies that pollutant concentrations do not violate the standard for that pollutant in that region. A “non-attainment” designation

indicates that a pollutant concentration violated the standard at least once. An “unclassified” designation signifies that available data does not support either an attainment or non-attainment status. The air basin is in non-attainment with state mandated thresholds for ozone and suspended particulate matter, and is “unclassified” attainment for CO in San Benito County, as shown in [Table 6-4, North Central Coast Air Basin Attainment Status](#). With respect to national standards, the air basin has achieved attainment.

Table 6-4 North Central Coast Air Basin Attainment Status

Pollutant	California Standards	National Standards
O ₃	Non-attainment	Attainment
PM ₁₀	Non-attainment	Attainment
PM _{2.5}	Attainment	Attainment
CO	Unclassified (San Benito County)	Attainment
NO ₂	Attainment	Attainment
SO ₂	Attainment	Attainment
Pb	Attainment	Attainment

SOURCE: Monterey Bay Air Resources District 2021

The air district is delegated with the responsibility at the local level to implement both federal and state mandates for improving air quality in the air basin through an air quality plan. When thresholds are exceeded at regional monitoring stations on consecutive accounts, an attainment plan must be prepared that outlines how an air quality district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods. The air district periodically prepares and updates plans in order to attain State and national air quality standards, to comply with quality planning requirements, and to achieve the goal of clean and healthful air. These plans also report on progress in improving air quality and provide a road map to guide the air district’s future activities.

2012-2015 Air Quality Management Plan

The *2012-2015 Air Quality Management Plan* (air quality management plan) was adopted by the air district in March 2017 and is the most recent plan. The air quality management plan focuses on achieving the 8-hour component of the California ozone standard (the air basin has already attained the 1-hour standard) by continuing successful programs carried forward from the prior air quality management plan. Ozone exceedances at monitoring stations have declined from 63 (2006-2008), to 16 (2009-2011) to 9 (2013-2015), to no exceedances during 2017-2020 (California Air Resources Board 2022d). Mobile source NO_x emissions in the air basin have dropped significantly during the period 2000 to 2015, from about 56 tons per day to about 23 tons per day, largely attributable to

state fuel and fuel combustion efficiency standards. The NO_x emissions transported into the air basin from the San Francisco Bay Area and San Joaquin Air Basins are forecast to decline through the year 2030 (Monterey Bay Air Resources District 2017, page 2).

As identified above, the primary pollutants of concern in the formation of ozone are VOC and NO_x. Ozone formation in the air basin is more limited by the availability of NO_x than by the availability of ROG_s, so reducing NO_x emissions is most crucial for reducing ozone formation. The majority of NO_x emissions originate from mobile sources. The air district only has direct permitting authority over emissions that originate from point sources, which constitute 21 percent of NO_x emissions. The air district can only indirectly affect mobile source and area source emissions, for example by influencing land use patterns which can reduce vehicle miles travelled. Since mobile sources are the primary source of NO_x emissions, the air district provides grant funding opportunities, which reduce NO_x from both on-road and off-road mobile sources.

District Rules

- The air district regulates new and modified stationary sources through Rule 207, which incorporates State and federal requirements for new and modified stationary sources as well as air district-specific regulations. When net emissions from a new or modified facility exceed State offset thresholds, the increase must be offset, with certain exceptions. The rule also requires application of Best Available Control Technology when a source would emit 25 lb/day or more of VOC or NO_x emissions.
- Rule 426 requires low VOC architectural coatings in new development of permitted sources. Applicability of Rule 426 includes any person who supplies, sells, markets, offers for sale, manufacturers, blends or repackages any architectural coatings in the air district.
- Rule 424 requires an inspection of asbestos-containing material (ACM), and the removal of material prior to disturbance of the facility, such as renovation or demolition. Facilities subject to Rule 424, which is in compliance with the *National Emission Standards for Hazardous Air Pollutants* under the U.S. EPA, include all commercial building, residential buildings with more than four dwelling units, other structures and non-portable equipment.
- Rule 1000 applies to any source which requires a permit to construct or operate pursuant to air district Regulation II and has the potential to emit carcinogenic or non-carcinogenic TACs into the atmosphere.

2035 San Benito County General Plan

The following general plan goals and policies pertaining to air quality are applicable to the proposed project:

Policy ED-1.5 Quality of Life Improvements. The County shall focus economic development efforts on creating positive change in the county relative to residents and workers' quality of life. This should include considering air quality, education opportunities, safety, water quality, scenic beauty, and recreational opportunities during economic development decisions.

Policy HS-5.1 New Development. The County shall use the CEQA process to ensure development projects incorporate feasible mitigation measures to reduce construction and operational air quality emissions, and consult with the Monterey Bay Unified Air Pollution Control District early in the development review process.

Policy HS-5.2 Sensitive Land Use Locations. The County shall ensure adequate distances between sensitive land uses and facilities or operations that may produce toxic or hazardous air pollutants or substantial odors.

Policy HS-5.4 PM₁₀ Emissions from Construction. The County shall require developers to reduce particulate matter emissions from construction (e.g., grading, excavation, and demolition) consistent with standards established by the Monterey Bay Unified Air Pollution Control District.

Policy HS-5.6 New Construction Mitigation. The County shall work in coordination with the Monterey Bay Unified Air Pollution Control District to minimize air emissions from construction activities associated with proposed development.

Policy HS-5.13 Reduce Air Pollution from Wood Burning. No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food

6.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of air quality, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of air quality impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. San Benito County has done so here.

For the purposes of this EIR, a significant impact related to air quality would occur if implementation of the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Air District Significance Threshold Criteria

Construction Emissions

Construction activities are temporary impacts that, depending on the size and type of project, commonly occur in limited time periods. Construction emissions have the potential to significantly impact local air quality. The following are the impact thresholds for inhalable particulates, ozone, and other pollutants:

- Construction activities that directly generate 82 pounds per day or more of PM₁₀ would have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors. Excavation and earthmoving activities generate about 38 pounds of PM₁₀ per day per acre, and minimal grading generates about 10 pounds per day per acre. According to the air district's CEQA Guidelines, a significant impact is assumed when daily major earthwork exceeds 2.2 acres or minimal grading exceeds 8.1 acres. If ambient air quality in the project area already exceeds the state standard, a project would contribute substantially to this violation if it would emit 82 pounds per day or more;
- Construction projects using typical construction equipment, such as dump trucks, scrapers, bulldozers, compactors and front-end loaders that temporarily emit ozone precursors, are accommodated in the emission inventories of State- and federally-required air plans and would not have a significant impact on the attainment and maintenance of the ozone standard; and
- Construction projects that may cause or substantially contribute to the violation of other state or national air quality standards, or that could emit TACs, could result in temporary significant impacts.

Operational Emissions

The majority of adverse impacts on air quality come from the long-term operations of a project.

[Table 6-5, Thresholds of Significance for Criteria Air Pollutants](#), provides project-level thresholds of significance for criteria air pollutants.

Toxic Air Contaminants

The CEQA Guidelines do not provide screening thresholds for TACs generated by construction equipment. A spatial threshold can be inferred from the *Air Quality and Land Use Handbook: A Community Health Perspective* (California Air Resources Board 2005), which recommends avoiding siting new sensitive land uses, such as residences, schools, daycare centers, playgrounds, or medical facilities, within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. This threshold is used to determine potentially significant impacts to human health resulting from prolonged exposures to concentrations of mobile-source TACs. A health risk assessment is typically required to determine if significant exposures would occur based on site- and project-specific conditions. The proposed project site is not located within 500 feet of a high-volume roadway (Caltrans 2022).

Table 6-5 Thresholds of Significance for Criteria Air Pollutants

Pollutants Source	Threshold(s) of Significance ¹
Volatile Organic Compounds (VOC)	137 lb/day (direct + indirect) ²
Nitrogen Oxides (NO _x), as Nitrogen Dioxide (NO ₂)	137 lb/day (direct + indirect) ²
Respirable Particulate Matter (PM ₁₀)	82 lb/day (on-site) ³
Carbon Monoxide (CO)	550 lb/day (direct)
Sulfur Oxides (SO _x), as Sulfur Dioxide (SO ₂)	150 lb/day (direct)

SOURCE: Monterey Bay Unified Air Pollution Control District 2008

NOTES:

1. Projects that emit other criteria pollutant emissions would have a significant impact if emissions would cause or substantially contribute to the violation of state or national ambient air quality standards. Criteria pollutant emissions could also have a significant impact if they would alter air movement, moisture, temperature, climate, or create objectionable odors in substantial concentrations. When estimating project emissions, local or project-specific conditions should be considered.
2. Because of the complexities of predicting ground level ozone concentrations in relation to the state and national ambient air quality standards, the air district has developed mass emissions thresholds for VOC and NO_x that can be used to make significance determinations. The air district ties these thresholds to the local attainment status of ozone. Exceedance of VOC and/or NO_x thresholds indicates that a project would be inconsistent with ozone standards, resulting in a significant contribution to ground level ozone impacts.
3. The air district's 82 pounds per day operational phase threshold of significance applies only to onsite emissions and project-related exceedances along unpaved roads. These impacts are generally less than significant. On large development projects, almost all travel is on paved roads (0% unpaved), and entrained road dust from vehicular travel can exceed the significance threshold. Please contact the air district to discuss estimating emissions from vehicular travel on paved roads. Air district-approved dispersion modeling can be used to refute (or validate) a determination of significance if modeling shows that emissions would not cause or substantially contribute to an exceedance of California and national ambient air quality standards.

Although the proposed project does not involve siting new sensitive receptors near a freeway or high-volume roadway, it can be inferred that construction activity located within 500 feet of sensitive receptors may, dependent on site- and project-specific conditions, contribute to exposures to concentrations of TACs that have the potential to adversely affect human health, albeit on a temporary basis.

Stationary Source Emissions

The air district regulates TACs and criteria air pollutant emissions from new or modified sources under Rule 1000, Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants. Rule 1000 applies to any source which requires a permit to construct or operate pursuant to air district Regulation II and has the potential to emit carcinogenic or non-carcinogenic TACs into the atmosphere. According to the CEQA Guidelines, operational equipment or processes that comply with Rule 1000 would not result in significant air quality impacts (Monterey Bay Unified Air Pollution Control District 2008, page 9-3). Therefore, no impact would occur and no further discussion of TAC impacts from stationary sources of emissions is required.

6.4 Analysis, Impacts, and Mitigation Measures

IMPACT 6-1	The Proposed Project May Be Inconsistent with the 2017 Clean Air Plan	Less-than-Significant with Mitigation
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Projects related directly to population growth generate population-related emissions (e.g., motor vehicles, residential heating and cooling emissions). Population-related emissions have been estimated in the air quality management plan; population-related projects that are consistent with these forecasts are consistent with the plan. The air district uses consistency with the air quality management plan to determine a project's cumulative impact on regional air quality under CEQA. The air district has established a consistency determination procedure tied to population growth – a project that does not result in an increase in population beyond that projected by the AMBAG is considered not to conflict with the air quality management plan.

The most recent growth projections for the County of San Benito are in the *2014 Regional Growth Forecast* (Association of Monterey Bay Governments 2018) (regional growth forecast), which reports that the population of unincorporated San Benito County would increase by 31,885 in 2025. The proposed project would introduce approximately 685 new residents to the project site (refer to Section 4). The proposed project includes 190 residential lots that would be developed with 205 residential units on approximately 43.6 acres, which equates to a residential density of 4.36 dwelling units per acre. The general plan land use designation of Residential Mixed (RM) allows a maximum residential land use density of 20 dwelling units per acre. The proposed residential density is well within the general plan maximum residential density for the RM land use designation; therefore, the increase in population resulting from development of the proposed residential lots would not exceed the population projections upon which the air quality management plan emissions forecasts are based.

However, the proposed project would result in short term construction PM₁₀ emissions and operational ROG emissions that exceed air district thresholds. Construction activities also could potentially expose receptors to dust and equipment exhaust TAC emissions during construction. The proposed project is subject to compliance with general plan Policy HS-5.4 for the control of construction dust emissions, and with Policy HS-5.6, which requires coordination with the air district to minimize construction emissions from new development. Compliance with these policies would ensure that construction emissions do not exceed air district thresholds. Required construction control measures are discussed in greater detail in the analysis of construction impacts to air quality.

Specific construction equipment, phasing and anticipated site disturbance by phase is not yet available in detail sufficient to analyze phase-specific health risks of potential exposures to construction emissions. Consequently, to ensure that sensitive receptor exposures to construction

dust and equipment exhaust emissions are minimized, mitigation consistent with air district guidance would be required during construction. Compliance with general plan policies that require the implementation of air district dust control measures during construction in addition to implementation of mitigation measures AQ-1 and AQ-2, presented later in this section would reduce these impacts to less than significant.

Compliance with Policy HS-5.13, which prohibits the use of woodburning fireplaces and hearths in new development would reduce operational ROG emissions, but not below the air district threshold. Implementation of the mitigation measure AQ-1 prohibiting all hearths presented later in this section would reduce these impacts to less than significant.

For these reasons, the proposed project would not conflict with or obstruct the air quality management plan.

Construction Emissions

IMPACT 6-2	Fugitive Dust and Equipment Exhaust Emissions During Construction Could Exceed the Air District Thresholds and Degrade Ambient Air Quality	Less Than Significant
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Although the proposed project does not include construction, future development associated with the proposed project would generate construction emissions in phases on various locations within the approximately 253.1-acre development area. Construction activities with grading and excavation that disturb more than 2.2 acres per day and construction activities with minimal earthmoving that disturb more than 8.1 acres per day are assumed by the air district to generate short term PM10 emissions greater than the air district threshold of 82 pounds PM10 per day. Future grading and construction to develop the proposed uses on the 253.1-acres site are likely to result in soil disturbance that the air district thresholds of significance. Therefore, this impact is potentially significant.

Future development is subject to compliance with general plan Policy HS-5.4 requiring the control of PM10 emissions during construction consistent with air district control measures. Compliance is required as a condition of project approval and as part of the County’s review process for grading and improvement plans. Air district control measures for construction emissions and fugitive dust are as follows:

- Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:
- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;

- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;
- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
- d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
- e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
- f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
- g. Stop grading, and earth moving if winds exceed 15 miles per hour;
- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
- i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
- j. Limit the area under construction at any one time.

As noted in the CEQA Guidelines Table 8-2, these various fugitive dust reduction approaches range from 34 to 90 percent effective (Monterey Bay Unified Air Pollution Control District 2008). For example, watering the site would reduce dust from wind erosion by about half, and use of stabilizers or binders would reduce wind erosion by up to 80 percent. Two feet of freeboard and truck covers would reduce dust from trucking operations by about 90 percent. These measures, although not additive, would reduce overall dust emissions significantly, ensuring that the proposed project would not exceed the threshold for fugitive dust emissions during construction. Compliance with general plan policies requiring the implementation of these measures during construction would reduce impacts to ambient air quality from construction fugitive dust emissions to less than significant. No mitigation is required.

Criteria Air Pollutant Emissions from Operations

IMPACT 6-3	Generate Criteria Air Pollutants During Operations that Exceed Air District Thresholds and Degrade Air Quality	Less than Significant with Mitigation
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Future operations of the residential and commercial uses identified in the vesting tentative map would result in new sources of criteria air pollutant emissions on the project site. Operational criteria air pollutant emissions estimates from existing sources that would be replaced and from future development of the project at buildout (2035) were calculated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0. The model's unmitigated results showed that future project operations would exceed the air district thresholds of significance for ROG (VOC) emissions. This is a significant impact.

According to the CalEEMod results for unmitigated Winter and Summer emissions, much of the modeled operational ROG would be generated by area sources (see [Appendix D](#)), which include natural gas and wood burning fireplaces (hearths) in the model defaults. Compliance with general plan Policy HS-5.13 that prohibits woodburning fireplaces would reduce ROG emissions from future development, but the modeled ROG emissions would still exceed the air district threshold. A mitigated model run was conducted, which shows project emissions without any hearths. The model methodology, assumptions and results are described in greater detail in [Appendix D](#).

The modeled unmitigated and mitigated results are summarized and reviewed against the air district thresholds in [Table 6-6, Unmitigated and Mitigated Operational Criteria Air Pollutant Emissions](#).

Table 6-6 Unmitigated and Mitigated Operational Criteria Pollutant Emissions

Emissions	ROG	NO _x	PM ₁₀	CO	SO ₂
Unmitigated^{1,2,3}					
Winter	158	30	58	314	1
Summer	158	31	58	319	1
<i>Air District Threshold¹</i>	<i>137</i>	<i>137</i>	<i>82</i>	<i>550</i>	<i>150</i>
<i>Exceeds Thresholds?</i>	<i>Yes</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Mitigated^{1,2,3}					
Winter	13	21	33	110	<1
Summer	17	3	6	48	<1
<i>Air District Thresholds¹</i>	<i>137</i>	<i>137</i>	<i>82</i>	<i>550</i>	<i>150</i>
<i>Exceeds Thresholds?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

SOURCE: EMC Planning Group 2022

NOTES:

1. Expressed in pounds per day.
2. Results have been rounded, and may, therefore, vary slightly.
3. Assume no hearths for mitigated results.

The mitigated model results show that by eliminating all natural gas and wood-fired hearths would reduce area source operational ROG emissions below the air district thresholds. Implementation of the following mitigation measure would reduce the project’s operational ROG emissions below the air district thresholds and impacts to regional air quality to a less-than-significant level.

Mitigation Measure

- AQ-1 To reduce operational ROG emissions below the air district threshold, prior to building permit issuance, the applicant shall include the following criteria air pollutant (ROG) emissions reduction features on the project plans:
- a. Natural gas and wood-burning fireplaces and stoves shall be prohibited. Restrictions on natural gas and wood-burning heating appliances shall be included on deeds for individual parcels.

Implementation of mitigation measure AQ-1 would reduce impacts to regional air quality to less than significant by eliminating hearth sources of ROG emissions.

Sensitive Receptor Exposures

The proposed development areas are interspersed with existing residential development on the project site and several areas proposed for development are not located in proximity to sources of TAC emissions.

Construction Emissions Exposures

IMPACT 6-4	Demolition and Construction Activity Could Increase Sensitive Receptor Health Risks from Exposure to Toxic Air Contaminants	Less than Significant With Mitigation
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Temporary sources of construction TAC emissions include demolition of the existing clubhouse, pro shop, restaurant and 32 transient rooms and construction of the new commercial and residential uses. These activities would occur within proximity to existing residential uses on and off the project site. On-site receptors include existing residences within the gated community within 500 feet of development areas, and the residential uses located outside the gated community west of the with proposed commercial parcels “A, B, C”. In addition, the project would introduce new sensitive receptors (residents) as each phase is developed. Exposure of sensitive receptors to TACs in asbestos-containing materials during demolition of existing buildings and heavy equipment diesel exhaust during construction is a potentially significant impact.

Demolition activities could expose receptors to asbestos-containing materials and all grading and construction would generate fugitive dust and equipment exhaust (assumed to be DPM). Compliance with air district Rule 424 for the demolition of buildings that contain asbestos-

containing materials is required as part of the County's review process for demolition permitting. The project is subject to compliance with Rule 424, which prohibits the release of asbestos-containing materials. Therefore, exposures to asbestos-containing materials released as a result of demolition activities would be less than significant.

Compliance with general plan policies to reduce construction emissions includes implementing the air district's dust control measures during construction in addition to reducing potential construction equipment TAC emissions volumes. Emissions from engines used in construction, which are primarily diesel, are subject to control under regulations adopted by both California Air Resources Board (CARB) and U.S. EPA. U.S. EPA promulgated new emission standards for off-road engines in 1998, with CARB adopting parallel standards in 2000. In 2004, Tier 4 emission standards were adopted and were phased in for new engines between 2011 and 2014. In 2007 CARB adopted an off-road equipment regulation to accelerate reductions of NO_x and DPM from existing off-road engines. Beginning in 2012 and through 2023, the off-road regulation requires operators of older equipment to either install abatement devices, upgrade to Tier 3 and eventually Tier 4 engines, or to retire older equipment.

In addition to implementing the air district dust control measures, Implementation of the following mitigation measures ensures that the increased health risks from potential exposures to construction TAC emissions are less than significant.

Mitigation Measures

AQ-2 To reduce dust and equipment exhaust emissions from demolition, grading, and construction activities on the project site, the developer shall prepare a Construction Management Plan subject to the review and approval of the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit and shall implement the approved Construction Management Plan during construction activities. The approved Construction Management Plan, including Monterey Bay Air Resources District Dust Control Measures, shall be included on all bid documents, grading and construction plans and permits prior to issuance of any permit. The Construction Management Plan shall include the following measures:

- a. Heavy-duty diesel vehicles shall be required to have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation, and shall not be staged within 500 feet of nearest sensitive receptors.
- b. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment shall include the use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

- c. Idling times will 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 shall be provided for construction workers at all access points.
- d. Prior to issuance of a grading permit for each phase the contractor shall demonstrate that all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall be checked by a certified visible emissions evaluator.

Implementation of mitigation measures AQ-2, in addition to the air district dust control measures would reduce the potential increased health risks from exposures to temporary construction emissions to less than significant by requiring control of fugitive dust emissions, use of cleaner engines and/or filters, by limiting idle times, and by locating equipment distant from receptors.

Odors

IMPACT 6-5	Project Operations Could Expose Sensitive Receptors to Sources of Significant Odors	Less Than Significant
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The air district CEQA Guidelines identify land uses that typically are associated with the creation of objectionable odors including wastewater treatment plant, sanitary landfill, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, auto body shops, rendering plants, coffee roasters, and certain agricultural practices. Impacts resulting from odors can result when sensitive receptors (e.g., new residences) are located near the odor sources. Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

The project would not incorporate the development of uses consistent with objectionable odors. Operational odors would include restaurants and exhaust from vehicles which would be similar to existing nearby uses. Therefore, the project would not result in objectionable odors and impacts would be less than significant.

6.5 Cumulative Impacts

Cumulative Context

The cumulative context for this topic is the effect of air pollutant emissions generated by past present, and future development consistent with the general plan buildout to regional air quality.

Geographic Scope

The geographic scope of the analysis is the North Central Coast Air Basin (air basin). The air basin is in non-attainment with state mandated thresholds for ozone and suspended particulate matter (PM₁₀).

Cumulative Impact

The air district considers cumulative impacts to occur if a project's operations are inconsistent with the air quality management plan. The San Benito general plan EIR identified significant cumulative impacts on regional air quality that would result from buildout of the general plan. Impacts to regional air quality are cumulatively considerable. Under cumulative conditions, there could be an increase in short-term construction emissions, ozone and particulate matter (PM₁₀), and localized carbon monoxide (CO) (County of San Benito 2015b, p.7-32-6); however, the general plan EIR concluded that these cumulative impacts would be less than cumulatively considerable with implementation of the general plan policies (identified in Section 6.4).

Project Contribution

The proposed project has the potential to generate construction and operational emissions of ozone precursors and PM₁₀ that that would be a cumulatively considerable contribution to the less-than-cumulatively considerable air quality impacts. The proposed project is subject to compliance with general plan policies that require minimization of air quality impacts. As reported in Section 6.4, in addition to compliance with general plan policies, with mitigation the proposed project's short term construction impacts and operational ROG emissions impacts are below the air district thresholds and would be consistent with the air district's air quality management plan. As a result, the proposed project's contribution to the less than cumulatively considerable regional air quality impact is less than cumulatively considerable with mitigation.

Conclusion

As reported in Section 6.4, in addition to compliance with general plan policies, with mitigation the proposed project's short term construction impacts and operational ROG emissions impacts are below the air district thresholds and would be consistent with the air district's air quality management plan. Implementation of Mitigation Measures AQ-1 – AQ-2 would reduce the project contribution to regional air quality impacts to less than cumulatively considerable. These measures include requirements for dust control measures during construction, restrictions on natural gas and woodburning fireplaces during operations, and restrictions on diesel equipment exhaust emissions. The proposed project is also consistent with the county's general plan land use designations that were analyzed in the general plan EIR. The proposed project would not contribute emissions that would result in cumulative impacts greater than those identified and addressed by the general plan EIR. As a result, the proposed project's contribution to the less than cumulatively considerable regional air quality impact is less than cumulatively considerable with mitigation.

7.0 Biological Resources

This section addresses existing biological resources on the project site and development area; the federal, state, and regional/local regulatory framework pertaining to biological resources; and anticipated impacts to biological resources as a result of the proposed project. This evaluation is based on reconnaissance field surveys conducted by EMC Planning Group biologists; a review of existing scientific literature, aerial photographs, and technical background information; and policies applicable to projects located in San Benito County.

Information in this section is derived from various sources including:

- Project applications and plans;
- *Ridgemark Subdivision Biological Resources Evaluation* (“biological report,” [Appendix E](#)) (EMC Planning Group 2023);
- *San Benito County 2035 General Plan* (San Benito County 2015a);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County 2015b);
- Code of Ordinances (San Benito County 2022);
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2023);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2023); and
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2023a) and *National Wetlands Inventory* (USFWS 2023b).

No comments on the notice of preparation (2020) raising concerns of impacts to biological resources were received (refer to [Appendix A](#)). Two comments from the public regarding the ponds near Marks Drive and two agency comments on the revised notice of preparation (2021) were received (refer to [Appendix B](#)).

Comments received from the California Department of Fish and Wildlife (CDFW) (November 4, 2021) requested that the EIR address potential impacts to the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the Federally threatened and State Species of Concern California red-legged frog (*Rana draytonii*); and the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), and western pond turtle (*Emys marmorata*), along with

roosting bat species of special concern, nesting birds, and raptors. CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox, California tiger salamander, and California red-legged frog. In addition to potential species impacts, project activities may also be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. for impacts to riparian vegetation and/or streams.

Comments received from the USFWS (Mark Ogonowski, Acting Field Supervisor, email to Michael Kelly, October 15, 2021) requested that the EIR address the federally listed California tiger salamander, California red-legged frog, and vernal pool fairy shrimp. Potential impacts to species under review for federal listing should also be considered, including western pond turtle and western spadefoot.

These comments are addressed in this section of the EIR. The revised notice of preparation and comment letters on the notice are included in [Appendix B](#).

7.1 Environmental Setting

EMC Planning Group principal biologist Janet Walther conducted a reconnaissance-level biological survey of the project site and development area on July 10, 2019. A follow up biological survey was conducted on the project site by EMC biologists Patrick Furtado and Kat Hardisty-Cranstone on May 24, 2023. Prior to the field surveys in July 2019 and May 2023, aerial photographs, natural resource database accounts, and other relevant scientific literature were reviewed. Additional review of natural resource database accounts have been conducted since 2019, with the most recent in 2023. This included searching the USFWS Endangered Species Program (USFWS 2023), CDFW California Natural Diversity Database (CDFW 2023a), and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS 2023) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project site. Special-status species in this report are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by the CNPS.

The results of the survey and analysis of potential impacts to biological resources are compiled in the *Ridgemark Subdivision Biological Resources Evaluation* ("biological report") ([Appendix E](#), EMC Planning Group 2023). The biological report provides a description of conditions at the site and vicinity, a discussion of existing plant and wildlife habitats observed and the potential for special-status biological resources to occur on the project site and development area. It also provides recommendations for avoiding and/or minimizing impacts to special-status biological resources that otherwise could require discretionary permit oversight from regulatory resource agencies such as the CDFW, USFWS, Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB). The following sections summarize the results detailed in the biological report.

Existing Conditions

The project site is located in the California Floristic Province's Central Western California region, in the "Inner South Coast Ranges" district. This district includes the southern Diablo Range from Hollister and Pacheco Pass south to (and including) San Benito Mountain, the Gabilan Range, Cholame Hills, and the higher elevations of the Temblor Range, Caliente Range, and associated ridges. The district supports a mosaic of blue-oak/foothill-pine woodland, juniper woodland, chaparral, and elements of desert scrub.

The development area is made up of a patchy network of former fairways and open space previously part of the larger golf course. Manicured fairway vegetation, sand traps, and tees have been removed and the areas have generally been left fallow, though some areas were also being actively disked at the time of the survey. Water features, including constructed and enhanced natural ponds and natural drainages had varying levels of inundation at the time of the surveys. Plant communities found at the project site within and adjacent to the development area include annual grassland, chaparral, oak woodland, and developed (urban/ornamental, fairway/former fairway). These communities are discussed in greater detail in the biological report ([Appendix E](#)). Existing plant communities/wildlife habitats located at the project site and within development areas are shown on [Figure 7-1, Habitat Map](#).

Wetlands and Waterways

Aquatic features found within and adjacent to the development areas include manicured and maintained golf course water features, stormwater basins, seasonal ponds, stock ponds, and wastewater treatment ponds. [Figure 7-1, Habitat Map](#), and Table 4-1 in the biological report show and list each of the ponds and drainages identified within the Ridgemark boundary.

Most ponds were dry at the time of the site surveys in 2019 and 2023, however four ponds contained water, which is likely pumped in to maintain water levels as part of the golf course, landscaping and/or aesthetic purposes. Vegetation around these ponds is heavily managed, with golf course fairway grass clipped fairly short, disking, and/or fencing. Ponds 6, 7, and 8 supported wetland vegetation.

There are two unnamed intermittent watercourses crossing the Ridgemark Golf Course. One parallels part of the northern boundary along State Route 25 and is included on the National Wetland Inventory (NWI) map ([Figure 4-2, National Wetland Inventory](#), in the biological report). This watercourse is an intermittent drainage likely originating in the foothills east of the City of Hollister and draining southwest towards the San Benito River. Vegetation present varied from mixed ruderal grasses to coast live oak, coyote bush, mustard, *Rumex* sp. and thistles. Some pooling was found during the survey, most likely the result of irrigation runoff from the golf course. Few facultative wetland species (species that could occur in or outside of wetlands) were observed.

The second intermittent drainage is not shown on the NWI, and appears to originate at Ponds 6 and 7, draining west towards Southside Road. It is unclear if the drainage reaches the San Benito River. Within the golf course property, the drainage is steeply excised with a dense canopy of oak woodland, opening to an area supporting chaparral species near the southern boundary. Culverts and drainage pipes outflow to the drainage and likely accommodate high precipitation or flooding events. Inundation was visible at a trail crossing south of Marks Drive at the time of the 2019 survey.

Special-Status Species

Special-status species in this report are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, CNPS Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

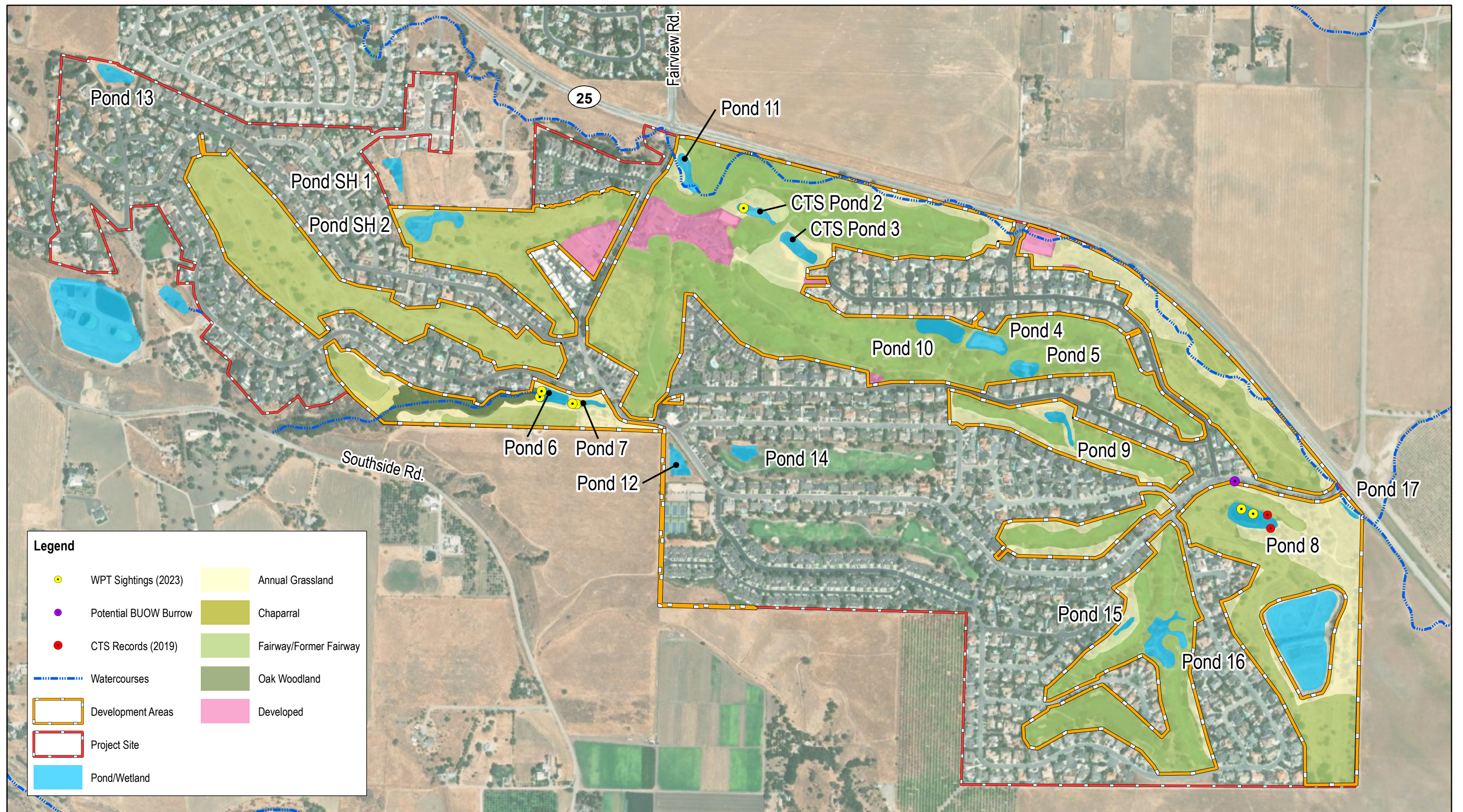
One special-status wildlife species was found during the May 2023 reconnaissance field survey. Western pond turtle was observed at ponds 2, 6, 7, and 8. Although a single adult California tiger salamander was observed during protocol-level surveys conducted in 2020, both California red-legged frog and California tiger salamander were not observed during follow up surveys in 2023 (Bryan Mori Biological Services 2020, 2023). All three species have been documented on the site in the past and are discussed in greater detail in the biological report ([Appendix E](#)).

Tables included in [Appendix B](#) of the biological report show special-status species documented within the project vicinity, their listing status and suitable habitat description, and their potential to occur on the project site.

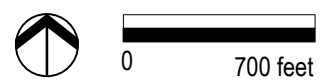
Special-Status Plants

Special-status plant species potentially occurring in the project vicinity were evaluated for the potential to occur on the project site. Information on special-status plants, including listing status, suitable habitat conditions, and potential to occur on the development area is presented in [Appendix A](#) of the biological report.

Although no special-status plant species were found during the reconnaissance field survey, the survey was conducted outside the peak blooming periods for most special-status species with potential to occur in the project vicinity. As illustrated in [Figure 5-1](#) of the biological report, a number of special-status plant species have been reported as occurring within the overall project vicinity. However, because the development areas consist primarily of former golf course fairways that have been repeatedly disturbed, there is an absence of suitable habitat and little potential to support special-status plants. One species, San Joaquin spearscale (*Extriplex joaquinana*), is recorded in the CNDDDB immediately adjacent to the site.



Source: ESRI 2022, CDFW 2023, Kelley Engineering & Surveying 2022, Bryan Mori 2020



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San Joaquin Spearscale

San Joaquin spearscale is listed by the CNPS as a 1B.2 species, plants that are considered rare, threatened, or endangered in California and elsewhere. San Joaquin spearscale was formerly included in genus *Atriplex*. It is most commonly found at alkaline sites in chenopod scrub, meadows and seeps, playas, and valley and foothill grassland, at elevations from 1-320m. The blooming period is from April to September.

Special-Status Wildlife

Special-status wildlife species potentially occurring in the project vicinity were evaluated for potential to occur on the project site. Information on special-status wildlife species, including listing status, suitable habitat conditions, and potential to occur on the development area is presented in Appendix A of the biological report. Species with the potential to occur on the development area are discussed in more detail, below.

California Red-Legged Frog

California red-legged frog (*Rana draytonii*) is federally listed as Threatened and is a California Species of Special Concern. The subject parcel is not located within federally designated critical habitat for this species. California red-legged frog is California's largest native frog and is generally restricted to riparian and lacustrine (lake) habitats. This species prefers deep, still pools, usually greater than two feet in depth, in creeks, rivers or lakes below 5,000 feet in elevation. Breeding habitats require freshwater emergent vegetation or thick riparian vegetation, especially willow thickets adjacent to shorelines. California red-legged frogs can survive in seasonal bodies of water that dry up for short periods if a permanent water body or dense vegetation is nearby. Dispersal distances are typically less than 0.3-miles (0.5 kilometer) from a pond, with a few individuals moving up to 1.2–1.9 miles (2–3 kilometers) overland, with movement occurring predominantly along creek drainages. Individuals are often found during the summer in foraging habitat not suitable for breeding, and therefore are presumed to move seasonally between summer foraging and winter breeding habitats.

California Tiger Salamander

The federally and state-listed threatened California tiger salamander (*Ambystoma californiense*) is a large terrestrial salamander. It occurs in central California from the Sacramento Valley to the south-central San Joaquin Valley, and in the surrounding foothills of both the Coast Ranges and the Sierra Nevada Mountains. California tiger salamanders are also recorded from the San Francisco Bay region, Sonoma County, the Monterey Bay region, and the valleys and foothills of San Luis Obispo and Santa Barbara counties. California tiger salamanders breed in temporary wetland pools, such as vernal pools, and other seasonal wetland bodies where ponded water is present for a minimum of three to four months, extending into the early spring. Such ponds and temporary wetlands provide necessary breeding and larval-stage habitat for the species. Adults spend most of the year in aestivation, underground in the burrows of small mammals, such as the California ground squirrel and/or Botta's pocket gopher, or within other suitable subterranean retreats.

Vernal Pool Fairy Shrimp

Vernal pool fairy shrimp (*Branchinecta lynchi*) are federally listed as threatened. Vernal pool fairy shrimp are small crustaceans (1/2–2 inches long) that are restricted to vernal pools, swales, and other seasonal wetlands. Eggs of these species lie dormant during most of the year in the form of cysts, which are capable of withstanding extreme environmental conditions, such as heat, cold, and prolonged desiccation. The cysts hatch when the pools fill with rainwater, and the young rapidly develop into adults. Not all of the cysts hatch with the first rainfall; some remain dormant to hatch during subsequent events or in later years. Vernal pool invertebrates occupy a variety of seasonal aquatic habitats, from small, clear, sandstone rock pools to large, turbid, alkaline, grassland valley floor pools. Vernal pool fairy shrimp are most commonly found in grass or mud-bottomed swales, or basalt flow depression pools in unplowed grasslands. Vernal pool fairy shrimp are most frequently found in pools measuring less than 0.05 acre.

Vernal pool fairy shrimp are predominantly known from the Central Valley, however there is one CNDDDB record from 2012 for an occurrence approximately 1.1 miles north of the development areas in a small seasonal wetland a (Occurrence No. 920, CDFW 2023a). Natural vernal pools do not occur on the project site and ponds are heavily managed for golf course and/or flood control and existing and proposed future development has been sited outside of the existing ponds. It is therefore considered unlikely that vernal pool fairy shrimp would occur within the development areas.

Western Spadefoot

Western spadefoot (*Spea hammondi*) is a California species of special concern. This species of toad lives within grassland habitats of Central California and the Southern California coast. It requires temporary pools of water free of predators (such as fish, bullfrogs, or crayfish) for egg-laying. Breeding usually occurs in late winter. With the exception of the breeding season and foraging excursions during rain events, this species spends most of its life aestivating in self-excavated burrows, although burrows of small mammals are sometimes utilized. The dispersal distances of spadefoot toad are relatively unknown; however, current research on amphibian conservation suggests that average upland habitat use is within 368 meters (1,207 feet) of aquatic habitats (Semlitsch and Brodie 2003). Spadefoot toads are also highly sensitive to vibration (such as from an electric motor) while underground and may emerge prematurely (Dimmit 1980).

Southwestern Pond Turtle

Southwestern pond turtle (*Actinemys pallida*) is a CDFW Species of Special Concern and a proposed threatened species under the ESA. It occurs in permanent or nearly permanent aquatic features in a wide variety of habitats throughout California, west of the Sierra-Cascade crest; it is absent from desert regions, except the Mojave Desert along the Mojave River and its tributaries. Its elevation range extends from near sea level to 1,430 meters (4,690 feet). Southwestern pond turtles require basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud

banks. The home range of southwestern pond turtles is typically quite restricted; however, ongoing research indicates that in many areas, turtles may leave the watercourse in late fall and move up to approximately 1,200 feet (350 meters) into upland habitats where they burrow into duff and/or soil and overwinter (Pilliod et. al. 2013). They remain active year-round and may move several times during the course of overwintering.

San Joaquin Coachwhip

The San Joaquin coachwhip (whipsnake) (*Masticophis flagellum ruddocki*) is one of six subspecies of coachwhip that range from Colusa County in the Sacramento Valley south to Kern County in the San Joaquin Valley, and west to the inner South Coast Ranges. Preferred habitats include open, dry vegetative associations with little or no tree cover. In the western San Joaquin Valley, coachwhip inhabits grassland and saltbush scrub associations, and is known to climb bushes such as saltbush to view prey and predators. Small mammal burrows are used by San Joaquin coachwhips for refuge and possibly as oviposition sites. Coachwhip subspecies will not emerge from burrows until near-surface temperatures reach 80 degrees Fahrenheit on either a daily or seasonal basis. For this reason, emergence tends to be late in the season (April to early May) and later in the morning. The subspecies primarily eats small mammals including bats, nestling and adult birds, bird eggs, lizards, snakes, amphibians, and carrion.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a California Species of Special Concern and a candidate species for listing under CESA with low potential to occur in the development area. Burrowing owls live and breed in burrows in the ground. Optimal habitat conditions include large, open, dry, and nearly level grasslands or prairies with short to moderate vegetation height and cover, areas of bare ground, and populations of burrowing mammals. This species occurs in open, dry grasslands, deserts, and shrub-lands with low-growing vegetation; it usually occupies natural burrows excavated by other fossorial species such as California ground squirrel. In open habitats, they prefer flat, open areas where the vegetation is relatively short, affording a vantage point from which to evade potential predators.

Tricolored Blackbird

Tricolored blackbird (*Agelaius tricolor*) is a California species of special concern and nesting colonies are state listed as threatened. Tricolored blackbird is found mostly throughout the Central Valley and San Francisco Bay Delta regions. Tricolored blackbirds forage in annual grasslands; wet and dry vernal pools and other seasonal wetlands; and croplands. They also forage occasionally in riparian scrub habitats and along marsh borders. Tricolored blackbirds nest near freshwater marshes.

Nesting Birds

Various bird species may nest throughout the development area, including in buildings, on open ground, or in any type of vegetation. One species of concern, California horned lark (*Eremophila alpestris actia*), was documented nesting within the Ridgemark boundary in 1993 (occurrence number

15), and suitable habitat is present. In 2023, EMC biologists observed nesting killdeer at ponds 2 and 3, nesting red-winged blackbirds at ponds 6-9, and a potential burrowing owl nest near the eastern gate. Additional species within the potential to occur include Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), and white-tailed kite (*Elanus leucurus*). Future construction activities including ground disturbance may impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during site preparation and construction. To avoid impacts to nesting birds, demolition and construction activities that include any vegetation removal or ground disturbance (such as grading or grubbing) should be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If construction occurs during the bird nesting season, then a qualified biologist should conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction.

American Badger

American badger (*Taxidea taxus*) is state-listed as a species of special concern. This species is a permanent resident found throughout most of the state (although relatively uncommon in the San Benito County region), with the exception of the northern area of the North Coast. The badger is most abundant in grassland and the drier, more open successional stages of shrub, forest, and herbaceous habitats with friable soils, although it also is found in open scrub and woodland habitats. This species requires an abundant source of burrowing mammals such as ground squirrels and gophers for sustenance.

San Joaquin Kit Fox

The San Joaquin kit fox (*Vulpes macrotis mutica*) is a federally-listed endangered species and a state-listed threatened species. The present range of the San Joaquin kit fox extends from the southern end of the San Joaquin Valley, north to Tulare County, and along the interior Coast Range valleys and foothills to central Contra Costa County. San Joaquin kit foxes typically inhabit annual grasslands or grassy open spaces with scattered shrubby vegetation, but can also be found in some agricultural habitats and urban areas. This species needs loose-textured sandy soils for burrowing, and they also need areas that provide a suitable prey base, including black-tailed hare, desert cottontails, and California ground squirrels, as well as birds, reptiles, and carrion.

Bats

Trees on and adjacent to the development area could provide roosting habitat for three special-status bat species known to occur within the project vicinity: western mastiff bat (*Eumops perotis*), pallid bat (*Antrozous pallidus*), and western red bat (*Lasirurus blossevillei*) (CDFW 2023a). Western mastiff bat typically roosts alone or in small colonies of fewer than 100 bats in crevices in cliff faces, high buildings, trees, and tunnels. Pallid bat typically roosts in rock crevices, caves, mine shafts, under bridges, or in buildings and tree hollows. Western red bats are typically a solitary species, although nursery colonies are occasionally found. Western red bats roost in trees, less often in shrubs, adjacent to streams, fields, or urban areas.

Sensitive Natural Communities

Sensitive natural communities are those that are considered rare in the region, support special-status plant or animal species, or receive regulatory protection (i.e., wetlands under §404 of the Clean Water Act and/or the CDFW §1600 et seq. of the California Fish and Game Code). In addition, the CDFW has designated a number of communities as rare; these communities are given the highest inventory priority. Special-status natural communities present on the site include coast live oak woodland, and seasonal wetlands and streams.

Regulated Trees and Oak Woodland

In San Benito County, the removal of designated trees and oak woodland are regulated by the San Benito County Code Section 25.29.213 (zoning ordinance) and Chapter 19.33: Management and Conservation of Woodlands. Removal of County-regulated trees and oak woodland would require a permit and likely replacement plantings.

Wildlife Movement

Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main populations, permitting an increase in gene flow among populations. These habitat linkages can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete locales and populations located within larger habitat areas.

7.2 Regulatory Setting

Federal Plans and Regulations

Endangered Species Act

The federal Endangered Species Act of 1973 protects species that the U.S. Fish and Wildlife Service (USFWS) has listed as Endangered or Threatened. Permits may be required from USFWS if activities associated with a proposed project would result in the “take” of a federally listed species or its habitat. Under the Act, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in take. “Take” of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 prohibits killing, possessing, or trading in migratory birds, and protects the nesting activities of native birds including common species, except in accordance with certain regulations prescribed by the Secretary of the Interior. Over 1,000 native nesting bird species are currently protected under the federal law. This Act encompasses whole birds, parts of birds, bird nests, and eggs.

The USFWS published a proposed rule to clarify prohibitions governing the "take" of birds under the Migratory Bird Treaty Act on February 3, 2020. This proposed rule clarifies that the scope of the Migratory Bird Treaty Act applies only to intentional injuring or killing of birds. Conduct that results in the unintentional (incidental) injury or death of migratory birds is not prohibited under the Act. On January 7, 2021, the final regulation defining the scope of the Migratory Bird Treaty Act was published in the Federal Register. The rule went into effect on February 8, 2021.

On October 4, 2021, the USFWS published a final rule revoking the January 7, 2021, regulation that limited the scope of the Migratory Bird Treaty Act. With this final and formal revocation of the January 7 rule, the USFWS returns to implementing the Migratory Bird Treaty Act as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and long-standing agency practice prior to 2017. This final rule went into effect on December 3, 2021.

Clean Water Act

Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into "Waters of the United States." "Waters of the United States" are waters such as oceans, rivers, streams, lakes, ponds, and wetlands subject to U.S. Army Corps of Engineers Regulatory Program jurisdiction under Section 404 of the Clean Water Act. Certain artificial drainage channels, ditches and wetlands are also considered jurisdictional "Waters of the United States." On June 22, 2020, the Environmental Protection Agency and the Department of the Army's Navigable Waters Protection Rule: Definition of "Waters of the United States" became effective in 49 states and in all US territories. The San Francisco USACE District uses this definition of "Waters of the United States" when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property. On June 9, 2021, the agencies halted implementation of the Navigable Waters Protection Rule nationwide and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice.

The USACE determines the extent of its jurisdiction as defined by ordinary high-water marks on channel banks, wetland boundaries, and/or connectivity to a navigable water. Wetlands are habitats with soils that are intermittently or permanently saturated or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to

methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).

Activities that involve the discharge of fill into jurisdictional wetlands or waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the project proponent agrees to provide compensatory mitigation which results in no net loss of area, function, or value, either through wetland creation, restoration, or the purchase of credits through an approved mitigation bank. In addition to individual discharge permits, the USACE also issues nationwide permits applicable for certain activities.

Pursuant to the USACE Manuals, key criteria for determining the presence of wetlands are:

- The presence of inundated or saturated soil conditions resulting from permanent or periodic inundation by ground water or surface water; and
- A prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation).

Explicit in the definition is the consideration of three environmental parameters: hydrology, soil, and vegetation. Positive wetland indicators of all three parameters are normally present in wetlands. The assessment of all three parameters in normal circumstances enhances the technical accuracy, consistency, and credibility of a wetland determination and is required per the USACE Manuals.

State Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the “take” of a state-listed Threatened or Endangered species. “Take” is defined under the Act as an activity that would directly or indirectly kill an individual of a species; “take” is defined in Section 86 of the California Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” If a proposed project would result in the “take” of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a species conservation plan, would be required.

Nesting Birds and Birds of Prey

Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders Falconiformes and Strigiformes) are specifically protected under provisions of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird

except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the bird nesting season, is considered “take” by the CDFW.

Streambed Alterations

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources and/or riparian vegetation are subject to CDFW regulations. Activities that would disturb these drainages are regulated by the CDFW; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates certain measures that will protect the habitat values of the drainage in question.

California Porter-Cologne Water Quality Control Act

Under the California Porter-Cologne Water Quality Control Act, the applicable RWQCB may necessitate Waste Discharge Requirements for the fill or alteration of “Waters of the State,” which according to California Water Code Section 13050 includes “any surface water or groundwater, including saline waters, within the boundaries of the state.” The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction. Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state RWQCB is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

Regional/Local Regulations

2035 San Benito County General Plan

The *2035 San Benito County General Plan* contains the following goal and policies associated with biological resources that are applicable to the proposed project:

Goal NCR-1. To preserve and enhance valuable open space lands that provide wildlife habitat and conserve natural, historical, archaeological, paleontological, tribal, and visual resources of San Benito County.

NCR-1.1. Maintenance of Open Space. The County shall support and encourage maintenance of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses. [Regulation and Development Review (RDR)]

NCR-1.2. Conservation Easements. The County shall support and encourage the use of conservation easements to protect open space that contains valuable natural resources. [RDR/ Infrastructure and Service Master Plans, Strategies, and Programs (MPSP)]

NCR-2.2. Habitat Protection. The County shall require major subdivisions with-in potential habitat of Federal- or State-listed rare, threatened, or endangered plant or animal species to mitigate the effects of development. Mitigation for impacts to species may be accomplished on land preserved for open space, agricultural, or natural resources protection purposes. (RDR)

NCR-2.4. Maintain Corridors for Habitat. The County shall protect and enhance wildlife migration and movement corridors to ensure the health and long-term survival of local animal and plant populations, in particular contiguous habitat areas, in order to increase habitat value and lower land management costs. As part of this effort, the County shall require road and development sites in rural areas to:

- a. Be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas; and
- b. Incorporate measures to maintain the long-term health of the plant and animal communities in the area, such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors. (RDR)

NCR-2.5. Mitigation for Wetland Disturbance or Removal. The County shall encourage the protection of the habitat value and biological functions of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands. The County shall require that development avoid encroachment and require buffers around these habitats to the extent practicable. The County shall further require mitigation for any development proposals that have the potential to reduce these habitats. Recreational trails and other features established within natural wetlands and aquatic and riparian buffer areas shall be, as long as such areas are not required to meet the Americans with Disabilities Act, located along the outside of the sensitive habitat whenever possible to minimize intrusions and maintain the integrity of the habitat. Exceptions to this action include irrigation pumps, roads and bridges, levees, docks, public boat ramps, and similar uses. In all cases where intrusions into these buffers are made, only the mini-mum amount of vegetation necessary to construct the feature shall be removed. (RDR)

NCR-2.6. Regeneration of Oak Woodland Communities. The County shall promote the restoration, re-stocking, and protection of oak woodland habitat on public and private lands in the county through a combination of the habitat conservation planning, inter-agency coordination, and updated development review or tree preservation procedures. [RDR/MPSP/ Inter-Governmental Coordination (IGC)]

NCR-2.7. Mitigation of Oak Woodlands. The County shall encourage development near oak woodlands to be clustered to avoid, where technically or economically practical, the loss of heritage oak trees. The County shall require transitional buffers to help maintain viable ecosystems where appropriate. Where removal of trees cannot be avoided, the County shall require project applicants to prepare a mitigation plan that identifies on- or off-site tree replacement. (RDR)

NCR-2.8. Pre-Development Biological Resource Assessment. The County shall require the preparation of biological resource assessments for new development proposals as appropriate. The assessment shall include the following: a biological resource inventory based on a reconnaissance-level site survey, and an analysis of anticipated project impacts to: potentially occurring special-status species (which may require focused special-status plant and/or animal surveys); an analysis of sensitive natural communities; wildlife movement corridors and nursery sites on or adjacent to the project site; potentially jurisdictional wetlands/waterways; and locally protected biological resources such as trees. The assessment shall contain suggested avoidance, minimization, and/or mitigation measures for significant impacts to biological resources.

NCR-2.9. Mitigation Funding and Site Protection. The County shall require that project applicants demonstrate that adequate funding can be provided to implement all required biological mitigation and monitoring activities. Habitat preserved as part of any mitigation and monitoring plan shall be preserved through a conservation easement, deed restriction, or other method to ensure that the habitat remains protected.

NCR- 2.10. Invasive Species. The County shall require that new developments avoid the introduction or spread of invasive plant species during construction by minimizing surface disturbance, seeding and mulching disturbed areas with certified weed-free native mixes, and using native or noninvasive species in erosion control plantings.

San Benito County Code, Chapter 19.17: Grading, Drainage and Erosion Control

Section 19.17.005, Riparian Protection, states that, “grading activity shall not take place within 50 feet (measured horizontally) from the top of the bank of a stream, creek, river or within 50 feet of a wetland or other body of water.”

San Benito County Code, Chapter 19.19: Habitat Conservation Plan Study Area

San Benito County Code, Chapter 19.19 established a method for financing development and implementation of a habitat conservation plan and a § 10(a) permit under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*) for the San Benito County habitat conservation plan study area. This chapter provides a method for mitigation of adverse impacts to federally protected endangered species caused by development of habitat during the preparation of a habitat conservation plan, and provides for habitat mitigation as identified in the habitat conservation plan. The current interim mitigation fee is \$550 per developed acre converted from raw land to developed uses, paid prior to alteration of habitat, and \$0.15 per square foot of any structures, paid at the building permit stage. Also, an interim mitigation fee is required to be paid at the time of recordation of each final map, based on the size of the building lot. To date, an applicable Habitat Conservation Plan has not been prepared or adopted by the County.

San Benito County Code, Chapter 19.33: Management and Conservation of Woodlands

Chapter 19.33 establishes regulations for the conservation and protection of woodlands in the unincorporated areas of San Benito County by, "...limiting tree removal in a manner which allows for reasonable use and enjoyment of the property." A discretionary permit is required for the removal of woodlands exceeding the canopy retention standards in Table 19.33.007(1) within a period of ten years or if any tree removal is located on slopes greater than or equal to 30 percent.

San Benito County Zoning Ordinance, Section 25.07.018, Tree Protection

The San Benito County Zoning Ordinance: Title 25, Section 25.07.018, prohibits, "killing, destroying, or removing any tree within the protected zone without a permit." A tree is defined as, "any living tree having at least one trunk of eight inches or more in diameter measured four and one-half feet above the ground, or a multi-trunked tree having an aggregate diameter of ten inches or more, measured four and one-half feet above the ground (dbh)." Trees cultivated for edible fruit production are exempt. Decorative, ornamental, landscaping or flowering edible fruit tree varieties are not exempt. Protected zones are, "all lands zoned Single Family Residential (R-1) or Residential Multiple District (RM) in the unincorporated areas of the county."

A tree removal permit shall be obtained from the Director of Planning, Building and Code Enforcement, or his or her designee, and shall only be issued to the applicant concurrent with or subsequent to all other necessary permits pertinent to site alteration and construction. The application shall contain the number, species, size and location of protected tree(s) to be affected and a brief statement of the reason for action as well as any other pertinent information the Director may require.

7.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to the subject of biological resources, as it does on a whole series of additional environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of biological resources, or on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, "CEQA grants agencies discretion to develop their own thresholds of significance" (*Ibid.*). Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here.

- For the purposes of this EIR, a significant impact related to biological resources would occur if implementation of the proposed project would 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, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

- 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 Wildlife or U.S. Fish and Wildlife Service;
- 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;
- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

No habitat conservation plans apply to the project area and the development areas do not occur within identified wildlife corridors. No further discussion of these topics is required. The applicable environmental issues for the proposed project are evaluated in the impact analysis below.

7.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based on a review of existing scientific literature, aerial photographs, technical background information; relevant documents addressing biological resources at the project site and development area; surveys conducted by EMC Planning Group; and policies applicable to projects located in San Benito County. See the beginning of this EIR section and the biological report in [Appendix E](#) for a list of relevant documents used in this analysis.

Effects on Special-Status Plant and Wildlife Species

IMPACT 7-1	Loss or Harm to Special-Status Plant Species (San Joaquin Spearscale)	Less than Significant with Mitigation
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The nearest recorded observation of this species is approximately 500 feet east of the project boundary (Occurrence number 114, CNDDDB 2020). Fewer than 10 plants were observed in 2015 along the south bank of a seasonal drainage. Although no San Joaquin spearscale plants were identified during the July 2019 or May 2023 surveys, focused surveys for this species were not conducted. The seasonal drainage containing the recorded observation is connected to the drainage along the northern project boundary and potential habitat for this species occurs along the drainage corridor.

If present, project development could result in impacts to San Joaquin spearscale during construction. Loss or harm to San Joaquin spearscale is considered a significant adverse impact. Implementation of the following mitigation measure would avoid or minimize disturbance; therefore, reducing potentially significant impacts to San Joaquin spearscale to a less than significant level.

Mitigation Measure

BIO-1 Prior to approval of grading permits, a biologist qualified in botany shall conduct a focused survey for San Joaquin spearscale in accordance with current CDFW and CNPS rare plant survey protocols (CDFW 2018 and CNPS 2001). The survey shall occur during the peak blooming period for this species to determine its presence or absence (typically April through October). If possible, a known reference population of the target species in the project vicinity shall first be visited to verify that the species is observable, and the focused survey shall be conducted within two weeks of observing the reference population in full bloom.

The biologist shall then prepare a brief report documenting the results of the survey and, if appropriate, propose measures for avoiding or minimizing possible impacts to San Joaquin spearscale before and during construction, as included below. The report shall be submitted to the Director of Planning, Building and Code Enforcement or his/her designate. If the focused survey concludes the species is not present within the development area boundary, or if it is present but impacts to it can be completely avoided, then no mitigation would be required.

If the focused surveys identify San Joaquin spearscale within the development area boundary and it would be affected by the proposed project, then appropriate mitigation shall be developed by the biologist and implemented by the applicant prior to issuance of a grading permit. Measures may include, but are not limited to:

- a. A qualified biologist shall identify an on-site or off-site mitigation area suitable for restoration of habitat and seed transplantation for this annual herb. The applicant shall be responsible for the placement of a conservation easement over the mitigation area and the provision of funds to ensure the restoration of the mitigation area and its preservation in perpetuity.
- b. Prior to approval of a grading permit, a qualified biologist or native plant specialist shall perform seed collection from all special-status plants located within the impact areas and implement seed installation at the mitigation area at the optimal time. Additionally, topsoil from the special-status species occurrence area(s) shall be salvaged (where practical) for use in the mitigation area.

- c. A maintenance and monitoring program shall be developed by a qualified biologist and established for a minimum of five years after mitigation area installation to verify that restoration activities have been successful. Maintenance activities may include, but not be limited to, watering during the plant establishment period, supplemental seed planting as needed, and removal of non-native plants. Monitoring shall include, at a minimum, quarterly monitoring reports for the first year and annual reports for the remaining four years. The performance standard for successful mitigation shall be a minimum 3:1 replacement ratio (i.e., three plants observed in mitigation area for each plant lost from the development area) achieved in at least one of the five years of monitoring.

IMPACT 7-2	Loss or Harm to Special-Status Wildlife Species (California Tiger Salamander and California Red-Legged Frog)	Less than Significant with Mitigation
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California Red-Legged Frog. CNDDDB records indicate that there are multiple observations of California red-legged frog on (occurrence numbers 84 and 1714) and within two miles of the Ridgemark boundary (occurrence numbers 288) (CDFW 2023a). Within the golf course property, observations were recorded in 1993, 1995, 1999, 2000, and 2005 at the ponds west of Paullus Drive (CTS ponds 2 and 3). However, dip netting and pit fall trapping conducted for California tiger salamander in 2019, 2020, and 2023 did not find California red-legged frog within those ponds (Bryan Mori Biological Consulting Services 2023). An additional observation was recorded in 1999 of two adults found within the drainage along South Ridgemark Drive.

The negative results obtained from the 2018-19 Senior Assisted Living and the 2019-20 and 2023 Ridgemark studies indicate that California red-legged frog may be extirpated on the western section of Ridgemark or, if present, occur in very small numbers and are not part of a viable population (Bryan Mori Biological Consulting Services 2023).

California Tiger Salamander. Cumulative development that has already occurred within the project vicinity has led to the designation of Critical Habit Units 15a and 15b for California tiger salamander by the USFWS. Land east of Fairview Road is within Critical Habitat Unit 15a and land south of Highway 25 and east of the Ridgemark development is within Critical Habitat Unit 15b. The Ridgemark site and development areas are not within the Units, but are still within the range of California tiger salamander. There are 15 recorded observations of California tiger salamander within 3.1 miles of the Ridgemark boundary (occurrence numbers 134, 332, 411, 597, 133, 885, 412, 190, 1241, 454, 524, 870, 869, 868, and 871). Occurrence number 190 is mapped as a three-part polygon, with larvae found in two ponds east of State Route 25 in 1978, adults found dead on State Route 25 in 2009, and two observations of an adult in 2019. Two of these occurrences (332 and 190) were recorded as occurring within the Ridgemark boundary. Observations were recorded in 1993, 1994, 1995, 1999, and 2000 at the ponds west of Paullus Drive (CTS ponds 2 and 3, occurrence number

332) (CDFW 2023a). However, dip netting and pit fall trapping in 2019, 2020, and 2023 did not find California tiger salamanders. It is likely that any breeding populations associated with these ponds is extirpated (Bryan Mori Biological Consulting Services 2023).

The negative results on the west side of Ridgemark obtained by Bryan Mori Biological Consulting Services during the 2018-2019 Senior Assisted Living study, the 2019-2020 Ridgemark studies, and the 2023 Ridgemark study indicate that California tiger salamander may be extirpated on the western section of Ridgemark or, if present, occur in very small numbers and are not part of a viable population. The 2019 observations of California tiger salamander on the east side of Ridgemark occurred during winter pitfall trapping around Pond 8 during the Ridgemark CTS Study 2019-20 (Bryan Mori Biological Consulting Services 2020). As documented in the report, although presence of California tiger salamander was established, the status of the population remains uncertain. Pond 8 does not appear to provide suitable California tiger salamander breeding habitat due to the presence of non-native predatory species, and the captured individual may be part of a population associated with the now defunct Sunnyslope County Water District water treatment ponds or ponds farther south. The lack of any individuals during the 2023 study supports this theory (Bryan Mori Biological Consulting Services 2023). The present quality of uplands surrounding the east side of Ridgemark appear marginal due to regular disking practices. The lack of upland habitat, together with the absence of functional ponds over the past five years, may be factors which contributed to the capture of only a single California tiger salamander in 2019 and the capture of none in 2023.

There is a complicated history regarding impacts to California tiger salamander within the Ridgemark boundary. Development began in 1972, when little analysis was conducted regarding impacts to threatened and endangered species. A subsequent application for additional residential development was submitted in 1993.

It is important to note that in 1993, California tiger salamander was listed as a state species of special concern and a Category 1 candidate for federal listing as threatened or endangered. In 2004 its listing status was changed under the federal Endangered Species Act (ESA) to threatened and in 2005 its listing status was changed under the California Endangered Species Act (CESA) to threatened. Biological surveys were conducted as part of the CEQA analysis in 1993, and mitigation measures were adopted to offset impacts to special-status species. These measures were approved by the San Benito Planning Commission in 1993, and a final map was recorded in 1996.

Tentative Subdivision Map (TSM) condition number 39 included the creation and establishment of an off-site California tiger salamander conservation easement, as well as enhancements, management and on-going monitoring with the results to be submitted to the California Department of Fish and Wildlife (formerly CDFG). TSM condition number 40 included the establishment of a 100-foot buffer around the ponds at Paullus Drive (CTS Ponds 2 and 3 shown on Figure 4-1, Habitat Map) for the protection of California red-legged frog, along with revegetation and management of the area during operation. The applicant agreed to these conditions in 1996, however the County's records

do not show evidence that either condition was fulfilled. As of February 2002, there is correspondence in the County's project file that indicates Code Enforcement action was being considered. To date, no evidence has been presented to indicate that an off-site conservation easement for California tiger salamander was established or any measures have been implemented for the protection of California red-legged frog. The property has subsequently changed ownership.

California tiger salamander is known to occur on the east side of Ridgemark and California red-legged frog is assumed to be present, although likely in low numbers. If California tiger salamander and/or California red-legged frog are present in the development area, soil disturbing activities could result in the loss or harm to individual animals. This would be a potentially significant adverse environmental impact. The project applicant has initiated consultation with CDFW and USFWS to obtain incidental take authorization for impacts related to project construction (Coats 2021). Implementation of conservation measures required in the state and federal take permits will reduce and/or mitigate impacts to the extent possible. In addition, implementation of the following mitigation measures would reduce the potentially significant impacts to California red-legged frog and California tiger salamander to a less than significant level.

Mitigation Measures

BIO-2 The project applicant will coordinate with the USFWS and CDFW to determine the appropriate course of action per the requirements of FESA and/or CESA (e.g., obtaining Incidental Take Permits for impacts to California tiger salamander and California red-legged frog) and implement the permit requirements prior to ground disturbance.

In the event southwestern pond turtle is federally listed prior to ground disturbance, southwestern pond turtle shall be included in the federal Incidental Take Permit (please see impact 7-3, below).

BIO-3 Before construction activities begin at a development area, a qualified biologist, shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to California red-legged frog, California tiger salamander, western pond turtle, San Joaquin coachwhip, burrowing owl, American badger, San Joaquin kit fox, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. The applicant shall submit evidence of completion of this training to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate, prior to issuance of a grading permit.

The qualified biologist shall train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor shall check for animals under any equipment such as vehicles and stored pipes within active construction zones. The monitor shall also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If an animal is observed within an active construction zone, the qualified biologist shall be notified immediately and all work within 100 feet of the individual shall be halted and all equipment turned off until the individual has left the construction area. The applicant shall submit documentation of the sighting, measures taken to protect the individual, and communication with the California Department of Fish and Wildlife and US Fish and Wildlife Service to San Benito County Director of Planning, Building and Code Enforcement or his/her designate within 24 hours of the sighting.

BIO-4 A qualified biologist shall conduct preconstruction surveys for California tiger salamander and California red-legged frog no more than two weeks (14 days) prior to the start of construction activities. The development areas will be surveyed for potential breeding, migratory and/or upland activity. The qualified biologist shall prepare a report documenting the results of the preconstruction surveys for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit.

BIO-5 Subject to revision per any Incidental Take Permits, protective measures shall be implemented, including, but not be limited to, the following:

- a. A qualified biologist shall be on site during all activities within 200 feet of aquatic habitat that may result in take of the California red-legged frog or California tiger salamander.
- b. To the extent possible, all ground-disturbing work within 200 feet of aquatic habitat shall be avoided between November 1 and March 31, the time period when California tiger salamanders and/or California red-legged frogs are most likely to be moving through upland areas.
- c. All ground-disturbing work within 200 feet of aquatic habitat should be accomplished during the dry season, with no construction activities occurring during rain events or within 24-hours following a rain event.
- d. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, equipment staging, storage, parking, and stockpile areas.

- e. If a California red-legged frog or California tiger salamander is encountered, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. A qualified biologist shall then assess the situation and select a course of action that shall avoid or minimize adverse effects to the animal.
- f. Uneaten human food and trash attracts crows, ravens, coyotes, and other predators of the California red-legged frog or California tiger salamander. A litter control program shall be instituted at each development area. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the development area at the end of each working day.
- g. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of the California red-legged frog or California tiger salamander.
- h. No insecticides or herbicides shall be used in the development area during construction or long-term operational maintenance where there is the potential for these chemical agents to enter aquatic habitat or uplands that contain potential habitat for the California red-legged frog or California tiger salamander.
- i. No pets shall be permitted in the development area, to avoid and minimize the potential for harassment, injury, and death of California red-legged frog or California tiger salamander.
- j. For on-site storage of pipes, conduits, and other materials that could provide shelter for special-status species, an open-top trailer shall be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials.
- k. To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog and California tiger salamander are most actively moving and foraging.
- l. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used in the development area to avoid California red-legged frogs or California tiger salamanders becoming entangled and trapped in them. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.
- m. Trenches or pits one foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent the California red-legged frog or California tiger salamander from falling into them.

- n. The qualified biologist shall prepare monthly reports documenting compliance with protective measures for submission to the San Benito County Building Official or his/her designate during construction activities.

IMPACT 7-3	Loss or Harm to Special-Status Wildlife Species (Western Spadefoot and Southwestern Pond Turtle)	Less than Significant with Mitigation
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Western Spadefoot. There are five recorded observations of spadefoot within two miles of the Ridgemark boundary (occurrence numbers 69, 115, 194, 851, and 850). Of these, two have been documented within the Ridgemark property (occurrence numbers 115 and 850). Observations listed as occurrence 115 were recorded in 1995 and 2005 within Pond 11, a detention pond associated with the golf course. In 1995, two juveniles were observed and in 2005 one adult female was captured in a pitfall trap constructed as part of a protocol survey for California tiger salamander. Occurrence 850 was recorded in 2009 at the intersection of South Ridgemark Road and State Route 25. Two adults were observed dead on the road (CDFW 2023a).

No western spadefoots were observed during the 2018-19 Senior Assisted Living or the 2019-20 Ridgemark California tiger salamander studies. The lack of observations during aquatic and pitfall surveying indicates that western spadefoot occurs in very small numbers and are likely not part of a viable population.

Southwestern Pond Turtle. There are two recorded observations of southwestern pond turtle within two miles of the Ridgemark boundary (occurrence numbers 31 and 142) (CDFW 2023a). During the 2019-20 Ridgemark California tiger salamander studies, southwestern pond turtles were recorded at several ponds, including a yearling-sized turtle at Pond 2, an adult at Pond 5, and adults at Ponds 6 – 8. Southwestern pond turtles were also observed during the 2023 biological survey at Ponds 6-8, as well as one juvenile in the near-dry Pond 2.

The USFWS proposed to list southwestern pond turtle as threatened on October 10, 2023. The determination served as a 12-month finding on a petition to list the species, however a formal listing has yet to occur. In the event southwestern pond turtle is federally listed prior to ground disturbance, southwestern pond turtle shall be included in a federal Incidental Take Permit (please see mitigation measure BIO-2, above).

If southwestern pond turtle or western spadefoot are present in the development areas, soil disturbing activities could result in the loss or disturbance of individual animals. This would be a potentially significant adverse environmental impact. Implementation of the following mitigation measure, in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to western pond turtle or western spadefoot to a less-than-significant level.

Mitigation Measure

BIO-6 The project applicant shall implement the following measures for the protection of southwestern pond turtle and western spadefoot:

- a. Within 24 hours prior to vegetation removal or ground-disturbing activities within 200 feet of aquatic habitat, the project applicant shall retain a qualified biologist to conduct a pre-construction survey of the area in and adjacent to the development area for southwestern pond turtle and western spadefoot. If any southwestern pond turtles and/or western spadefoot are found in or adjacent to the development area, construction activities shall not commence until the individuals have left the area or the qualified biologist relocates the southwestern pond turtle or western spadefoot to nearby suitable habitat a minimum of 300 feet from the development areas. Southwestern pond turtle and western spadefoot relocation shall only be conducted with California Department of Fish and Wildlife authorization.
- b. During all initial ground-disturbing activities within 200 feet of aquatic habitat, the qualified biologist shall monitor construction activity to assess the potential impacts to turtles and/or spadefoot, if present. If a southwestern pond turtle nest is discovered during initial ground-disturbing activity, all work shall stop and the California Department of Fish and Wildlife shall be contacted for guidance on how to proceed. Relocation of pond turtles, their nests, or western spadefoot shall only be conducted with California Department of Fish and Wildlife authorization.
- c. Disturbance to aquatic vegetation shall be avoided to the extent possible. Placement of all staging areas, access roads, and other construction related facilities shall be located a minimum of 100 feet away from aquatic habitat.
- d. Within 200 feet of aquatic habitat, all construction-related holes shall be covered at the end of each workday to prevent entrapment of western pond turtles.
- e. The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. The qualified biologist shall submit monthly reports documenting compliance with the measures above to San Benito County Building Official or his/her designate during construction within 200 feet of aquatic habitat.

IMPACT 7-4	Loss or Harm to Special-Status Wildlife Species (San Joaquin Coachwhip)	Less than Significant with Mitigation
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There is one CNDDDB record from 1996 for an occurrence of San Joaquin coachwhip within 3.1 miles of the development areas in an area of degraded riparian scrub with an understory of annual grassland species (CDFW 2023a). Annual grassland in the development areas provides suitable habitat for San Joaquin coachwhip.

If San Joaquin coachwhip is present in the development areas, soil disturbing activities could result in the loss or disturbance of individual animals. This would be a potentially significant adverse environmental impact. This would be a potentially significant adverse environmental impact. Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to San Joaquin coachwhip to a less-than-significant level.

Mitigation Measure

BIO-7 Within 14 days prior to vegetation removal or ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for San Joaquin coachwhip in and adjacent to the development areas. If any coachwhip(s) are found in or adjacent to the development areas, construction activities shall not commence until the coachwhip(s) have left the area or the qualified biologist relocates the coachwhip to nearby suitable habitat a minimum of 300 feet from the development area. Coachwhip relocation shall only be conducted with California Department of Fish and Wildlife authorization.

The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. If coachwhip(s) are found during the preconstruction surveys and/or during construction, documentation of coordination with the California Department of Fish and Wildlife shall be provided to San Benito County Director of Planning, Building and Code Enforcement or his/her designate as needed.

IMPACT 7-5	Loss or Harm to Special-Status Wildlife Species (Burrowing Owl)	Less than Significant with Mitigation
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There is one observation of burrowing owl recorded within two miles of the Ridgemark boundary (occurrence number 758) however this species is known to occur in the region and is highly mobile (CDFW 2023a). Potential nesting and overwintering habitat occurs on the site, particularly in areas where burrowing mammals occur at a higher density. During the May 2023 survey, one potential sighting occurred by the eastern gatehouse. The burrow in question seemed tidy and had evidence of whitewash droppings nearby, indicating current use.

If burrowing owl is present in the development areas, soil disturbing activities could result in the loss or disturbance of individual animals. This would be a potentially significant adverse environmental impact. Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to burrowing owl to a less-than-significant level.

Mitigation Measure

BIO-8 To avoid/minimize impacts to burrowing owls potentially occurring on or adjacent to the development areas, the project applicant shall retain a qualified biologist to conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the development areas no less than 14 days prior to the start of construction or ground disturbance activities. Verification of presence/absence of burrowing owl at the burrow identified in 2023 near the eastern gatehouse shall be completed prior to construction in the vicinity. Surveys shall be conducted according to methods described in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (CBOC 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The applicant shall submit evidence of completion of the preconstruction survey to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit.

Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (CBOC 1993) and the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance Buffers (meters)		
		Low	Med	High
Nesting Sites	April 1 – Aug 15	200 m	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Mar 31	50 m	100 m	500 m

If burrowing owls are found to occupy the development areas and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that will be impacted, thus ongoing surveillance of the development areas during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.

If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. The applicant shall submit evidence of consultation with California Department of Fish and Wildlife and compliance with minimization measures to San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit.

IMPACT 7-6	Loss or Harm to Special-Status Wildlife Species (Nesting Birds and Raptors)	Less than Significant with Mitigation
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Nesting birds observed during the May 2023 survey included killdeer by ponds 2 and 3, red-winged blackbirds in ponds 6-8, and, possibly burrowing owl by the eastern entrance gate.

There are three recorded observations of tricolored blackbird within two miles of the Ridgemark boundary (occurrence numbers 992, 863, and 730). In addition, tricolored blackbird was identified during the reconnaissance-level survey and during the 2019-20 Ridgemark California tiger salamander studies within freshwater marsh adjacent to Pond 8. Although nesting activity was not observed, suitable habitat is present within freshwater marsh adjacent to Ponds 6-8.

In addition to tricolored blackbird, protected nesting birds, including horned lark and raptor species, have potential to nest on the ground or in vegetation or trees adjacent to the development areas during the nesting bird season (January 15 through September 15).

If nesting birds protected by state and federal regulations are present during soil-disturbing or construction activities including vegetation removal and site preparation, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact.

Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to nesting birds and raptors to a less-than-significant level.

Mitigation Measure

BIO-9 Prior to issuance of grading and construction permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities that include any vegetation removal or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.

If construction activities are scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), nesting bird surveys shall be conducted by a qualified biologist.

- a. Two surveys for active nests of such birds shall occur within 10 days prior to start of grading or construction, with the second survey conducted within 48 hours prior to start of grading or construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. The applicant shall submit evidence of completion of the preconstruction survey to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate, prior to issuance of a grading permit.
- b. If the qualified biologist documents active nests within the development areas or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds

show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. This measure shall be implemented by the applicant prior to start of grading and construction activities and compliance shall be documented and submitted to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate.

IMPACT 7-7	Loss or Harm to Special-Status Wildlife Species (American Badger)	Less than Significant with Mitigation
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Two observations of American badger are within two miles of the Ridgemark boundary (occurrence numbers 121 and 494) (CDFW 2023a). No sign of badger was observed during the surveys and regular disturbance reduces the suitability of habitat within the proposed development areas; however, this species may occur within areas with open habitats and available prey. Potential habitat for American badger occurs in annual grassland habitats on or adjacent to the development areas. If American badger is present on or adjacent to the site, vegetation removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to American badger to a less-than-significant level.

Mitigation Measure

BIO-10 Prior to issuance of a grading permit and within 14 days prior to vegetation removal or ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a pre-construction survey for American badger and their sign (dens, scat, etc.) in and adjacent to annual grassland within the development areas. If the species or a potential den is found in or adjacent to the development areas, the following measures shall be implemented:

- If the qualified biologist determines that potential American badger dens are inactive, the biologist shall excavate these dens during the first clearance survey. The dens shall be excavated by hand with a shovel to prevent badgers from re-use during construction.
- If the qualified biologist determines that potential dens may be active, construction activities shall not occur within 30 feet of active badger dens until an on-site passive relocation program can be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one-way doors at

burrow entrances, remote camera monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. Implementation of a passive relocation program shall only be conducted with California Department of Fish and Wildlife authorization.

The qualified biologist shall prepare a report documenting the results of the preconstruction survey for submittal to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit. If American badger and/or their dens are found during the preconstruction surveys and/or during construction, documentation of coordination with the California Department of Fish and Wildlife shall be provided to the San Benito County Building Official or his/her designate as needed.

IMPACT 7-8	Loss or Harm to Special-Status Wildlife Species (San Joaquin Kit Fox)	Less than Significant with Mitigation
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There are eight recorded observations of San Joaquin kit fox within ten miles of the Ridgemark boundary (occurrence numbers 1023, 605, 1022, 1024, 1025, 1026, 1027, and 1021). The nearest observation is occurrence number 1023, with a polygon mapped approximately 800 feet east of the Ridgemark boundary. A majority of these records are from general sightings occurring sometime between 1972 and 1975, with the most recent observation from 1992 (CDFW 2023a). Regional surveys conducted before and after the date of the 1992 occurrence have not detected this species. Although the Ridgemark property supports a prey base and is contiguous to extensive suitable habitat to the east and south, the proposed development areas are considered only marginal breeding and foraging habitat for the kit fox due to their location within existing developed areas. If this species uses the site, it likely uses it for foraging or dispersal on rare occasions and in low numbers.

Potential habitat for San Joaquin kit fox occurs in annual grassland on or adjacent to the development areas. If San Joaquin kit fox are found on or adjacent to the site, vegetation removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to San Joaquin kit fox to a less-than-significant level.

Mitigation Measure

BIO-11 The *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) shall be implemented prior to initiation of and during any construction activity in the development areas to avoid unintended take of individual San Joaquin kit foxes.

Preconstruction/pre-activity surveys for San Joaquin kit fox shall be conducted by a qualified biologist no less than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity that may impact San Joaquin kit fox. The surveys shall include all work and staging areas and a minimum 200-foot buffer of the development areas. The preconstruction surveys shall identify kit fox habitat features in the development areas, evaluate use by kit fox and, if possible, assess the potential impacts of the proposed activity. The status of all dens shall be determined and mapped.

If a natal/pupping den is discovered within the development area or within 200 feet of the development area, the applicant shall consult with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) to establish an appropriate avoidance buffer. The avoidance buffer shall be maintained until such time as the burrow is no longer active and/or an incidental take permit is determined to be required and is obtained.

In addition, the following measures shall be observed:

- Project-related vehicles shall observe a 20-mph speed limit in all development areas; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of designated development area shall be prohibited.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 11 of the Construction and Operational Requirements in the Standardized Recommendations must be followed.
- Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or

otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or development area.
- No firearms shall be allowed on the development area during construction activities.
- To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on site during construction activities.
- Use of rodenticides and herbicides on the development area during construction shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape.
- Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the qualified biologist and the San Benito County Building Official or his/her designate, as well as CDFW and USFWS.
- A letter report shall be submitted to San Benito County documenting the results of the preconstruction surveys. If San Joaquin kit fox is encountered during construction, documentation of coordination with CDFW and USFWS shall be provided to the San Benito County Building Official or his/her designate.

IMPACT 7-9	Loss or Harm to Special-Status Wildlife Species (Protected Bat Species)	Less than Significant with Mitigation
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Within the Ridgemark boundary, trees, buildings, and open foraging areas near aquatic features provide support potential habitat for special-status bat species.

Potential habitat for western mastiff bat, pallid bat, and western red bat occurs in tree foliage and/or structures on or adjacent to the development areas. If special-status bats are present on or adjacent to the site, vegetation removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the following mitigation measure in addition to mitigation measure BIO-3, which requires a training session to educate all construction personnel on the potential presence of special-status species, would reduce potential impacts to protected bat species to a less-than-significant level.

Mitigation Measure

BIO-12 Approximately 14 days prior to disturbance activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or structures to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that will be demolished by the project.

Trees and habitat adjacent to ponds and drainages shall be surveyed thoroughly. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the development areas, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.

- a. If no roosting sites or bats are found, a letter report shall be prepared by the qualified biologist confirming absence and no further mitigation is required. The applicant shall submit the letter report to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate prior to issuance of a grading permit.
- b. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with the California Department of Fish and Wildlife.
- c. If bats are found roosting outside of the nursery season (May 1 through October 1), the California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to the California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat

eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

Sensitive Natural Communities

IMPACT 7-10	Impacts to Sensitive Natural Communities (Oak Woodland, Wetland/Riparian)	Less than Significant with Mitigation
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Two sensitive natural communities are found within the project boundary: oak woodland and wetland/riparian.

Oak Woodland. The San Benito County Code contains an Interim Woodlands Management Ordinance which is intended to control the removal of protected woodlands and maintain and enhance tree cover within unincorporated areas of the county. Future development of the uses identified in the proposed subdivision are subject to conformance with the interim ordinance as a condition of project approval. Future development on lots within areas identified as Phase 1 of the proposed vesting tentative map (Figure 4-1) have the potential to encroach upon coast live oak trees along the drainage near the southwestern border of the project. Future development that cannot be designed to avoid on-site protected woodlands must be in conformance with the interim ordinance, identify the total acreage and type of habitat, number of trees (including the species and each trees diameter at breast height), and canopy coverage that would be impacted. This information would be confirmed by County planning staff once the final design and improvement plans of future development within the proposed Phase 1 is submitted to San Benito County Director of Planning, Building and Code Enforcement or his/her designate as part of the County’s grading and building permit review process. A tree pruning/removal permit may be required upon review of the plans, which would be determined prior to issuance of a grading permit. If a permit is necessary for impacts to woodlands, the project applicant is responsible for the payment of all associated fees for the acquisition of a permit. The fees would be applied to restoration activities that assure no net loss of woodlands habitat value. Compliance with the interim ordinance would ensure that the project’s impact to oak woodlands would be less than significant.

Wetland/Riparian. Future development on lots within areas identified as Phase 1 as shown on the proposed vesting tentative map (Figure 4-1) have the potential to encroach upon riparian vegetation along the drainage near the southwestern border of the project. Future development on lots within areas identified as Phases 1, 3, 4, 5, 6, and commercial B-D shown on the proposed vesting tentative map (Figure 4-1) have the potential to encroach upon wetland vegetation associated with ponds and drainages. Construction noise, dust, or run-off, and the introduction of invasive plant species for dust control purposes or permanent landscaping have the potential to degrade wetlands and riparian areas. Any of these activities would be a significant adverse environmental impact. Implementation of the following mitigation measures would reduce potential impacts to riparian and wetland communities to a less-than significant level.

Mitigation Measures

- BIO-13 All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 50 feet from aquatic habitat. Prior to the onset of work, the construction contractor shall provide written documentation to the San Benito County Director of Planning, Building and Code Enforcement or his/her designate that a plan to allow a prompt and effective response to any accidental spills has been prepared. All spills shall be cleaned up immediately with contaminated materials disposed of offsite in an appropriate facility.
- BIO-14 On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability, with preference to plant species endemic to San Benito County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant List (Cal-IPC 2019) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the San Benito County Director of Planning, Building and Code Enforcement or his/her designate to confirm no invasive species shall be planted prior to occupation of the residences or commercial areas.

Potentially Jurisdictional Wetlands and Waters

IMPACT 7-11	Disturbance of Jurisdictional Wetlands and Waters	Less than Significant with Mitigation
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Aquatic features found within and adjacent to the development areas include manicured and maintained golf course water features, stormwater basins, seasonal ponds, stock ponds, and wastewater treatment ponds. Figure 7-1, *Habitat Map*, and Table 4-1 in the biological report show and list each of the potentially jurisdictional ponds and drainages identified within the Ridgemark boundary. Impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. The following mitigation measure would ensure that this potentially significant impact is reduced to less than significant.

Mitigation Measure

BIO-15 Prior to issuance of a grading permit within the project boundary, the extent of potential wetlands and waterways regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) shall be determined. If the USACE claims jurisdiction on any wetland or waters of the U.S., the applicant shall obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, an Individual Permit shall be obtained from the USACE. If wetlands or waters of the State are present, the applicant shall coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If impacts to wetlands, riparian areas, or streams are identified, the applicant shall coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to jurisdictional waters that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
- To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Wildlife Movement

IMPACT 7-12	Impacts to Wildlife Movement	Less than Significant
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The proposed project includes construction within fragmented development areas within an existing residential and golf course development. The CDFW BIOS (2023) and the *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California* (Spencer et al. 2010) were reviewed for information on wildlife corridors in the region. *Missing Linkages: Restoring Connectivity to the California*

Landscape and Critical Linkages: Bay Area & Beyond (Penrod et al. 2001, 2013) identifies movement corridors throughout California, including specific details on corridors in San Benito County, and these reports were also reviewed for information on regional wildlife movement and known wildlife corridors. No Essential Habitat Connectivity Areas or linkages are mapped within the project site or project vicinity. The nearest mapped landscape linkages begin approximately six miles to the east of the project site, in the foothills and mountains of the Diablo Range. Impacts to wildlife corridors as a result of the proposed project are therefore considered less than significant.

Protected Trees

IMPACT 7-13	Loss or harm to Protected Trees	Less than Significant
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Future development would require the removal of trees, possibly including tree species protected under County Code Chapter 19.33, which restricts the removal of mature trees countywide. Protected trees include native species such as coast live oak, blue oak (*Quercus douglasii*), and coast redwood. The proposed project is subject to conformance with County Code requirements for tree removal and protection as part of the grading and building permit review process.

7.5 Cumulative Analysis

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause or exacerbate cumulatively considerable impacts to biological resources. The cumulative context is buildout of the land use designations of the general plan.

Geographic Scope

The geographic distribution ranges for special-status species vary greatly depending largely on environmental factors such as habitat suitability criteria (e.g., some species may only occur locally while others may range throughout large geographic areas such as the western U.S.). For the purposes of cumulative analysis for special status species and other biological resources, including jurisdictional wetlands and waterways, the geographic boundary for cumulative impacts is generally defined as the Ridgemark/Hollister region and immediate vicinity within unincorporated San Benito County. An analysis at this level is considered adequate for determining whether impacts could affect the sustainability of special status species and their habitats. Within this area, regulatory agencies and conservation organizations including USFWS, the CDFW, and CNPS, work to establish and update critical distribution range information for species thought to be declining within their geographic ranges due to habitat loss and degradation.

Cumulative Impact

Past and present projects within the geographic boundary identified above have permanently removed plant and wildlife habitats to varying degrees. This development has reduced the range and number of multiple plant and wildlife species and contributed to threats to their continued viability. The fact that federal and state agencies recognize numerous plant and wildlife species with special status, which requires that the species be given specific consideration and protection, reflects the agencies' concern that the species are declining in number and range relative to their historic occurrences. Special-status species are generally considered rare, restricted in distribution, declining throughout their range, and/or to have a critical, vulnerable stage in their life cycle, that warrants their protection and monitoring. Such development has also caused the loss and decline of sensitive natural plant communities including riparian, woodlands, and wetland communities; constrained wildlife movement; and reduced nesting and foraging habitat for resident and migratory avian species. Future development within the geographic area would contribute to this decline.

Habitat degradation can also occur by introducing development in wetland areas, vegetation removal, or introducing humans or other species that encroach and disrupt migratory patterns or degrade the value of adjacent habitat. Cumulative development that has already occurred within this geographic area has led to the designation of Critical Habit Units 15a and 15b for California tiger salamander by the United States Fish and Wildlife Service. Land east of Fairview Road is within Critical Habitat Unit 15a and land south of Highway 25 and east of the Ridgemark development is within Critical Habitat Unit 15b. The Ridgemark site and development areas are not within the Units, but are still within the range of California tiger salamander. The impact to biological resources from site-specific development within the general plan boundary are the incremental losses or fragmentation of plant and wildlife habitat and the connectivity that allows for healthy genetic exchange. This is a cumulatively considerable impact.

Project Contribution

The proposed project would contribute to the cumulatively considerable loss and decline of special status plants, wildlife, their habitat, and sensitive natural plant communities including riparian, woodlands, and wetland communities; constrained wildlife movement; and reduced nesting and foraging habitat for resident and migratory avian species.

Wetlands, ponds, and upland areas throughout the Ridgemark site are the primary habitats of significance, within which most impacts would be expected to occur. The development areas include former golf fairways and ruderal areas, however special-status species have either been documented within the Ridgemark boundary or in the immediate vicinity, including San Joaquin spearscale, California tiger salamander, California red-legged frog, western pond turtle, western spadefoot, San Joaquin coachwhip, burrowing owl, American badger, San Joaquin kit fox, nesting birds, and protected bats. The proposed project would eliminate habitat for these species. As such the

proposed project would result in a cumulatively considerable contribution to the cumulative loss of important biological resources identified above, including the direct losses of special-status species and their habitat.

Conclusion

Implementation of mitigation measures for the impacts identified above (Impacts 7-1 through 7-13) would reduce the project's contribution to the cumulatively considerable impact to the County's biological resources. These measures include pre-construction surveys, establishment of buffer zones when protected species are observed, monitoring during construction by qualified biologist, construction personnel training, procurement of incidental take permits for impacts to special-status species, off-site compensatory habitat for California red-legged frog and California tiger salamander and the provision of compensatory wetland preservation. Successful implementation of the mitigation measures identified herein would reduce the project contribution to less than cumulatively considerable.

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8.0 Cultural and Tribal Cultural Resources

This section addresses existing cultural resources, including Tribal Cultural resources on or near the project site; the federal, state, and regional/local regulatory framework pertaining to cultural and Tribal Cultural resources; and anticipated impacts to cultural resources as a result of the proposed project. The information in this section is based on a variety of sources including an in-depth review of previous archaeological studies conducted at and in the vicinity of the project site and the results of a field reconnaissance and archival research presented in the *Archaeological Investigation Report Ridgemark Subdivision EIR*, prepared by EMC Planning Group (2019) (archaeological report), in addition to the following items:

- Northwest Information Center, Sonoma State University-California Historical Resources Information System (CHRIS 2019);
- Native American Heritage Commission (NAHC 2019);
- California Office of Historic Preservation. *California State Law & Historic Preservation*;
- National Park Service. 2018. *Federal Historic preservation Laws. The Official Compilation of U.S. Cultural Heritage Statutes*;
- Amah Mutsun Land Trust. September 2024. *Tribal Ethnobotanical Resource Survey of Ridgemark Ravine Project, San Juan Bautista*; and
- Amah Mutsun Tribal Band of Costanoan/Ohlone Indians. August 2023. *Memo on Proposed Ridgemark Ravine Open Space*.

The archaeological report, ethnobotanical resource survey, and the *Memo on Proposed Ridgemark Ravine Open Space* are all exempt from the Public Records Act and, therefore, is not included in the appendix of this EIR. The Native American Heritage Commission responded to the NOP and recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Consultation in response to comments from the Native American Heritage Commission was conducted and the results are presented herein. Formal tribal consultation per the requirements of AB 52 has been initiated by County staff and the results of AB 52 consultation are also presented herein.

8.1 Environmental Setting

The following information is a summary of prehistory and ethnographic research presented in the archaeological report. The proposed development area is composed of various areas throughout the project site, with State Route 25 adjacent to the north and east (Figure 3-1 Project Location). The project site is located in unincorporated San Benito County, on the Tres Pinos U.S. Geological Survey (USGS) 7.5 minute quadrangle, Universal Transverse Mercator (UTM) 10S 646196 easting, 4075255 northing. Surrounding the project site are residences and agricultural land (Figure 3-8, Project Site and Surrounding Land Uses). The development area is heavily disturbed from activities resulting from being an active golf course. Vegetated portions of the development area are mostly landscaped lawns and gardens, with ornamental trees and shrubs. There are areas of ruderal (weedy) vegetation and other areas that contain soil left bare from discing. Several areas were being disced during the site survey. Additionally, intact vegetation communities in the area consist most commonly of oak woodlands, with sporadic representation of sage scrub intergrading with riparian woodland. Large patches of fiesta flowers were also observed at the site; this plant was found to be the most common ethnobotanical plant occurrence by count at the site, occurring entirely along the slopes of the western end of the ravine (Amah Mutsun Land Trust 2024).

Prehistory and Ethnography

Current research indicates that the earliest people to migrate from northeast Asia into the Americas travelled via a Pacific coastal route approximately 15,000-17,000 years ago when glaciers were receding, thereby allowing marine passage along the west coast where massive kelp beds provided ample food resources. This has become known as the kelp highway. These people have been dubbed Paleoindians or Paleocoastal Indians (Erlandson 2015).

At the time of European contact in the 1770s, there were various tribes inhabiting northern and central California, including the Wintu, Yana, Nomlaki, Patwin, Maidu, Atsugewi, Nisenan, Sierra Miwok, Northern Valley Yokuts, and Konkow, all speaking different dialects of the root languages Penutian and Hokan (Northern California Indian Development Council 2019). The Wintun included the northern Wintu, central Nomlaki, and the southern Patwin. Neighboring tribes such as the Yana would trade food and goods. The Awaswas maintained regional trade networks with other independent Ohlone tribes such as the Mutsun, Chalon, Tamien and Rumsen. Like throughout most of California, northern central tribes were non-agricultural, relying instead on the plentiful resources such as fish, deer, squirrels, quail, bears, acorns, buckeye nuts, hazel nuts, seeds, roots, and other plant materials (Lightfoot and Parrish 2009). Groups often rotated around seasonal resources between semi-permanent villages within coastal and higher elevation zones (Rizzo-Martinez 2022).

Various scholars have utilized differing techniques to estimate tribal populations prior to earliest contact. The minimum estimate of California Tribal populations was 100,000. Other estimates put populations at over 300,000 (Baumhoff 1963). Once the missions were developed and the

indigenous people were forced from their lands, steep declines in population followed (Milliken et al 2009). Continuing conflict with European settlers further reduced the populations (Winnemem Wintu 2019).

Pre-contact culture sequences up to the contact period for northern and central California (Breschini 2011, Gamble 2015) are most widely accepted as:

- 11,500-8,000 BCE (Before the Current Era)-Paleoindian Era
- 8,000-3,500 BCE-Early Archaic/Millingstone Culture
- 3,500-600 BCE-Early Period in Central California
- 1250-1769 CE (Of the Current Era)-Late Period in Central California

Historic Period

California was first explored by Europeans such as Juan Rodriguez Cabrillo, Sir Francis Drake, and Don Sebastian Vizcaíno between the years 1542 and 1603 for the establishment of potential trading ports. These explorers interacted with the indigenous people for supplies and knowledge of the land. No further explorations were conducted until 1769 when Gaspar de Portolá came to Alta California for the purpose of colonizing the land for Spain.

San Benito County was established in 1874, and named after the San Benito River, which was given the name by Juan Crespi in honor of Saint Benedict. Earlier, the Mission San Juan Bautista was established in 1797 as the seventh, and largest, mission in California. Spanish ranchers received much of the surrounding lands through Mexican land grants. Parcels were bought and sold over the years, including the large 34,620-acre Rancho San Justo, owned by Jose Castro in 1839. He then sold the land in 1850 to Don Francisco Perez Pacheco, who later sold the land in 1857 to Flint-Bixby and Co.

Indigenous peoples were continuously adapting to the changing circumstances of post-colonization life. They were forcibly removed from their surroundings during the Mission period and may have attempted to return to their previous village life, but were only able to participate on the fringe of a new society as ranch laborers or within other Euro-American trades. Within San Benito County, Rancho Santa Ana y Quién Sabe, east of Hollister, would have been the most likely resource for those needing economic opportunity. Just as inter-marriage was an important part in maintaining pre-contact cultural alliances, it was also utilized by native peoples during their extreme displacement. Indentured servitude was another means of controlling native peoples after secularization.

8.2 Regulatory Setting

Federal

National Historic Preservation Act (1966)

This Act was passed into law in 1966. The purpose of the Act is to establish systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. This Act includes Title I, Historic Preservation Programs, Section 101, which states the Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Additional information about this Act can be found under Title 54 U.S.C. Chapter 3021-National Register of Historic Places, 54 U.S.C. 302101 (National Park Service 2018).

Native American Graves Protection and Repatriation Act (NAGPRA) (1990)

This Act was passed into law on November 16, 1990 and has been amended twice. This Act describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. Additional information about this Act can be found under Public Law 101-601; 54 U.S.C. (National Park Service 2018).

State Laws, Regulations, and Statutes

California Environmental Quality Act (CEQA) Archaeological Resources (California Code 21083.2)

The lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state (California Office of Historic Preservation 2019).

Tribal Cultural Resources (PRC § 20173, 21074, 21080.3.1 and 21084.3)

For purposes of CEQA, Public Resources Code Sections 21073 and 21074 define “California Native American tribe” and “tribal cultural resources.” A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission.

(a) Tribal cultural resources are defined as:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code § 21080.3.1 provides guidance for tribal consultation. Specifically, prior to the public release of a CEQA document, the lead agency must consult with any California Native American tribe if: (1) the California Native American tribe has submitted a written request to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and (2) the California Native American tribe provides a written response requesting consultation within 30 days of receipt of the formal notification.

Public Resources Code § 21080.3.2 states the following:

- (a) As a part of the consultation pursuant to Section 21080.3.1, the parties may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. If the California Native American tribe requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, the consultation shall include those topics. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project’s impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency.

- (b) The consultation shall be considered concluded when either of the following occurs:
 - (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
 - (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.
- (c)
 - (1) This section does not limit the ability of a California Native American tribe or the public to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impact.
 - (2) This section does not limit the ability of the lead agency or project proponent to incorporate changes and additions to the project as a result of the consultation, even if not legally required.
- (d) If the project proponent or its consultants participate in the consultation, those parties shall respect the principles set forth in this section.

Public Resources Code § 21084.2 states that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Public Resources Code § 21084.3 states the following:

- (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- (b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
 - (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.

- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Public Resources Code § 21082.3 states:

- (a) Any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable.
- (b) If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - (1) Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - (2) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.
- (c) (1) Any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, Sections 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. This subdivision does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the environmental document.
- (2) (A) This subdivision does not prohibit the confidential exchange of information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the lead agency, the California Native American tribe, the project applicant, or the project applicant's agent. Except as provided in subparagraph (B) or unless the California Native American tribe providing the information consents, in writing, to public disclosure, the project applicant or the project applicant's legal

advisers, using a reasonable degree of care, shall maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to a tribal cultural resources and shall not disclose to a third party confidential information regarding tribal cultural resources.

(B) This paragraph does not apply to data or information that are or become publicly available, are already in the lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the project applicant or the project applicant's agents, or are lawfully obtained by the project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.

- (3) This subdivision does not affect or alter the application of subdivision (r) of Section 6254 Section 7927.000 or 7927.005 of the Government Code, Section 6254.10 of the Government Code, or subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.
 - (4) This subdivision does not prevent a lead agency or other public agency from describing the information in general terms in the environmental document so as to inform the public of the basis of the lead agency's or other public agency's decision without breaching the confidentiality required by this subdivision.
- (d) In addition to other provisions of this division, the lead agency may certify an environmental impact report or adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:
- (1) The consultation process between the California Native American tribe and the lead agency has occurred as provided in Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.
 - (2) The California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage, in the consultation process.
 - (3) The lead agency has complied with subdivision (d) of Section 21080.3.1 and the California Native American tribe has failed to request consultation within 30 days.
- (e) If the mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of the consultation or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to subdivision (b) of Section 21084.3.

- (f) Consistent with subdivision (c), the lead agency shall publish confidential information obtained from a California Native American tribe during the consultation process in a confidential appendix to the environmental document and shall include a general description of the information, as provided in paragraph (4) of subdivision (c) in the environmental document for public review during the public comment period provided pursuant to this division.
- (g) This section is not intended, and may not be construed, to limit consultation between the state and tribal governments, existing confidentiality provisions, or the protection of religious exercise to the fullest extent permitted under state and federal law.

State Historical Resources Commission (California Code 5020)

Under Statute 5020.5, the State Historical Resources Commission shall develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted. The commission shall also develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens. The commission oversees the California Register (California Office of Historic Preservation 2019).

State Historic Preservation Officer (SHPO) (California Code 5020.6)

In consultation with the State Historical Resource Commission, the SHPO acts as the executive secretary of the commission and shall be the chief administrative officer of the Office of Historic Preservation (California Office of Historic Preservation 2019).

California Register of Historical Resources (California Code 5024.1)

The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (California Office of Historic Preservation 2019).

Native American Heritage Commission (California Code 5097.9)

The commission shall identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The commission shall notify landowners on whose property such graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property. The commission shall make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans (California Office of Historic Preservation 2019).

Human Remains (Health and Safety Code 7050.5)

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstance, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his/her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his/her determination within two working days from the time the person responsible for the excavation, or his/her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his/her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission (California Office of Historic Preservation 2019).

Local

San Benito County 2035 General Plan

The general plan contains the following policies to protect, preserve, and enhance the unique cultural and historic resources in the county:

Policy NCR-7.9 requires formal consultation with Native American tribes regarding proposed development projects and land use policy changes consistent with the State's Local and Tribal Intergovernmental Consultation requirements.

Policy NCR-7.11 prohibits unauthorized grading, collection, or degradation of Native American, tribal, archaeological, or paleontological resources, or unique geological formations.

Policy NCR-7.12 requires an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the county's archaeological report guidelines available at the County Planning Department.

San Benito County Code of Ordinances

The San Benito County Code of Ordinances (County Code) Chapter 19.05 contains regulations for the protection and preservation of archaeological sites and resources within the county. Section 19.05.003 states that it is unlawful for any person knowingly to disturb or cause to be disturbed or to excavate, or cause to be excavated, any archaeological site in violation of Chapter 19.05 or in violation of the terms of a permit. Section 19.05-005 sets forth the provisions for required archaeological surveys and archival records research prior to accepting an application as complete for any discretionary project which will result in ground disturbance, or will result in ground disturbance within 500 feet of a recorded archaeological site. Section 19.05.006 sets forth protective requirements for the discovery of an archaeological site during project review or during project construction and Section 19.05.007 regulates the discovery of artifacts and human remains. Lastly, Section 19.05.009 sets forth the requirements for qualified professional archaeologist who propose to excavate an archaeological site.

8.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of energy, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of cultural and tribal cultural resources impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County of San Benito has done so here. Therefore, for purposes of this EIR, a significant impact to cultural or tribal cultural resources would occur if implementation of the proposed project would:

Cultural Resources

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

Tribal Cultural Resources

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k); or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

8.4 Impact Summary and Mitigation Measures

Cultural Resources

IMPACT 8-1	Potential to Cause a Substantial Change to the Significance of an undiscovered Historic or Archaeological Resource	Less than Significant with Mitigation
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The archaeological report concluded that there are no recorded significant historic or archaeological resources within the project site. However, archival research revealed that there are eight previous archaeological studies and reports within the project site, thirteen studies and reports within a quarter mile of the project site, and three recorded archaeological resources within a quarter mile of the project site, as reported by CHRIS on June 7, 2019. The nearest archaeological resources were identified as historic water conveyance systems used for irrigation.

A request for a Sacred Lands records search was conducted through the Native American Heritage Commission, who responded with negative results and a list of tribes to contact. Letters were sent to these tribes with a request for any knowledge they might have of Sacred Lands or other cultural resources within the project site. One response was received from the Xolon Salinan Tribe that the area “is not a part of the traditional lands and boundaries of the Xolon Salinan People.”

Gail Bellenger, EMC Planning Group archaeologist, surveyed the project site on July 10, 2019. The development area is heavily disturbed from activities resulting from being an active golf course. Most of the surveyed areas consisted of disced, bare soil which allowed for excellent visibility of the ground. Other areas that were vegetated consisted of mostly landscaped ornamental plan species and lawn, with ruderal (weedy) vegetation in lesser-used areas. During the survey, active discing occurred in several areas. Areas where ground was partially obscured were randomly scraped with a trowel until soil was reached. Special attention was paid to the areas around animal burrows where subsurface soil had been brought to the surface by excavation of the burrows. Several small pieces of chalcedony were found in the disced fields, but showed no evidence of human manipulation.

In the southeastern area of the project site among piles of soil and heavily disturbed ground, several small, broken fragments and one large piece of dense, heavy concrete-like material was found. The

material was red-brick colored on the outside and grey/black on the inside. Research indicated that this material is potentially asphaltic concrete (Bureau of Reclamation 1976), which was historically used as irrigation canal linings. These findings are not considered significant as the material was not found in situ or intact, and therefore, has lost its integrity. However, it is possible that the material is associated with the historic water conveyances that were recorded within one-quarter mile of the development area. No other historic, or prehistoric, surface indicators of archaeological resources were observed during the survey.

Based on past investigations in and around the project site and surrounding vicinity, the proximity of the project site to previously recorded sites, and the finds of pieces of potentially historic asphaltic concrete, there is the potential for unrecorded archaeological historic and prehistoric resources to underlie the project site. Disturbance of archaeological resources, whether or not they are considered tribal cultural resources, could be considered a significant adverse environmental impact. The project site has been substantially altered during development of the existing golf courses, residential homes and country club amenities. Their removal and replacement would require excavation and although there are no previous records indicating presence of archaeological resources within the project site, and as noted, the Sacred Lands File check was negative (NAHC 2019), during earth-moving activities it is always possible to accidentally discover previously unknown buried archaeological resources. Therefore, disturbance of unique prehistoric archaeological resources, including potential historically unique archaeological resources, during construction is a potentially significant impact.

Compliance with general plan policies and County Code Chapter 19.05 provisions for the protection and treatment of significant archaeological resources in addition to implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

CR-1 Prior to issuance of a tree removal permit or grading permit, because the possibility that significant buried cultural resources might incidentally be found during construction activities, the developer shall include the following language on all construction documents and on any permits issued for the project, and the contractor shall implement the following measures:

If archaeological resources are unexpectedly discovered during grading or construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional archaeologist. If the find is determined to be unique, appropriate mitigation measures shall be formulated and implemented subject to the review and approval of the County Director of Planning, Building and Code Enforcement.

The Amah Mutsun Tribal Band shall also be notified in the event that archaeological resources are unexpectedly discovered during grading or construction. If the discovered resource is of Tribal interest, the County and applicant shall consult with the Tribe regarding the development of appropriate mitigation measures for the resource. The avoidance of the newly discovered archaeological resource will be prioritized when feasible.

Implementation of Mitigation Measure CR-1 would, in addition to compliance with general plan policies and County Code Chapter 19.05, reduce potentially significant grading and construction impacts to undiscovered subsurface archaeological resources to a less-than-significant level, by requiring grading or construction to be halted and appropriate evaluation and actions are taken should archaeological resources be inadvertently discovered during grading and construction activities.

IMPACT 8-2	Potential Disturbance to Undiscovered Native American Remains During Grading and Construction	Less than Significant With Mitigation
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The results of the archival research and Sacred Lands consultation did not identify any known Native American burial sites on the project site. Although there is no documented evidence of potentially sensitive cultural resources associated with the project site, there is the possibility of an accidental discovery of unknown archaeological resources or human remains during construction activities. Disturbance of Native American human remains would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Disturbance of burials during project implementation would be considered a significant impact. The following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure

- CR-2 Due to the possibility that Native American human remains may be discovered during project construction activities, the following language shall be included in all permit documents and implemented and implemented during tree removal, grading, and building permits:
- If human remains are encountered during construction, the project contractor shall immediately notify the County of San Benito Coroner and County Director of Planning, Building and Code Enforcement, and the following steps shall be taken:
 - Subject to the legal process, grant all duly authorized representatives of the Coroner and Director of Planning, Building and Code Enforcement

permission to enter onto the property and to take all actions consistent with this County Code 19.05 and consistent with Cal. Health and Safety Code Section 7050.5 and Cal Gov't Code Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3.

- If the coroner determines the remains to be Native American, then 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 authorized representative will rebury 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 48 hours after being allowed access to the site; 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.

Implementation of mitigation measure CR-2 will ensure that potential impacts due to incidental discovery of buried human remains during grading and construction are reduced to a less-than-significant level by requiring that if a find is made, activity is stopped and appropriate measures are taken.

Tribal Cultural Resources

IMPACT 8-3	Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource as Defined in Public Resources Code § 21074	Less than Significant with Mitigation
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No tribal cultural resources listed on or eligible for listing on the California Register of Historical Resources (CRHR) or a local register or significant tribal cultural resources were identified within the project site as a result of the archival records search and the Sacred Lands File search (EMC Planning Group 2019). The ethnobotanical resource survey prepared for the project did, however, identify a few highly culturally significant indigenous ethnobotanical resources (Amah Mutsun Land Trust 2024).

The County and the Amah Mutsun Tribal Band have engaged in consultation due to the Tribe's historical association with the project area. County staff and Tribe representatives visited the project site on two separate occasions in 2022-23 as part of the tribal consultation process. As a result of the consultation, the existing native habitat and open space area near the San Benito River will be preserved, reducing the size of residential Lots 50 and 51 to establish a permanently protected open space area, referred to as the proposed Ridgemark Ravine Open Space. In Figure 4-1, Site Plan by Phase, this area is identified in green, between Lot 51 and Ridgemark Drive, including the two ponds south of Marks Drive. This land will be made available as an amenity for neighborhood residents, providing a small natural area for walking, running, birdwatching and visitation with on-leash dogs. There is an existing pathway that may be maintained or converted into an unpaved trail with minimal amenities such as benches. Signage or interpretive panels providing education regarding the native plants, birds and habitat within the open space area and Amah Mutsun history and relationships with species and features at the site may be incorporated upon the request of the Amah Mutsun Land Trust. Lastly, the establishment of a cultural conservation easement and memorandum of understanding within this preserved area will provide Tribe members with the opportunity to visit and conduct specific cultural, educational, stewardship and habitat restoration-oriented activities within the open space area. This will ensure that ethnobotanical resources and cultural practices related to those resources can be meaningfully protected and preserved.

In order to implement the Proposed Ridgemark Ravine Open Space, the County, the Tribe, the applicant, and/or the Homeowner's Association shall coordinate with one another to implement the following mitigation measure. With implementation of this mitigation measure, the impact to Tribal Cultural Resources would be less than significant.

Mitigation Measure

TCR-1 Prior to implementation of Phase 2, the County and the Applicant will work with the Amah Mutsun Land Trust to conduct an Integrative Cultural Resource Survey of the ravine and adjacent uplands. The County shall also grant the Amah Mutsun Tribal Band/Amah Mutsun Land Trust a cultural conservation easement and shall enter into a Memorandum of Understanding with the Tribe to provide Amah Mutsun Tribal Band members with the opportunity to visit and conduct specific cultural, educational, stewardship, and habitat restoration-oriented activities within the open space area. Refer to Figure 4-1, which identifies the location of the proposed Ridgemark Ravine Open Space, shown in green as the contiguous area between Lot 51 and Ridgemark Drive, including the two ponds south of Marks Drive.

8.5 Cumulative Impacts

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future that could cause or exacerbate cumulatively considerable impacts. The cumulative context is buildout of the general plan land use designations.

Geographic Scope

The geographic scope for this analysis would be buildout of the general plan planning boundary. This scope boundary was selected because it identifies the limits within which the county exercises control over activities with potential to impact cultural resources, including the proposed project. The cultural resources effects of the proposed project are common to land use projects over which the county has discretionary authority.

Cumulative Impact

Impacts to cultural resources can be somewhat isolated incidents that are project-specific, and generally do not contribute to a cumulative condition. However, the general plan EIR found that while projects in the county and other municipalities would require mitigation that would avoid or minimize potentially significant impacts to historic and cultural resources as required by state law, there would be an overall progressive loss of resources, which was identified as a cumulatively considerable impact.

Project Contribution

The proposed project could potentially contribute to the cumulative loss of historic and cultural resources, including tribal cultural resources. Although there are no known resources on the site, there is the potential to adversely affect potentially significant historic and prehistoric, archaeological resources, and tribal cultural resources during grading and construction, which would be a cumulatively considerable contribution to the cumulative impact.

Conclusion

Compliance with general plan policies and the provisions of County Code Chapter 19.05 in addition to implementation of Mitigation Measures CR-1, CR-2, and TCR-1 would reduce this impact to less than cumulatively considerable with mitigation.

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9.0 Energy

This section of the EIR includes analysis of projected operational and construction energy demand for the proposed project and includes a determination about whether that demand could be considered wasteful or inefficient. Applicable uniform regulations for energy efficiency and conservation are also reviewed.

No comments regarding energy were received in response to the notice of preparation (2020) or the revised notice of preparation (2021).

9.1 Environmental Setting

Population growth and commercial development are key drivers for increasing fuel, electricity, and natural gas demand, and it is anticipated that San Benito County's population and energy demand will continue to grow. To minimize the need for additional electricity generation facilities, both the state and regional energy utilities have focused investments on many energy-related sector initiatives. Energy purveyors have also focused on obtaining larger shares of retail power from renewable sources.

Energy Providers in San Benito County

Pacific Gas and Electric, one of the five largest utilities in the state, is the primary electricity and natural gas service provider in San Benito County. Pacific Gas and Electric operates a major network of electricity and natural gas transmission lines within its service area, including the project area. In San Benito County, Pacific Gas and Electric retains its traditional role of delivering power and maintaining electric infrastructure.

Central Coast Community Energy is a Community Choice Energy agency established by local communities to source clean and renewable electricity for Monterey, San Benito and Santa Cruz counties and parts of San Luis Obispo and Santa Barbara counties. Community choice aggregation programs enable local governments to enroll their municipalities under a single energy supplier. This allows local government to choose to get their energy from a selected supplier in one large purchase. Central Coast Community Energy procures renewable energy from a variety of solar, wind, and geothermal projects.

New electricity customers in San Benito County are automatically enrolled in Central Coast Community Energy’s “3Choice” service. By 2025, customers enrolled in this service will receive 60 percent of their energy from renewable sources. For higher cost, customers may choose to enroll for the 3Cprime service, which obtains electricity from 100 percent renewable sources.

Existing Energy Use

Existing uses within the development area include the existing clubhouse, with a bar, restaurant, pro shop and 32 transient occupancy rooms. These existing uses will be replaced by the new hotel use. Energy demand from the existing uses was modeled using CalEEMod. The results are included in [Appendix D](#). Existing electricity use was modeled at 536,042 kilowatt hours per year. Existing natural gas use was modeled at 1,614,110 British Thermal Units (BTU) per year.

9.2 Regulatory Setting

Energy Use and Conservation

For decades, federal, state, and regional energy agencies and energy providers have been focused on reducing growth in fossil fuel-based energy demand, especially in the form of transportation fuel and electricity. Key related environmental goals have been to reduce air pollutants and greenhouse gases. Public and private investments in a range of transportation technology, energy efficiency and energy conservation programs and technologies to improve transportation fuel efficiency have been increasing, as has the focus on land use planning as a tool to reduce vehicle trips/lengths and transportation-related energy use.

Energy conservation is embodied in many federal, state, and local statutes and policies. Representative state energy efficiency and conservation, and transportation energy demand guidance, regulations, and legislation are summarized below. Additional related regulations and legislation are found in Section 9.0, Greenhouse Gas Emissions.

State

California Energy Commission

The California Energy Commission is California’s primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Conservation’s Division of Oil, Gas, and Geothermal

Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division ensures that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The Energy Action Plan Update establishes energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods) as the first-priority actions to address increasing energy demands. Additional priorities include using renewable sources of power and distributed generation (e.g., using relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Building Codes

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce energy consumption. The California Energy Code is updated every three years as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. The 2019 BEES went into effect on January 1, 2020 and remain in effect until January 1, 2023. The 2019 BEES were structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. Multi-family homes and non-residential buildings built to the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

The latest version of the BEES was adopted in July, 2022 and goes into effect on January 1, 2023. The 2022 standards build on the prior 2019 in part by encouraging efficient electric heat pumps, establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, requiring new prescriptive solar photovoltaic and battery requirements for a range of non-residential building types, requiring that buildings planned for mixed use energy fuel types be constructed to be electric ready, strengthening ventilation standards, etc. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 standards.

The Green Building Standards Code, also known as CALGreen, requires all new buildings in the state to be more energy efficient and environmentally responsible. The current 2019 version of CALGreen includes mandatory standards that address:

- Planning and Design (e.g., stormwater, bicycle facilities, clean air vehicles, EV support infrastructure, light pollution and grading and paving);
- Water Efficiency (metering, conserving fixtures, landscaping, outdoor recycle water supply);
- Materials Conservation and Efficiency (moisture control, construction waste management, soil and debris management, recycling, systems commissioning, etc.); and
- Environmental Quality (fireplaces and woodstoves, ducting, paints, carpets, flooring, interior air quality, noise, ozone and refrigerants, etc.).

CALGreen includes two tiers (Tier I and Tier II) of voluntary standards. Each increases the mandatory performance standards above and provides additional elective measures, with Tier 2 measures being the most expansive.

The code was most recently updated in July 2022 with the update to take effect on January 1, 2023. The primary changes in the 2022 code are to planning and design standards. These changes promote electrification of the vehicle fleet by expanding standards for electric vehicle infrastructure (e.g., electric vehicle charging stations) for residential and non-residential development. Changes to the 2019 code for water efficiency, materials conservations, and environmental quality standards were limited.

Assembly Bill 2021 (Energy Efficiency Act of 2006)

This bill encourages all investor-owned and municipal utilities to aggressively invest in achievable, cost-effective, energy efficiency programs in their service territories.

Assembly Bill 1493 (Pavley I Rule)

AB 1493 was enacted on July 22, 2002. It requires the CARB to develop and adopt regulations that improve fuel efficiency of vehicles and light-duty trucks. Pavley I requirements apply to these vehicles in the model years 2009 to 2016.

Advanced Clean Cars

In January 2012, CARB adopted an Advanced Clean Cars program, which is aimed at increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

Renewable Energy Legislation/Orders

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of

their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The Legislature then codified this mandate in 2011 with the enactment of SB X1-2. SB 350, adopted in September 2015, increases the standard to 50 percent by 2030. This same legislation includes statutes directing the California Energy Commission and Public Utilities Commission to regulate utilities producing electricity so that they will create electricity-generation capacity sufficient for the widespread electrification of California's vehicle fleet, as a means of reducing GHG emissions associated with the combustion of gasoline and other fossil fuels. The Legislature envisions a dramatic increase in the sales and use of electric cars, which will be recharged with electricity produced with increasingly cleaner power sources.

On September 10, 2018, former Governor Jerry Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045, and sets a goal to maintain net negative emissions thereafter.

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research to update the CEQA Guidelines to replace automobile delay—as described solely by level of service or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled as the recommended metric for determining the significance of transportation impacts.

Local

2035 San Benito County General Plan

The following general plan goals and policies pertaining to energy efficiency and conservation are applicable to the proposed project:

Policy LU-2.1 Sustainable Building Practices. The County shall promote, and where appropriate, require sustainable building practices that incorporate a "whole system" approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.

Policy LU-2.2 Green Sustainable Building Practices. The County shall encourage sustainable building practices that go beyond the minimum requirements of the Title 24 CalGreen Code (i.e., Tier 1 or Tier 2 measures) and to design new buildings to achieve a green building standard such as Leadership in Energy and Environmental Design (LEED).

Policy LU-2.3 Energy Conservation Standards for New Construction. The County shall cooperate with the local building industry, utilities, and air district to promote enhance energy conservation standards for new construction.

Policy LU-2.4 Solar Access. The County shall encourage new residential subdivisions and new commercial, office, industrial, and public buildings to be oriented and landscaped to enhance natural lighting and solar access in order to maximize energy efficiency.

Policy LU-4.5 Innovative Site Planning and Residential Design. The County shall encourage new residential developments to use innovative site planning techniques and to incorporate design features that increase the design quality, and energy efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.

Refer to Section 11.0, Greenhouse Gas Emissions, for additional general plan policies that directly or indirectly reduce demand for electricity, natural gas, and/or transportation fuel energy demand.

9.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of energy, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of energy impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County of San Benito has done so here. Therefore, for purposes of this EIR, a significant energy impact would occur if implementation of the proposed project would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

9.4 Analysis, Impacts, and Mitigation Measures

Electricity, natural gas and transportation fuels will be the three primary types of energy used. The sources of demand and relative magnitude of demand are described below for both the construction and operational phases of the project. The thresholds of significance for energy impacts presented earlier are qualitative. There is no quantified level of energy use that constitutes a significance impact, nor definitions of what constitutes “unnecessary”, “wasteful”, or “inefficient” use of energy. In this context, the following discussion of impact significance is qualitative and based on project type/land use and regulatory compliance requirements.

Energy Use

IMPACT 9-1	Unnecessary, Wasteful, or Inefficient Use of Energy Resources	Less than Significant
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Short-Term Construction Energy Use

Constructing new housing and commercial uses would create demand for energy on a short-term, temporary basis. Associated activities, their energy demand characteristics, and actions that would moderate such energy use are summarized below.

Electricity

Electricity demand during construction activities commonly is most intensive during later phases of construction when electricity is used for constructing buildings and their interiors. Earlier phases of construction commonly involve earthmoving, trenching, and transporting materials to and from construction sites – activities that typically involve heavy equipment that uses fossil-fuel energy (gas and diesel fuels). Electricity demand during building construction is typically from use of power tools and equipment. That demand is fundamental to the land development process for providing necessary new housing and is not considered wasteful. Electricity would be drawn from the local electrical grid, the source of electricity, which is derived in part from renewable sources consistent with state renewable energy goals. Construction activities would not result in wasteful or unnecessary electricity consumption.

Natural Gas

Construction activities typically do not involve significant demand for natural gas. Construction equipment would not likely be powered by natural gas. Consequently, construction activities would not result in wasteful or unnecessary natural gas consumption.

Transportation Energy

The magnitude of transportation energy use from fuel combustion during construction depends on the type and number of vehicle trips, vehicle trip lengths, fuel efficiency of vehicles, and travel mode. Diesel and gasoline fuel use would be used in transporting and using construction equipment, delivery vehicles and haul truck vehicles, and construction employee vehicles. Construction equipment types would include graders, bulldozers, backhoes, trenching equipment, and trucks. Demand would be short-term and moderated by the motivation of construction contractors to minimize fuel costs (e.g., through limiting engine idling and planning construction activities to be completed in the most time efficient manner possible). Further, construction equipment would be required to meet applicable air emissions standards, which is in part achieved by ensuring that equipment engines operate efficiently. Construction activities would not result in wasteful or unnecessary transportation fuel consumption.

Long-Term Operational Energy Use

Operations of future residential and commercial development would increase long-term demand for energy. Building energy use for space heating, cooling, and ventilation; water heating; on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting would be the primary sources of electricity and natural gas demand. Increased transportation fuel use from increases in vehicle miles traveled by new residents and commercial uses would also occur. These sources and related demand are summarized below.

Electricity

According to the California Energy Commission Energy Consumption Data Management System (California Energy Commission 2022), in 2020, total electricity consumption in San Benito County was about 390,671,108 kilowatt hours per year. Section 5.3, Energy by Land Use – Electricity, in the CalEEMod results in [Appendix D](#) shows the electricity demand from the proposed project would be approximately 2,676,326 kilowatt hours per year. Net electricity use would be the projected project demand, less the 536,042 kilowatt hours per year demand from existing on-site uses, or a net of 2,140,284 kilowatt hours per year. The net projected electricity consumption at buildout would represent about 0.55 percent of total 2020 San Benito County electricity consumption.

Natural Gas

The Energy Consumption Data Management System identifies that in 2020, total natural gas consumption in San Benito County was 15,010,000 therms (California Energy Commission 2022a). Table 5.2 Energy by Land Use – Natural Gas, in the CalEEMod results in [Appendix D](#) shows natural gas demand from the proposed project, would total about 77,195,530,000 BTU/year (77,195 therms). Net natural gas demand would be the projected project demand, less the 1,614,110 BTU demand from existing on-site uses, or a net of 77,193,915,890 BTU per year (77,193 therms). The represents approximately 0.7 percent of county-wide demand.

Transportation Fuel

The proposed project will generate new traffic trips that increase vehicle miles traveled (VMT). Section 4.2, Trip Summary Information, of the CalEEMod results in [Appendix D](#) show that annual project VMT is projected at 15,364,986 miles. VMT serves as a general proxy for the magnitude of transportation fuel consumption. As VMT from fossil fuel-powered vehicles increases, vehicle fuel consumption increases. The Emissions Factor model was used to estimate the volume of vehicle fuel that would be consumed with the increase in traffic trips and VMT. The results, included in [Appendix F](#), shows total demand of about 699,322 gallons of gasoline and diesel fuel per year. The actual net demand would be lower when fuel use from existing uses in the development area are considered.

The rate of transportation fuel use in the passenger and light-duty truck fleets has been declining over time in California due to continuing improvements in vehicle fuel efficiency, increases in the percentage of the vehicle fleet comprised of zero emissions vehicles, and technological advances in the formulation and deployment of alternative fuels.

Project Character

Regarding whether the estimated project energy use is wasteful, the proposed residential and commercial uses are a common land use type and common source of energy demand which must meet regulatory requirements for energy conservation and efficiency. The proposed uses are consistent with the County General Plan Land Use Diagram and policies that encourage development of new housing and commercial development in the County. The project is a planned development that supports local land use, economic, and social goals. The consumption of energy resources, as described above, is necessary to achieve these goals.

Regulatory Compliance

As summarized in the Regulatory Setting, a multitude of state regulations and legislative acts are aimed at improving energy efficiency and conservation, and reducing transportation fuel demand. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to AB 2021, CALGreen, and the California Building Standards Code. The County enforces CALGreen and California Building Standards Code requirements through the development review process. That enforcement is the primary mechanism through which the project will be required to implement state- and locally-mandated energy efficiency/conservation measures that are within the control of individual project developers and the County.

In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to SB 350 and Executive Order B-16-12. In the transportation sector, examples include the Pavley I standards that focus on transportation fuel efficiency and legislation that facilitates the transition from fossil-fuel powered to electricity powered vehicles. According to the State of California, VMT is expected to decline with the continuing implementation of SB 743, resulting in less vehicle travel and less fuel consumption.

For the reasons described above, the proposed project would have a less-than-significant impact from the unnecessary, wasteful, or inefficient use of energy resources.

Plan Consistency (No Impact)

As stated under the Impact 9-1 discussion, new development will be required to comply with development standards and regulations contained in CALGreen and the California Building Standards Code. Together, these tools function as a fundamental mechanism for ensuring that new development is designed to implement building and building site energy efficiency and energy

demand reduction measures. The current version of the California Building Standards Code includes requirements that mandate integrating renewable energy into new residential development of the type proposed.

The County does not have its own renewable energy plan.

9.5 Cumulative Impacts

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future that could cause or exacerbate cumulatively considerable impacts.

Geographic Scope

The geographic scope for this effect is cumulative development in California with particular emphasis on current and future cumulative development. This broad geographic scope is reflective of the rigorous state effort, as expressed through the multitude of legislative acts and regulations, to reduce energy consumption across a multitude of energy consumptive uses and sectors. The state effort has and continues to focus on the benefits of energy conservation with specific regard to addressing climate change and natural resource conservation.

Cumulative Impact

There is no codified or CEQA analysis practice standard for determining what constitutes a significant impact regarding wasteful or inefficient use of energy. However, it can be assumed that past cumulative projects are less energy efficient and result in more transportation fuel use than future projects. As California continues to implement more rigorous legislation and regulations to reduce energy use through improved energy efficiency and transportation technology changes, it is assumed that future projects, particularly land development projects, will not be sources of wasteful or inefficient energy use. Nevertheless, given the large geographic scope considered for this impact and the broad scale of past economic development in the state, the cumulative impact on energy use is considered to be significant.

Project Contribution

The project impact from wasteful and inefficient use of energy would be significant if its contribution to wasteful and inefficient use of energy would be cumulatively considerable.

The project will generate new vehicle trips. Vehicle miles traveled will increase as will transportation fuel consumption. A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency and substituting cleaner fuels (renewable electricity) for carbon-based fuels.

Related fuel demand and efficiency is not within the control of the applicant per se. Regardless, trips to and from the site are and will continue to be made in vehicles that are subject to California's increasingly rigorous fuel efficiency regulations.

The proposed project will increase demand for electricity and for natural gas. As described in Section 9.4 above, this represents 0.55 percent of total 2020 county-wide electricity consumption, approximately 0.7 percent of county-wide natural gas demand and an infinitesimally small percentage of statewide demand. The increase in energy demand would result from a productive land use that supports the County's housing and economic development goals and that is consistent with the County General Plan.

Conclusion

Given its very minor incremental cumulative increase in energy demand and the fact that the project is a planned component of the County's growth as identified in the general plan and therefore, not unnecessary, the project contribution to cumulative impacts regarding inefficient, wasteful, and unnecessary consumption of energy would not be cumulatively considerable.

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10.0 Geologic Hazards

This section of the EIR presents the geologic and soils conditions within the 618-acre project site and potential risks of seismic and geological hazards within the proposed 253.1-acre development area. Potential impacts to paleontological resources resulting from development are also addressed. Unless otherwise noted, the information presented in this section was derived from the following sources:

- *San Benito County 2035 General Plan* (San Benito County. 2015a) (general plan);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County. 2015b) (general plan EIR); and
- San Benito County Code of Ordinances.

No written comments were received regarding geological hazards or the presence of paleontological resources on the project site.

10.1 Environmental Setting

Regional Geology

San Benito County (“County”) is within the Coast Range physiographic province of California. Bounded by the Pacific Ocean to the west and Central Valley to the east, the region is typified by northwest/southeast trending mountain ranges and fault systems. The Coast Range geomorphic province extends from southern California to Oregon. In California, the structural geology of the Coast Range is dominated by pressure concentrated along faults within the San Andreas Fault system. The project site is located in the southeastern part of the Hollister Valley, a northwest-southeast trending valley between the Diablo Range to the east and the Gabilan Range to the west (Sunnyslope County Water District 2009, p. 62).

During the Pliocene and Pleistocene epochs, extensive flood plain sediments up to several hundred feet thick were deposited in the San Benito River Valley. These sediments are known as San Benito Gravels, and are fairly well consolidated. Subsidence caused by Pleistocene tectonic activity resulted in more recent deposition of sand, silt, and clay over the San Benito Gravels. Episodic lowering of sea-level and tectonic uplift during the Holocene resulted in down-cutting by the San Benito River, numerous levels of alluvial terrace/fan formation, and mass wasting of upland areas by landslides and erosion (Sunnyslope County Water District 2009, p. 62).

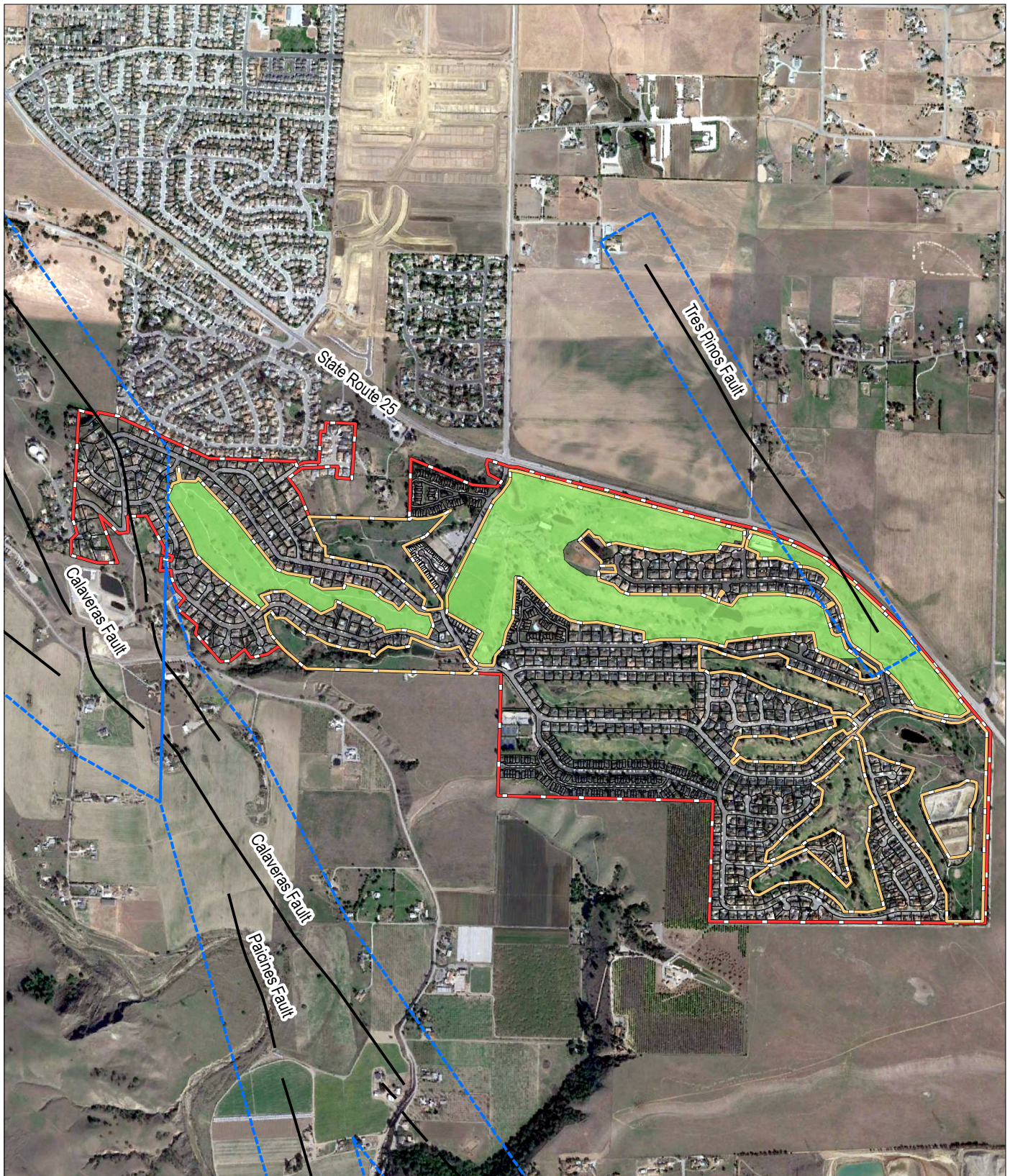
Seismic Hazards

Faults

Regionally, the County is considered an area of high seismicity with earthquakes strong enough to cause damage. Of the numerous faults known to exist in the Hollister area, the San Andreas, Quien Sabe, and Calaveras faults, along with small segments of the Tres Pinos fault, are classified by the California Geologic Survey as active or potentially active locally. An overview of fault activity is provided in Section 3.3. The active San Andreas Fault lies approximately three miles southwest of the project site. The San Andreas Fault system is capable of generating an earthquake of up to 8.3 magnitude on the Richter scale. The project site is located within an Alquist-Priolo Special Study Zone and a Seismic Hazard Zone. The western portion of the project site is located within the Alquist-Priolo Earthquake Fault Zone due to its proximity to the Calaveras Fault and the eastern portion of the project site is located within the Alquist-Priolo Earthquake Fault Zone due to its proximity to the Tres Pinos fault, a branch of the Calaveras fault that is generally considered to be potentially active.

Active faults as defined by the State Geologist have been designated as Alquist-Priolo Fault Zones and require special regulation and study for projects proposed in these zones. [Figure 10-1, Faults and Alquist-Priolo Fault Zones](#), shows the locations of mapped faults on or near the site and the portions of the project site and development area that are located within Alquist-Priolo Fault Zones. Portions of the development area in proximity to fault zones that have not been mapped are shaded in green. A comparison of Figure 10-1 with the proposed site plan shown in Figure 4-2, shows that all development areas north of Ridgemark Drive are located within Alquist-Priolo Zones that have not been mapped for site-specific hazards. The development areas within the unmapped Alquist-Priolo Zones encompass the proposed commercial parcels “A, B, and C”, the parkland areas adjacent to proposed lots 34 and 83, the relocated driving range, and proposed residential lots 1-26, 30-41, 52-91, 9-101, and 115-118.

Research by the California Geological Survey has concluded that strands of the Calaveras Fault crossing the project site have caused surface rupture within Holocene time (i.e., within the last 11,000 years) and have a relatively high potential for future surface rupture. The Calaveras Fault is a major branch of the San Andreas Fault. It splays from the San Andreas Fault south of Hollister, and has generated a number of moderate magnitude earthquakes (5.9 to 6.2) since 1897. Two nearly-parallel branches of the Calaveras Fault cross Hollister, but only the west branch is believed to have been historically active. The displacement across the Calaveras Fault is right-lateral strike-slip with the west side moving northward relative to the east side. North of the project site, the Calaveras Fault has historically crept fractions of an inch per year.



0 1500 feet



Project Site



Fault



Alquist-Priolo
Fault Zone



Development Area



Hazards are
Unevaluated

Source: ESRI 2016, Google Earth 2016

Figure 10-1

Faults and Alquist-Priolo Fault Zones

Ridgemark Subdivision EIR



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A 1991 geologic report in the area inspected asphalt and concrete streets, sidewalks, and curbs along the trace of the east branch of the Calaveras Fault south of the project site but did not find a pattern of displacements that would indicate creep activity in the Ridgemark area. The ground expression of the east branch is a subtle and discontinuous, tapering northwest to where it disappears near Southside Road. Differences in elevations of groundwater on the order of 20 to 25 feet (east side up) on opposite sides of the scarp have been interpreted to mark the subsurface location of the fault (Sunnyslope County Water District 2009, p. 64). Very little is known about the Tres Pinos Fault, primarily because there is little surface expression for it in recent sediments. Exploratory work has revealed only equivocal evidence for recent activity in some isolated areas, and the Tres Pinos Fault has generated only low magnitude earthquakes during historic time. However, the 1989 *Combined Geotechnical and Fault Investigation for the Fairview Road Property* included in the Fairview Corners Specific Plan EIR, determined that the Tres Pinos fault within the vicinity of the property was potentially active (San Benito County 2011, Appendix C, p. 6).

Local agencies must regulate development projects within earthquake fault zones. Before they can permit a new project, cities and counties require a geologic investigation to demonstrate that proposed buildings will not be constructed on active faults. Projects include all land divisions and most structures for human occupancy. The investigation and written report must be prepared by a geologist licensed by the State of California (California Department of Conservation 2022).

Surface Rupture

Surface rupture is an actual cracking or breaking of the ground along a fault during an earthquake. Structures built over an active fault can be torn apart if the ground ruptures. Surface rupture is generally limited to a linear zone a few yards wide. The U.S. Geological Survey (USGS) defines active faults as those that have had surface displacement within Holocene time (approximately within the last 11,000 years). Evidence of surface displacement can be recognized by the existence of cliffs in alluvium, terraces, offset stream courses, fault troughs and saddles, the alignment of depressions, sag ponds, and the existence of steep mountain fronts. The Alquist-Priolo Act was created to prohibit the location of structures designed for human occupancy across the traces of active faults. Active faults as defined by the State Geologist have been designated as Alquist-Priolo Fault Zones and require special regulation and study for projects proposed in these zones. Further discussion of the Alquist-Priolo Earthquake Fault Zoning Act is provided below in the Regulatory Setting (San Benito County 2017 p. 196).

Potentially active faults are those that have had surface displacement during Quaternary time (the last 1.6 million years). Inactive faults have not had surface displacement within the last 1.6 million years. Surface rupture poses a risk in much of the region because several well-known geologic features traverse San Benito County (San Benito County 2017 p. 196).

Ground-Shaking

Fault displacement can generate seismic ground-shaking, which is the greatest cause of widespread damage in an earthquake. Whereas surface rupture affects a narrow area above an active fault, ground-shaking covers a wide area and is greatly influenced by the distance of the site to the seismic source, soil conditions, and depth to groundwater. Shaking is expressed as the Peak Ground Acceleration measured as a percentage (or fraction) of acceleration due to gravity from ground motion that has a 10 percent probability of being exceeded in 50 years (San Benito County 2017, p. 196).

Liquefaction

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid, thus becoming similar to quicksand. In effect, liquefaction compacts and decreases the volume of the soil. If drainage cannot occur, this reduction in soil volume would increase the pressure exerted on the water contained in the soil, forcing it upward to the ground. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie close to the ground. The project site does not contain any liquefaction hazard areas (California State Geoportal 2022).

Landslide

Landslide” is a general term for the dislodging and falling of rock and soil down a sloped surface. “Mudslide” is a general term used for a flow of very wet rock or soil. Landslides can occur from natural conditions such as heavy rainfall, hillside water table fluctuation, and seismic activity. Landslides result when the driving forces that act on a slope (i.e., the weight of the slope material, and the weight of objects placed on it) are greater than the slope’s natural resisting forces (i.e., the shear strength of the slope material). The risk of slope instability is greater during major earthquakes than during other time periods.

The United States Geological Survey (USGS) analyzes rock strength and slope in a sliding scale according to the methodology of Wilson and Keefer (1985) as implemented by Ponti et al (2008) to create classes of landslide susceptibility. The sliding scale classifies landslide susceptibility from zero (low) to ten (high). These classes express the generalization that on very low slopes, landslide susceptibility is low even in weak materials, and that landslide susceptibility increases with slope and in weak rocks. Very high landslide susceptibility, classes 8, 9, and 10, includes very steep slopes in hard rocks and moderate to very steep slopes in weak rocks (USGS 2022).

The topography of the project site consists primarily of flat terrain or rolling hills on slopes less than ten percent interspersed with several areas along the boundaries having slopes greater than 10 percent and a few areas along the southern and eastern boundary with slopes approaching or greater than 30 percent. [Figure 10-2, Landslide Hazards](#), the development area has scattered areas that are susceptible to landslide including areas as classified by the USGS as Class three through Class 10. A comparison of Figure 10-2 with the proposed lotting plan (Figure 4-2) indicates that landslide potential is greatest for areas within proposed residential lots 50-51, 99-101, 113-118, 127-129, 136-151, and within the proposed commercial parcels B, and D-F.

Soils

Expansive soils shrink and swell with changes in water content. The shrinking/swelling can adversely impact building structures such as foundations and roads. Shrinking and swelling are related to the clay content of soils, with clay rich soils being prone to swelling, and sand or gravel soils experiencing very little shrinking and swelling. Soil series with moderate to high shrink and swell potential found on the project site include soils in the Antioch, Pleasanton, Rincon, and Soper soil series (San Benito County 2015b 10-12; 10-13). [Figure 10-3, Soil Map](#), presents the soil types on the project site, as identified by the National Resource Conservation Service Soil Survey in the project archaeological investigation report (EMC Planning Group 2019) (Appendix F). The following soils are present on the site:

- Antioch loam, 2 to 5 percent slopes is found in terraces, footslopes, and tread, with parent material of residuum weathered from sedimentary rock. It is a moderately well-drained soil.
- Antioch loam, 5 to 9 percent slopes, eroded, is found in terraces, footslope, and tread, with parent material of residuum weathers from sedimentary rock. It is a moderately well-drained soil.
- Antioch clay loam, 9 to 15 percent slopes, eroded, is found in terraces, footslope, and tread, with parent material of residuum weathered from sedimentary rock. It is a well-drained soil.
- Pleasanton gravelly loam, 5 to 9 percent slopes, eroded, is found in terraces, alluvial fans, toeslope, tread, and talf (flat plains, coastal plain, low-gradient till plain, essentially flat, nonfluvial area), with parent material of alluvium. It is a well-drained soil.
- Rincon loam, 2 to 9 percent slopes is found in fans, footslope, and talf, with parent material of alluvium derived from sandstone and shale. It is a well-drained soil.
- Rincon silty clay loam, 2 to 9 percent slopes is found in alluvial fans and terraces, with parent material of alluvium derived from sandstone and shale. It is a well-drained soil.

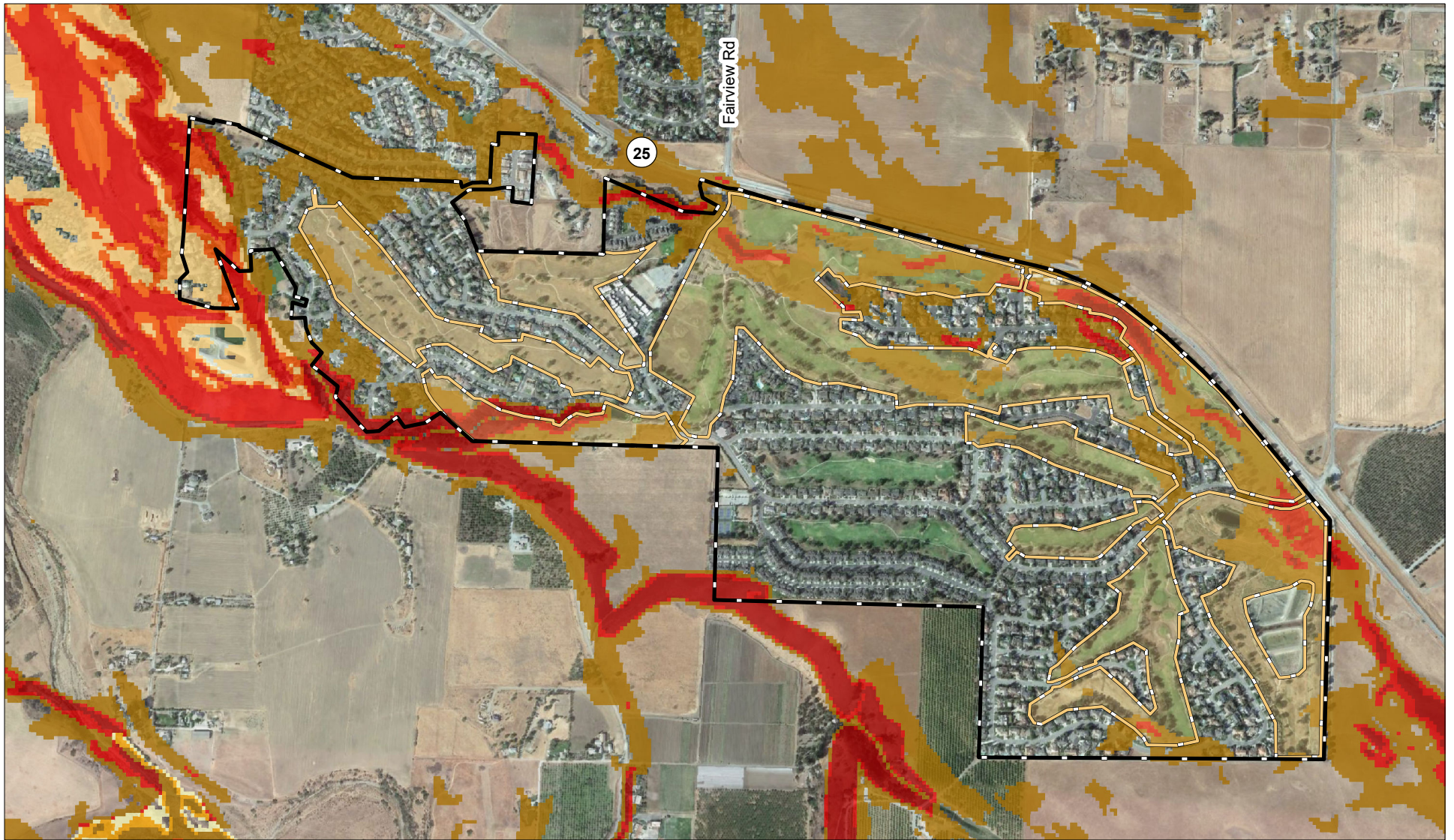
- Rincon silty clay loam, 9 to 15 percent slopes, eroded, is found in terraces and alluvial fans, with parent material of alluvium derived from sandstone and shale. It is a well-drained soil.
- Soper gravelly loam, 15 to 30 percent slopes, eroded, is found in hills, mountains, backslope, mountain flank, and side slope, with parent material of residuum weathered from conglomerate. It is a well-drained soil.
- Soper gravelly loam, 30 to 50 percent slopes, eroded, is found in hills, mountains, landslides, backslope, mountain flank, and side slopes, with parent material of residuum weathers from conglomerate.
- Terrace escarpments are found in terraces, footslope, and riser, with parent material of mixed alluvium.

Erosion

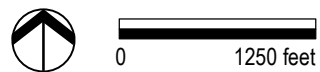
Soil erosion is the removal of soil by water and wind. The rate of erosion is estimated from four soil properties: texture, organic matter content, soil structure, and permeability. Other factors that influence erosion potential include the amount of rainfall and wind, the length and steepness of the slope, and the amount and type of vegetative cover.

Paleontological Resources

A search of the University of California Museum of Paleontology collection database was conducted for the nearby Santana Ranch Specific Plan project in 2008, which is about 1.5 miles north of the project site (San Benito County 2010 p. 3.5-4). As reported in the *Santana Ranch Draft Environmental Impact Report*, the only known paleontological resources in the vicinity of the Santana Ranch project site are located along Tres Pinos Creek. Tres Pinos Creek is located about 1.5 miles south of the project site. The paleontological features associated with the Tres Pinos Creek deposit consist primarily of micro fossils and invertebrates, but also include a small number of vertebrate fossils (San Benito County 2010, p. 3.5-4). Site surveys for paleontological resources were not conducted because evidence of paleontological resources is typically not apparent on the ground surface, and would only be discovered in any event during project excavation. No unique geological features are present on the site surface. While there are no known paleontological resources or unique geological features within the boundaries of the project site, the project area may be sensitive for paleontological resources.



Source: Kelley Engineering & Surveying 2019, ESRI World Imagery 2021, California Department of Conservation 2022, Aerial Date: 09/11/2019

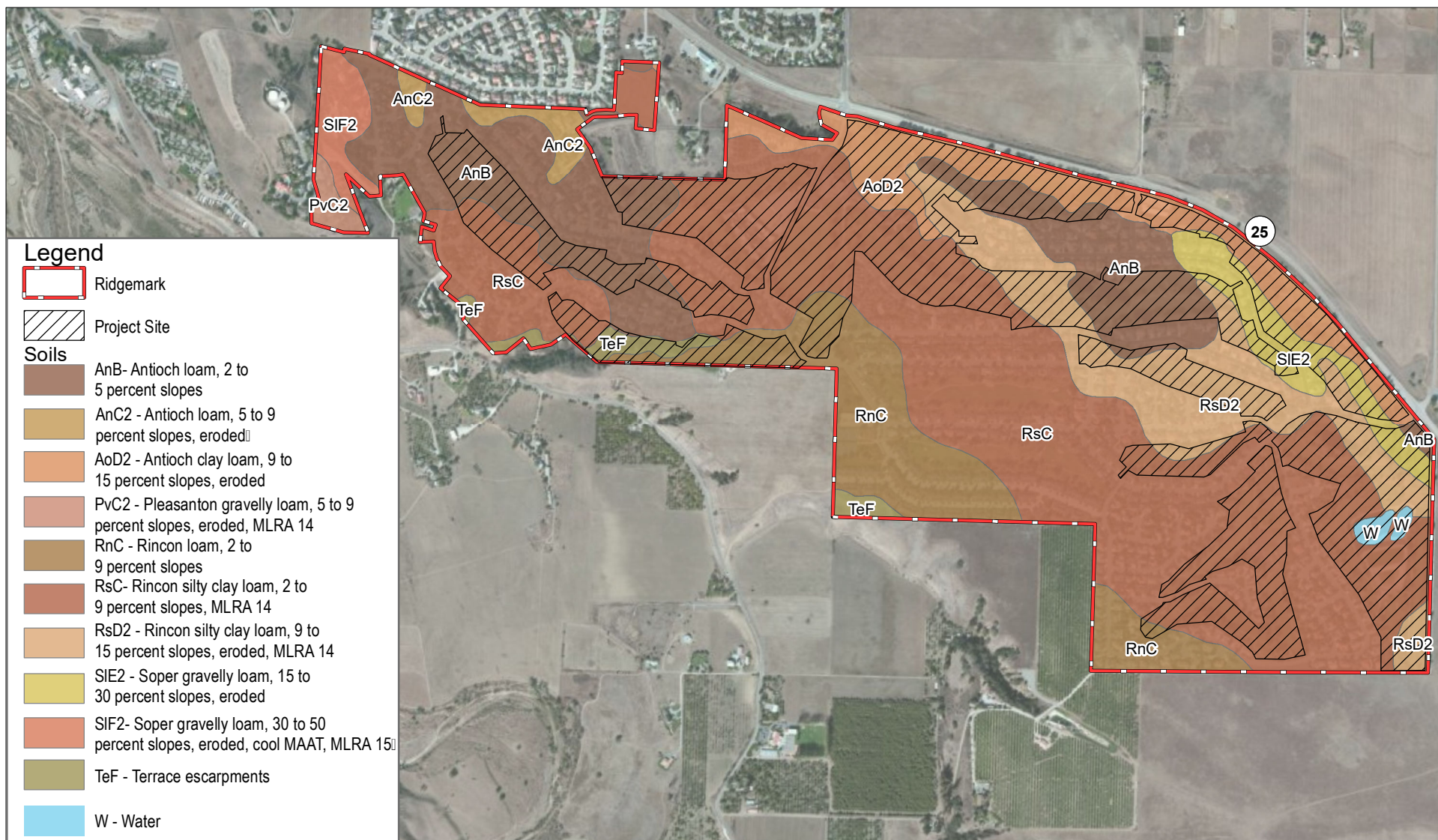


- | | | |
|----------------------------------|----------------------------------|-----------------------------------|
| Project Site | Landslide Susceptibility Class 6 | Landslide Susceptibility Class 10 |
| Development Area | Landslide Susceptibility Class 7 | |
| Landslide Susceptibility Class 3 | Landslide Susceptibility Class 8 | |
| Landslide Susceptibility Class 5 | Landslide Susceptibility Class 9 | |



Figure 10-2
Landslide Hazards Map
 Ridgemark Subdivision EIR

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Kelley Engineering & Surveying 2019, ESRI 2019, US Department of Agriculture Natural Resources Conservation Service 2019



Figure 10-3
Soil Map

Ridgemark Subdivision EIR

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10.2 Regulatory Setting

State

California Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Pub. Res. Code Division 2, Chapter 7.5, commencing with Section 2621) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The main purpose of this Act is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act addresses only the hazards of surface fault rupture and is not directed toward other earthquake hazards.

Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California. (A trace is a line on the earth's surface defining a fault.) Wherever an active fault exists, if it has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault (generally fifty feet) (California Department of Conservation 2022).

Local agencies must regulate development projects within earthquake fault zones. Before they can permit a new project, cities and counties require a geologic investigation to demonstrate that proposed buildings will not be constructed on active faults. Projects include all land divisions and most structures for human occupancy. The investigation and written report must be prepared by a geologist licensed by the State of California (California Department of Conservation 2022).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (Pub. Res. Code Division 2, Chapter 7.8, commencing with Section 2690) (1990) requires the State Geologist to designate Seismic Hazard Zones. These zones assist cities and counties in fulfilling their responsibilities for protecting the public from the effects of non-surface fault rupture earthquake hazards such as strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. The Seismic Hazards Mapping Act addresses non-surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, and seismically induced landslides. The goal is to minimize loss of life and property by identifying and mitigating seismic hazards. Site-specific geotechnical hazard investigations are required when construction projects fall within these areas.

State Water Resources Control Board

Water erosion is a common source of soil-related impacts. The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards are responsible for assuring implementation and compliance with the provisions of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The Central Coast Regional Water Quality Control Board (regional water quality control board) regulates water quality in streams and aquifers

throughout the central coast of California and the Monterey Bay region through designation of beneficial uses, establishment of water quality objectives, and administration of the National Pollutant Discharge Elimination System (NPDES) permit program for storm water and construction site runoff.

Point source discharges to surface waters are generally controlled through waste discharge requirements issued under federal NPDES permits. NPDES permits are required for several categories of storm water dischargers, including for cities that operate storm water management systems (e.g., roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) that are used to collect, convey, and discharge storm water to surface water bodies. An NPDES permit usually contains components such as discharge prohibitions, effluent limitations, and necessary specifications and provisions to ensure proper treatment, storage, and disposal of stormwater discharges.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acre, must develop and implement a Storm Water Pollution Prevention Program (SWPPP). The SWPPP must list best management practices that the county will use to reduce pollutants, including sediment, contained in storm water runoff. The best management practices include a range of actions for avoiding soil erosion that produces sediment which can degrade surface water quality.

California Building Code

The California Building Code (Title 24 of the California Code of Regulations) (CBC) and the Uniform Building Code provide standards for testing and building construction as well as safety measures for development within earthquake prone areas. The CBC has been modified for California conditions with numerous more detailed and/or more stringent regulations.

The State earthquake protection law (California Health and Safety Code Section 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design.

Chapter 18 of the CBC regulates soils and foundations, and regulates the preparation of a preliminary soil report, geohazard report, and geotechnical reports. Chapter 18 also regulates analysis of expansive soils and the determination of the depth to groundwater table. There are varying seismic design categories that require analysis of slope instability, liquefaction, total and differential settlement, surface displacement due to faulting or seismically induced lateral spreading or lateral flow, and lateral earth pressures on retaining walls. It also requires addressing mitigation measures to consider in structural design, which may include ground stabilization,

selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The potential for liquefaction and soil strength loss must be evaluated for site-specific peak ground acceleration, earthquake magnitude, and source characteristics consistent with the maximum considered earthquake ground motions. Peak ground acceleration must be determined as specified in CBC Chapter 18.

The CBC also regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

California Public Resources Code Section 5097.5

Section 5097.5 prohibits any persons from knowingly or willfully excavating upon, removing, destroying, injuring, or defacing any historic or prehistoric ruins, including a vertebrate paleontological site, fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. Anyone who violates this section of Section 5097.5 would be subject to the payment of fines or imprisonment.

Local Plans and Regulations

San Benito 2035 County General Plan

The general plan contains the following goals and policies pertaining to geology and soils are relevant to this analysis.

Land Use Element

Goal LU-1. To maintain San Benito County's rural character and natural beauty while providing areas for needed future growth.

LU-1.6 Hillside Development Restrictions. The County shall prohibit residential and urban development on hillsides with 30 percent or greater slopes. **LU-1.8 Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.

LU-1.10 Development Site Suitability. The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).

LU-4.3 Residential Density Reductions. The County shall consider reducing the base density of a proposed residential development project if a combination of environmental hazards (e.g., fire, seismic, flooding, greater than 30 percent slope) and/or natural resources (e.g., sensitive habitat, wetlands) existing on the site, after consideration of the mitigations to be implemented to address those hazards, make higher densities less appropriate.

Circulation Element

Goal C-1. To provide an adequate road system that is safe, efficient, reliable, and within the County's ability to finance and maintain.

C-1.17 Grades on Hillsides. The County shall require that new roads on hillsides do not exceed a 15 percent grade. The County may allow grades on hillsides of up to 20 percent for distances of up to 400 feet. Grades over 15 percent must have all weather surfaces, such as asphalt or concrete.

C-1.19 Avoid Hazardous Areas. The County shall ensure that road development is minimized in hazardous areas (e.g., faults, flood plains, landslide areas, fire hazard areas) and that, if a hazard is present within a planned road alignment, the planned alignment is modified to the extent feasible to avoid the hazard.

Healthy and Safety Element

Goal HS-3 To protect lives and property from seismic and geologic hazards.

HS-3.2 Subsidence or Liquefaction. The County shall require that all proposed structures, utilities, or public facilities within recognized near-surface subsidence or liquefaction areas be located and constructed in a manner that minimizes or eliminates potential damage.

HS-3.6 Unstable Soils. The County shall require and enforce all standards contained in the current California Building Code related to construction on unstable soils, and shall make a determination as to site suitability of all development projects during the building permit review process. The County shall not approve proposed development sited within areas of known or suspected instability until detailed area studies are completed that evaluate the extent and degree of instability and its impact on the overall development of the area.

HS-3.7 Setback from Fault Traces. The County shall require setback distances from fault traces to be determined by individual site-specific surface rupture investigations.

HS-3.9 Seismic Safety Evaluations. The County shall require buildings three stories or higher, and locations zoned for multifamily housing, to include in development proposals measures to determine ground shaking characteristics, evaluate potential for ground failure, identify any other geologic hazards that might exist on the site, and mitigate for these hazards.

San Benito County Code of Ordinances

The County Code contains several regulation and standards implementing the general plan policies and the CBC requirements identified above that address seismic and soils hazards and soils. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

Chapter 19.17: Grading, Drainage and Erosion Control, regulates excavation, grading, drainage and erosion control measures and activities. The purpose of these regulations is to minimize erosion, protect fish and wildlife, and to otherwise protect public health, property, and the environment. A grading permit is required for all activities that would exceed 50 cubic yards of grading. Grading activity is prohibited within 50 feet from the top of the bank of a stream, creek, or river, or within 50 feet of a wetland or body of water in order to protect riparian areas. Additionally, development is limited in areas of high landslide potential and slopes greater than 30 percent, unless approved under special conditions. All proposed developments are required to submit an erosion control plan and drainage plan prior to issuance of a grading permit.

Chapter 23.25: Design Requirements, regulates road standards designed to minimize on-site hazardous geological or soil conditions and to provide erosion control measures regarding excavation, grading, and drainage. Chapter 23.31, Article III. Storm Drainage Design Standards, implements general plan policies pertaining to the prevention of erosion caused by flooding.

Section 25.08.028-D(1) addresses seismic safety and prohibits the placement of a building used for human occupancy across an active fault trace. Further, the area within 50 feet of an active fault trace is “assumed to be underlain by active branches of that fault trace unless and until proven otherwise by an appropriate geological investigation and submission of a report by a geologist registered in the State of California.” Section 25.08.028(D2) adds that for buildings greater than two stories in height, buildings of an emergency nature such as hospitals, fire stations and police stations, and high-occupancy buildings such as auditoriums, schools, theaters, and stadiums, the minimum required distance from a known active fault trace is 300 feet.

Section 25.08.028-E requires that a geologic report be prepared for applications of all uses which will result in the construction of buildings for human occupancy. The geologic report must be prepared by a geologist registered in the State of California and be in conformance with the Alquist-Priolo Special Studies Zone Act of 1972.

10.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of geologic hazards or impacts to paleontological resources,

as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of geologic hazards, or indeed on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. San Benito County has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 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);
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction; or
 - Landslides.
- Result in substantial soil erosion or the loss of topsoil;
- 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;
- Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Issues not Discussed Further

The proposed project would connect to the Sunnyslope County Water District sanitary sewer system and would not include use of septic tanks. Therefore, this issue is not discussed further.

10.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding geologic hazards that are relevant to the proposed project based on the thresholds of significance described above. The analysis is used as a basis for determining impact significance. If an impact is determined to be significant based on the analysis below, the significance determination and mitigation measures are presented in the Impact Summary and Mitigation Measures section.

It is noteworthy that, in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377 (“CBIA”), the California Supreme Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.” (Italics added.) For this reason, the court found the following language from CEQA Guidelines section 15126.2, subdivision (a), to be invalid: “[A]n EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.” (Id. at p. 390.)

The court did not hold that CEQA never requires consideration of the effects of existing environmental conditions on the future occupants or users of a proposed project. But the circumstances in which such conditions may be considered are narrow: “when a proposed project risks *exacerbating* those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment—and not the environment’s impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions” (Id. at pp. 377-378, italics added). Because this exception to the general rule would presumably never apply to existing seismic hazards, the court concluded that this particular topic was outside the ambit of CEQA (Id. at p. 390). The court also recognized that, within the entirety of CEQA, certain very specific statutes require consideration of existing conditions on project occupants; and the court treated these statutes as exceptions to the general rule it announced (Id. at pp. 391-392).

In light of the *CBLA* decision, the County is not required by CEQA to address the extent to which existing seismic hazards – in the form of possible earthquakes, groundshaking, liquefaction, or subsidence – could affect future occupants or users of lands. Even so, the County believes that such issues are important from a public policy standpoint, and intends to address them under its police power, as opposed to under CEQA. (See Cal. Const., Art. XI, § 7; *Associated Home Builders, Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 600-601; *Candid Enterprises, Inc. v. Grossmont Union High School District* (1985) 39 Cal.3d 878, 875; *DeVita v. County of Napa* (1995) 9

Cal.4th 763, 782.) Therefore, readers should treat the discussions below of impacts on future project residents and users as being beyond the scope of CEQA, and provided to the public on a voluntary basis in the interest of full disclosure.

Earthquake Fault Hazards

Several of the proposed development areas are located within Alquist-Priolo Zones that are unmapped for seismic hazards. Lots 99-101 may be located on the Tres Pinos Fault (Figure 10-1), which is classified by the California Geologic Survey as active or potentially active. Future development of lots 99-101 could potentially occur on the Tres Pinos Fault. The development of these lots would potentially increase risks of human harm and/or property damage from fault rupture, which would be a significant impact.

Fault Rupture

While compliance with the most recent CBC seismic standards and general plan policies would prohibit development within 50 feet of active faults, the exact location of these faults on the project site and within proposed development areas is unknown. Fault mapping is needed on proposed lots 99-101, to determine the location of the Tres Pinos Fault and identify required setbacks for building placement prior to issuance of permits on these lots.

However, site-specific geotechnical reports or fault investigations have not yet been prepared for the project in part due to the potential presence of special status wildlife species including California tiger salamander, a state and federally listed threatened species, and California red-legged frog, federally listed as Threatened, which is a California Species of Special Concern.

Fault investigations require soil boring and trenching to discern the extent of a fault and its potential for surface rupture. Geotechnical investigations also rely on soil borings and other activities to discern hazards of on-site soils and to develop recommendations for site preparation, grading and construction standards. As previously reported in Section 7, Biological Resources, California tiger salamander is known to occur on the east side of the project site and California red-legged frog is assumed to be present, although likely in low numbers. Soil disturbing activities including soil boring, trenching and other ground disturbing activities could result in the loss or harm to individual animals, which would be a potentially significant adverse environmental impact to a biological resource. The project applicant has initiated consultation with U.S. Fish and Wildlife Service and California Department of Wildlife to obtain incidental take authorization for impacts related to project construction (Coats 2021). As such, the ability to provide the required fault mapping and geotechnical investigations is dependent first upon the developer obtaining the required agency approval or incidental take permits as required by mitigation measures BIO-2 - BIO-5.

Preparation of a geologic investigation report is required per general plan policies and County code and CBC requirements to determine the risks of seismic activity on the project site prior to issuance of permits. The geotechnical report and recommendations are subject to review and approval by the County's building and public works divisions. The locations of buildings are subject to conformance with County Code Section 25.08.028-D, which prohibits placement on or within 50 feet (residential) to 300 feet (certain commercial uses) of a fault. Compliance with general plan policies, the County code and CBC requirements in addition to the recommendations of the approved geotechnical reports would ensure that future development on active or potentially active faults is avoided. The proposed project is subject to compliance with these requirements; however, the general plan does not specifically require fault mapping as part of the required geotechnical reports.

Compliance with County Code Section 25.08.028-D(1) will be required for lots 99-101 as a condition of project approval. Additionally, boring and trenching required by the fault investigation shall occur in compliance with take permit conditions of approval required by the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife as outlined in mitigation measures BIO 2 – BIO-5.

Adherence with the above would ensure that development of lots 99-101 would not increase risks of human harm and/or property damage from fault rupture.

Seismic Hazards

Future Development within several of the proposed development areas would increase risks of human harm and/or property damage from seismic activity by increasing the number of residents and visitors to the site and adding new buildings on the project site. Several of the proposed development areas are located within Alquist-Priolo Zones that are unmapped for seismic ground shaking and landslides. The development areas within the unmapped Alquist-Priolo Zones encompass the proposed commercial parcels "A, B, and C", the parkland areas adjacent to proposed lots 34 and 83, the relocated driving range, and proposed residential lots 1-26, 30-41, 52-91, 99-101, and 115-118.

Compliance with the most recent CBC seismic standards and general plan policies reduce exposures to and related risks of seismic hazards such as ground shaking and landslides. However, site-specific geotechnical reports have not yet been prepared for the project in part for the reasons described previously in the discussion of potential earthquake fault impacts. The provision of required fault mapping and geotechnical investigations is dependent first upon the developer obtaining the required agency approval or incidental take permits as required by mitigation measures BIO-2 - BIO-5.

Seismic Ground Shaking

The project site is located in a seismically active region of California. As previously discussed, traces of the Tres Pinos Fault cross the ground shaking development area and significant portions of the development area are within Alquist Priolo Fault Hazard Zones. In addition, the San Andreas Fault Zone is approximately four miles to the southwest. Future development within all the proposed development areas would increase risk of human harm and property damage by increasing the number of residents and buildings on the project site, which could potentially experience strong ground-shaking produced by earthquakes along these faults or other faults in the region. This would be a significant impact.

According to the California Department of Conservation (DOC)'s Probabilistic Seismic Hazard Assessment, the San Andreas, Calaveras, Zayante-Vergeles and Quien-Sabe Faults may result in seismic shaking expressed as Peak Ground Acceleration ranging from 30 percent to greater than 80 percent of g (g = acceleration of gravity, 32.2 ft./sec²), with the latter presenting along the San Andreas near the northern boundary of the County (San Benito County 2015b, p. 10-33). The most recent CBC requirements ensure that new habitable structures are engineered to withstand the expected ground acceleration at a given location. Although the risk of sustaining an earthquake with higher ground accelerations can never be completely eliminated, compliance with all applicable general plan policies, County code requirements, CBC design criteria, and the recommendations identified in approved geotechnical reports prior to issuance of permits would reduce the risks of human harm or property damage from exposures to seismic ground-shaking to less than significant. The proposed project is subject to these requirements.

Seismic Related Ground Failure- Liquefaction/Landslide

Liquefaction

Liquefaction hazards exist in the County in locations where a high water table coincides with unconsolidated sediments, although specific County areas have not yet been mapped. There are historical reports of such events during earthquakes, including areas near Hollister and San Juan Bautista, and lateral spreading and ground settlement were noted at four County locations during the 1989 Loma Prieta earthquake. The California State Geoportal characterizes the project site as having a very low susceptibility to liquefaction (California State Geoportal 2022); correspondingly, the risks of human harm or property damage on the project site due to liquefaction are also very low and less than significant. Implementation of the recommendations within the approved site-specific geotechnical report would further reduce risks of exposures to liquefaction hazards on the project site.

Landslides

As reported previously, landslide potential is greatest for proposed residential lots 50-51, 99-101, 113-118, 127-129, 136-151, and on the proposed commercial parcels B, and D-F, which include Class 8, 9, and 10 landslide susceptibility areas. Development within Class 8, 9, and 10 landslide susceptibility areas could result in increased risk of human harm, death, and/or property damage from increased exposures to landslides during a seismic event. This would be a significant impact. However, compliance with all applicable general plan policies, County code requirements, CBC design criteria, and the recommendations identified in approved geotechnical reports prior to issuance of permits would reduce the risks of human harm or property damage from exposures to seismic landslides to less than significant. The proposed project is subject to these requirements.

Erosion

IMPACT 10-1	Increased Soil Erosion During Construction	Less than Significant
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Grading associated with future development would temporarily expose bare soils, which could be removed from the site and transported through wind or stormwater runoff. Wind erosion can increase the amount of airborne particulates (PM₁₀ and PM_{2.5}) that can result in localized and regional air quality impacts. Air quality impacts are discussed in Section 6, Air Quality. Erosion caused by stormwater runoff is subject to compliance with NPDES and implementation of a NPDES-compliant SWPPP. Erosion effects to water quality are discussed in greater detail in Section 12, Hydrology and Water Quality. Conformance to County Code Chapter 19.17 requires the preparation and implementation of an approved erosion control plan prior to issuance of grading permits. Erosion control plans are subject to review and approval of the County's planning and building divisions and would include erosion control measures including but not limited to use of geotextiles, rip-rap, retaining systems, and rebuilding slopes with geogrid-reinforced earth in combination with installing deeply rooting vegetation, or other approved means to control erosion. Compliance with NPDES, all applicable general plan policies, and County code requirements for the control of erosion during construction and operations would reduce erosion impacts to less than significant. The proposed project is subject to these requirements. No mitigation is required.

Expansive Soils

IMPACT 10-2	Increase Risks of Property Damage Due to Construction on Expansive Soils	Less than Significant
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Ground failures or differential settlement of the ground surface due to dynamic densification of underlying soils, is caused by a number of conditions including seismic activity, aquifer overdraft

and soil characteristics. Differential settlement refers to the unequal settling of a building's piers or foundation that can result in damage to the structure. The damage occurs when unstable soil causes the foundation to sink in different areas at different times.

In order to provide a more uniform subgrade and reduce the potential for damaging differential movement of building foundations (that can result from the heave of expansive clays and little to no heave from the sandy and gravelly soils), the County's general plan policies, County code and CBC regulations require the preparation of site-specific geotechnical investigations to identify soil hazards and develop design criteria and performance thresholds to address them in project plans or site preparation activities as part of the review of any proposed improvement plans. An approved geotechnical report with recommendations is required prior to issuance of permits and implementation of approved recommendations are required as conditions of project approval. Future development is subject to compliance with these regulations, which reduce potential impacts related to unstable soils to less than significant. Future development associated with the proposed project is subject to compliance with these requirements.

IMPACT 10-3	Damage or Destroy Previously Undetected Paleontological Resources During Construction	Potentially Less than Significant with Mitigation
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As previously discussed, the project site has not been surveyed for paleontological resources. Evidence of paleontological resources is typically not apparent on the ground surface, and would only be discovered in any event during project excavation. A database search completed for the nearby Santana Ranch Specific Plan identified paleontological resources along Tres Pinos Creek (San Benito County 2010, p. 3.5-4), which is approximately 1.5 miles south of the project site. Future development would occur largely within proposed development areas that have already been altered during their previous development with current or past uses. However, due to the location of known paleontological resources in the vicinity, it is possible that incidental discovery of paleontological resources might occur during future grading and construction activities in areas of the site that are previously undisturbed. Disruption of these undiscovered resources would be considered a significant impact. Implementation of the following mitigation measure would reduce impacts to paleontological resources to a less-than-significant level.

Mitigation Measure

GEO-1 The following language shall be included in any permits issued for future development within the development area:

If paleontological resources are unexpectedly discovered during construction, work shall be halted within 50 meters (160 feet) of the find until it can be evaluated by a

qualified professional paleontologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with concurrence of San Benito County, and implemented.

10.5 Cumulative Impact Analysis

Cumulative Context

The cumulative context for the analysis of impacts resulting from geologic hazards and impacts to paleontological resources generally is site-specific rather than cumulative in nature because each project site has a different set of geologic considerations that would be subject to uniform site development and construction standards. Likewise, site-specific geological characteristics drive the likelihood that paleontological resources are located on any given site. As such, the potential for cumulative impacts generally would not combine with similar effects elsewhere and the likelihood of their occurrence is limited. However, the increase in risks of harm or property damage from cumulative development consistent with general plan land use designations is acknowledged.

Cumulative Impact

The general plan EIR identified less than cumulatively considerable impacts related to increased risks of loss, injury or death involving: rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, strong seismic ground shaking or seismic-related ground failure including liquefaction, or in landslides. The EIR concluded that by adhering to current federal, state, and County laws, regulations and codes, including, among others, the CBC, that prohibit construction within 50 feet of an active fault trace, and by requiring stringent design and construction methods to bolster building and structure stability under expected seismic events, the risks to persons and structures would be less than cumulatively considerable.

The general plan EIR identified less than cumulatively considerable impacts from locating development or structures on unstable soils and concluded that the comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and compliance with general plan goals and policies would avoid or reduce the effect of soil and geologic hazards to less than cumulatively considerable.

The general plan EIR identified less than cumulatively considerable impacts from erosion and the loss of topsoil and concluded that compliance with NPDES requirements in addition to general plan policies and County Code requirements would reduce the potential for adverse erosion effects from general plan buildout. Impacts were found to be less than cumulatively considerable.

Project Contribution

The proposed project would increase risks on the project site and would contribute to the less than cumulatively considerable impacts associated with buildout of the general plan. Site-specific risks are reported earlier in this section. Future development within the proposed development area is subject to compliance with local and state laws and regulations, including the seismic safety standards contained in the CBC, the County's general plan policies and code provisions, and other building and engineering standards designed to reduce geological risks from locating people and structures in areas with seismic and other geological hazards.

The proposed project could potentially contribute to the cumulative loss of paleontological resources. Although there are no known resources on the site, there is the potential to adversely affect potentially significant paleontological resources during grading and construction, which would be a cumulatively considerable impact.

Conclusion

The proposed project is subject to compliance with local and state laws and regulations, including the seismic safety standards contained in the CBC, County general plan policies, County code provisions, and other building and engineering standards designed to reduce geological risks from grading and seismic hazards. As a result, the proposed project's contribution to impacts of increased risks to seismic and soils hazards would be less than cumulatively considerable.

With respect to paleontological resources, implementation of mitigation measure GEO-1 would reduce the proposed project's potential impact by providing a process by which to avoid or minimize inadvertent damage to previously undiscovered paleontological resources that may be present on the project site. As a result, impacts to paleontological resources would be potentially less than cumulatively considerable with mitigation.

11.0 Greenhouse Gases

This section includes summary discussions of climate change science, existing setting conditions, applicable climate change policy and regulatory direction, projected project greenhouse gas (GHG) emissions, and GHG impacts and mitigation measures.

The background information and impact analysis presented in this section is based in significant part on:

- *Ridgemark Subdivision Project – Emissions Modeling Methodology, Assumptions, and Results* (EMC Planning Group 2022) (“AQ/GHG Memo”) contained in [Appendix D](#);
- *San Benito County 2035 General Plan* (San Benito County 2015a); and
- *County of San Benito Draft Energy Action Measures for Community Wide Climate Action Plan* (Association of Monterey Bay Area Governments 2012).

No comments were received on the notice of preparation (2020) or the revised notice of preparation (2021) that raised concerns regarding environmental impacts from GHG emissions.

11.1 Environmental Setting

This section provides a general overview of climate change science and climate change issues in California.

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. Over time, the federal government has been tackling concerns about climate change to varying degrees through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Regulatory Setting section below.

Effects of Climate Change

Rising Temperatures

The Intergovernmental Panel on Climate Change, which includes more than 1,300 scientists from the United States and other countries, estimated that over the last century, global temperatures have increased by about 3.6 degrees Fahrenheit (°F) (NASA 2019). The Intergovernmental Panel on Climate Change forecasts indicate that global temperatures can be expected to continue to rise between 2.5 and 10°F over the next century.

Cal-Adapt, a climate change projection modeling tool developed by California Energy Commission, includes information on environmental change projections resulting from global warming. The model indicates that temperatures in the Hollister area region have historically (1961-1990) averaged about 71°F. Under a high GHG emissions projection scenario, temperatures are projected to rise to an average of nearly 79°F by 2099 (Cal-Adapt 2022). Hollister has historically experienced an average of three extreme heat days per year (1961-1990). The model projections fluctuate on an annual basis. Under a high GHG emissions scenario, the number of extreme heat days per year is expected to increase to an average of 23 by 2099.

Reduced Snowpack

The Sierra Nevada snowpack acts as a large natural reservoir that stores water during the winter and releases it into rivers and reservoirs in the spring and summer. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months. It has already been documented that California's snow line is rising. More precipitation is expected to fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack. The Sierra Nevada snowpack provides approximately 80 percent of California's annual water supply. The rapid decrease in snowpack and spring melt poses a threat to groundwater resources in many parts of the state where rivers that recharge groundwater with melt water from the Sierra Nevada will have reduced groundwater recharge potential.

Water Supply

Climate change is expected to increase pressure on and competition for water resources, further exacerbating already stretched water supplies. Decreasing snowpack and spring stream flows and increasing demand for water from a growing population and hotter climate could lead to increasing water shortages. Water supplies are also at risk from rising sea levels. Competition for water between cities, farmers, and the environment is expected to increase.

Anticipated changes to source water conditions including more intense storm events, longer drought periods, reduced snowpack at lower elevations, and earlier spring runoff will likely impact the quality of the source waters. Changes in source water quantity and quality may result in increased treatment needs and increased treatment costs.

Precipitation Levels

Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Generally, higher temperatures increase evaporation and decrease snowfall, resulting in a drier climate. On average, Cal-Adapt projections show little change in total annual precipitation in California. Furthermore, among several models, precipitation projections do not show a consistent trend during the next century. The Mediterranean seasonal precipitation pattern is expected to continue, with most precipitation falling during winter from North Pacific storms. One of the four climate models projects slightly wetter winters, while a second projects slightly drier winters with a 10 to 20 percent decrease in total annual precipitation. However, even modest changes would have a significant impact because California ecosystems are conditioned to historical precipitation levels and water resources are nearly fully utilized.

Hollister has historically averaged about 15.8 inches of rainfall per year (1961-1990). Under a high GHG emissions scenario, that number is forecast to increase to about 16.2 inches by the end of the century (Cal-Adapt 2022).

More Frequent and Extreme Storm Events

Extreme weather is expected to become more common throughout California. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks. Warmer ocean surface temperatures have caused warmer and wetter conditions in the Sierra Nevada, increasing flood risk. Strong winter storms may produce atmospheric rivers that transport large amounts of water vapor from the Pacific Ocean to the California coast. These often last for days and drop heavy rain or snow. Storms involving such atmospheric rivers occurred during the winter of 2016-2017. As the strength of these storms increases, the risk of flooding increases.

Sea Level Rise

Sea level rise is one of the most significant effects of climate change. Sea level has been rising over the past century, and the rate has increased in recent decades. Globally, sea levels are rising due to two main reasons: thermal expansion of warming ocean water and melting of ice from glaciers and ice sheets. Rising sea levels amplify the threat and magnitude of storm surges in coastal areas. The threat of flooding will continue to increase over time as sea levels rise and the magnitude of storms increase. Rising sea levels will create stress on coastal ecosystems that provide recreation, protection from storms, and habitat for fish and wildlife, including commercially valuable fisheries. Rising sea levels can also introduce new, or exacerbate existing, saltwater intrusion into freshwater resources.

Diminished Air Quality

Climate change is expected to exacerbate air quality problems by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures and increased ultraviolet radiation from climate change are expected to facilitate the chemical formation of more secondary air pollutants from ground-level sources. Conversely, decreased precipitation is expected to reduce the volume of particulates cleansed from the air. Incidents of wildfires are expected to increase due to climate change, further contributing to air quality problems.

Ecosystem Changes

Climate change effects will have broad impacts on local and regional ecosystems, habitats, and wildlife as average temperatures increase, precipitation patterns change, and more extreme weather events occur. Species that cannot rapidly adapt are at risk of extinction. As temperatures increase, California vegetation is expected to change. Desert and grassland vegetation is projected to increase while forest vegetation is projected to generally decline. The natural cycle of plant flowering and pollination, as well as the temperature conditions necessary for a thriving locally adapted agriculture, may also be affected. Perennial crops, such as grapes, may take years to recover. Increased temperatures also provide a foothold for invasive species of weeds, insects, and animals.

Social Vulnerability to Climate Change

The impacts of climate change will not affect people equally. People exposed to the most severe climate-related hazards are often those least able to cope with the associated impacts, due to their limited resources and adaptive capacity. Climate change is expected to have a greater impact on larger populations living in poorer and developing countries with lower incomes that rely on natural resources and agricultural systems that will likely be affected by changing climates.

Certain groups in developed countries like the United States will also experience more impacts from climate change than others. People in rural areas are more likely to be affected by climate change related droughts or severe storms compared to their urban counterparts. However, certain groups living in cities will also be at higher risk than others. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Hollister area residents who are at greatest risk include children, the elderly, those with existing health problems, the socially and/or economically disadvantaged, those who are less mobile, and those who work outdoors. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Health Effects/Illness

As temperatures rise from global warming, the frequency and severity of heat waves will grow and increase the potential for bad air days, which can lead to increases in illness and death due to dehydration, heart attack, stroke, and respiratory disease. Additionally, dry conditions can lead to a greater number of wildfires producing smoke that puts people with asthma and respiratory conditions at risk of illness or death.

Higher temperatures and the increased frequency of heat waves are expected to significantly increase heat-related illnesses, such as heat exhaustion and heat stroke, while also exacerbating conditions associated with cardiovascular and respiratory diseases, diabetes, nervous system disorders, emphysema, and epilepsy. An increase of 10°F in average daily temperature is associated with a 2.3 percent increase in mortality. During heat waves mortality rates can increase to about nine percent. As temperatures in the area increase, vulnerable populations such as children, the elderly, people with existing illnesses, and people who work outdoors will face the greatest risk of heat-related illness.

As climate change affects the temperature, humidity, and rainfall levels across California, some areas could become more suitable habitats for insects (especially mosquitoes), ticks, and mites that may carry diseases. Wetter regions are typically more susceptible to vector-borne diseases, especially human hantavirus cardiopulmonary syndrome, Lyme disease, and West Nile virus.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons. The contribution of these GHGs to global warming based on the U.S. inventory of GHGs in 2019 (United States Environmental Protection Agency 2021) is summarized in [Table 11-1, GHG Types and Their Contribution to Global Warming](#).

Table 11-1 GHG Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide	81.6 percent	Combustion of fuels, solid waste, wood
Methane (CH ₄)	10.2 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N ₂ O)	5.6 percent	Combustion of fuels, solid waste, agricultural/industrial processes
Chlorofluorocarbons (CFCs)	2.6 percent	Industrial processes

SOURCE: United States Environmental Protection Agency 2021
NOTE: Percentages reflect weighting for global warming potential

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO₂e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO₂ as the base reference. Carbon dioxide equivalent is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons, or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO₂e. [Table 11-2, GHG Global Warming Potentials](#) presents a summary of the global warming potential of various GHGs.

Table 11-2 GHG Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO ₂	50-200	1
Methane CH ₄	12 (+/- 3)	21
Nitrous Oxide N ₂ O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF ₄	50,000	6,500
PFC Hexafluoroethane C ₂ F ₆	10,000	9,200
Sulfur Hexafluoride SF ₆	3,200	23,900

SOURCE: United Nations Framework Convention on Climate Change 2019

Methane has a global warming potential of 21 times that of carbon dioxide, and nitrous oxide has a global warming potential of 310 times that of CO₂. The families of chlorofluorocarbons, hydrofluorocarbons, and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO₂. While CO₂ represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

Greenhouse Gas Inventories

California GHG Emissions Inventory

California is a substantial contributor of global greenhouse gases. Based on the California Air Resources Board's most recent state GHG inventory, a net of 418.2 million metric tons of carbon dioxide equivalent GHG emissions (CO₂e) were generated in 2019 (California Air Resources Board 2022). In 2019, 41.0 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation for imported electricity) were the second and third largest categories at 24.0 percent and 14.0 percent, respectively. The commercial and residential use sectors combined to generate about 14.0 percent of the 2019 emissions, while the agricultural sector contributed 7.0 percent.

San Benito County GHG Emissions Inventory

The *County of San Benito Draft 2020 Community-Wide Greenhouse Gas Inventory Report* (Association of Monterey Bay Area Governments 2022), is the most recent community-wide inventory for the county. It identifies county-wide emissions at a total of 379,583 MT CO₂e. Transportation was by far the single largest emissions source at 142,237 MT CO₂e, or about 37 percent of the total. Agricultural sources were second at about 100,347 MT CO₂e, or about 26 percent. Natural gas and electricity demand in residential and commercial/industrial development was third at a total of about 33,667 MT CO₂e, or about 9 percent.

11.2 Regulatory Setting

State, regional, and local policies and regulations pertaining to climate change are summarized below. The Federal government has also adopted policies and regulations to address climate change. However, because California has been at the forefront of addressing climate change, its suite of policies and regulations is generally more comprehensive and stringent than is the Federal government's. Therefore, this regulatory setting section focuses on California's climate change regulatory framework. This framework provides context for how climate change is being addressed and identifies policy and regulatory actions whose implementation would lessen the contribution of the proposed project to climate change.

State

Overall Statutory Framework

The California Legislature has enacted a series of statutes addressing the need to reduce GHG emissions across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing California Air Resources Board to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the state; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by

California Air Resources Board; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as California Air Resources Board “Scoping Plans” intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

Assembly Bill 32 (Global Warming Solutions Act)

In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Senate Bill 32

Effective January 1, 2017, Senate Bill (SB) 32 added a new section to the Health and Safety Code. It provides that “[i]n adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by [Division 25.5 of the Health and Safety Code], [CARB] shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030.” In other words, SB 32 requires California, by the year 2030, to reduce its statewide GHG emissions so that they are 40 percent below those that occurred in 1990.

Between AB 32 (2006) and SB 32 (2016), the Legislature has codified some of the ambitious GHG reduction targets included within certain high-profile Executive Orders issued by the last two governors. The 2020 statewide GHG reduction target in AB 32 was consistent with the second of three statewide emissions reduction targets set forth in former Governor Arnold Schwarzenegger’s 2005 Executive Order known as S-3-05, which is expressly mentioned in AB 32. That Executive Branch document included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed several state agencies to cooperate in the development of a climate action plan. The Secretary of Cal-EPA leads the Climate Action Team, whose goal is to implement global warming emission reduction programs identified in the Climate Action Plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

In 2015, former Governor Brown issued another Executive Order, B-30-15, which created a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.” SB 32 codified this target.

The Legislature has not yet set a 2050 target in the manner done for 2020 and 2030 through AB 32 and SB 32, though references to a 2050 target can be found in statutes outside the Health and Safety Code. In the 2015 legislative session, the Legislature passed Senate Bill 350 (SB 350), which is discussed in more detail below. This legislation added to the Public Utilities Code language that essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain state agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that “[t]he Legislature finds and declares [that] ... [r]educing emissions of [GHGs] to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification.” Furthermore, Section 740.12(b) now states that the California Public Utilities Commission, in consultation with California Air Resources Board and the California Energy Commission, must “direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.”

In 2018, Governor Brown issued Executive Order B-55-18. This order establishes a statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHGs, including meeting the 80 percent below 1990 levels by 2050 target. The carbon neutrality goal assumes that later than 2045, remaining emissions be offset by equivalent net removals of carbon dioxide from the atmosphere, including through sequestration in forests, soils and other natural landscapes.

Targets for the Use of Renewable Energy for the Generation of Electricity

California Renewables Portfolio Standard

In September 2002, the Legislature enacted Senate Bill 1078, which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase a specified minimum percentage of electricity generated by eligible renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. The legislation set a target by which 20 percent of the State’s electricity would be generated by renewable sources.

In September 2006, the Legislature enacted Senate Bill 107, which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. In April 2011, the Legislature enacted Senate Bill X1-2, which set even a more aggressive statutory targets for renewable electricity of 33 percent by 2020.

In 2015, the Legislature enacted Senate Bill 350 that increased Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. On September 10, 2018, former Governor Brown signed into law SB 100. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and 60 percent target by December 31, 2030.

Actions to Reduce Carbon Intensity of Vehicle Fuels

Assembly Bill 1493, Pavley Clean Cars Standards

In July 2002, the Legislature enacted Assembly Bill 1493 ("Pavley Bill"), which directed CARB to develop and adopt regulations that achieve the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. In September 2004, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations created what are commonly known as the "Pavley standards." In September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created what are commonly known as the "Pavley II standards."

In January 2012, CARB adopted an Advanced Clean Cars program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This historic program combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the Advanced Clean Cars program are the low-emission vehicle regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the zero-emission vehicle regulation, which requires manufacturers to produce an increasing number of pure zero-emission vehicles (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years.

It is expected that the Advanced Clean Car regulations will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Executive Order S-01-07

This order established a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In 2018, CARB passed amendments to the Low Carbon Fuel Standard that set a target to reduce fuel carbon intensity by 20 percent by 2030, compared to a 2010 baseline

Actions for Increasing Electric Vehicle Use

Executive Order B-16-12

In March 2012, former Governor Brown issued an Executive Order, B-16-12, which embodied a vision of a future in which zero-emission vehicles will play a big part in helping the state meet its GHG reduction targets. Executive Order B-16-12 directed state government to accelerate the market for in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets:

- By 2015, all major cities in California will have adequate infrastructure and be “zero-emission vehicles ready”;
- By 2020, adequate infrastructure to support one million zero-emission vehicles;
- By 2025, 1.5 million zero-emission vehicles on the road in California; and
- By 2050, virtually all personal transportation in the State will be based on zero-emission vehicles, and greenhouse gas emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

In sum, California has set a statutory goal of requiring that, by the year 2030, half of the electricity generated in California should be from renewable sources, with increased generation capacity intended to be sufficient to allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other zero-emission vehicles. The Legislature is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon intensive. A number of statutes in recent years have addressed that strategy.

Executive Order B-48-18

In January 2018, former Governor Brown issued Executive Order B-48-18. This executive order requires that all state entities work with the private sector and all appropriate levels of government to put at least five million zero-emission vehicles on California roads by 2030. It also requires all State entities to work with the private sector and all appropriate levels of government to spur the construction and installation of 200 hydrogen fueling stations and 250,000 zero-emission vehicle chargers, including 10,000 direct current fast chargers, by 2025.

Senate Bill 350

In addition to setting increased renewable energy portfolio targets, this bill indirectly promotes electrification of the transportation fleet by promoting actions to enhance availability of renewable energy as a vehicle transportation energy source.

Cap and Trade Program

On October 20, 2011, in a related action, CARB adopted the final cap-and-trade program for California. The California cap-and-trade program creates a market-based system with an overall emissions limit for affected sectors. The program is intended to regulate more than 85 percent of California's emissions and staggers compliance requirements according to the following schedule: (1) electricity generation and large industrial sources (2012); (2) fuel combustion and transportation (2015). The statewide cap for GHG emissions from major sources commenced in 2013. This cap declines over time, achieving GHG emission reductions throughout the program's duration. The program expanded in 2015 to include fuel distributors (natural gas and propane fuel providers and transportation fuel providers) to address emissions from transportation fuels, and from combustion of other fossil fuels not directly covered at large sources in the program's initial phase.

In early 2017, former Governor Brown signed AB 398, which extended the life of the existing Cap and Trade Program through December 2030.

Statutes Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

California Senate Bill 375 (Sustainable Communities Strategy)

This 2008 legislation built on AB 32 by setting forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities strategy, then an alternative planning strategy must be developed that demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Local agencies that adopt land use, housing, and transportation policies that are consistent with and facilitate implementation of the related GHG reduction strategies in a sustainable communities strategy benefit through potential CEQA streamlining for qualifying projects proposed within their boundaries.

Climate Change Scoping Plans

AB 32 Scoping Plan

In December 2008, California Air Resources Board adopted the Climate Change Scoping Plan, which contains the main strategies California planned to implement to achieve reduction of approximately 118 million metric tons (MMT) CO₂e, or approximately 22 percent from the state's

projected 2020 emission level of 545 MMT of CO₂e under a business-as-usual scenario. This is a reduction of 47 MMT CO₂e, or almost 10 percent, from 2008 emissions. The Scoping Plan also included CARB recommended GHG reductions for each emissions sector of the state GHG inventory.

2014 Scoping Plan Update

In response to comments on the 2008 Scoping Plan, and AB 32's requirement to update the Scoping Plan every five years, CARB revised and reapproved the Scoping Plan in 2014. The 2014 Scoping Plan contains the main strategies California would implement to achieve a reduction of approximately 16 percent from the state's projected 2020 emission levels. The 2014 Scoping Plan also includes a breakdown of the amount of GHG reductions CARB recommends for each emissions sector of the state's GHG inventory. Several strategies to reduce GHG emissions are included: the Low Carbon Fuel Standard, the Pavley Rule, the Advanced Clean Cars program, the Renewable Portfolio Standard, and the Sustainable Communities Strategy.

2017 Scoping Plan

With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for updating the prior scoping plan. The 2017 Scoping Plan represents a second update to the scoping plan to reflect the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels codified by SB 32. The GHG reduction strategies in the 2017 Scoping Plan proposed to implement to meet the target include:

- SB 350 - achieve 50 percent Renewables Portfolio Standard (RPS) by 2030 and doubling of energy efficiency savings by 2030;
- Low Carbon Fuel Standard - increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020);
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario) - maintaining existing GHG standards for light- and heavy-duty vehicles, put 4.2 million zero-emission vehicles on the roads, and increase zero-emission buses, delivery and other trucks;
- Sustainable Freight Action Plan - improve freight system efficiency, maximize use of near-zero emission vehicles and equipment powered by renewable energy, and deploy over 100,000 zero-emission trucks and equipment by 2030;
- Short-Lived Climate Pollutant Reduction Strategy - reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and reduce emissions of black carbon 50 percent below 2013 levels by 2030;
- SB 375 Sustainable Communities Strategies - increased stringency of 2035 targets;
- Post-2020 Cap-and-Trade Program - declining caps, continued linkage with Québec, and linkage to Ontario, Canada;

- 20 percent reduction in greenhouse gas emissions from the refinery sector; and
- By 2018, develop an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

2022 Scoping Plan

The draft 2022 Scoping Plan Update assesses progress toward the statutory 2030 target identified in SB 32, while laying out a path to achieving carbon neutrality no later than 2045 as identified in Executive Order B-55-18. The 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

This is the first Scoping Plan that adds carbon neutrality as a science-based guide beyond statutorily established emission reduction targets. Previous plans focused on specific GHG reduction targets for the industrial, energy, and transportation sectors—to meet 1990 levels by 2020, and then the more aggressive 40 percent below that for the 2030 target. Carbon neutrality takes it one step further by expanding actions to capture and store carbon including through natural and working lands and mechanical technologies, while drastically reducing anthropogenic sources of carbon pollution.

Building Code Requirements Intended to Reduce GHG Emissions

California Energy Code

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce energy consumption. The California Energy Code is updated every three years as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. The 2019 BEES went into effect on January 1, 2020 and remain in effect until January 1, 2023. The 2019 BEES were structured to achieve the state's goal that all new low-rise residential buildings (single-family homes) be zero net energy. Multi-family homes and non-residential buildings built to the 2019 BEES will use about 30 percent less energy compared to the 2016 BEES (California Energy Commission 2018).

The latest version of the BEES was adopted in July, 2022 and goes into effect on January 1, 2023. The 2022 standards build on the prior 2019 in part by encouraging efficient electric heat pumps, establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, requiring new prescriptive solar photovoltaic and battery requirements for a range of non-residential building types, requiring that buildings planned for mixed use energy fuel types be constructed to be electric ready, strengthening ventilation standards, etc. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 standards.

California Green Building Standards Code

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) (“CALGreen”) is to improve public health and safety and to promote the general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The code, which requires all new buildings in the state to be more energy efficient and environmentally responsible, was most recently updated in July 2022 with the update to take effect on January 1, 2023.

These comprehensive regulations are intended to achieve major reductions in interior and exterior building energy consumption. CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of commercial, residential, and state-owned buildings, as well as schools and hospitals. The current 2019 version of CALGreen includes mandatory standards that address:

- Planning and Design (e.g., stormwater, bicycle facilities, clean air vehicles, EV support infrastructure, light pollution and grading and paving);
- Water Efficiency (metering, conserving fixtures, landscaping, outdoor recycle water supply);
- Materials Conservation and Efficiency (moisture control, construction waste management, soil and debris management, recycling, systems commissioning, etc.); and
- Environmental Quality (fireplaces and woodstoves, ducting, paints, carpets, flooring, interior air quality, noise, ozone and refrigerants, etc.).

CALGreen includes two tiers (Tier I and Tier II) of voluntary standards. Each increases the mandatory performance standards above and provides additional elective measures, with Tier 2 standards being the most expansive.

Regional/Local

Monterey Bay Air Resources District

The County is located within the boundaries of the Monterey Bay Air Resources District (“air district”). Some air districts in California have developed detailed guidance for analyzing GHG emissions impacts that can be used by lead agencies within their respective boundaries, and is also often referenced by other lead agencies who lack guidance from their air districts or their own adopted guidance. To date, the air district has not adopted CEQA guidance for use by local lead agencies, including the County.

2035 San Benito County General Plan

Policy guidance from the general plan is relevant to the proposed project. Representative general plan policies that would directly or indirectly result in GHG emissions by reducing vehicle trip numbers and/or lengths, or by reducing energy demand include, but are not limited to:

LU-1.2 Sustainable Development Patterns. The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.

LU-2.7 Sustainable Location Factor. The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.

LU-4.2 Urban Residential Development. The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.

LU-6.4 Sustainable Technologies. The County shall encourage all employment and industrial projects to incorporate sustainable technologies including energy and water efficient practices;

C-1.2 Complete Streets. To promote a road and street network that accommodates cars without requiring car-dependence, the County shall plan for use of roadways by all vehicle types and users, including automobiles, trucks, alternative energy vehicles, agricultural equipment, transit, bicyclists, and pedestrians, when constructing or modifying roadways...

C-1.15 Street Networks that Enhance Neighborhood Character. The County shall encourage traditional interconnected street networks that provide alternate routes between neighborhoods and other measures that slow neighborhood traffic and enhance neighborhood character, such as those associated with Complete Streets.

C-2.1 Bicycle, Pedestrian, and Equestrian Systems. The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems, as appropriate to the context, that serve both commuter travel and recreational use, and provide access to major destinations in the county.

C-2.8 Sidewalks or Pedestrian Paths in Subdivisions. The County shall encourage project applicants to provide sidewalks or pedestrian paths, or other safe and convenient accommodations for pedestrians (e.g., shared-space streets) on all new roads or modifications to existing roads, as appropriate to the context, in accordance with County roadway design standards.

C-3.1 Transit-Supportive Land Use. The County shall encourage transit lines, stops, and facilities in locations where land uses and density would support transit use.

C-3.8 Transit in New Development. The County shall require new development at densities of one unit per acre or greater to provide funding for or construct transit stops and signs in appropriate locations and facilitate access to existing or future public transit through project design, consistent with the Local Transportation Authority Transit Design Guidelines.

C-3.9 Consistency with RTP. The County shall require all new development proposals to be consistent with and implement the San Benito County Regional Transportation Plan transit policies.

C-4.2 Ridesharing Promotion. The County shall support SBCOG programs that promote the use of ridesharing, vanpooling, and carpooling to decrease vehicle trips on road systems in the county.

C-4.3 Employer Incentives. The County shall encourage employers to provide transit subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting, employee education, and preferential parking for carpools/vanpools.

NCR-6.1 Local Renewable Energy. The County shall strive to increase the supply of locally-produced, renewable energy (e.g., solar, wind, geothermal, and biomass) in order to promote energy independence and efficiency.

HS-5.8 GHG Reduction Targets. The County acknowledges that the state endeavors to achieve 1990 greenhouse gas (GHG) emission levels, and establish a long-term goal to reduce GHG emissions by 80 percent below 1990 levels by 2050. The County will encourage projects that support these goals, recognizing that these goals can be met only if the state succeeds in decarbonizing its fuel supply.

HS-5.11: Prepare and Implement a GHG Reduction Strategy. To reduce GHG emissions, the County shall prepare and adopt a greenhouse gas reduction strategy that meets the following CEQA Guidelines §15183.5 standards...

2045 Metropolitan Transportation/Sustainable Communities Strategy

The *2045 Metropolitan Transportation/Sustainable Communities Strategy* (Association of Monterey Bay Area Governments 2022) (RTP/SCS) contains the strategies for ensuring that the transportation system in the will continue to operate efficiently in the future with sufficient capacity to meet demand and that mobility options are available. The RTP component of the plan focuses on improvements to the region's multi-modal transportation system. These improvements include closures of critical gaps in the network that hinder access to jobs and daily needs, as well as the strategic expansion of the transportation system to provide the region with increased mobility.

The SCS components of the plan address planned growth patterns to help reduce vehicle miles traveled consistent with California Senate Bill 375, the Sustainable Communities and Climate Protection Act. The Act is intended to reduce transportation related greenhouse gas emissions. by identifying land use and transportation measures that will be used to meet the region's greenhouse gas emission reduction targets as established by CARB - a six percent per capita reduction by 2035 from passenger vehicles.

11.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of GHGs, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of GHG impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As previously summarized in the Regulatory Setting section above, the air district has not adopted guidance for local lead agencies for assessing the impacts of GHG emissions, nor has the air district adopted a plan for reducing GHG emissions within its boundary that could be referenced by the County as guidance for use in CEQA documents. Similarly, though general plan policy HS-5.11: Prepare and Implement a GHG Reduction Strategy, calls for preparing a climate action plan, the County has not yet had the opportunity to do so. If either agency had a qualified plan for reducing GHG emissions in place pursuant to CEQA Guidelines section 15183.5(b)(1), the analysis of GHG emission impacts of the proposed project could be streamlined pursuant to CEQA Guidelines sections 15064(h)(3) and 15130(d). If a proposed project is consistent with the requirements of an adopted, qualified GHG reduction plan, as described in 15183.5(b)(2), the lead agency may determine that the project GHG impacts are less than significant if the project incorporates the applicable GHG reduction measures in the plan or the measures are otherwise required as mitigation measures. In this case, no further analysis is required.

Because there is no applicable threshold of significance or qualified plan for reducing GHG emissions in place that is applicable to the proposed project, additional analysis is needed to determine the significance of its GHG impacts. The steps in that analysis are to craft a quantified threshold of significance, quantify projected GHG emissions for the project at buildout, and compare those emissions to the threshold to determine impact significance.

Derivation of a Quantified Threshold of Significance

A quantified threshold of significance has been developed for this analysis which represents a rate of GHG emissions below which the project GHG rate of emissions could be considered less than significant. A rate of emissions is the ratio of the GHG emissions volume generated by a project or plan in a particular year to the “service population” generated by the project or plan in that same year. Service population is the sum of the number of jobs and the number of residents created by a project. A project that produces a high volume of GHG emissions relative to its service population is considered less GHG efficient than the same project that produces a lower volume of GHG emissions when the service population is held constant. Stated in another way, the rate of emissions for the first project exceeds the rate of emissions for the second project.

Rate of emissions thresholds had been commonly used in GHG impact analyses in the recent past. However, the legal defensibility of their use when based on statewide information inputs was challenged as part of a landmark 2018 court case from the California Fourth District Court of Appeal known as the *Golden Door Properties, LLC v. County of San Diego/Sierra Club*. To ensure that the threshold developed for the proposed project is consistent with the decision in this case, the threshold is derived from County-specific emissions, population, and employment information rather than state-specific information.

A county-wide threshold of significance is determined by first identifying projected emissions in the county for the 2035 General Plan buildout year, identifying an emission reduction target for those emissions, determining an emissions volume at which that target reduction would be met in 2035, identifying the county-wide service population for the year 2035, then dividing the 2035 emissions reduction target volume by the service population.

Countywide 2035 GHG Emissions Volume Projection

Two sources have been used to project GHG emissions in the county in the project buildout year of 2035. The first is *2035 San Benito General Plan Update Draft Environmental Impact Report* (EMC Planning Group 2015a) (“general plan DEIR”). The second is the *County of San Benito Draft 2020 Community-Wide Greenhouse Gas Inventory Report* (Association of Monterey Bay Area Governments 2022) (“2020 emissions inventory”).

General Plan DEIR Table 11-2, Comparison of Operational GHG Emissions by Emission Category with BAU (2008), reports emissions projections for 2020 and 2035 that account for the GHG emissions reductions anticipated to occur from implementing policies and programs in the 2035 general plan (“2020 Scenario 1” and “2035 Scenario 1”, respectively). The 2020 projection was 376,516 MT CO₂e. This projection is strongly correlated with the recently completed 2020 emission inventory, which estimated 2020 emissions at 379,584 MT CO₂e. Consequently, the methodology used for the 2035 projection of 534,420 MT CO₂e in the general plan DEIR is considered valid for the project buildout year.

For purposes of developing a rate-based emissions threshold, it is appropriate to isolate out of an emissions inventory those sources of emissions that are not affected by land use changes, particularly land use changes that are directly or indirectly population and/or employment generating. Agricultural sources are commonly not affected by or related to such land use changes. Therefore, it is appropriate to remove agricultural emissions from the general plan county-wide emissions inventories for 2020 and 2035. Table 21, GHG Emissions from Agriculture, in Appendix B of the general plan DEIR includes detailed information on agricultural emissions projections for 2020 (140,566 MT CO₂e) and 2035 (143,847 MT CO₂e). Subtracting agricultural emissions from the total emissions inventories for these years as referenced above yields 235,950 MT CO₂e for 2020 and 390,573 MT CO₂e for 2035.

Emissions Reduction Target

General plan policy HS-5.8 states the County’s long-term goal is to reduce GHG emissions to 80 percent below 1990 levels by 2050. This target is consistent with Executive Order S-3-05 described in the Regulatory Setting section above. SB 32, also described in the Regulatory Setting, sets a statutory state reduction target of 40 percent below 1990 levels by 2030. The County’s intention to achieve GHG reductions consistent with the long-term 2050 state target can be assumed to apply to target reductions for interim years that are consistent with the emissions reduction trajectory to achieve the 2050 target.

For the project buildout year of 2035, a target has been derived using the average annual statewide reduction needed between 2030 and 2050. That annual average is two percent per year (40 percent reduction required/20 years between target dates). Thus, a 2035 county-wide target is 40 percent + (2 percent x 5 years) = 50 percent below 1990 levels by 2035. The 2035 county-wide target in volumetric terms would be 50 percent below the projected 2035 county-wide land use related emissions projection of 390,573 MT CO₂e, or 195,287 MT CO₂e. If emissions in the County were to remain at or below this volume in 2035, the County would remain on track to achieve its GHG reduction policy target for 2050.

Countywide Service Population

The applicable service population would be the sum of projected countywide population and employment in the year 2035. This information can be found in Tables 8 and 7, respectively, in Appendix A, Regional Growth Forecast, of the 2045 RTP/SCS referenced in the Regulatory Setting section above. The 2035 employment projection for the County is 7,559 jobs. The projected 2035 County population is 30,843. The service population would; therefore, be 7,559 + 30,843 = 38,402.

2035 Threshold of Significance

The threshold of significance for the project buildout year of 2035 would be the 2035 county-wide emissions volume target of 195,287 MT CO₂e divided by the service population of 38,402, or 5.08 MT CO₂e per service population.

Table 11-3, 2035 County-wide GHG Threshold of Significance, summarizes the information presented above used to generate the threshold.

Table 11-3 2035 County-wide GHG Threshold of Significance

Threshold of Significance Data Inputs	
2020 GHG Emissions Projection ¹	235,950 MT CO ₂ e
2035 GHG Emissions Projection ¹	390,573 MT CO ₂ e
2035 GHG Emissions Reduction Target Volume ²	195,287 MT CO ₂ e
County-wide 2035 Service Population	38,402
2035 County-wide Threshold of Significance	195,287 MT CO ₂ e/38,402 = 5.09 MT CO ₂ e/Service Population

SOURCE: 2035 San Benito County General Plan, EMC Planning Group 2022

NOTE:

- 1. Projections from 2035 San Benito County General Plan Table 11-2, less agricultural emissions projections in general plan Appendix B, Table 21
- 2. Target volume is 50 percent below the 2035 emissions volume projection MT CO₂e = metric tons of carbon dioxide equivalent

11.4 Analysis, Impacts, and Mitigation Measures

This analysis focuses on quantifying project GHG emissions, identifying and quantifying reductions in emissions resulting from features of the project, identifying impact significance based on the thresholds of significance identified above, and identifying mitigation where impacts are found to be significant.

Greenhouse Gas Emissions Projection

IMPACT 11-1	Generate Substantial GHG Emissions	Less than Significant with Mitigation
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The projected GHG emissions for the project consist of the sum of its annual operational emissions and its amortized annual construction emissions. This emissions volume is considered “unmitigated”

because it does not account for emissions reductions that could otherwise accrue from land use design features of the project and/or from implementing mitigation measures identified to further reduce emissions. There are no design features identified in the project description that would reduce GHG emissions, nor has the applicant proposed such measures. The CalEEMod model used to estimate emissions does, however, account for emissions reductions that would accrue from a number of state regulatory requirements that are applicable to land use development projects. These requirements are described, along with the CalEEMod results in (Appendix D).

Annual Unmitigated Operational GHG Emissions

Projected operational GHG emissions at the estimated project buildout year of 2035 are identified in the AQ/GHG memo included in Appendix D. The memo also includes detailed information on the methodologies, models used and model inputs, and other assumptions used to calculate projected emissions.

Projected mobile, area, energy, waste, and water GHG emissions are summarized in Table 11-4, Annual Operational Greenhouse Gas Emissions.

Table 11-4 Annual Operational Greenhouse Gas Emissions

Emission Sources	GHG Emissions (MT CO ₂ e)
Mobile	4,426.98
Area	2.28
Energy	504.86
Waste	46.79
Water	35.04
Total	5,015.95

SOURCE: EMC Planning Group 2022

Loss of Carbon Sequestration

Carbon sequestration refers to the long-term storage of carbon in plants, soils, geologic formations, and the ocean. Carbon sequestration typically refers to carbon stored that has the immediate potential to become carbon dioxide gas. Biological carbon sequestration is the storage of carbon dioxide in vegetation such as grasslands or forests, as well as in soils and oceans. When the undeveloped project site is converted to an urban use, the on-site vegetation and soils are assumed to “release” their stored carbon as carbon dioxide gas. This is a third source of project-related GHG emissions.

The AQ/GHG memo estimates a total one-time loss of 541.59 MT CO₂e of sequestration from the conversion of grassland and turf on existing and former golf course fairways to urban development. Averaged over a 30-year lifetime, the loss would be about 18.05 MT CO₂e per year.

Annual Amortized Construction GHG Emissions

Projected GHG emissions from constructing the project are described in the AQ/GHG memo contained in [Appendix D](#), along with information on data and assumptions used.

Construction emissions were modeled at 11,790.16 MT CO₂e. These are the emissions largely from construction equipment, vendor and haul truck trips, and worker trips. It is common practice for CEQA impact analysis purposes to amortize the total construction emissions over a 30-year period to derive an annual construction emissions volume. The annual volume is then added to the annual operational emissions volume to account for the construction emissions contribution to the total project GHG emissions inventory. Annual construction emissions would be approximately 393.01 MT CO₂e per year over 30 years.

Baseline GHG Emissions

As described in the AQ/GHG memo, there are several existing sources of GHG emissions in the development area that will be demolished and replaced. These sources generate approximately 361.52 MT CO₂e per year.

Total Annual GHG Emissions

Projected annual project GHG emissions are the sum of the annual operational emissions, amortized construction emissions, and loss of sequestration potential, minus existing baseline emissions. [Table 11-5, Total Annual GHG Emissions](#), summarizes the total.

Table 11-5 Total Annual GHG Emissions

Emissions Source	Annual GHG Emissions (MT CO ₂ e)
Operational	5,015.95
Amortized Construction	393.01
Loss of Sequestration Potential	18.05
Subtotal	5,427.01
Baseline Emissions	<361.52>
Total	5,065.49

SOURCE: EMC Planning Group 2022

Service Population

The project service population is the sum of the new residents and jobs it would generate in the project buildout year of 2035. The proposed project includes 190 new residential units. Based on the latest persons per household figure for the County of San Benito of 3.34 as referenced in Section 4.0, Project Description, the proposed project would generate approximately 635 new residents.

The project includes 152,000 square feet of employment-generating commercial and hotel uses. A job density of one job for each 500 square feet of employment generating commercial building use is commonly used to estimate commercial employment generation. At this rate, the project would generate approximately 300 jobs.

The project service population would be 645 (population) + 300 (employees) for a total of 945.

GHG Emissions Impact

Table 11-6, *Greenhouse Gas Emissions per Service Population*, shows that the project would generate GHG emissions at a rate of 5.36 MT CO₂e/service population. This value exceeds the threshold of significance by 0.27 MT CO₂e. Therefore, the proposed project would have a significant impact from generating GHGs.

Table 11-6 Greenhouse Gas Emissions per Service Population

Project GHG Emissions per Service Population	
Project GHG Emissions (MT CO ₂ e/year) ¹	5,065.49
Service Population	945
GHG Emissions per Service Population	5.36
Service Population Threshold of Significance	5.09
Rate of Proposed Project Emissions Exceeds Threshold?	Yes
Emissions Volume by which Threshold is Exceeded (MT CO ₂ e/year)	.27

SOURCE: EMC Planning Group 2022

NOTE: 1. From Table 11-5

Mitigation is required to reduce GHG emissions by a minimum of 254 MT CO₂e per year [5,065.49 MT CO₂e – (5.09 MT CO₂e per service population x 945 service population)]. A variety of GHG reduction measures are available to achieve this reduction. As reference, a number of these measures are identified in the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (California Air Pollution Control Officers Association 2021).

Mitigation Measure

GHG-1 Prior to issuance of building permits for the proposed project, the applicant shall prepare a Greenhouse Gas (GHG) Reduction Plan. The GHG Reduction Plan shall demonstrate, with substantial evidence, that GHG emissions will be reduced to the year 2035 service population threshold of significance of 5.09 MT CO₂e per year per service population. This would require that the project annual total GHG emissions of 5,065.49 MT CO₂e per year be reduced by 254 MT CO₂e per year [5,065.49 MT CO₂e – (5.09 MT CO₂e per service population x 945 service population)].

The GHG Reduction Plan shall prioritize implementing on-site GHG reduction measures that are within the control of the applicant. The *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (California Air Pollution Control Officers Association 2021) provides reference to representative on-site mitigative measures in transportation, energy, water, construction, solid waste, and landscaping that may be applicable to the project. In lieu of or in addition to one or more on-site measures, the applicant may include in the Reduction Plan and take credit for GHG reductions resulting from making direct investments in off-site GHG reduction activities/programs in the vicinity. Examples of direct investments include building retrofit programs that pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting energy efficient windows, and insulation. Other examples include financing programs for installing electric vehicle charging stations, electrifying school buses, or planting local urban forests.

The applicant may choose to retain a qualified air quality/GHG professional to quantify the GHG reductions that would result from implementing the Reduction Plan based on substantial evidence to be included in the Reduction Plan. The GHG reduction measures should be implemented even if their implementation would result in a GHG reduction, but the reduction cannot be reliably quantified. The resulting GHG emissions reduction volume must be equal to or greater than 254 MT CO_{2e} per year to avoid the significant GHG impact.

If feasible on-site and/or direct investments in off-site reduction activities/programs are not available to mitigate the impact, the applicant may then secure the balance of the required GHG emissions reduction volume by purchasing and retiring carbon offset credits. The carbon offset credits shall meet the following performance standards:

- Carbon offset credits shall be issued by a recognized, reputable and accredited registry that mandates the use of established protocols for quantifying and issuing the offset credits. Credits issued based on protocols approved by CARB should be prioritized. Examples of such registries include the Climate Action Reserve, American Carbon Registry, and Vierra.
- The carbon offset credits should be generated from projects developed in the United States. Credits from projects developed internationally should not be used unless the applicant demonstrates with substantial evidence that sufficient carbon offsets from projects in the United States are unavailable. International offsets must be quantified and issued using established protocols that are recognized in the United States and that are issued by recognized, reputable and accredited registries.

All carbon offset credits purchased to reduce GHG emissions, must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2).

Prior to County approval of building permits for the proposed project, the applicant shall submit the GHG Reduction Plan for review and approval of the San Benito County Director of Planning, Building and Code Enforcement. If carbon offset credits are proposed, the applicant shall, prior to approval of occupancy permits, provide documentation in the form of an executed contract or other certification that the credits have been obtained, subject to the performance standards listed above.

Conflict with Plans for Reducing Greenhouse Gas Emissions

IMPACT 11-2	Conflict with GHG Reduction Plans	No Impact
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As discussed in the Regulatory Setting section above, neither the County, nor the air district have adopted a qualified climate action plan or a GHG reduction plan that is applicable to the proposed project. Absent other local or regional plans for reducing GHGs, state legislative guidance embodied in SB 32, particularly the statewide GHG reduction target of 40 percent below 1990 levels by 2030, and the future 2050 reduction target embodied in Executive Order S-3-05 are considered to be the reference guidance for reducing GHGs that are applicable to the proposed project.

The threshold of significance identified above is based on a goal that GHG emissions in the County are reduced over time consistent with the noted state guidance. Because the proposed project would have a less-than-significant impact after implementing mitigation measure GHG-1, it would not conflict with the applicable guidance for reducing GHGs and would have no related impact.

11.5 Cumulative Impacts

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future that could cause or exacerbate cumulatively considerable impacts. GHG emissions effects are not localized to areas where they are produced. Climate change is a global phenomenon resulting from the combined effects of GHG emissions produced worldwide. Consequently, the analysis of climate change impacts from production of GHGs is inherently cumulative in nature.

Geographic Scope

While the true geographic scope of the area affected by GHG emissions is global, for purposes of this EIR, the geographic scope is considered to be the State of California. This scope is selected because California's legislative and regulatory climate change framework is designed to reduce GHG emissions whose management is directly or indirectly within the control of the state. The CEQA

process is considered to be the appropriate mechanism for assessing the impacts of GHG emissions from land development projects in light of the state's comprehensive climate change mitigation strategy.

Cumulative Impact

Potential effects of global warming at the local, regional and state scale are described above. The cumulative impacts of global warming are significant given projections of a range of adverse social, economic, and environmental effects resulting therefrom. This is also true for the climate change setting within the state.

Project Contribution

GHGs produced by the project would exceed the project-specific threshold of significance identified in Section 11.3 above. Therefore, in the absence of mitigation, the project contribution to cumulative GHG emissions impacts is cumulatively considerable and cumulatively significant. Mitigation measure GHG-1 requires the applicant to implement all feasible mitigation measures to reduce the project-generated GHG emissions to below the threshold of significance.

Conclusion

With implementation of mitigation measure GHG-1, the project contribution to cumulative GHG impacts would be less than cumulatively considerable.

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12.0 Hydrology and Water Quality

This section of the EIR describes the effect of the project water demand on hydrology and water quality.

Information in this section is derived from a variety of sources including:

- *San Benito County 2035 General Plan* (San Benito County 2015a);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County 2015b);
- *Hollister Urban Area Water and Wastewater Master Plan Update* (City of Hollister et al 2017);
- *2020 Hollister Urban Area Urban Water Management Plan* (San Benito County Water District, et al 2021a);
- *North San Benito Groundwater Basin Groundwater Sustainability Plan* (San Benito County Water District et. Al 2021b); and
- *Pajaro River Watershed Integrated Regional Water Management Plan*. (Pajaro River Watershed Management Authority 2019).

No written comments raising environmental concerns related to hydrology were received in response to the notice of preparation (2020). Written comments from CalTrans District 5, dated October 5, 2021, were received in response to the revised notice of preparation (2021). The comments noted agency concerns regarding alterations to drainage courses within the project site that may affect drainage patterns on State Route 25. The agency requests review of drainage plans and reports to confirm that any increase in runoff on the State Route 25 right-of-way is appropriately mitigated.

Two comment letters from the public were received on the revised notice of preparation (2021) raising general concerns of project effects to water quality and runoff generated by the project.

12.1 Environmental Setting

Hydrology

Groundwater Basin

The project site is within the Pajaro River Watershed and overlies the North San Benito Groundwater Basin (groundwater basin). Quaternary alluvial deposits compose the valley floor and generally define the groundwater characteristics within the groundwater basin. Numerous investigators have recognized the difficulty in describing the subsurface stratigraphy of the groundwater basin, due, in part, to sparse geophysical log data and a lack of distinctive textures and composition among the sedimentary units (San Benito County Water District, et al. 2021 pp. 6-3 - 6-4). Major geologic faults, including the San Andreas and Calaveras, trend northwestward through the area. Most notably, the Calaveras fault is active and cuts through the groundwater basin, trending north-northwest from Hollister to the Pajaro River at San Felipe Lake, and separating the northern valley into two distinct geologic units at depth. The fault is perceived to impact groundwater flow locally, perhaps due to the presence of low permeability rock fragments and blocks displaced upward and adjacent to more permeable alluvial material along the fault zone (San Benito County Water District, et al. 2021 p. 6-4).

The Quaternary-age alluvium contains the main aquifers in the groundwater basin. The aquifers are the coarse-grain layers of sands and gravels with interbedded layers of silts and clays. The geometry of the basin suggests that groundwater basin-fill units were deposited in alluvial fan and fluvial environments from a variety of source rocks and directions. These deposits interfinger in the subsurface, making the differentiation of discrete aquifer packages difficult on a regional basis. This also results in variable aquifer properties across the groundwater basin. Previous investigators indicate wide variability in aquifer transmissivities. Although poorly defined, regional variations in permeability likely create preferential pathways for groundwater, especially in paleo-channel deposits, which may exist beneath current major stream courses or elsewhere in the groundwater basin (San Benito County Water District, et al. 2021, p. 6-4).

There are four management areas within the groundwater basin delineated as part of the Groundwater Sustainability Plan: Bolsa, San Juan, Hollister, and Southern. The San Benito County Water District (county water district), formed by a special act of the State, has regional responsibility and authority to manage the groundwater basin. As part of its management activities, the county water district provides recharge to the groundwater basin, explores expanded groundwater banking, monitors water levels and water quality, and reports annually on groundwater conditions in the groundwater basin (San Benito County Water District, et al. 2021). The project site is within the Hollister urban area (HUA) which overlies part of the Hollister and San Juan management areas. Water and wastewater services are provided by Sunnyslope County Water District (SSCWD). The SSCWD storage and distribution facilities include four

groundwater wells. In water year 2020, 100 percent of Hollister and SSCWD pumping was located in the Hollister management area (San Benito County Water District, et al. 2021 p. 6-4). The HUA, water supply and water purveyors are discussed in greater detail in Section 18, Water Supply.

Groundwater Levels

In general, groundwater in the groundwater basin flows from the southeast and eastern portions of the groundwater basin toward the western and northwestern portions of the groundwater basin to the Pajaro River. However, general flow directions have been reversed in the Bolsa subbasin due to groundwater pumping; groundwater in the Bolsa subbasin near the Pajaro River flows southeast toward lower water levels. Groundwater levels have been recorded in the groundwater basin since at least 1913 by various agencies including United States Bureau of Reclamation, California Department of Water Resources, Pacheco Pass Water District, San Benito County, University of California Cooperative Extension, and the United States Geological Survey (San Benito County Water District, et al. 2021 p. 6-4).

Monitoring

The county water district monitors water levels in approximately 80 to 100 wells on a semiannual basis and, more recently, a quarterly basis and reports the data to the California Statewide Groundwater Elevation Monitoring program. Water levels and trends are presented in the county water district annual reports. Groundwater generally occurs under unconfined and confined conditions. Surficial clay deposits, especially in the Bolsa and San Juan areas, create confining layers. These layers have resulted in local artesian conditions wherein groundwater levels in wells have risen to the surface.

As a historical overview, groundwater elevations are estimated to have been at historical highs prior to 1913. With gradual development of irrigated agriculture and intensification of groundwater pumping, groundwater elevations in valley areas of the groundwater basin generally decreased from the 1940s to the 1970s, indicating a state of overdraft. At the time, the groundwater basin relied solely on groundwater (although recharged from local reservoirs) and groundwater elevations in many wells reached historical lows. In 1987, the county water district began importing Central Valley Project (CVP) water and groundwater elevations began to rise in the Hollister and San Juan valleys and Bolsa, although Bolsa does not directly receive CVP water. The severe 1987-1992 drought slowed the recovery of groundwater elevations because of reduced CVP imports and reduced recharge from rainfall and surface water. Following that drought, CVP imports increased, allowing reduction of groundwater pumping and recovery of groundwater elevations. In addition, from 1994 to 2004, the county water district actively recharged the groundwater basin with CVP water along stream channels. The result of CVP imports and county water district managed aquifer recharge programs was significant recovery

especially in the Hollister and San Juan valleys where imported water is delivered. With groundwater elevation recovery, the county water district has shifted its managed aquifer recharge program from recovery to maintenance and local sustainable management of groundwater (San Benito County Water District et. Al 2021b).

Land Subsidence

Land subsidence is the uneven lowering or settlement of the ground surface due to pumping and groundwater level declines. Subsidence can have impacts including collapsed well casings, damage to infrastructure (including foundations, roads, bridges, or pipelines), diminished effectiveness of levees, and loss of conveyance in canals, streams, or channels.

In brief, as groundwater pumping occurs and groundwater elevations decline, fine-grained deposits such as clay and silt can become compacted, causing the overlying ground surface to subside. While land subsidence due to groundwater withdrawals can be temporary (elastic), it can also become permanent (inelastic) when groundwater elevations in the aquifer reach a historically low groundwater elevation.

Inelastic (permanent) subsidence caused by groundwater extraction has not been a known issue in the groundwater basin. Nonetheless, its potential was recognized in the 2003 Groundwater Management Plan, which recommended maintenance of groundwater levels above the historical low levels of about 1977 to avoid or minimize the potential for inelastic land subsidence. County water district management of groundwater elevations generally has been successful in meeting these objectives, and there have been no local reports of subsidence problems. Mapping conducted by the county water district indicates provides land elevation measurements from thousands of globally distributed stations. Measured locally at a rate of about two inches over the past 15 years, the available data for the county suggest permanent subsidence may be occurring.

Groundwater Recharge

The City of Hollister and SSCWD percolate treated wastewater discharge to the groundwater basin. The City of Hollister Domestic Wastewater Treatment Plant represents the major portion, amounting to 2,392 acre feet in water year 2020. Wastewater percolation has been decreasing in recent years and is expected to continue to decrease as recycled water use increases. The SSCWD treatment plant also percolated wastewater discharge, 155 acre feet in water year 2020 (Todd Groundwater 2020).

The county water district owns and operates two reservoirs along the San Benito River. Hernandez Reservoir (capacity 17,200 acre feet) is located on the upper San Benito River in the southern portion of the county. Paicines Reservoir (capacity 2,870 acre feet) is an off stream reservoir between the San Benito River and Tres Pinos Creek. It is filled by water diverted from the San Benito River, with some of the diversions consisting of natural runoff and some

consisting of water released from Hernandez Reservoir. Water stored in the two reservoirs is released for percolation in Tres Pinos Creek and the San Benito River to augment groundwater recharge during the dry season. Since 1996, releases from Hernandez have ranged between 0 AFY and 26,300 AFY, generally reflecting variations in inflow. The total releases from Paicines Reservoir range from 0 AFY to 6,139 AFY (Todd Groundwater 2020).

In the past, the county water district has purchased and percolated additional CVP imported water for groundwater management. This program began in 1988, and CVP percolation peaked in 1997 at 11,087 AFY. Managed CVP percolation volumes were reduced following 1997 in response to successful recovery of the groundwater basin from overdraft. In recent years, the county water district has restarted the CVP recharge program at off stream ponds. In water year 2020, 3,161 AFY of imported water was recharged in the groundwater basin (Todd Groundwater 2020).

Groundwater Storage

The groundwater basin provides not only supply, but also storage. The county water district has managed groundwater and surface water sources conjunctively, such that groundwater in storage is used when surface water supplies are diminished, and groundwater storage is replenished when surface water supplies are available (San Benito County Water District 2021, p ES-6).

Accordingly, groundwater storage is characterized by changes in the short term. However, the key issue is to avoid long term depletion of storage, commonly understood as overdraft. The annual groundwater reports prepared by the county water district have included an annual accounting for groundwater storage, and in the groundwater basin, groundwater storage has been stable for the long term, given availability of CVP supply since 1987 (San Benito County Water District 2021, p ES-6).

Groundwater Quality

The county water district conducts semiannual sampling (spring and fall) of more than 24 wells distributed spatially over the groundwater basin. In addition, water suppliers with more than six connections, including Hollister and SSCWD, are required to monitor and report water quality to the State Water Resources Control Board Division of Drinking Water. These data and others are used by the county water district to monitor and track the status of water quality basin-wide (San Benito County Water District, et al. 2021, p. 6-5).

The comprehensive water quality database for the county water district was most recently updated in November 2019, as part of the *Annual Groundwater Report for Water Year 2019*. The quality of groundwater in the groundwater basin has been described as highly mineralized and of marginal quality for drinking and agricultural purposes. The mineralized water quality is typical of

other relatively small Coast Range groundwater basins but has also been impacted by decades of human-related activities, both agricultural and urban (San Benito County Water District, et al. 2021, p. 6-6).

A general measure of groundwater quality is total dissolved solids (TDS). For drinking water purposes, TDS concentration of 500 milligrams per liter (mg/L) or less are recommended; however, TDS concentrations up to 1,000 mg/L are acceptable. TDS concentrations are affected by both natural and anthropogenic sources. While concentrations are high (e.g., exceeding 500 mg/L), recent years (2014 through 2017) are characterized by TDS concentrations that are stable or decreasing.

Treated imported CVP water is blended with local groundwater to reduce TDS in Hollister and SSCWD's water supplies. If CVP water is available, the objective for municipal and industrial delivered water is at least 65 percent CVP imports with the remaining 35 percent as groundwater. Blending groundwater with imported CVP water results in a linkage between groundwater supply and CVP allocations. In dry years, when CVP allocations are low, the volume of groundwater supply used for urban supplies will be limited to maintain the planned blending ratio. These blending requirements could be relaxed on a short-term basis in response to drought conditions.

Surface Water Resources

The project site lies within the Pajaro River Watershed, which is approximately 1,300 square miles and includes portions of the counties of Santa Cruz, Santa Clara, San Benito, and Monterey. Its large size contributes to the number of diverse environments, physical features, and land uses within the watershed. Tributaries to the Pajaro River, the largest of which is the San Benito River, serve as the major routes for surface flow and drainage throughout the watershed (Pajaro River Watershed Flood Prevention Authority 2014). The San Benito River, intermittent in some parts of the groundwater basin, runs through the southern portion of the groundwater basin before reaching the Pajaro River. The San Benito River, when flowing, is a recharging stream along much of its channel, but groundwater contributes some base flow upstream of its confluence with the Pajaro River. The Hernandez Reservoir, located upstream of the groundwater basin on the San Benito River, is operated to enhance flow in the river and recharge the groundwater basin (San Benito County Water District et al. 2021). The Pajaro River, the largest coastal stream between San Francisco Bay and the Salinas River Watershed in the Monterey County, forms the northern boundary of the county.

Surface Water Quality

Within the Pajaro River Watershed, the most significant surface water quality pollutants are sediment and nutrients which are generated during agricultural activities near rivers and creeks that run through the watershed. These pollutants are eventually carried downstream and cause water quality degradation throughout the watershed drainage area.

As mandated by section 303(d) of the Clean Water Act, the State Water Resources Control Board (state board) maintains and updates a list of “impaired water bodies” (i.e., water bodies that do not meet State and federal water quality standards). This list is known as the section 303(d) list of impaired waters. The State is then required to prioritize waters/watersheds for development of total maximum daily Load regulations. This information is compiled in a list and submitted to the United States Environmental Protection Agency (USEPA) for review and approval. The state board and Central Coast Regional Water Quality Control Board (regional water quality review board) monitor and assess water quality on an ongoing basis. According to the 2010 Integrated Report [Clean Water Act section 303(d) List/305(b) Report], the water quality of the San Benito River and Tres Pinos Creek are impaired. Specifically, the San Benito River is listed as impaired for the following pollutants: boron, electrical conductivity, *Escherichia coli* (*E. coli*), fecal coliform, pH, unknown toxicity, and sedimentation/siltation. Tres Pinos Creek is listed as impaired for the following pollutants: *E. coli*, fecal coliform, and pH. Total maximum daily loads are in place for some of these pollutants (*E. coli*, fecal coliform, and sedimentation/siltation) but not for others (boron, electrical conductivity, unknown toxicity, and pH) (Pajaro River Watershed Flood Prevention Authority 2019).

Urban Runoff

Urban development is widely regarded as a leading cause of pollution throughout California and the nation by altering watershed hydrology and introducing pollutants. Urban development alters the natural hydrology in the watershed in several ways. Natural drainage systems are replaced with pipes and ditches, the land is graded, and impervious surfaces are created, all of which may reduce percolation, increase surface runoff, and damage aquatic habitat. Further, removal of vegetation increases erosion potential. In addition, urbanization tends to bring more pollutants. At the same time, the changes to the land’s natural hydrology may reduce the land’s natural capacity to remove pollutants, further heightening the problem of pollutants being washed into the storm drain system and ultimately into surface waters. Alternatively, urban runoff may be retained and treated on-site, prior to its release into a storm drain system that is directed to a wastewater treatment plant.

In summary, urban development produces runoff that may be substantially greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area. Increased runoff volume and velocity can also significantly affect beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels. storm water pollutants of concern include metals, solvents, paint, concrete and masonry products, detergents, vehicle/equipment fuels and lubricants, oil and grease, household pesticides and fertilizers (organic compounds and nutrients), pet waste and sewage (bacteria, pathogens, and oxygen-demanding compounds), debris and litter, and sediment and silt.

Flooding

Flooding along river and stream corridors is a natural occurrence in the major river valleys and tributary basins within the county. Normal flooding processes are driven by rainfall precipitation associated with regional frontal storm systems that occur from November through April. Flood management is primarily a local government function, as there are no major State or federal flood protection systems or facilities within the county. As such, the County of San Benito is the responsible local agency for overseeing floodplain land use decisions and for planning emergency preparedness and response measures (San Benito County 2015b).

Flood-prone areas are identified based on the National Flood Insurance Rate Maps delineating flood hazard boundaries. These flood prone areas have a one-in-100 chance of being inundated during any year, more commonly referred to as the one percent flood, or 100-year flood. The flood-way is the channel of a stream that must be kept free from encroachment in order that a 100-year flood might be accommodated without substantial increase in flood height. The flood-ways in the county are generally restricted to areas immediately adjacent to either side of river and creek channels (San Benito County 2022). In the northernmost portion of the county, the Pajaro River has the potential of inundating larger areas; however, most of the associated flood waters are expected to be contained within the Tequisquita Slough (San Benito County 2015b).

In addition to exposure to flooding from overbank flow in local streams and rivers, portions of the County would be subject to inundation in the event of the failure of dams, although in accordance with the applicable regulatory framework, these dams are considered to be safe by California Division of Dam Safety. The State's Dam Safety Act (California Government Code section 8589.5) requires owners of dams to prepare maps showing the approximate extent of inundation in the event of a dam failure. In addition, these dams are inspected regularly and are certified safe by the United States Bureau of Reclamation. Finally, the County Office of Emergency Services includes potential dam inundation areas in their emergency response planning. It actively engages with the appropriate agencies in receiving and updating emergency action plans associated with each dam (San Benito County 2015b).

Low Impact Development

Low Impact Development is the regional water quality control board's preferred means for achieving healthy watersheds and mitigating the effects of urban development. Low Impact Development is a land planning and design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed small-scale storm water retention and detention areas, reduction of impervious surfaces, capture and reuse of runoff, and the lengthening of runoff flow

paths and flow time. Other related strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands, and highly permeable soils. Common low impact development practices include site design that reduces and disconnects impervious surfaces, native vegetation preservation, bioretention, tree boxes to capture and/or infiltrate street runoff, vegetated swales, buffers, and strips, directing roof runoff into planter boxes and other vegetated areas, permeable pavement, and soil amendments to increase absorption and infiltration rates.

Project Site Setting

The project site is located approximately 0.7 mile south of the City of Hollister. Two large drainage areas are present in the vicinity of Hollister: the San Benito River Basin and the San Felipe Lake Basin. The San Felipe Lake Basin (located about ten miles northwest of the project site) collects runoff from the Santa Ana Creek, Dos Picachos, Arroyo De Los Viboras, Pacheco Creek, and the Tequisquita Slough sub-basins, and does not receive drainage from the project site. The project site generally drains toward State Route 25 and off site toward Southside Road. The northern portions of the project site are located within the catchment area of Enterprise Road Pond, a county-owned detention basin that collects flow from a large area south and east of Hollister, including the Ridgemark development (City of Hollister 2011). The Enterprise Road detention basin has a design capacity of approximately 29.8 acre-feet and can accommodate runoff from a 100-year storm event (p. 6-5) and ultimately discharges to the San Benito River. [Figure 12-1, Enterprise Road Pond Catchment Area](#), shows the location of the project site relative to the pond's catchment area.

Hydrologic features found within the project site and adjacent to development areas include manicured and maintained golf course water features, stormwater basins, seasonal ponds, stock ponds, and wastewater treatment ponds (refer to Figure 4-1, Habitat Map, and Table 4-1 in the biological report to see each of the ponds and drainages identified within the project site). Most ponds were dry at the time of the site survey in 2019 (refer to Figures 3-4 - 3-6); however, four ponds contained water, which is likely pumped in to maintain water levels as part of the golf course, landscaping and/or aesthetic purposes. The San Benito River is approximately half a mile southwest of the project site.

There are two unnamed intermittent watercourses crossing the Ridgemark Golf Course. One parallels part of the northern boundary along State Route 25 and is included on the National Wetland Inventory map (Figure 4-2, National Wetland Inventory, in the biological report). This watercourse is an intermittent drainage likely originating in the foothills east of the City of Hollister and draining southwest towards the San Benito River. Some pooling was found during the survey, most likely the result of irrigation runoff from the golf course. The second intermittent drainage is not shown on the National Wetland Inventory, and appears to originate

at Ponds 6 and 7, draining west towards Southside Road. It is unclear if the drainage reaches the San Benito River. Culverts and drainage pipes outflow to the drainage and likely accommodate high precipitation or flooding events. Inundation was visible at a trail crossing south of Marks Drive at the time of the survey.

The project site is not located within the Federal Emergency Management Agency (FEMA) 100-year floodplain (San Benito County 2022).

12.2 Regulatory Setting

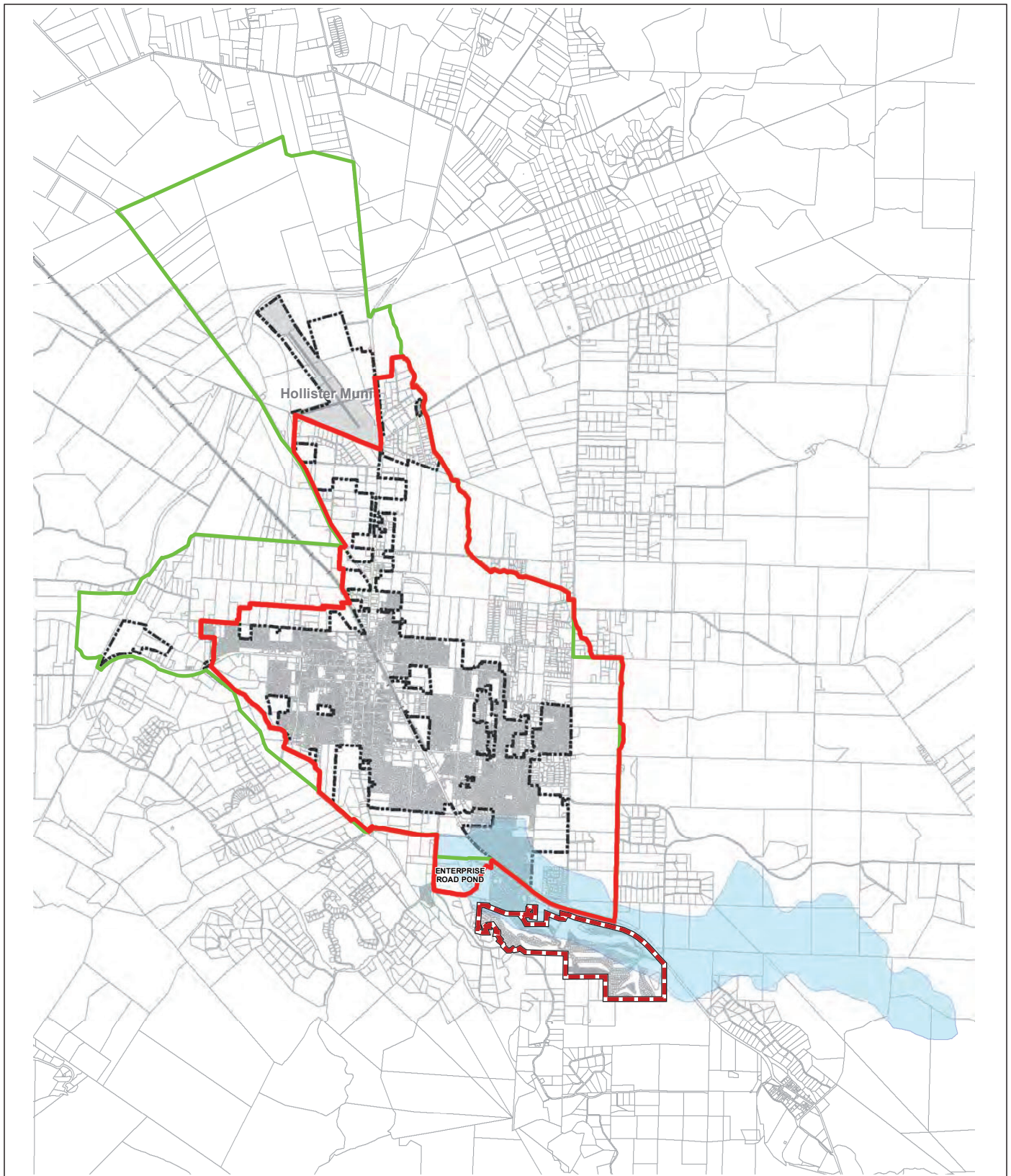
Federal

At the federal level, the County falls under the jurisdiction of the USEPA Region 9. The USEPA is primarily responsible for implementing federal water quality laws and the U.S. Army Corps of Engineers is responsible for implementing one portion of the water quality law, as described below.

Clean Water Act

The Clean Water Act is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, aquifers, and coastal areas. Although the act applies to groundwater, implementation is focused on the protection of surface water. The act is a 1977 amendment to the federal Water Pollution Control Act of 1972 (United States Code, Title 33, section 1251 et seq.), which established the basic structure for regulating pollutant discharges to navigable waters of the United States. Under the act, USEPA sets national standards and effluent limitations, but delegates significant responsibilities to the state board and its regional boards. The act is based on the concept that all discharges into the nation's waters are unlawful unless specifically authorized by permit. The act includes a permit system that provides two general types of pollution control limits: (1) Effluent limits that are technology-based and limit the quantity of pollutants discharged from a point source such as a pipe, ditch, or tunnel into a navigable water body; and (2) Ambient water quality standards that limit the concentration of pollutants in navigable waters based on the beneficial uses to which particular waters are put.

- Section 401 of the act requires water quality certification for any activity, including the construction or operation of a facility, which may result in any discharge into navigable waters (Title 33 CFR §1341). Within California, section 401 is implemented by the state board and the regional boards.
- Section 404 of the act requires a permit for the discharge of dredged fill material into navigable waters at specified disposal sites (Title 33 CFR §1344). Responsibility for administering and enforcing section 404 is shared by the U.S. Army Corps of Engineers and USEPA.



Not to scale



Project Site



SDMP Study Boundary



Hollister General Plan Boundary



Enterprise Pond Catchment Area



Hollister City Limit



San Benito County Parcels

Source: Wallace Group 2011

Figure 12-1



Enterprise Road Pond Catchment Area

Ridgemark Subdivision EIR

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- In 1987, amendments to the act added section 402(p), which establishes a framework for regulating non-point source stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). The NPDES stormwater program is further described below under the “State Regulations” subsection.

Federal Emergency Management Agency (FEMA)

FEMA is a former independent agency that became part of the Department of Homeland Security in March 2003 and is tasked with responding to, planning for, recovering from, and mitigating against disasters. Formed in 1979, FEMA is responsible for determining flood elevations and floodplain boundaries based on the U.S. Army Corps of Engineers studies and other approved agencies studies and for coordinating the federal response to floods, earthquakes, hurricanes, and other natural or man-made disasters.

FEMA also provides disaster assistance to states, communities, and individuals. FEMA distributes the Flood Insurance Rate Maps, which identify the locations of special flood hazard areas, including the 100-year flood zone. Executive Order 11988 (Flood Plain Management) links the need to protect lives and property with the need to restore and preserve natural and beneficial flood plain values.

Specifically, federal agencies are directed to avoid conducting, allowing, or supporting actions on the base floodplain unless the agency finds that the base floodplain is the only practicable alternative location. Similarly, DOT Order 5650.2, which implements Executive Order 11988 and was issued pursuant to the National Environmental Policy Act of 1969, the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, prescribes policies and procedures for ensuring that proper consideration is given to avoidance and mitigation of adverse floodplain impacts in agency actions, planning programs, and budget requests.

State

The USEPA has delegated direct authority for implementation and oversight of federal water quality laws within California to the state board and the nine regional boards. The County falls under the jurisdiction of the regional water quality control board.

Central Coast Regional Water Quality Control Board

The state board and the nine regional boards have the responsibility in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the section 319 non-point source program of the federal Clean Water Act, and through the State’s primary water pollution control legislation, the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.). The state board establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality

statutes and regulations. The regional boards develop and implement water quality control plans, also referred to as basin plans, that consider regional beneficial uses, water quality characteristics, and water quality problems. All projects resulting in discharges, whether to land or water, are subject to California Water Code section 13263 and are required to obtain approval of waste discharge requirements by the regional boards. Land and groundwater-related waste discharge requirements (i.e., non-NPDES waste discharge requirements) regulate discharges of privately or publicly treated domestic wastewater and process and wash-down wastewater. Waste discharge requirements for discharges to surface waters also serve as NPDES permits.

The Central Coast (Region 3) (regional water quality control board) office guides and regulates water quality in streams and aquifers throughout the central coast of California and the Monterey Bay region, including the county, through designation of beneficial uses, establishment of water quality objectives, and administration of the NPDES permit program for stormwater and construction site runoff. The regional water quality control board is also responsible for providing permits and water quality certifications in the above-referenced areas (section 401) pursuant to the Clean Water Act.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should identify stormwater collection and discharge points, drainage patterns across the project site, and best management practices that the discharger would use to protect stormwater runoff and the placement of those best management practices.

As mandated by section 303(d) of the federal Clean Water Act, the state board maintains and updates a list of “impaired water bodies” (i.e., water bodies that do not meet State and federal water quality standards). This list is known as the section 303(d) list of impaired waters. The State is then required to prioritize waters/watersheds for development of TMDL regulations.

This information is compiled in a list and submitted to the USEPA for review and approval. The state board and regional boards monitor and assess water quality on an ongoing basis.

The regional water quality control board adopted Resolution No. R3-2013-0032 on July 12, 2013, setting forth post-construction stormwater management requirements for development projects in the central coast region. These requirements include specific performance requirements with the objective to ensure reduction of pollutant discharges to the maximum extent practical and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards.

Water Quality Control Plan for the Central Coastal Basin

The Water Quality Control Plan for the Central Coastal Basin June 2019 Edition (Basin Plan) is the Central Coast Regional Water Quality Control Board's (regional board) master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. The regional board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges can affect water quality. These requirements can be either State Waste Discharge Requirements for discharges to land, or federally delegated National Pollutant Discharge Elimination System (NPDES) permits for discharges to surface water. When such discharges are managed so that: 1) they meet these requirements; 2) water quality objectives are met; and, 3) beneficial uses are protected, water quality is controlled (Central Coast Regional Water Quality Control Board 2019).

Regional

San Benito County Water District

The portion of the Gilroy-Hollister groundwater basin within the county is managed by the county water district. The county water district is active in regional water management planning, including the *Pajaro Watershed Integrated Regional Water Management Plan* with Santa Clara Valley Water District and Pajaro Valley Water Management Agency. It also collaborated with the City of Hollister and SSCWD to prepare the *2020 Hollister Area Urban Water Management Plan* (UWMP). The county water district also has active programs, often in cooperation with other agencies, to conduct various investigations and promote water conservation, irrigation efficiency, salt management, and water recycling. The county water district is the designated enforcing agency for the inspection and enforcement of water related ordinances, as defined in County Code section 15.05 and produces annual groundwater reports summarizing their activities.

Pajaro River Watershed Flood Prevention Authority

The County of San Benito is a member of the Pajaro River Watershed Flood Prevention Authority, established in 2000, with the mission to identify, fund, and implement flood prevention and control strategies in the Pajaro River Watershed.

North San Benito Groundwater Basin Groundwater Sustainability Plan (2021)

The groundwater sustainability plan was developed consistent with the Sustainable Groundwater Management Act. This groundwater basin was formed in 2019 by consolidating the Bolsa, Hollister, and San Juan Bautista Subbasins of the Gilroy-Hollister Basin and the Tres Pinos Valley Basin. Including about 200 square miles, the groundwater basin is predominantly in the county with small areas in Santa Clara County. The groundwater basin shares a boundary along the Pajaro River with the Llagas Subbasin in Santa Clara County.

This groundwater sustainability plan applies best available information to describe the plan area, groundwater resources, and associated surface water resources. Analysis of the groundwater basin condition, made with reference to sustainability indicators defined in Sustainable Groundwater Management Act, indicates that the groundwater basin has been managed sustainably, given availability of imported water.

Projections have been made into the future (simulated with the numerical groundwater flow model) of existing conditions, climate change, and reasonably anticipated growth. These projections indicate that the groundwater basin can continue to be sustainable, assuming reasonable availability of imported water, with implementation of projects and management actions to avoid undesirable results. These projects and management actions do not include any long-term planned reductions in groundwater pumping.

Hollister Urban Area Urban Water Management Plan Update (2020) (UWMP)

The UWMP was prepared as a collaborative effort among the county water district, SSCWD, and the City of Hollister. The plan was prepared in accordance with the Urban Water Management Planning Act. The UWMP is intended to help guide the area's future water management efforts. This UWMP builds on the previous 2015 urban water management plan, accounting for changes in the California Water Code and local planning and water management efforts. The current UWMP includes a drought reliability assessment, quantification demand reduction of a water shortage contingency plan, and detailed consideration of supply reliability by source.

The three agencies have provided agency coordination and community participation in their urban water management planning efforts. Much of the coordination and community participation regarding water conservation is undertaken by the agency members of the Water Resources Association of San Benito County. The water resources association serves water customers of Hollister, SSCWD, the county water district, and the City of San Juan Bautista.

San Benito County 2035 General Plan

The following general plan goals and policies are relevant to the discussion of the proposed project's impacts to hydrology and water quality:

Land Use Element

LU-1.8 Site Plan Environmental Content Requirements. The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.

LU-1.10 Development Site Suitability. The County shall encourage specific development sites avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).

LU-4.2 Urban Residential Development. The County shall ensure new residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.

LU-4.5: Innovative Site Planning and Residential Design. The County shall encourage new residential developments to use innovative site planning techniques and to incorporate design features that increase design quality, and energy efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.

LU-4.7. Clustered Residential Site Layout. The County shall encourage clustered residential development be designed to respect existing natural features (e.g., rivers and streams, hills and ridge lines, and substantial tree stands) as appropriate to the density and character of the development, and if applicable to use such features to separate clustered parcels from farming areas.

Public Facilities and Services Element

Goal PFS-6. To manage stormwater from existing and future development using methods that reduce potential flooding, maintain natural water quality, enhance percolation for groundwater recharge, and provide opportunities for reuse.

PFS-6.1: Adequate Stormwater Facilities. The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.

PFS-6.2 Best Management Practices. The County shall require best management practices in the development, upgrading, and maintenance of stormwater facilities and services to reduce pollutants from entering natural water bodies while allowing stormwater reuse and groundwater recharge.

PFS-6.3 Natural Drainage Systems. The County shall encourage the use of natural stormwater drainage systems (e.g., swales, streams) to preserve and enhance the environment and facilitate groundwater recharge.

PFS-6.4 Development Requirements. The County shall require project designs that minimize stormwater drainage concentration and impervious surfaces, complement groundwater recharge, avoid floodplain areas, and use natural watercourses in ways that maintain natural watershed functions and provide wildlife habitat.

PFS-6.5 Stormwater Detention Facilities. Where necessary, the County shall require on-site detention/retention facilities and/or velocity reducers to maintain pre-development runoff flows and velocities in natural drainage systems.

PFS-6.6 Stormwater Detention Basin Design. The County shall require stormwater detention basins to be designed to ensure public safety, be visually unobtrusive, provide temporary or permanent wildlife habitat, and where feasible, provide recreation opportunities.

PFS-6.7 Runoff Water Quality. The County shall require all drainage systems in new development and redevelopment to comply with applicable State and federal non-point source pollutant discharge requirements.

PFS-6.8 Reduce Erosion and Sedimentation. The County shall ensure that drainage systems are designed and maintained to minimize soil erosion and sedimentation and maintain natural watershed functions.

Natural and Cultural Resources Element

NCR-4.5 Groundwater Recharge. The County shall encourage new development to preserve, where feasible, areas that provide important groundwater recharge and stormwater management benefits such as undeveloped open spaces, natural habitat, riparian corridors, wetlands, and natural drainage areas.

NCR-4.7 Best Management Practices. The County shall encourage new development to avoid significant water quality impacts and protect the quality of water resources and natural drainage systems through site design, source controls, runoff reduction measures, and best management practices (BMPs).

NCR-4.16 Develop in Existing Areas. The County shall encourage development to occur in or near existing developed areas in order to reduce the use of individual septic systems in favor of domestic wastewater treatment in an effort to protect groundwater quality.

San Benito County Code of Ordinances

The County's Code contains several regulations and standards implementing the General Plan Policies identified above. Chapter 19.15: Flood Damage Prevention, includes regulations for flood damage prevention such as construction and utilities standards, as well as requirements for new development that could encroach upon the floodway. Chapter 19.17: Grading, Drainage and Erosion Control, sets forth rules and regulations to control excavation, grading, drainage, and erosion, establishes the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction, drainage measures, and erosion control methods. Section 19.17.011(c), outlines conditions of approval that may be necessary to prevent creation of a public nuisance or hazard to public or private property. The conditions may include, but are not limited to:

- The use of check dams, cribbing, rip rap or other devices to prevent erosion;
- Application of mulching, fertilizing, watering or other methods to establish new vegetation;
- Restricting the locations of where earth or organic material may be deposited;
- Requiring the preparation of erosion control plans indicating proposed methods for the control of runoff, erosion and sediment control;
- Requiring the preparation of revegetation plans detailing the revegetation of all exposed surfaces during development; and
- Requiring the preparation of drainage plans that include on-site retention of water to pre-development levels.

Chapter 23.31, Article III. Storm Drainage Design Standards, addresses increases in peak stormwater flows. These standards focus on the 100-year design storm standard for the sizing of detention [and retention] basins used to provide peak flow attenuation. The County requires all subdivisions to release the 100-year post-development runoff at the 10-year pre-development rate.

12.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of hydrology and water quality impacts, as it does on a whole series of additional environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on this subject, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, "CEQA grants agencies discretion to develop their own thresholds of significance." (*Ibid.*) Even so, it is a common practice for lead

agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The county has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- Require or result in the relocation or construction of new or expanded storm drainage facilities, the construction of which cause significant environmental effects;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - Result in substantial erosion or siltation on- or off-site;
 - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - Impede or redirect flood flows.
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; and
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Issues not Discussed Further

Section 21002.1.e of the CEQA statute requires an EIR discussion to focus on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.

Flooding or inundation by Seiche, Tsunami

The proposed project would not place housing or structures within a 100-year flood hazard area; increase risks of exposure to flooding, or inundation by seiche, tsunami, or mudflow. The project site is located a significant distance from the coast or any sizeable lakes, and is not located within the FEMA 100-year flood zone.

12.4 Analysis, Impacts, and Mitigation Measures

Water Quality and Waste Discharge Requirements

IMPACT 12-1	Erosion and Runoff During Construction and Operations That Violates Water Quality Standards or Waste Discharge Requirements	Less than Significant with Mitigation
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Future development within the proposed development areas would expose bare soils to erosive forces and storm water runoff that would transport sediments and other urban pollutants from the site into local drainages adjacent to State Route 25 and Southside Road and potentially to the impaired San Benito River.

The discharge of polluted runoff or sediments from storm drain facilities to on- and off-site drainages that would negatively affect surface water quality or exceed wastewater discharge requirements would be a significant impact. In addition to surface water quality, impacts to groundwater quality might occur during construction. The accidental release of pollutants to surface waters or the ground surface could infiltrate and contaminate groundwater. Improper storage of construction solvents and materials that exceed wastewater discharge requirements would be a significant impact.

Preliminary storm drainage layouts are presented in the vesting tentative map (Appendix C). Storm drainage would be directed to various existing detention/retention ponds already present on the project site and several new ponds. Existing ponds would be expanded to accommodate the stormwater runoff from future development of the proposed lots, parcels and roadway infrastructure. A conceptual drainage pattern is shown on Figure 4-2. Development of proposed Parcels B-D, and residential Lots 100-101 and Lots 127-175 are located adjacent to or upslope from State Route 25. Development of the proposed Lots 30-51 are located in proximity to existing drainages between Lot 50 and 51. Development of the proposed lots 52-83 and the Park parcel would drain toward an existing pond southwest of Marks Drive. Development of the lots and parcels proposed within the development area would expose soils during construction leaving them vulnerable to erosion, and would increase impervious surfaces at buildout of these areas. Increases in impervious surfaces would prevent stormwater from percolating into the soil and contribute runoff that can transport sediments and urban pollutants into the storm drain system.

Construction

Construction activities associated with the proposed project, including vegetation removal, drilling, grading, staging, trenching, and excavation, would expose soils to erosive forces that transport sediment into local drainages, increasing turbidity and degrading water quality. Grading

land and removing vegetation would increase erosion potential that could result in siltation to drainages that could alter drainage patterns on and off the site. Of particular concern is the contribution of additional sediments to the San Benito River, which is already impaired by sedimentation and siltation. Construction activities could also result in the accidental release of construction spoils and other pollutants to surface waters and potentially groundwater including, but not limited to the following: oil and grease, solvents, petroleum hydrocarbons, chemical substances used during construction, waste concrete, and wash water. Many construction-related wastes have the potential to degrade existing water quality and beneficial uses by altering the dissolved oxygen content, pH, suspended sediment or turbidity levels, or by causing toxic effects in the aquatic environment.

The proposed project is subject to compliance with general plan policies and County code requirements that control erosion, drainage and sedimentation during construction that could affect downstream water quality by requiring developers to provide adequate drainage facilities that accommodate peak flows and implement erosion and sediment control measures during construction. In addition to these general plan policies and County code requirements, the proposed project is subject to compliance with the NPDES permit, including preparation and implementation of the required SWPPP storm water best management practices. Compliance with NPDES and general plan policies would reduce construction impacts to water quality during construction. No significant construction impact would occur.

Post-Construction (Operations)

Development associated with the proposed project would result in alterations to site drainage, associated with changes in ground surface permeability from paving and changes in topography from grading and excavation. The proposed project would increase the area covered by impervious surfaces through development of the fallow golf course areas, resulting in potential increases in surface runoff that could impact water quality down-slope of the project site by increasing water runoff volumes, erosion or sedimentation, transporting urban pollutants. A number of pollutants and chemicals associated with development of the project are typical of urban development, including bacteria from pet wastes, pesticides, fertilizers and landscape maintenance debris, petroleum products, hydrocarbons, litter, sediment, and construction debris, could enter urban runoff that is discharged from the development areas or project site. The impacts of urban runoff are particularly acute during the first storm event of the year, when accumulations of urban pollutants are flushed into the storm drain system.

Compliance with general plan policies that require all subdivisions to release the 100-year post-development runoff at the 10-year pre-development rate. Storm drainage generated by new development within the development area would be collected by new and existing series of curb gutter and storm drain inlets that direct stormwater to retention ponds or drainage swales. The

preliminary plan is summarized by phase in the following paragraphs. Existing stormwater retention ponds and water hazards on the project site are identified on the habitat map, Figure 7-1 (refer to Section 7). Existing on-site ponds and water hazards that would be incorporated into the new storm drainage plan are referenced in this discussion as they are identified on Figure 7-1.

Phase 1

Storm water collected from Phase 1 residential lots north of Marks Drive will be conveyed primarily by new 18-inch storm drains in Donald Drive and Marks Drive before traversing the former fairway north of Donald Drive, and west of Ridgemark Drive, to Pond SH 2 (refer to Sheet C3 of the tentative map). Pond SH 2 would be enlarged to accommodate the additional Phase 1 storm drainage. French drains are proposed in between existing and proposed residences east of proposed lots 15-23. As shown on Figure 7-1, Ponds 6 and 7 drain southwest off the site to Southside Road. The preliminary drainage plan does not identify existing or proposed facilities for residential lots 42-50 located on proposed Street 6 south of Marks Drive in proximity to the two ponds.

The preliminary drainage plan does not identify existing or proposed facilities for the commercial development of proposed Lot D.

Phase 2

Storm water collected from Phase 2 development would be conveyed by new 18-inch storm drains that would extend between proposed Lots 62 and 64 and connect to an existing 18" storm drain located on Marks Drive and at the intersection of Marks Drive with proposed Street 1. constructed to convey stormwater runoff to existing retention ponds west of Ridgemark Drive. French drains are proposed in all buffer locations between existing residences down-slope of proposed residences, including lot 51. The preliminary drainage plan does not identify any other existing or proposed drainage facilities for residential lot 51.

The preliminary drainage plan does not identify existing or proposed facilities for the commercial development of proposed Lot C.

Phase 3

Storm water collected from Lots 84-98 would connect to the existing facilities on Ridgemark Drive. The tentative map identifies a storm drain easement between State Route 25 and residential lots 99-101, but does not identify any other existing or proposed storm drain facilities for these lots.

The preliminary drainage plan does not identify existing or proposed facilities for the hotel development of proposed Lot D.

Phase 4

A new drainage channel is shown west of lots 102-105, which drains to the active golf course 9th fairway. The tentative map is unclear on the method of conveyance for storm water collected from proposed residential lots 106-112. A new 18" storm drain is shown on Sonnys Way, which appears to discharge west to the 9th fairway near the 9th hole. The tentative map does not identify existing or proposed storm drain facilities 113-114.

Phase 5

The preliminary drainage plan does not identify existing or proposed storm drain facilities or improvements for residential lots 115-118.

Phase 6

Storm water collected from proposed residential lots would be conveyed by new curb, gutter, and 18-inch storm drains within proposed Streets 9-12 to existing storm drains in Sonnys Way and new storm water detention ponds in proposed Parcel A and Parcel B. Lots 141-151 appear to drain to an unnamed existing storm water retention basin located at the southwest corner of the intersection of State Route 25 and South Ridgemark Drive.

Compliance with regional water quality control board requirements, County general plan policies, and County code requirements reduce impacts of increased storm water flows that can affect water quality during operations of a project. However, design details for future development of within the development areas are not yet available that outline the volume treatment capacity and treatment capacity of the proposed new or modified existing basins, nor are specific details provided for several proposed lots as noted above.

Design detail for future development of these lots is required, in particular the lots near ponds 6 and 7, and those lots and parcels within development areas that abut or drain toward State Route 25. As a result, it cannot be stated with certainty that significant impacts to water quality would not occur. Therefore, in addition to compliance with the policies and regulations identified above, implementation of the following mitigation measure ensures that future development of the site would not generate sediments or other urban pollutants that would exceed water quality standards and waste discharge requirements.

Mitigation Measure

HYD-1 The applicant shall include the following information on all improvement plans and construction documents:

Prior to issuance of a grading permit for each phase, the applicant shall prepare a detailed Final Drainage Plan for the control of operational storm water runoff that demonstrates compliance with general plan policies, County Code

requirements and standards established by the regional water quality control board for compliance with non-point source storm water discharge. The Final Drainage Plan shall demonstrate that basin capacity, percolation rates, and storm water treatment meets the post-construction performance objectives and design criteria requirements of the Central Coast Regional Water Quality Control Board. The drainage plan shall outline best management practices and low impact development strategies that will be utilized by the developer to control and treat storm water runoff, including but not limited to methods to reduce impervious surfaces such as vegetated swales, permeable paving, landscaping, and other strategies. The drainage plan shall be subject to the review and approval of the San Benito County Engineer or his/her designate prior to issuance of any grading permit.

Implementation of this mitigation measure reduces the impact to less than significant with mitigation by ensuring that future development would not generate contaminated storm water or urban runoff that exceeds water quality standards or wastewater discharge requirements.

Groundwater Supplies

IMPACT 12-2	Increased Demand for Groundwater	Less than Significant
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Water service to the project site would be provided by SSCWD, which primarily derives its supply from groundwater and imported surface water. As discussed in greater detail in Section 18, Water Supply, surface water delivery is based on hydrologic conditions (e.g., drought), reservoir storage, and the environmental status of the Sacramento-San Joaquin Delta (San Benito County Water District, et al. 2021, p. 6-3). According to the 2020 UWMP, imported water deliveries are expected to decrease during single- to multiple-dry years which would require an increase in the use of groundwater supplies. An increase in demand that would exceed available supply or SSCWD allocations would be a significant impact.

However, the 2020 UWMP found that sufficient water supplies are available to serve SSCWD’s current and anticipated commitments under all hydrologic conditions, including single and multiple dry years through 2040 (San Benito County Water District, et al. 2021, p. 7-13, 8-1). Additionally, the county water district’s managed aquifer recharge programs allow for maintenance and local sustainable management of groundwater (San Benito County Water District et. al 2021b). Therefore, although future development of the proposed development areas would increase groundwater demand the proposed project’s anticipated water demand is within the sustainable yield of the groundwater basin and would not substantially decrease groundwater supplies. Therefore, the project’s impact of increased demand for groundwater would be less than significant.

Groundwater Recharge

IMPACT 12-3	Increase Impervious Surfaces that Prevent or Interfere with Groundwater Recharge	Less than Significant with Mitigation
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Future development of planned residential, commercial and related roadway infrastructure within the proposed development area could interfere with groundwater recharge in site-specific locations of the project site by increasing impervious surfaces that prevent water from percolating into the ground. However, the proposed project includes drainage improvements within the development areas and expansion of existing and construction of new retention ponds to capture runoff. Groundwater infiltration would occur within these basins and in other areas of the site where French drains are proposed and where post-construction low impact development and other best management practices are required in compliance with County general plan policies and code requirements, as well as regional water quality control board standards for the capture of post-construction storm water runoff.

However, design details for future development within the development areas are not yet available that outline the volume treatment capacity and treatment capacity of the proposed new or modified existing basins, nor are specific details provided for several proposed lots as noted previously. Implementation of mitigation measure HYD-1 reduces the effects to groundwater recharge from increases in impervious surfaces impact to less than significant with mitigation by ensuring that future development would not generate contaminated storm water or urban runoff that exceeds water quality standards or wastewater discharge requirements. No additional mitigation is required.

Alteration of Drainage Patterns

IMPACT 12-4	Runoff That Exceeds the Capacity of Existing or Planned Off-Site Stormwater Systems	Less than Significant with Mitigation
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A portion of the project site is located within the Enterprise Pond Catchment Area identified in the City of Hollister 2011 storm drain master plan. Drainage from the northern portions of the project site follows the topography of the site and flows generally north and northwest from the site toward State Route 25 and the Enterprise Road drainage pond, which ultimately discharges to the San Benito River. Future development within development areas would alter drainage patterns on by topographical modifications and increased storm water flows. These alterations could also affect existing off-site drainage patterns and storm drainage facilities on or adjacent to Southside Road or State Route 25, and the Enterprise Road Pond. Alterations to existing drainage patterns that result in off-site flooding or exceed the capacity of existing or planned storm drainage facilities such that new or expanded facilities would be required is a significant impact.

The proposed project includes preliminary drainage plan as identified previously. Compliance with County general plan policies and code requirements, as well as regional water quality control board standards that require capture of post-construction storm water runoff and limit discharge to pre-development levels would reduce the proposed project to less than significant.

Additionally, the regional water quality control board adopted Resolution No. R3-2013-0032 on July 12, 2013 setting forth post-construction stormwater management requirements for development projects in the central coast region. These requirements include specific performance requirements to ensure reduction of pollutant discharges to the maximum extent practical and prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. With the construction of the retention basins consistent with County Code requirements, the proposed project would meet (and potentially exceed) the regional water quality control board post-construction requirements, which require capturing and infiltrating the 85th and 95th percentile 24-hour storm events.

However, design details for future development of within the development areas are not yet available that outline the volume treatment capacity and treatment capacity of the proposed new or modified existing basins, nor are specific details provided for several proposed lots as noted previously. As a result, it cannot be stated with certainty that significant impacts to off-site drainage facilities would not occur. Therefore, in addition to compliance with the policies and regulations identified above, implementation of mitigation measure HYD-1 would ensure that the proposed project's impact to off-site drainage facility systems would be less than significant. No additional mitigation is required.

Groundwater Sustainability

IMPACT 12-5	Conflict With or Obstruct Implementation of the North San Benito Basin Groundwater Sustainability Plan	Less than Significant
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Future development within the proposed development areas would not prevent the county water district or any applicable local agency from sustaining groundwater resources for the current and future beneficial uses or from carrying out the provisions of the groundwater sustainability plan.

Groundwater Sustainability Plan

The goal of the groundwater sustainability plan is to sustain groundwater resources for the current and future beneficial uses of the groundwater basin in a manner that is adaptive and responsive. Plan objectives include the provision of 1) a long-term, reliable, and efficient groundwater supply for agricultural, domestic, and municipal and industrial uses; 2) reliable storage for water supply resilience during droughts and shortages; 3) support for beneficial uses of interconnected surface waters, and 4) support of integrated and cooperative water resource management.

The 2020 UWMP determined that sufficient water supplies exist to serve anticipated commitments within the Hollister urban area service boundary, including the proposed project, during normal, dry, and multiple dry years, provided that each district and jurisdiction continues to implement demand management measures and programs during periods of prolonged drought. SSCWD has issued a will serve letter for the proposed project. The determination by SSCWD in addition to the conclusions of the 2020 UWMP provide sufficient evidence of adequate water supplies necessary to serve the project without jeopardizing the groundwater basin. The proposed project is subject to compliance with general plan policies and SSCWD demand management measures to reduce water waste and implement water conservation measures. Demand management measures are discussed in greater detail in Section 18, Water Supply. Future development of residential and commercial uses on the project site would not impede the ability of the county water district to provide reliable storage for water supply resilience during droughts and shortages.

Additional objectives call for the protection of groundwater quality and to prevent subsidence. The City of Hollister and SSCWD percolate treated wastewater discharge to the groundwater basin. SSCWD has determined that the proposed development would be served by existing and planned SSCWD water supplies which would not require major SSCWD treatment facility improvements. Project effects to water supply are discussed in greater detail in Section 18, Water Supply. As previously discussed, compliance with general plan policies and code provisions in addition to regional water quality control board standards for the protection of ground water during and post-construction would not significantly impact water quality and would not conflict with the beneficial uses of interconnected surface waters. The proposed project is subject to compliance with general plan policies and code provisions in addition to regional water quality control board standards for the protection of ground water. The project must comply with applicable SWPPP and regional board post-construction requirements to protect water quality and ultimately groundwater quality, consistent with the Basin Plan. As a result, the proposed project would not conflict with these objectives of the plan.

For these reasons, the proposed project would not conflict with or obstruct the groundwater sustainability plan.

12.5 Cumulative Impact Analysis

Cumulative Context

The cumulative context for hydrology and water quality impacts is existing development and future growth identified in the general plan as it relates to the groundwater sustainability plan.

Geographic Scope

The geographic scope for assessment of cumulative hydrology and water quality impacts is the County's planning area that falls under the jurisdictional boundary of the Basin Plan (Water Quality Control Plan for the Central Coastal Basin), as described in the general plan. This scope boundary was selected because it identifies the limits within which the County exercises control over water hydrology and water quality conditions with the affected basin. The hydrology and water quality conditions associated with the proposed project are common to land use projects over which the County has discretionary authority.

Cumulative Impact

The general plan EIR found that hydrology and water quality impacts from buildout of the general plan would be less than significant with implementation of general plan policies and implementing actions, in addition to required implementation of related regulatory requirements. No hydrology and water quality mitigation measures were required. The cumulative impacts to hydrology and water quality are less than cumulatively considerable.

Project Contribution

The proposed project is consistent with the general plan and future development of uses identified on the tentative map would contribute to less than cumulatively considerable hydrology and water quality impacts resulting from buildout of the general plan.

Conclusion

The proposed project is subject to compliance with applicable general plan policies and County code requirements in addition to related regulatory requirements as reported in this section. As a result, the proposed project contribution to cumulative impacts would also be less than cumulatively considerable.

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13.0 Law Enforcement and Fire Protection

This section provides information regarding existing law enforcement and fire protection facilities and anticipated capacity required to serve residents generated by the proposed project and evaluates the residential development project's environmental effects associated with the provisions of these services.

Unless otherwise noted, information in this section is derived primarily from the San Benito County Sheriff, the City of Hollister Fire Department and the following sources:

- Hollister Fire Department Response Districts Map (Alisia Valdivia, email to Stuart Poulter, July 30, 2020);
- *San Benito County 2035 General Plan*. San Benito County, CA. (San Benito County. 2015a);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County. 2015b); and
- San Benito County Code of Ordinances (2020).

There were no responses to the notice of preparation (2020) and two written responses from members of the public on the revised notice of preparation (2021), which noted general concerns regarding law enforcement and fire protection services. The project's effect to demand for law enforcement and fire protection services is addressed in this section.

13.1 Environmental Setting

Law Enforcement

The San Benito County Sheriff's Office (Sheriff's Office) provides law enforcement services to an approximately 1,391 square mile area including unincorporated San Benito County (County), as well as the Cities of Hollister and San Juan Bautista. The City of Hollister also has its own police department which provides emergency response services to over half of the city's population. The Sheriff's Office provides coroner and civil services to the entire service area, including the City of Hollister. The sheriff station nearest to the project site is located at 2301 Technology Parkway in the City of Hollister, approximately 5.5 miles northwest of the project site. Emergency response times for the Sheriff's Office are dependent on where the patrol vehicles are in relation to a call, as well as the nature of the call.

As of the writing of this Draft EIR, the Sheriff's Office is staffed with 27 full-time sworn service enforcement personnel including a sheriff/coroner, three captains, six sergeants, and 17 deputy sheriffs. The ratio of service enforcement personnel per thousand residents in 2019 was approximately 1.13 service enforcement personnel per 1,000 population, assuming a service population of 24,033 covering the populations of unincorporated County, the City of Hollister, and the City of San Juan Bautista (Captain Eric Taylor, email communication, January 5, 2021).

The sheriff station located on Technology Parkway typically has one sergeant and two deputies per shift (Taylor 2021). The estimated current average response time to incidents is between 13 and 25 minutes, depending on the severity of the emergency, location of responders, and staff availability. The project site is located on the northern edge of the "Beat 4" area which encompasses most of the southern half of the County (Taylor 2021).

The sheriff department mainly receives funding from the County's general fund, which is derived from property taxes, sales tax revenue, and user fees. In addition, the County Code Title 5 (Finance), Chapter 5.01 (County Fees) establishes development impact fees requiring that new development provide a fair share contribution toward the provision of capital improvements, including buildings, facilities, personnel, and/or equipment needed in order to provide effective police protection services.

Fire Protection and Emergency Services

Fire protection services in the unincorporated areas of the County and the Cities of Hollister and San Juan Bautista, are provided primarily by the City of Hollister Fire Department, which absorbed the San Benito County Fire Department in 2013. Other fire protection services in the County include the Aromas Tri-County Fire Department, San Juan Bautista Volunteer Fire Department, and CAL FIRE. The City of Hollister Fire Department has two agreements with CAL FIRE: the automatic aid agreement provides automatic fire protection services, and the mutual aid agreement provides fire protection service upon radio request by the City of Hollister Fire Department (Alisia Valdivia, Support Services Assistant, Hollister Fire Department, July 7, 2020). Five CAL FIRE stations and bases are located in the County, and a sixth is located three miles north of the San Benito/Santa Clara County border (Pacheco) (County of San Benito 2015b).

The project site is located within a rural-suburban area of the County and is located within an area designated as "Local Responsibility Area Unzoned" according to the California Department of Forestry and Fire Protection (CAL FIRE 2007) and the County's WebGIS. The project site is not considered to be subject to a high fire threat and fire protection services are provided by the Hollister Fire Department. Wildfire risks and related impacts are discussed in greater detail in Section 20.

According to the 2018 Hollister Fire Department Scope of Services contract with the County, the Hollister Fire Department plans to maintain a force consisting of a one (1) Fire Chief, one (1) Battalion Chief per shift, one (1) Prevention Battalion Chief, and a combination of Fire Captains, Fire Engineers, and Firefighters to staff four (4) engine companies covering the City of Hollister and the County (City of Hollister 2018). Station 1 is owned and operated by the City of Hollister and is located at 110 Fifth Street Hollister. Station 2, also owned and operated by the City of Hollister, is located at Union Road. Station 3 is temporarily located at the Hollister Municipal Airport located at the termination of Aerostar Way. Station 4, which is located at 4th and Polk Streets, is owned by San Juan Bautista. The San Juan Bautista Fire Station is considered a volunteer fire station which is staffed by a combination of volunteer and full-time fire staff. Each station has one engine crew (one captain, one engineer, and one fire fighter) and between all four stations this totals out to be 12 employees. In addition, there is one Battalion chief on duty every shift (Alisia Corpuz, Senior Support Services Assistant, Hollister Fire Department, August 22, 2022). The County has indicated a desire to relocate Station No. 3 to the intersection of Rosa Morada and Fairview Road or to a different location in an unincorporated area as determined by the Board of Supervisors.

Response time standards vary from station to station and based on location of a given incident in proximity to an assigned station. The Hollister Fire Department bases its response time standards by assigning areas to “response districts” with established station response time boundaries. Current response times to any incidents at the project site or in the vicinity average approximately four to six minutes from Fire Station Number 2 (Corpuz 2022).

The City of Hollister’s Fire Station 2, is the nearest station to the project site, located at the intersection of Union Road and State Route 25. The project site falls within the Fire Station 2 response district which covers the southeastern portion of City of Hollister and the immediate surrounding area to the south of the city. The station is located less than 1.5 miles northeast of the project site. The department has maintained an average response time to the project site of 4- to 6 minutes from 2020 to the present (Alisia Valdivia e-mail message to consultant, July 7, 2020; Alisia Corpuz, e-mail message to consultant, August 22, 2022). A Fire Captain, Fire Engineer and Fire Fighter would be initially responding out of Station 2 with appropriate equipment and Fire Battalion Chief would respond from Station 1 located at 110 Fifth Street. Depending on the scale of the incident, additional engines may be requested to respond from Station 1 and Station 3; each station has three (3) additional staff available around the clock. The current three shifts are manned by a total of 42 firefighters (Corpuz 2022).

The Hollister Fire Department receives funding from various County revenue sources, under its fire services contract, including fire mitigation fees. County Code Title 5 (Finance), Chapter 5.01 (County Fees), establishes development impact fees requiring that new development provide a fair share contribution toward the provision of capital improvements for fire protection facilities and equipment, which may be used to construct and purchase facilities and equipment that are needed to provide fire protection services to the residents of new developments in the unincorporated County.

Emergency services are provided by the County Office of Emergency Services and Emergency Medical Services. Additionally, the County's Office of Emergency Services administers funding for paramedic and enhanced emergency medical services through participating agencies by way of property assessments. the County contracts with a private company called American Medical Response for emergency medical services. American Medical Response has two locations (City of San Juan Bautista and City of Hollister) that would serve the proposed project (San Benito County 2022).

13.2 Regulatory Setting

State

California Building Code

The California Building Standards Code (California Code of Regulations, Title 24) ("building code") provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the building code.

California Fire Code

The California Fire Code is Chapter 9 of Title 24 of the California Code of Regulations ("fire code"). It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The fire code regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The fire code and the California building code use a hazards classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the fire code employs a permit system based on hazard classification. The fire code is updated every three years and was most recently updated in 2019.

CAL FIRE

The California Department of Forestry and Fire Protection (CAL FIRE) is the State wildland fire agency designated to protect non-Federal, unincorporated lands within state responsibility areas in California. When available, CAL FIRE also assists the Hollister Fire Department with other types of fires within the County. Five CAL FIRE stations and bases are located in the County, and a sixth is located near the San Benito County border in Santa Clara County (Pacheco). Stations within the

County include the Bear Valley Helitack Base in Bear Valley, the Beaver Dam Station near Bitterwater, the Antelope Station in Antelope Valley, the Hollister Station, and the Hollister Air Attack Base. The Bear Valley, Beaver Dam, Antelope, and Hollister Fire CAL FIRE Stations are all in full operation during the fire season, which runs from May through October. The agency has air tankers housed at the Hollister Airport, a bulldozer housed at Hollister Station, and two battalion chiefs dedicated to the operations within the County. Minimum total on duty staffing at CAL FIRE facilities within the County is 24 firefighters responding on seven fire engines, one fire bulldozer, and two battalion chiefs. Additional CAL FIRE resources available to the County include a helicopter with water dropping capabilities and firefighting crew, air tankers, air tactical coordinator, and inmate hand crews (San Benito County 2015b).

Emergency Medical Services

Performance thresholds for emergency medical service response times are set forth in agreements between the County and the State Emergency Medical Services Authority, which, among other duties, designates response time standards for urban, rural, and wilderness areas. For example, response times for basic life support must not exceed five minutes for urban areas, 15 minutes for suburban and rural areas, and must occur as quickly as possible for calls from wilderness areas.

2035 County General Plan

The following general plan goals and policies pertaining to law enforcement and fire protection are applicable to the proposed project:

Public Facilities and Services Element

PFS-1.1 Essential Facilities and Services. The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goal

PFS-1.4 Level of Service. The County shall preserve, improve, and replace public facilities as necessary to maintain adequate levels of service for existing and future development. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.

PFS-1.9 Development Review. The County shall evaluate facility capacity, levels of service, and/or funding needs during the development review process to ensure adequate levels of service and facilities are provided and maintained.

PFS-1.10 Maximize Use of Existing Facilities. The County shall require new development projects to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.

PFS-1.11 Pay Fair Share. The County shall require new development to pay its fair share of public facility and service costs.

PFS-1.12 New Development Requirements. The County shall require new development, in compliance with local, State, and Federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.

PFS-12.4 Fair Share. The County shall require new development to pay its fair share of the costs for providing law enforcement service facilities and equipment to new residents.

PFS-13.1 Fire Staffing and Response Time Standards. The County shall strive to maintain fire department staffing levels and response times consistent with National Fire Protection Association standards.

PFS-13.5 Water Service Standards. The County shall require all development within unincorporated communities to have adequate water supply, pressure, and capacity for fire protection.

PFS-13.6 Visible Signage. The County shall require that all roads and buildings are properly identified by name or number with clearly visible signs in order to promote faster response times.

PFS-13.7 Fire Facility Fees. The County shall require new development to pay its fair share of fees for new fire station facilities, equipment, and staffing necessary to maintain the County's service standards in that area. New development may also be required to create or join a special assessment district or other funding mechanism, to pay the costs associated with the operation of a fire station.

PFS-13.9 Fire Safety Standard Compliance. The County shall ensure that all proposed developments are reviewed for compliance with the California Fire Code and other applicable State laws.

San Benito County Code of Ordinances

County Code Chapter 5.01 sets forth impact fee requirements for new development to offset the cost of constructing and equipping law enforcement and fire protection facilities needed to minimize level of service impacts to police services. Fee payments are required prior to issuance of a building permits. (San Benito County 2022). County Code Chapter 23.27: Fire Design Standards, contains development design standards and performance thresholds to facilitate fire safety, water supply thresholds, including: roadway width, surface, grade, turning radius, and structure standards; gate entrance standards; street and road sign standards; and emergency water supply standards.

13.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to the subject of law enforcement and fire protection services, as it does on a whole series of environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on these subjects, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, agencies have discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The county has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered law enforcement and fire protection facilities, need for new or physically altered law enforcement and fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for law enforcement and fire protection services.

13.4 Analysis, Impacts, and Mitigation Measures

Law Enforcement Services

IMPACT 13-1	The Proposed Project Will Generate New Residents that Would Increase Demand for Law Enforcement Services	Less than Significant
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The project site is located within the Sheriff Department service area. The proposed project would increase commercial uses on the site and provide 204 new homes. As a result, demand for law enforcement services would increase. According to the County Sheriff, increased demand on the project site would not affect the current average response time to the project site and to the rest of the County, which is considered acceptable and consistent with applicable performance standards. The proposed project would not require additional police facilities, as service levels could be maintained via more staffing or other operational changes that would not physically impact the environment (Captain Eric Taylor, email message to consultant, January 5, 2021). Therefore, the impact of increased service demand generated by the proposed project would not require construction of new or expanded police protection facilities and is less than significant.

Fire Protection Services

IMPACT 13-2	The Proposed Project Will Generate New Residents that Would Require Increase Demand for Fire Protection Services	Less than Significant
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As noted previously, the project site and development area is located within the service area of Fires Station 2, which has average response time of four to six minutes by fire personnel and emergency responders to any incidents on the project site or in the vicinity (Alisia Corpuz, Senior Support Services Assistant, Hollister Fire Department, August 22, 2022). The increase in demand generated by development of commercial and residential uses on the site would increase demand for fire protection services but would not affect response times. Therefore, increased demand would not result in the need to construct a new fire station or to expand existing fire stations in order to maintain acceptable response times, performance standards, or levels of service, given the distance between the project site and existing fire stations. Therefore, the increased demand for fire protection services would be less than significant.

13.5 Cumulative Impact Analysis

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future that could cause cumulatively considerable impacts. The cumulative context is the law enforcement and fire protection services projections for buildout of the general plan.

Geographic Scope

The geographic scope for this cumulative analysis is the considers the project in the context of the service area of the County Sheriff's Office and the City of Hollister Fire Department, which are the two emergency service providers that serve the project site, unincorporated areas within the northern of the County, and the Cities of Hollister and San Juan Bautista.

Cumulative Impact

The general plan EIR (San Benito County 2015b) identified less than cumulatively considerable impacts from increased demand in unincorporated areas resulting in the need for construction or expansion of law enforcement and fire protection/emergency services facilities, the construction of which may result in significant environmental impacts. The general plan EIR concluded that implementation of general plan policies for the provision and operations required service infrastructure and facilities to serve buildout conditions would ensure that impacts from construction or expansion of existing or new facilities would be less than cumulatively considerable (pp. 17-30 – 17-36).

Project Contribution

Development associated with the proposed project would increase service demand for fire protection and emergency response services, and would contribute to the less than cumulatively considerable impact of construction of new or expanded law enforcement and fire protection facilities to meet demand due to buildout of the general plan land uses. The proposed project is subject to compliance with general plan policies addressing impacts to public services and the payment of impact fees per County Code Chapter 5.01. Further, due to the proposed project's location within existing service areas and project-related increased service demand would not affect response times or require construction of new or modified existing facilities, the proposed project's contribution to the cumulative impact would be less than cumulatively considerable.

Conclusion

While cumulative development would result in a cumulative increase in demand for law enforcement and fire protection services and related facilities, this anticipated increase has already been accounted for and accommodated through the County's development impact fee process and the County's general plan. Further, while the project would contribute to this cumulative increase, it would be required to pay the applicable development impact fees to cover its proportionate fair share of any such new facilities that are needed to support future growth and as such, its contribution would not be cumulatively considerable.

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14.0 Noise

This section of the EIR includes a discussion of existing noise conditions within the project site and an evaluation of the proposed project's noise impacts. Unless otherwise noted, the following sources were utilized:

- *Environmental Noise Assessment – Ridgemark Subdivision EIR Update, San Benito County, California* (WJV Acoustics, Inc. 2022) (“noise report”);
- *San Benito 2035 County General Plan* (San Benito County 2015a); and
- *Revised Draft EIR 2035 San Benito County General Plan Update* (2015b).

No written comments were received on the notice of preparation (2020); two written comments from the members of the public responded to the revised notice of preparation (2021) expressing concerns regarding increased noise levels, including traffic noise on the project site. Noise impacts are addressed in this section. The notice of preparation (2020) and written comments are included in [Appendix A](#). The revised notice of preparation (2021) and written comments are included in [Appendix B](#). The environmental noise assessment is included in [Appendix G](#).

14.1 Environmental Setting

Setting

The proposed development area is located on approximately 253 acres within the approximately 618-acre Ridgemark Golf Course and Country Club property (project site), south of Airline Highway (State Route 25) in unincorporated San Benito County, and southeast of the City of Hollister. Regional access to the site is provided by State Route 25 and Fairview Road. Direct access to the site is provided from three gated entry points off of State Route 25: Ridgemark Drive, Dan Drive, and South Ridgemark Drive. Ridgemark Drive provides the primary access route into the project site.

Surrounding land uses in the project area include residential land uses, agricultural land uses, a future location of a community college campus, and vacant land. Noise sensitive receptors in the project vicinity include residential land uses within the existing Ridgemark Subdivision and residential land uses outside (and adjacent to) the Ridgemark Subdivision.

Sound

Unless otherwise stated, all sound levels reported in the noise report are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise. In terms of human perception, a five dB increase or decrease is considered to be a noticeable change in noise levels. Additionally, a 10 dB increase or decrease is perceived by the human ear as half as loud or twice as loud. In terms of perception, generally speaking the human ear cannot perceive an increase (or decrease) in noise levels less than 3 dB. Noise parameters and sound levels are described in greater detail in the noise report (WJV 2022) ([Appendix G](#)).

Ambient Noise

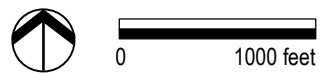
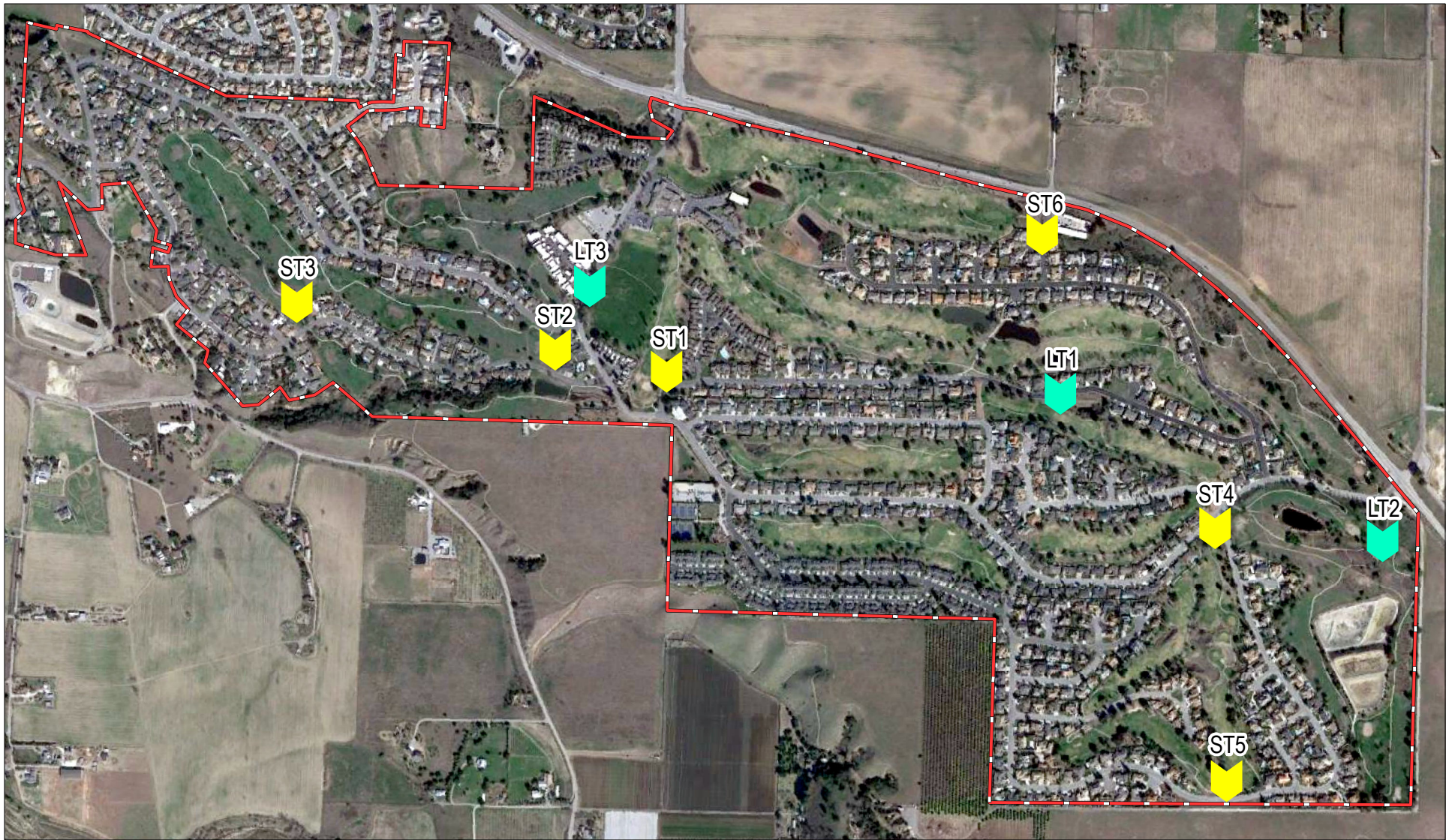
Noise is generally defined as unwanted sound that is disturbing or annoying. Exposure to excessive noise is often cited as a health problem in terms of general well-being and contribution to undue stress and annoyance. Sources of noise in the county include traffic on State highways and local roads, aircraft operations, commercial and industrial uses, agricultural operations, active recreation areas, and mining operations. From a planning perspective, noise control focuses on two primary concerns: preventing the introduction of new noise-producing uses in noise sensitive areas; and preventing the encroachment of noise-sensitive uses into existing noise-producing areas. Places where people live, sleep, recreate, worship, and study are generally considered to be sensitive to noise because intrusive noise can be disruptive to these activities.

Existing Noise Sources

According to the noise report, existing sources of noise on the project site consist of residential traffic, traffic and visitor noise to the existing clubhouse, restaurant, overnight lodging and golf course users. Noise generating activity on the golf course includes equipment such as mowers. Ambient noise levels within the site are consistent with low intensity residential and recreational uses. Intermittent or temporary noise sources include portable power equipment such as leaf blowers, lawn mowers, portable generators, electric saws and drills, and other similar equipment. Although these noise sources are typically short in duration, they are often loud and can be major sources of annoyance. Observed existing ambient noise levels in the project vicinity are dominated by traffic noise along local roadways adjacent to the project site. Additional sources of noise observed during site inspection included aircraft overflights, birds, barking dogs, construction activities and landscaping activities.

Ambient Noise Levels

Measurements of existing ambient noise levels on the project site and vicinity were conducted on May 30, 2019, and March 23, 2022. [Figure 14-1, Noise Measurement Locations](#), presents the locations of the noise measurements.



Short Term Measurement
Location (ST)



Project Site



Long Term Measurement
Location (LT)



Source: WJV Acoustics 2022, San Benito County GIS 2022

Figure 14-1
Noise Measurement Locations
Ridgemark Subdivision EIR

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Long Term Noise Measurements

Long-term (24-hour) ambient noise level measurements were conducted at three locations (sites LT-1, LT-2 and LT-3) during both ambient noise measurement periods (WJV 2022). Site LT-1 was located along Ridgemark Drive at a distance of approximately eighty (80) feet from the centerline of the roadway. Site LT-1 was exposed to traffic noise associated with vehicles on Ridgemark Drive and noise associated with residential activities, including golf course activities and landscaping activities. Site LT-2 was located along the eastern portion of the project within approximately 450 feet of State Route 25. Site LT-2 was exposed to traffic noise associated with vehicles on State Route 25. Other sources of noise at site LT-2 included occasional aircraft overflights, noise associated with wind blowing leaves and vegetation and birds. Site LT-3 was located along Ridgemark Drive, approximately 30 feet from the centerline of the roadway. Site LT-3 was exposed to traffic noise associated with vehicles on Ridgemark Drive. Other sources of noise at Site LT-3 included occasional aircraft overflights, noise associated with landscaping activities as well as golf course activities. Hourly variations in ambient noise levels at the long-term monitoring sites are graphically depicted in the Noise report. The loudest measured hourly average noise levels recorded in 2019 and 2022 at these locations are summarized in [Table 14-1, Measured Long Term Noise Levels](#).

Table 14-1 Measured Existing Long Term Noise Levels

Location	Leq dB		Lmax dB		Ldn dB		L90 dB	
	2019	2022	2019	2022	2019	2022	2019	2022
LT-1	58.4	58.1	90.1	84.0	52.1	52.5	45.4	50.0
LT-2	53.9	54.2	90.1	76.6	53.5	46.7	46.0	53.7
LT-3	65.3	66.9	85.2	84.5	65.4	65.7	49.0	49.5

SOURCE: WJV Acoustics 2022; EMC Planning Group 2022

NOTES:

1. Leq is the hourly average noise level.
2. Lmax is the hourly maximum noise level.
3. Ldn is the time-weighted average noise level for a 24-hour day with 10dB added during nighttime hours.
4. L90 is a descriptor for residual noise level in the absence of identifiable single noise events from traffic, aircraft, and other local noise sources.

According to the long-term noise level measurements, ambient noise levels are highest at the LT-3 monitoring location, which is located near the existing clubhouse and driving range.

Short Term Noise Measurements

Short term (15-minute) ambient noise measurements were made at six locations twice per day. Short-term noise measurements were conducted for 15-minute periods. Sites ST-1, ST-2 and ST-3 were located within the western portion of the project site, while sites ST-4, ST-5 and ST-6 were located within the eastern portion of the project site (refer to Figure 14-1). The same six short-term noise monitoring sites were used for both the 2019 and 2022 ambient noise measurement periods. All of the six short-term monitoring sites were exposed to noise from traffic sources as well as a

combination of construction noise sources, aircraft overflights and other sources typical of an urban residential environment (barking dogs, birds, landscaping activities, etc.). Ambient noise levels measured in 2019 and 2022 over the short term at the six locations are summarized in the noise report Table VI (pp. 12-13). As shown in Table VI, short term measured existing ambient noise levels in 2019 and 2022 were less than 60 L_{eq} dB.

Ambient Traffic Noise

The general plan classifies a noise exposure level up to 60 dB L_{dn} as “Clearly Acceptable” and a noise exposure level between 60-65 dB L_{dn} as “Normally Acceptable”. The noise report utilized the Federal Highway Administration Traffic Noise Model to quantify expected project-related increases in traffic noise exposure at representative noise-sensitive receptor locations in the project vicinity. Traffic noise exposure levels for Existing, Existing Plus Project, Cumulative No Project and Cumulative Plus Project traffic conditions were calculated based upon the Federal Highway Administration Traffic Noise Model and traffic volumes provided by Hexagon Transportation Consultants. The noise modeling assumptions used to calculate project traffic noise are provided in greater detail in Appendix C of the noise report. Traffic noise was modeled at 24 receptor locations (R-1 through R-24) at various locations along State Route 25, Fairview Road, Sunset Drive, Meridian Street, Santa Ana Road, Sunnyslope Road, Hillcrest Road, and Nash Road. The 24 modeled receptors are located at roadway setback distances representative of sensitive receptors (residences) along each analyzed roadway segment. The receptor locations are described in greater detail in the noise report (Table VII and Figures 9-13). Under existing conditions, modeled traffic noise levels exceed 65 dB L_{dn} noise levels at the State Route 25 south of Meridian Street (R-11) and on State Route 25 north of Meridian Street (R12) (WJV 2022, Table VIII and Figure 11).

14.2 Regulatory Setting

State

California Government Code section 65302 requires each local government entity to implement a noise element as part of its general plan.

County

2035 San Benito County General Plan

The following general plan goals and policies pertaining to noise and vibration are applicable to the proposed project:

Health and Safety

Goal HS-8. To protect the health, safety, and welfare of county residents through the elimination of annoying or harmful noise levels.

HS-8.1, Project Design. The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms), and building construction practices. The County shall only consider the use of soundwalls after all design-related noise mitigation measures have been evaluated or integrated into the project or found infeasible.

HS-8.2 Acoustical Analysis. The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be exposed to noise levels exceeding the “normally acceptable” criteria (e.g. “conditionally acceptable”, “normally unacceptable”) shown in Table 9-2. Land uses should be prohibited from locating, or required to mitigate, in areas with a noise environment within the “unacceptable” range.

HS-8.3 Construction Noise. The County shall control the operation of construction equipment at specific sound intensities and frequencies during day time hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays.

HS-8.6 Vibration Screening Distances. The County shall require new residential and commercial uses located adjacent to major freeways or railroad tracks to follow the Federal Transit Administration (FTA) screening distance criteria.

HS-8.7 Acceptable Vibration Levels. The County shall require construction projects anticipated to generate a significant amount of vibration to ensure acceptable interior vibration levels at nearby noise-sensitive uses based FTA criteria.

HS-8.9 Interior Noise Standards. Adopt the State of California Code of Regulations’ (Title 24) minimum noise insulation interior performance standard of 45 dBA Ldn for all new residential construction including hotels, motels, dormitories, apartment houses, and single-family dwellings.

HS-8.10 Reduction in Noise Levels at Existing Land Uses. Reduce traffic noise levels where expected to significantly impact sensitive receptors through the installation of noise control measures such as quiet pavement surfaces, noise barriers, traffic calming measures, and interior sound insulation treatments.

HS-8.11 New Project Noise Mitigation Requirements. Require new projects to include appropriate noise mitigation measures to reduce noise levels in compliance with the Table 9-1 and 9-2 standards within sensitive areas. If a project includes the creation of new non-transportation noise sources, require the noise generation of those sources to be mitigated so they do not exceed the interior and exterior noise level standards of Table 9-2 at existing noise-sensitive areas in the project vicinity, unless an exception is made by the County on a case-by-case basis. However, if a noise-generating use is proposed adjacent to lands zoned for residential uses, then the noise generating use shall be responsible for mitigating its noise generation to a state of compliance with the standards shown

in Table 9-2 at the property line of the generating use in anticipation of the future residential development, unless an exception is made by the County on a case-by-case basis.

HS-8.12 Construction Noise Control Plans. Require all construction projects to be constructed within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Notify all abutting land uses of the construction schedule in writing; and
- Designate a “disturbance coordinator” (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Table 9-1 and Table 9-2 of the general plan are recreated here as [Table 14-2, Non-Transportation Interior Noise Level Performance Standards for Noise-Sensitive Uses](#) and [Table 14-3, Exterior Land Use Compatibility Guidelines for Community Noise Environments](#). These thresholds are applicable to future development within the proposed development areas and also to existing uses within the project site and surroundings.

Table 14-2 Non-Transportation Interior Noise Level Performance Standards for Noise-Sensitive Uses

Noise Level Descriptor	Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
Hourly L_{eq} dB	55	45
Maximum Leve L_{max} dB	70	65

SOURCE: San Benito County 2035 General Plan (Table 9-1) (San Benito County 2015a)

NOTE: These standards apply to new or existing residential areas affected by new or existing non-transportation sources.

Table 14-3 Exterior Land Use Compatibility Guidelines for Community Noise Environments

Land Use Category	Clearly Acceptable (L _{dn} /CNEL, dB)	Normally Acceptable (L _{dn} /CNEL, dB)	Normally Unacceptable (L _{dn} /CNEL, dB)	Clearly Unacceptable (L _{dn} /CNEL, dB)
Residential – Low Density Single Family, Duplex, Mobile Homes	Up to 60	60-65	65-75	75+
Residential – Multi. Family	Up to 60	60-65	65-75	75+
Transient Lodging – Motels, Hotels	Up to 65	65-70	70-80	80+
Schools, Libraries, Churches, Hospitals, Nursing Homes	Up to 60	60-65	65-75	75+
Auditoriums, Concert Halls, Amphitheaters	-	Up to 60	60-75	75+
Sports Arenas, Outdoor Spectator Sports	Up to 60	60-65	65-75	75+
Playgrounds, Neighborhood Parks	Up to 55	55-65	65-75	75+
Golf Course, Riding Stables, Water Recreation, Cemeteries	Up to 60	60-70	70-80	80+
Office Buildings, Business Commercial and Professional	Up to 65	65-75	75-80	80+
Industrial, Manufacturing Utilities, Agriculture	Up to 70	70-80	80+	-

SOURCE: San Benito County 2035 General Plan (Table 9-2) (San Benito County 2015a)

NOTES:

1. Clearly Acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)
2. Normally Acceptable: The noise exposure is great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.
3. Normally Unacceptable: The noise exposure is significantly more severe so that unusual and costly building construction is necessary to insure adequate performance of activities, (Residential areas: barriers must be created between the site and prominent noise sources to make the outdoor environment intolerable.)
4. Clearly Unacceptable: The noise exposure is so severe that construction costs to make the indoor environment acceptable for performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

The County's non-transportation interior performance thresholds shown in Table 14-2 require that noise at residential uses not exceed 45 dBA interior during the nighttime hours and 55 dBA interior during the daytime hours. The County's exterior noise level for residential uses is 65 dBA L_{dn} (Table 14-3). In addition, as stated in general plan policy HS-8.2, "new land uses should be prohibited from locating, or be required to mitigate, in areas where the noise environment is within the 'unacceptable' range." The thresholds in Table 14-3 would apply also to proposed residential development.

San Benito County Code of Ordinances

Chapter 19.39, Noise Control Regulations establishes county-wide standards regulating noise. Section 19.39.030, Article IV: Sound Level Restrictions establishes acceptable day and night exterior noise standards for compatibility of noise emanating from any source, unless otherwise exempted, as it affects surrounding property, based on land use designations. The noise level standard (one hour average) for Single family (R-1), Residential Multiple (RM), and Planned Unit Development land use designations is 50 dBA L_{eq} during the day and 40 dBA L_{eq} at night. The noise level standard for Commercial (C-1) land use designations is 65 dBA L_{eq} during the day and 55 dBA L_{eq} at night. These noise standards identify the maximum acceptable noise emanating from any source, as it affects surrounding properties, measured at the property line of the noise-generating use. Temporary construction between the hours of 7:00 am and 7:00 pm, except Sundays and federal holidays are exempted from these noise standards; agricultural yard maintenance equipment operated during these hours is also exempted.

14.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to the subject of noise, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of noise, or on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068). Rather, with few exceptions, “CEQA grants agencies discretion to develop their own thresholds of significance” (Ibid.). Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here. In addition to using the checklist questions, the County’s Noise Element and Noise Ordinance do provide standards that are used as thresholds.

For the purposes of this EIR, a significant impact would occur if implementation of the proposed project would result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance.
 - The general plan includes noise compatibility standards that serve as thresholds of significance for assessing the significance of impacts of new development. For noise-sensitive residential uses, exterior noise exposure is considered to be a potentially significant impact if it exceeds 65 dB DNL (L_{dn}). Interior; and
 - The significance of temporary construction noise impacts is based on the noise levels identified in County Code Chapter 25.37.

- Generation of excessive groundborne vibration or groundborne noise levels.
 - The Noise Element does not contain standards for vibration impacts. In-lieu of quantified standards from the County, FTA guidance and recommendations for vibration exposure is utilized as to assess the significance of potential vibration impacts. FTA recommends that residential uses be exposed to no more than 80 vibration decibels (VdB).
- For a project located within the vicinity of a private air strip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Issues not Discussed Further

Proximity to Airports or Air Strips or Airport Land Use Plan

The nearest public airport to the project site is the Hollister Municipal Airport, located at 90 Airport Drive in Hollister, approximately five miles north of the project site. The nearest private airstrip to the project site is Christensen Ranch Airport, located in Hollister, approximately four miles from the project site. The project is not located within an airport land use plan or within two miles of a public airport, is not located in the vicinity of a private airstrip, and would therefore not expose residents or workers to excessive noise levels from airport or air strip operations. As a result, no impact would occur.

14.4 Analysis, Impacts, and Mitigation Measures

Traffic Noise (Off-Site Sensitive Receptors)

IMPACT 14-1	Expose Off-Site Noise-Sensitive Receptors to Unacceptable Traffic Noise	Less than Significant
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The proposed project would increase the population on the project site and create new and expanded uses that would generate additional vehicle trips and traffic noise on area roadways. As noted previously in the discussion of sound characteristics (Section 14.1), a three dB increase or decrease in sound level would generally be perceived by the human ear as a noticeable change in ambient noise levels. Generally speaking, the human ear cannot perceive an increase (or decrease) in noise levels less than three dB. A significant noise impact would occur if an increase in traffic noise associated with the project would cause ambient noise levels to exceed the County's "normally acceptable" noise compatibility exposure level of 65 dB Ldn (see Table 14-3). A significant noise impact may occur when existing receptors are exposed to a substantial temporary or permanent increase in ambient noise levels of three dB or more.

Unmitigated traffic noise levels for Existing, Existing Plus Project, Cumulative and Cumulative Plus Project traffic conditions at the 24 modeled receptor locations are presented in the noise report

Table VIII (p. 16). According to the noise report, the unmitigated modeled noise levels described in Table VIII do not take into account any localized acoustic shielding that may result from intervening topography, existing buildings or existing sound walls, and should be considered a worst-case assessment of traffic noise exposure levels at the receptor locations. The report found that traffic noise generated by the proposed project would result in an unmitigated 0-2 dBA increase in noise levels at the 24 locations. As noted above, an increase in ambient noise levels of three dB or less is generally not perceivable by the human ear. Subsequently, a substantial increase in ambient traffic noise levels that are perceptible to receptors would not occur. Additionally, the project-generated increase in ambient noise levels would not exceed the County's 65 dBA threshold. Therefore, the increase in ambient noise levels at off-site receptors resulting from project-generated traffic noise would be less than significant.

Traffic Noise (New Sensitive Receptors)

IMPACT 14-2	Expose New Sensitive Receptors to Traffic Noise that Exceeds Noise Level Standards	Less than Significant with Mitigation
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The proposed project would increase vehicle trips that add to traffic noise on State Route 25. The noise report used the Federal Highway Administration model to determine the distance from the center line of State Route 25 to the 60dB (323 feet), 65dB (150 feet), and 70 dB (70 feet) noise contours. The contour distances were calculated for Cumulative Plus Project traffic conditions, as this represents the worst-case assessment of traffic noise exposure levels. The noise report found that future residences on Lots 145 and 146, the project's two residential lots abutting State Route 25, could potentially be exposed to traffic noise that exceeds the County's 65 dB L_{dn} exterior noise level threshold. A significant noise impact would occur if proposed sensitive receptors are located within 150 feet from the centerline of State Route 25, which is within the estimated 65 dB L_{dn} traffic noise contour. The noise report recommends several options to address this exterior noise impact including the use of setbacks, soundwalls, and/or berms.

The noise report found that future residences on Lots 145 and 146 could potentially be exposed to traffic noise that exceeds the County's 45 dB L_{dn} interior noise level threshold. It may be assumed that residential construction methods complying with current building code requirements would reduce exterior noise levels by approximately 25 dB or more if windows and doors are closed. In order to meet the County's interior noise threshold, future residential buildings on Lot 145 and Lot 146 would need to be located outside the 70 dB noise level contour (approximately 75 feet from the centerline of State Route 25). Even with compliance with building code standards, the placement of buildings on these two lots within the 70 dB noise contour could result in a significant interior noise impact. The noise report recommends several options to address this potential interior noise impact including the use of sound rated windows, doors, and walls in building construction.

The noise report recommends preparation of an acoustical analysis to determine the effectiveness of noise attenuation to achieve the County’s thresholds as part of the building permit process, once site-specific development is proposed. Implementation of the following mitigation measure would reduce the potential noise impacts on the occupants of future residences on Lot 145 and Lot 146 to less than significant.

Mitigation Measure

N-1 Prior to building permit issuance, the developer shall prepare at their expense, a site-specific acoustical analysis for residential development of Lots 145 and 146 to determine the appropriate location of building setbacks and appropriate noise attenuation to reduce exterior noise levels to less than 65 dB and reduce interior noise levels to 45 dB.

Acceptable exterior noise attenuation may include berms and/or sound walls, the height and placement of which will be analyzed in the acoustical analysis. Acceptable interior noise attenuation may include sound-rated windows, sound-rated doors and wall assemblies; and/or increased setbacks between habitable buildings and the traffic noise source. The acoustical analysis may include all or a combination of these attenuation measures. Noise attenuation features shall be incorporated into the final improvement plans prior to issuance of a building permit.

Implementation of mitigation measure N-1 would reduce the noise impacts to new residents on Lot 145 and Lot 146 to a less-than-significant level.

Operational (On-Site) Noise Impacts

IMPACT 14-3	Expose Existing Receptors to Commercial Noise that Exceeds Noise Level Thresholds	Potentially Less than Significant with Mitigation
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Operational noise generated by residential uses would not typically result in significant noise impacts. The site is zoned for single-family residential uses and the proposed project is consistent with the general plan residential densities and non-residential land use intensity. The general plan EIR identified significant and unavoidable noise impacts that would result from buildout of the general plan. The proposed project is subject to compliance with general plan policies and County Code Chapter 19.39 provisions that reduce noise impacts. However, the proposed project would create new and expanded commercial uses on the site that would generate additional vehicle trips and traffic noise on the project site. Related changes to traffic noise levels on private roads would be included in the evaluation of stationary sources of noise.

Comments on the NOP from area residents did not identify specific concerns regarding increased noise levels from the changes to commercial activity on the site. Site-specific commercial

development is not yet known in detail sufficient to analyze operational project- and site-specific types of noise and sensitive receptor exposures; however, there is a potential for noise generated by future commercial operations to cause annoyance to nearby existing residential uses and/or exceed the County's noise standards for stationary noise sources. Existing receptors that may experience increased noise levels from commercial operations are located in the multifamily residences located near the existing clubhouse and driving range. It is possible that the increased intensity of commercial uses in this area would generate additional noise from operations and traffic. A significant noise impact would occur if stationary sources of noise generated by new commercial retail/hotel uses on the project site would cause ambient noise levels to exceed the County's "normally acceptable" noise compatibility exposure level of 65 dB L_{dn} at nearby receptors. A significant impact may occur if future commercial operations increase noise levels at existing sensitive receptor locations by more than three dB. These impacts are considered potentially significant because site- and project-specific future commercial development is not yet proposed.

The noise report states that a wide variety of noise sources can be associated with hotel and commercial uses. The noise levels produced by commercial and hotel stationary sources can also be highly variable and could potentially impact existing sensitive receptors located in proximity to them. Typical examples of stationary noise sources associated with commercial land use designations include:

- Fans and blowers;
- HVAC units;
- Truck deliveries;
- Loading docks;
- Compactors; and
- Parking lot movements.

Compliance with general plan policies and County Code Chapter 19.39 provisions would reduce noise impacts, however noise levels from new stationary noise sources cannot be predicted with any certainty at this time since site-specific uses have not yet been proposed and the locations of stationary noise sources relative to the existing noise-sensitive residential uses are not known.

Noise levels from new stationary noise sources may be effectively mitigated by incorporating noise mitigation measures into the site- and project-specific commercial site planning and design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. Options for noise mitigation include the use of building setbacks, the construction of berms and/or sound walls and the use of noise source equipment enclosures.

The noise report recommends that project- and site-specific acoustical analysis be conducted once specific commercial uses and their locations relative to existing sensitive receptors are known.

Implementation of the following mitigation measure in addition to compliance with general plan policies and County Code Chapter 19.39 requirements would reduce operational noise impacts associated with future development of commercial and hotel uses to a less-than-significant level.

Mitigation Measure

N-2 Site- and project-specific acoustical analysis is required for commercial development in any phase once commercial improvement plans have been submitted and prior to approval of any commercial building permit. The required acoustical analysis shall be prepared by the applicant and shall identify the geographical relationship between new or expanded sources of noise and existing residential receptors and identify noise-producing characteristics of the sources such as activities or and the path of transmission between noise sources and sensitive receptors. Ambient noise levels without and with commercial development shall be quantified. The acoustical analysis shall include quantifiable noise reduction measures that reduce unacceptable noise levels to meet the County’s 65 L_{dn} dB noise threshold for residential uses, and reduce increases in ambient noise levels to less than three dB. Options for noise mitigation include the use of building setbacks, the construction of berms and/or sound walls and the use of noise source equipment enclosures. The acoustical analysis shall be subject to review and approval of the San Benito County Director of Planning, Building and Code Enforcement prior to issuance of building permits. All approved noise reduction measures shall be included on all construction documents prior to issuance of building permits.

Implementation of this measure would reduce potential noise impacts from commercial operations to a less-than-significant-level.

Construction Noise

IMPACT 14-4	Exposure to Unacceptable Noise Levels During Construction	Less than Significant with Mitigation
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Future development of lots and parcels within the development area would generate periodic construction noise that would result in a short-term increase in ambient noise levels, and would expose sensitive receptors to noise levels that could exceed County standards. Construction noise would be temporary and would occur at various locations within the proposed development areas as the proposed development phases are implemented. Project-related construction activities would occur in proximity to existing residential uses and potentially within 500 feet of existing residential

development. Project-related construction within 500 feet of adjacent residential uses is subject to general plan policy HS.12, which requires the preparation and implementation of a Construction Noise Control Plan to minimize construction noise.

A significant construction noise impact would occur when noise generated by project-related construction activities exceeds the County's 65 L_{eq} dB at nearby residential uses or would take place outside the limited hours of construction. Significant construction noise impacts may also occur if ambient noise levels increase by three dB or more over an extended period of time, typically for more than 12 consecutive months. The County Code Chapter 19.39 limits the allowable hours of construction to between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is allowed on Sundays or federal holidays. Section 19.39.051H of the County Code provides exemptions from the noise level limits for temporary construction, demolition or maintenance of structures between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and federal holidays. Compliance with the County's noise ordinances would ensure that construction activity within development areas would not result in significant noise impacts.

Noise impacts associated with construction activities typically depend on the noise levels generated by the type of equipment and duration of its use, and the distance between equipment and nearby sensitive receptors. Project-related construction activity is subject to compliance with general plan policies and County Code requirements that limit construction hours and require implementation of appropriate noise reduction best management practices. Implementation of the following mitigation measure in addition to compliance with general plan policies and County Code Section 19.39.051H would ensure that potential construction noise impacts are reduced to a less-than-significant level.

Mitigation Measure

N-3 The project applicant shall include the following language on all bid and construction documents:

The developer shall prepare and the contractor shall implement a Construction Noise Control Plan during all demolition, grading and construction activities that occur within 500 feet of residential development. The Construction Noise Control Plan is subject to review and approval of the County of San Benito Director of Planning, Building and Code Enforcement or his/her designate shall include but not be limited to the following best management practices noise reduction measures:

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;

- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from existing residences;
- Locate staging areas and construction material areas as far away as possible from existing residences. The locations of construction staging areas shall be noted on the construction site plan for each phase of construction prior to issuance of any grading permit;
- Prohibit all unnecessary idling of internal combustion engines;
- Notify all abutting land uses of the construction schedule in writing; and
- Designate a “disturbance coordinator” (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of mitigation measure N-3 in addition to compliance with general plan policies and County Code Chapter 19.39 would ensure that increased noise levels from construction is minimized within 500 feet of existing residential uses and the impacts from exposures to temporary increases in ambient noise levels from construction activity would be less than significant.

Groundborne Vibration

IMPACT 14-5	Exposure to Groundborne Vibration Noise During Construction that Exceeds Vibration Noise Level Standards	Less than Significant
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The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. With the exception of demolition of the existing clubhouse, transient units, and parking lots, none of these activities are anticipated to occur with construction or operation of the proposed project. Vibration from demolition and construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities. Typical vibration levels at distances of 100 feet and 300 feet are summarized in Table IX on page 21 of the noise report. The nearest sensitive receptors to the existing clubhouse, transient units and parking are the residential apartments and townhomes west of Ridgemark Drive. Conformance to County Code Chapter 19.39 provisions and implementation of mitigation measure N-3 would reduce exposures to demolition and construction vibration at these receptors to less than significant.

After full project build out, it is not expected that ongoing operational activities will result in any vibration impacts at nearby sensitive uses. Project-related vibration levels would not be expected to exceed any significant threshold levels for annoyance or damage, as provided above in Table III and Table IV of the noise report (see page 9). Activities involved in trash bin collection could result in minor on-site vibrations as the bin is placed back onto the ground. Such vibrations would not be expected to be felt at the closest off-site sensitive uses. The noise report did not identify any other potential demolition, construction or operational activities that would be expected to exceed any significant threshold levels for annoyance or damage due to vibration. The impact is less than significant.

14.5 Cumulative Impact Analysis

Cumulative Context

The cumulative context for noise-related impacts is existing development and future growth within the general plan planning area. Because noise and vibration levels decrease with distance and noise impacts are typically site-specific.

Geographic Scope

The noise report identifies the primary source of noise in the region as vehicle traffic on area roadways. Therefore, the geographic scope for noise impacts includes projects that add traffic to State Route 25 and/or surrounding roads (traffic noise). Projects in the immediate vicinity with operational noise affecting the sensitive residential receptors surrounding the project site (operational noise). The noise report analyzed area traffic noise and found that a significant noise impact could also occur if noise generated by an increase in project traffic on area roadways would contribute to an increase in ambient noise levels at sensitive receptor locations where noise levels already exceed the County's applicable noise level standards (without the project).

Cumulative Impact

Operational vibration noise that can result in significant cumulative impacts is most common with construction equipment, trains, or large trucks and rail activity. There are no existing sources of operational vibration noise in the vicinity of the project site, therefore the cumulative impact of vibrational noise is less than cumulatively considerable. Past, present, and future development within the region has and will continue to contribute to increased ambient noise levels as a result of increases in traffic volumes on State Route 25 and other area roadways. Ambient noise levels that already exceed the County's threshold at sensitive receptors are cumulatively considerable impacts.

Project Contribution

The future development associated with the proposed project would add traffic and related noise to State Route 25 and other area roadways where cumulative ambient noise levels exceed County thresholds or standards. The noise report notes that a project-related increase in traffic noise on already impacted roadways that increases ambient noise levels by three (3) dB would be considered a substantial increase in ambient noise levels, as three (3) dB increase generally represents the threshold of perception in change for the human ear. The discussion of Impact 14-1 notes that traffic volume increases from future development within the proposed development areas, when added to existing noise levels from traffic on State Route 25, would not result in a measurable increase in cumulative ambient noise levels at nearby sensitive residential receptors where ambient noise levels exceed County thresholds under cumulative conditions.

As described for Impact 14-3, future development within the proposed development areas, would increase stationary sources of noise through commercial retail development, which could cause ambient noise levels on the project site to exceed the County's 65 dB threshold for residential uses. This project contribution to cumulative ambient noise levels on the project site is potentially cumulatively considerable.

Conclusion

The proposed project's contribution to cumulative traffic noise impacts would be less than a three (3) dB increase and therefore would not be cumulatively considerable. Mitigation measure N-2 requires the preparation of an acoustical analysis to determine the appropriate project- and site-specific noise reduction attenuation to ensure that operational noise generated by future commercial uses would not result in a substantial increase in existing ambient noise levels when measured at residences within 500 feet of the project site or exceed the County's threshold. The proposed project's contribution to cumulatively considerable ambient noise levels on the project site would be potentially less than cumulatively considerable with mitigation.

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15.0 Public School Facilities

This section provides information regarding existing public school facilities and anticipated capacity required to serve new students generated by the proposed project and evaluates the residential development project's environmental effects associated with the provisions of these services.

Unless otherwise noted, the discussion in this section is based primarily on information obtained from the following sources:

- City of Hollister. September 2020. *Hollister 2040 General Plan Update Environmental Baseline Document*;
- Great!Schools.org. 2022. School District Boundaries Map;
- *San Benito County 2035 General Plan*. San Benito County, CA (San Benito County 2015a);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County 2015b);
- *San Benito High School District Facilities Master Plan* (San Benito High School District 2022);
- *Draft School Facility Fee Justification Report for Residential, Commercial, and Industrial Development Projects for the Southside Elementary School District* (School Facility Consultants 2020a);
- *School Facility Needs Analysis and Justification Study for the San Benito High School District* (School Facility Consultants 2020b); and
- *School Facility Fee Justification Report for Residential, Commercial, and Industrial Development Projects for the San Benito High School District* (School Facility Consultants 2020c).

Written comments on the notice of preparation (2020) were received from the San Benito High School District and Southside Elementary School District requesting that the EIR analyze impacts to the Southside Elementary School District and the San Benito High School District. Impacts to both school districts are addressed in this section. Further, in October 2021, upon release of the revised notice of preparation, the San Benito High School District responded with a second comment letter addressing concerns about the proposed project exacerbating existing school capacity issues faced at Hollister High School. The Southside School District submitted a response to the revised notice of preparation (2021) identifying concerns related to the addition of students to the Southside Elementary School facility. Impacts to school facility capacity are addressed in this

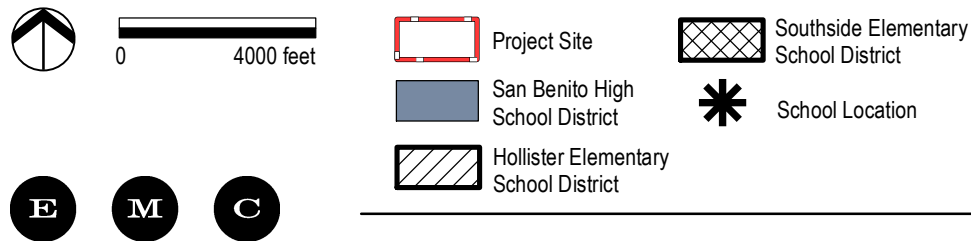
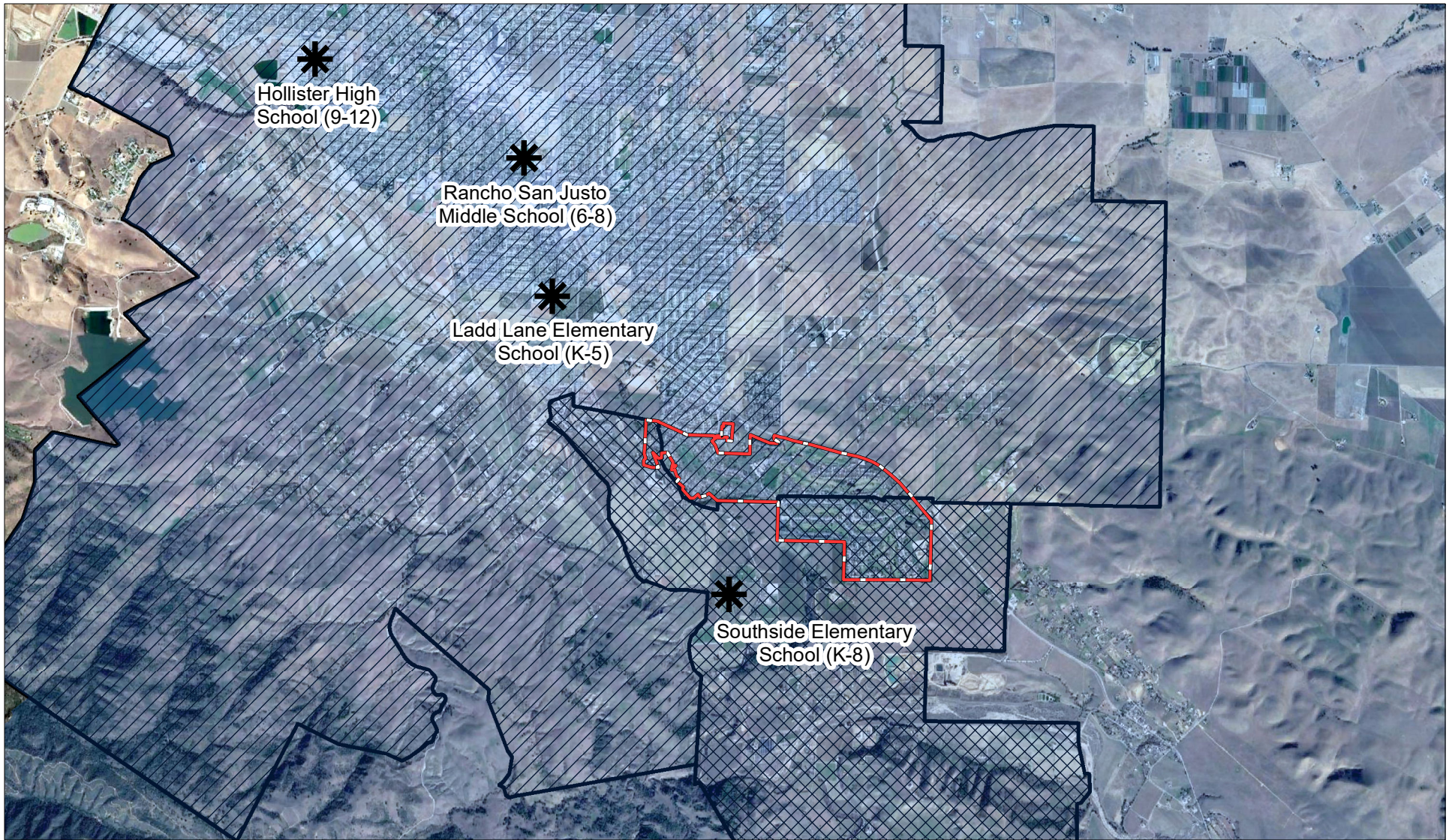
section. The County's notice of preparation (2020) and written responses are included in [Appendix A](#); the revised notice of preparation (2021) and written responses are included in [Appendix B](#).

15.1 Environmental Setting

The project site is located entirely within the service boundary of the San Benito High School District and portions of site are located in the service boundaries of the Southside Elementary School District and Hollister School District. [Figure 15-1, School District and Facilities Location Map](#), provides the service boundaries of all three districts and the locations of school facilities that would serve students generated by the project. The service boundary between the Southside Elementary School District and the Hollister School District essentially divides the project site into north and south service areas whereby students living in the far western edge and southern half of the project site would attend Southside Elementary School District at Southside Elementary School and students living in the majority of the northern half of the project site would attend Ladd Lane Elementary School and Rancho San Justo Middle School in the Hollister School District (Maricela Garcia, email message, August 29, 2022 and May 2, 2023).

The Southside Elementary School District is the local elementary school district that would serve elementary and middle school-age students generated by the proposed project in the southern portion and far western edge of the project site. Southside Elementary School is located immediately south of the project site (approximately 0.75 miles) at 4991 Southside Road. Students in grades kindergarten through eighth grade would attend this school. Southside Elementary School is located just south of the proposed project and has a 2021 fall enrollment of 224 students (California Department of Education 2022a). In 2020, the capacity at Southside Elementary School was 72 students (School Facility Consultants 2020a).

The Hollister School District is the local elementary school district that would serve elementary and middle-school age students generated by the proposed project in the northern portion of the project site. The Hollister School District currently operates nine elementary schools and two middle schools and had a total student enrollment of 6,253 during the 2021-2022 school year (California Department of Education 2022e). Ladd Lane Elementary School is located northwest of the project site (approximately 2 miles) at 161 Ladd Lane in the City of Hollister and provides grades kindergarten through fifth grade. In addition, Ladd Lane provides a grade 6-8 program that as of 2021-2022 included 65 students made up of only 6th and 7th graders (Maria Orozco, email correspondence, February 2, 2023; California Department of Education 2022c). Ladd Lane Elementary School had an enrollment of 740 students during the 2021-2022 school year (California Department of Education 2022c).



Source: San Benito County School District Locator 2023,
Kelley Engineering & Surveying 2019,
San Benito County GIS 2022,

Figure 15-1

School District and Facilities Location Map

Ridgemark Subdivision EIR

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After fifth grade, the majority of middle school-aged students would attend Rancho San Justo Middle School which serve grades sixth through eighth. Rancho San Justo is located at 1201 Rancho Drive in the City of Hollister approximately 2.5 miles northwest of the project site. Rancho San Justo Middle School had an enrollment of 606 students during the 2021-2022 school year (California Department of Education 2022d). In 2020, the capacity at Rancho San Justo Middle School was 800 students (City of Hollister 2020).

Hollister High School (formerly known as San Benito High School) would accommodate all grade 9-12 students generated by the proposed project, and it is located at 1220 Monterey Street, in Hollister, approximately three miles northwest of the project site. The 2021 Fall enrollment at Hollister High School was 3,492 students (San Benito High School District 2022). According to the 2022 *San Benito High School District Facilities Master Plan*, the capacity of Hollister High School is over 3,437 students (55 students above current capacity) (San Benito High School District 2022). The 2022 *San Benito High School District Facilities Master Plan* specifically identifies the proposed project as a new development that is anticipated to impact its school district (p. 7).

Operating revenue provided to school districts is funded by local property tax revenue accrued at the State level and then allocated to each school district based on the average daily student attendance. Physical improvements to accommodate new students are financed by State funding for capital improvements through development since State funding for capital improvements typically lags behind enrollment growth (San Benito County 2017).

A development fee justification report prepared for the Southside Elementary School District by School Facility Consultants(2020a), concluded that the school district is justified to collect a developer fee for residential development as authorized by Government Code Section 65995 (Level I fees). A 2020 development fee justification report prepared for the San Benito High School District (School Facility Consultants 2020b), concluded that the San Benito High School District is authorized to collect its share of the legal maximum fee for residential development as authorized by Government Code Section 65995 (Level I fees). As a high school district, the San Benito High School District currently shares fee revenue with several elementary school districts within San Benito County (including Southside Elementary School District and Hollister School District), with 35 percent going to the San Benito High School District and the remaining 65 percent going to the appropriate elementary school district (School Facility Consultants 2020c). For the San Benito High School and Southside Elementary School districts, the respective development fee justification reports calculate the school impact fees based on total anticipated units, total anticipated pupils generated from new development, and the total anticipated cost to accommodate those pupils (School Facility Consultants 2020a and 2020c).

15.2 Regulatory Setting

State

School Facilities Act of 1998 (SB 50)

The School Facilities Act of 1998, also known as SB 50, provides state funding for new school construction projects that can satisfy specific criteria, including eligibility due to growth, Division of State Architect plan approval and California Department of Education site approval. However, the Act also limits the maximum amount of impact fees that can be charged by school districts as mitigation for new residential, commercial and industrial construction. Further, if the maximum amount is insufficient to meet their established policies, cities and counties are prohibited from imposing additional conditions to bring the development application into conformity with the established policies. The Act also prohibits local agencies from denying a development application on the basis of an applicant's refusal to provide school facilities mitigation that exceeds the fee amount and refusing to approve any legislative or adjudicative act on the basis that school facilities are inadequate. The payment of school impact fees is generally required from developers at the time building permits are issued.

Funding for new schools is commonly derived from State and local sources, and developer fees. State sources commonly include bond fund grants. The reliability of State bond and other State funding sources can be quite variable from year-to-year. State funding is often contingent on a school district demonstrating it has access to matching local funding. Local funding sources commonly include general obligation bonds, and property and parcel taxes.

Regional/Local

2035 County General Plan

The following general plan goals and policies pertaining to public school facilities are applicable to the proposed project:

PFS-1.11 Pay Fair Share. The County shall require new development to pay its fair share of public facility and service costs.

PFS-1.12 New Development Requirements. The County shall require new development, in compliance with local, State, and federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.

PFS-1.13 Service Agency Notification. The County shall notify the appropriate agencies (e.g., cities, special districts, school districts, emergency service providers) of new development applications within their service areas early in review process to allow sufficient time to assess impacts on facilities and services.

PFS-10.5 School Impact Fees. The County shall support the efforts of school districts to obtain necessary funding, including school impact fees.

San Benito County Code

Chapter 05.01, Article VI. School Facilities Fees and Dedications, requires that applicants for residential subdivisions or building permits pay a fee or dedicate land, or some combination, to defray the cost of constructing school facilities as needed to minimize impacts caused by new development. These fees are collected by the County and provided to the applicable school district. All new development within the County is required to pay a school facilities fee that is held in an account by the County and transferred at least quarterly to the school district serving the area from which the fees were collected, or land dedicated for a school site, or a combination of both.

San Benito High School District Facilities Master Plan (2020)

The *San Benito High School District Facilities Master Plan (2020)* is the most recent comprehensive facilities master plan adopted by the San Benito High School District Board of Trustees in 2020. The 2020 facilities master plan builds upon facility improvements to the existing Hollister High School campus that were identified in the previous 2017 version, and partially implemented. Improvements yet to be completed include reorganization of the existing facility to create a new student quad adjacent to Nash Road and a new Student Union. Spaces vacated by the above relocation would be converted into classrooms. The 2020 facilities master plan provides an overview of the remaining projects to be completed and identifies additional improvements needed to serve anticipated growth of the student population over the next 10 to 15 years. The 2020 facilities master plan notes that the high school district will continue to experience significant growth from new development.

15.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to the subject of school facilities, as it does on a whole series of environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on these subjects, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, agencies have discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 schools.

15.4 Analysis, Impacts, and Mitigation Measures

New Student Generation

IMPACT 15-1	Add New Students That Exceed Capacity to Southside Elementary School, Ladd Lane Elementary School, and Hollister High School.	Less than Significant
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As described above, the proposed project would be located in portions of the Southside School District and Hollister School District and entirely within the San Benito High School District. The proposed project would increase enrollment at four school facilities, the Southside Elementary School (Southside Elementary School District), Ladd Lane Elementary and Rancho San Justo Middle School (Hollister School District) and Hollister High School (San Benito High School District), all of which are exceeding student capacity. The addition of students to a facility that is over capacity may require physical improvements to the facility to accommodate them. Construction of additional facilities has the potential to result in significant physical impacts.

To determine the number of students generated by the project, student generation factors for single-family residential units for each district were used based on the information provided in the fee justification reports for the Southside Elementary School District and the San Benito High School District (School Facility Consultants 2020a; 2020c) as well as a cited student generation rate from the Hollister School District (San Benito High School District 2022).

When comparing the school district boundaries (shown in Figure 15-1) and the locations of residential lots within the proposed development area (Figure 4-2), the Hollister School District and Southside Elementary School District boundaries roughly divide the development area north and south at Lanini Drive and Southside Road. This comparison indicates the number of residential lots, including affordable housing, that would be developed within the service boundaries of each school district. The project includes 114 single-family residential units located within the Hollister School District boundary, which are anticipated to be developed in Phases 1 through 3, and 5. The project includes 76 single-family residential units located within the Southside Elementary School District boundary, which are anticipated to be developed in Phases 4 and 5. All 190 single-family residential units would be assigned to the San Benito High School District.

Table 15-1, [Project Phasing Units and School District Assignments](#), presents the proposed project phasing and number of residential units assigned to each phase and the assigned school district for each phase.

Table 15-1 Project Phasing/Units and School District Assignments

Phase (Lot Range) and Number of Units	School District Assigned ¹
Phase 1 (1-50); 58 units	Hollister School District
Phase 2 (51-83); 34 units	Hollister School District
Phase 3 (84-101); 18 units	Hollister School District
Phase 4 (102-114); 13 units	Southside Elementary School District
Phase 5 (115-118); 4 units	Hollister School District
Phase 6 (119-175); 63 units	Southside Elementary School District

SOURCE: Kelley Engineering and Surveying 2022; School Facility Consultants 2020a and 2020c; San Benito High School District 2022; Hollister School District 2018; City of Hollister 2020

NOTE:

1. All 190 units are assigned to the San Benito High School District

As shown in Table 15-2, approximately 155 K-8 students and approximately 67 high school students would be generated by development of the proposed residential uses. [Table 15-2, Student Generation Factors and Student Generation](#), presents the projected increase in students resulting from future development of the project with 190 residential units for all four schools within the three school districts.

Table 15-2 Student Generation Factors and Student Generation

School	School District	Number of Residential Units Assigned	Generation Factor ¹	Number of Students Generated
Southside Elementary (grades K-8)	Southside Elementary School District	76	0.357	27
Ladd Lane Elementary (grades K-8) ²	Hollister School District	114	0.3238	37
Rancho San Justo Middle School (grades 6-8)	Hollister School District	114	0.3238	37
Hollister High School (grades 9-12)	San Benito High School District	190	0.35	67
Total	-	190	-	168

SOURCE: School Facility Consultants 2020a and 2020c; San Benito High School District 2022; Hollister School District 2018; City of Hollister 2020; John Schilling, email message, May 1, 2023; Hollister School District 2022; John Frusetta, email message, May 8, 2023.

NOTES:

1. The generation rates provided are for single-family units.

2. Ladd Lane Elementary provides a grade 6-8 program, which varies in enrollment from year to year. In 2021-2022, Ladd Lane included 33 6th grade students, 32 7th grade students, and no 8th grade students.

Table 15-3, *School Enrollment and Capacity With or Without the Project*, compares existing enrollment and capacity with and without students generated by the project to the projected enrollment and capacity with project students.

Table 15-3 School Enrollment and Capacity With and Without the Project

School	Student Capacity	2021 Fall Enrollment	(Excess)/Shortage Capacity w/o Project	Project Generation	Post-Project (Excess)/Shortage Capacity
Southside Elementary School (grades K-8)	72	224	(152)	27	(179)
Ladd Lane Elementary School (grades K-5)	1,150	740	410	37	373
Rancho San Justo Middle School (grades 6-8)	54	606	(552)	37	(589)
Hollister High School (grades 9-12)	3,437	3,492	(55)	67	(122)

SOURCE: San Benito High School District 2022; School Facility Consultants 2020b; California Department of Education 2022; Hollister School District 2018; City of Hollister 2020.

According to the 2020 development justification fee report prepared for the Southside Elementary School District, the school district does not have available capacity to accommodate students generated by the proposed project without constructing new or physically altering facilities. The proposed project would exacerbate this existing deficiency. Hollister High School also currently does not have capacity to accommodate the additional 67 high school students generated by the proposed project. The 2022 *San Benito High School District Facilities Master Plan* recommends a new high school to be constructed to accommodate the anticipated growth in student enrollment (p. 15).

According to the *Level I Developer Fee Study for Hollister School District* and communications with the Hollister School District Chief Business Officer, Ladd Lane Elementary has the capacity to serve an additional 410 students while Rancho San Justo Middle is over capacity by 552 students (Hollister School District 2022) (Elizabeth Wilson, email message, May 2, 2023). The addition of 37 students at Rancho San Justo would result in the school being further over its capacity as a result of the project, which would result in potentially significant impacts if the school's facilities needed to be expanded or if additional school facilities would need to be constructed to accommodate students generated by the proposed project.

The developer of the proposed project is subject to the payment of applicable school impact fees based on development type for each school district), pursuant to section 65995 (3)(h) of the California Government Code. The proposed project is also subject to the payment of its applicable school impact fees in compliance with general plan policies and the County code provisions prior to issuance of a building permit. Although the County has no jurisdiction to set the fee amount, evidence of payment must be provided prior to issuance of permits for development. Payment of the applicable school impact fees would address the project's responsibility for new facilities and would reduce the project's impacts to school facilities resulting from an increase in new students to less than significant.

15.5 Cumulative Impact Analysis

Cumulative Context

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause or exacerbate cumulatively considerable impacts to schools. The cumulative context is the service projections for school services resulting from buildout of the land uses identified in the general plan.

Geographic Scope

The geographic scope of the cumulative analysis considers the service areas for the Southside Elementary School District, Hollister High School District, and the Hollister School District as these are the schools that would serve the project.

Cumulative Impact

Comments on the NOP made by Southside Elementary School District and Hollister High School District indicate that new or modified school facilities are needed to serve students generated by the proposed project. Additionally, the 2022 *San Benito High School District Facilities Master Plan* identified an estimated 3,803 new dwelling units (including the proposed project's 190 new units) over the next ten years (San Benito High School District 2022). Additional students generated by development within the current service areas of the three school districts would increase demand for new or expanded facilities, the construction of which could result in cumulatively considerable impacts.

The general plan EIR addressed impacts to school facilities and identified less-than-significant environmental impacts related to new or modified school facilities to accommodate increases in students resulting from the development of past, present and future projects associated with buildout of the general plan land uses in 2035. General plan policies (PFS-1.11, PFS-1.12 and PFS-10.5) to minimize the number of new or expanded facilities necessary to maintain adequate levels of service, as well as policies to reduce or avoid environmental effects, coupled with the required subsequent site-specific environmental review of new facilities, would ensure that the construction

of new school or educational facilities would not result in reasonably foreseeable, substantial adverse physical effects at a programmatic level, thereby resulting in a less-than-cumulatively considerable impact. (San Benito County 2015b, pages 17-36 – 17-39).

Project Contribution

The proposed project would increase enrollment at Southside Elementary School, Ladd Lane Elementary School, Rancho San Justo Middle School, and Hollister High School, all of which (less Ladd Lane Elementary) are over capacity when future development in the development area is constructed. Therefore, the proposed project's contribution to school facility impacts is potentially cumulatively considerable.

Conclusion

Future development within the proposed development area would be required to pay applicable SB 50 fees, which would help to further reduce the project's contribution to the less-than-cumulatively-considerable impacts to school facilities, as identified in the general plan EIR. Payment of applicable SB 50 fees would reduce the project's contribution to school facility impacts in the affected school districts to less than cumulatively considerable.

16.0 Transportation

This section describes the applicable state regulations and policies related to CEQA transportation analyses; discusses the existing roadway network and transportation facilities in the project area; describes existing transportation conditions within the project area; and analyzes the potential impacts from implementation of the project on transportation. Unless otherwise noted the information in this section is based primarily on the *Ridgemark Subdivision Draft Transportation Analysis* (Hexagon Transportation Consultants 2022) (transportation analysis) ([Appendix H](#)).

Note - the Hexagon transportation analysis utilized a residential dwelling unit total of 214; which overestimated the number of market rate and below market rate units. The proposed project was later revised to reduce the residential dwelling unit count to a total of 190 units (160 market rate and up to 30 below market rate units), which the rest of the analysis of this EIR is based upon. Since the difference would be expected to reduce the impact conclusions in the analysis, the transportation analysis was not modified to reflect this change and still reflects a total of 214 residential dwelling units and, thus, would be considered a conservative analysis of the transportation impacts of the project.

Comments on the notice of preparation (2020) were received from Caltrans District 5 and one member of the public. Caltrans comments recommended the use of vehicle miles traveled (VMT) to determine significant impacts per CEQA and requested that appropriate rights of way be addressed per the planned widening of State Route 25 from Sunset Drive to Fairview Road (2002 Project Study Report [PSR]), requested review of drainage plans and reports when available for improvements, and noted that all work in, on, or under, or affecting State Route 25 right of way would require an encroachment permit. Drainage impacts are addressed in Section 12, Hydrology and Water Quality. Comments from a resident of Quail Hollow raised concerns of conflicts between drivers, pedestrians and bicyclists at the intersection of Ridgemark Drive and State Route 25.

Written comments on the revised notice of preparation (2021) were received from Caltrans recommending that traffic analysis for State facilities conform to Caltrans standards and such analyses are now required to use traffic data collected before March 13, 2020 to avoid abnormal traffic patterns. Written comments were received from the Southside Elementary School District raising issues of project-related traffic impacts to Southside Road. Comments were received from Graniterock regarding increased congestion at the Southside Sand and Gravel facility driveway and

State Route 25. Comments on the revised notice of preparation were also received from 12 area residents. All comments raised general issues of traffic congestion on and off the site near the intersection of Ridgemark Drive and State Route 25.

Transportation impacts are addressed in this section. The notice of preparation (2020) and written comments are included in [Appendix A](#). The revised notice of preparation (2021) and written comments are included in [Appendix B](#). The transportation analysis is included in [Appendix H](#).

16.1 Environmental Setting

The transportation analysis prepared for the proposed project consists of a VMT analysis and a supplemental traffic operations analysis that demonstrates the project's consistency with the San Benito County General Plan goals and policies.

Vehicle Miles Traveled

The VMT analysis was prepared following the standards and methodologies set forth in the *San Benito County Draft SB 743 Implementation Policy* (draft VMT policy), and based on guidance provided by the Governor's Office of Planning and Research for evaluating significance of VMT impacts as directed by CEQA.

Existing Roadway Network

Regional access to the project site and vicinity is provided by State Route 25 and State Route 156; local access to the site is provided by Fairview Road, Southside Road, Union Road, and Ridgemark Drive (refer to Figures 3-1 and Figure 3-2). These facilities are described below.

- U.S. Highway 101 is a major north-south transportation corridor connecting northern and southern California and extends into Oregon and Washington.
- State Route 156 is a Caltrans-controlled two-lane highway that carries regional traffic between U.S. Highway 101 and State Route 152. State Route 156 is a major transportation route for trucks traveling between U.S. Highway 101 to the west and U.S. Interstate Highway 5 to the east. State Route 156 is a two-lane highway between Hollister and San Juan Bautista and widens to a four-lane divided highway between San Juan Bautista and U.S. Highway 101 to the west.
 - The County and Caltrans District 5, are working together on the San Benito Route 156 Improvement Project, which is expanding the five-mile-long segment of State Route 156 between The Alameda, in San Juan Bautista, to Business Route 156 near Hollister, by creating a four-lane at-grade expressway along the segment. This project is expected to be completed in Fall 2024 (Kevin Drabinski, email message, April 5, 2023).

- State Route 25 is a Caltrans-controlled two-lane highway that extends south from U.S. Highway 101 near Gilroy, through the City of Hollister to its southern terminus at State Route 198 east of San Lucas.
- Airline Highway (State Route 25). A portion of State Route 25 is also known as Airline Highway. Airline Highway begins at Tres Pinos Road/Sunnyslope Road within the City of Hollister, where it changes designation from Pinnacles National Park Highway to Airline Highway.
- Fairview Road. Fairview Road is a two-lane north-south collector that is situated on the east edge of Hollister. Fairview Road provides access to Airline Highway to the south and to State Route 25 and State Route 156 to the north.
- Union Road. Union Road is a two-lane roadway in south Hollister that extends from State Route 156 to its termination beyond State Route 25.
- Enterprise Road. Enterprise Road is a north-south collector street composed of two lanes that provides access between Southside Road and Mimosa Street near Valley View Park. Enterprise Road crosses State Route 25 near the southwest corner of the project site, and forms the western boundary of the site.
- Hillcrest Road. Hillcrest Road is an east-west minor arterial composed of a two-lane roadway segment from McCray Street to Pinnacles National Park Highway, a three-lane roadway segment (two eastbound and one westbound lane) from Pinnacles National Park Highway to Memorial Drive, and a two-lane roadway segment from Memorial Drive to Fairview Road, where it terminates. West of McCray Street, Hillcrest Road changes designation to South Street.
- Sunnyslope Road. Sunnyslope Road is an east-west arterial that extends from Fairview Road to Airline Highway, where it changes designation to Tres Pinos Road. Between Fairview Road and El Toro Drive, Sunnyslope Road is a two-lane roadway, and between El Toro Drive and State Route 25, it is a four-lane roadway.
- San Benito Street. San Benito Street is a two-lane, north-south arterial roadway that makes a transition from San Felipe Road in the north part of Hollister and extends southward through downtown Hollister to Union Road.
- Ridgemark Drive. This street provides the main access to the project site and is a two-lane local (residential) roadway that extends into the project site from the intersection of Airline Highway/Fairview Road/Ridgemark Drive. Secondary access to the project site is available from the intersection of Airline Highway with South Ridgemark Drive, the latter connecting with Ridgemark Drive.
- Southside Road. This is a two-lane roadway that begins at Airline Highway in Tres Pinos and extends northward into Hollister where it crosses Union Road then turns 90 degrees to the west and extends to San Benito Street. Southside Road has a posted speed limit of 45 mph with no

sidewalk and bike lane on a short segment south of Union Road. Access to the project site would be provided via a new access point along Southside Road through the Promontory development.

Existing Transit Facilities

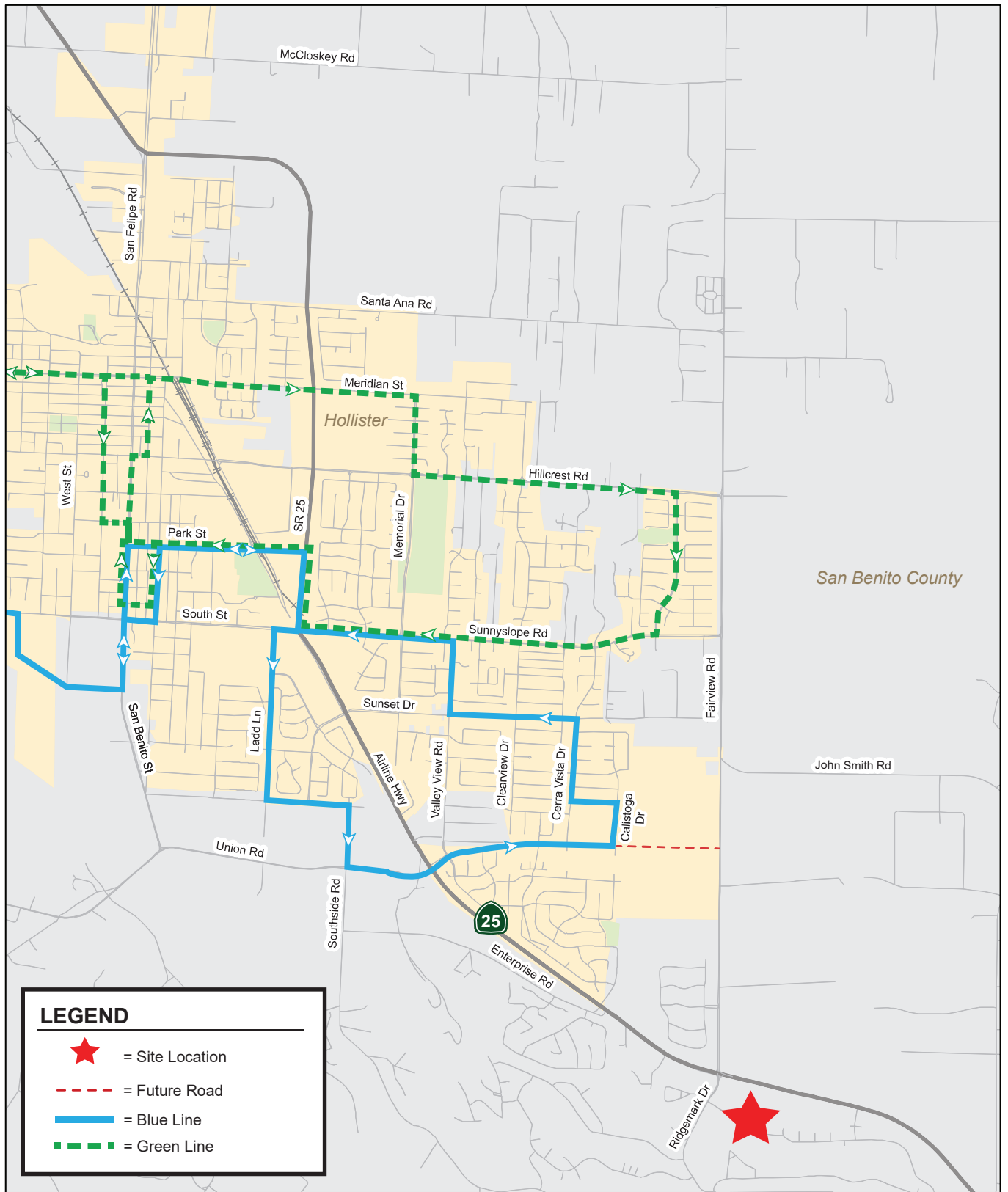
The San Benito County Council of Governments offers three service options: fixed route transit system, on demand service system, and a Dial a Ride service. According to information provided by the County staff (Arielle Goodspeed, personal communication, March 2, 2023), in general, transit's biggest limitations regardless of service type is the availability of operating funds, which at this time are available for current service levels but will be a concern as the community continues to grow, and a shortage of driving staff due to a nationwide shortage.

The fixed route system consists of established bus stops with set timepoints where a passenger walks to the stop before the expected pick-up time and then boards the bus. It operates like the County Express Intercounty service, and transit best practice is for stops to be located and service offered where larger volumes of passengers are expected such as near commercial developments or institutions like schools. The San Benito County Council of Governments suspended the fixed route operations due to COVID and have yet to operate it again due to the County's driver shortage. Until the County has enough drivers, the reinstatement of the fixed route transit services is on hold. When the County does have the critical staffing, San Benito County Council of Governments anticipate operating fixed route as described in the 2022 Short Range Transit Plan. Due to its proximity to the future Gavilan College site, there is potential for the San Benito County Council of Governments to adjust future fixed route services and establish a stop in or near the project site, but that would be determined based on demand, once the school is in operation. However, a stop at Ridgemark is not included as part of the San Benito Short Range Transit Plan Update (San Benito Council of Governments 2022).

The on-demand system (also currently suspended due to the Countywide driver shortage) operates similar to Uber and Lyft but with a bus and shared rides. A passenger uses a cell phone app to request a pickup location and time (Arielle Goodspeed, personal communication, March 2, 2023).

Dial-a-Ride is where a passenger calls the dispatch office to schedule a pickup time (ideally at least one day in advance). Two types of Dial-a-Ride service are available: general public and paratransit. General public Dial-a-Ride serves those persons whose trips begin or end in a location more than three-quarters of a mile from a fixed route. Paratransit service provides rides to eligible residents under the Americans with Disabilities Act. The Dial-a-Ride service area is also regularly evaluated based of expected demand, such as the building of homes (ibid).

The existing transit network is presented in [Figure 16-1, Existing Transit Services](#).



Source: Hexagon 2022

Figure 16-1
Existing Transit Services
Ridgemark Subdivision EIR



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None of the existing routes operate on roadways that are within walking distance of the project site. The nearest bus stop to the project site is located near the intersection of Sunset Drive and Airline Highway, approximately three miles from the project site.

Dial-a-Ride services operated by County Express serve unincorporated areas in north San Benito County, the cities of Hollister and San Juan Bautista, and the unincorporated community of Tres Pinos. Service is provided on weekdays from 6:00 am to 6:00 pm and weekends between 9:00 am to 3:00 pm.

County Express also provides service to the Gilroy Transit Center and Gavilan Community College in Santa Clara County, Monday through Friday from 6:55 am to 6:15 pm and connects to six trains per day operating between Gilroy and San Jose. County Express also provides service to Caltrain's station in Gilroy and to Gilroy's Greyhound station (San Benito County Express 2022). The nearest station to the project site is located at Veteran's Park, approximately 3.4 miles north.

Existing Pedestrian Facilities

Pedestrian facilities consist of crosswalks and paths for walking and golf-cart use across open space. There are no sidewalks along Fairview Road, Airline Highway, and Ridgemark Drive. The lack of sidewalks along surrounding streets and along Airline Highway does not currently support pedestrian travel between the project site and other pedestrian destinations, such as schools and transit stops.

Existing Bicycle Facilities

Bicycle facilities are divided into three classes of relative significance. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. The locations of existing bicycle facilities in proximity to the project site are shown in [Figure 16-2, Existing Bicycle Facilities](#). Class II bike lanes are located on Southside Road.

16.2 Regulatory Setting

State

State Bill 743

Historically, transportation analyses for development projects being evaluated under CEQA have utilized vehicle delay and congestion on the roadway system as the primary metric for identifying transportation impacts. However, the State of California has recognized the limitations of measuring

and mitigating only vehicle delay at intersections and in 2013 passed Senate Bill (SB) 743, which requires jurisdictions to end the practice of using congestion and delay metrics, such as level of service, as the metric for evaluating impacts of new development in Transit Priority Areas.

SB 743 also directed the California Office of Planning and Research (OPR) to establish new criteria for determining the significance of transportation impacts that “promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” OPR has updated the CEQA Guidelines for this purpose by adding a new section 15064.3 to the Guidelines. Beginning July 1, 2020, the provisions of SB 743 apply statewide to all projects, even those outside of Transit Priority Areas. VMT is generally defined as the total miles of travel by personal motorized vehicles a project is expected to generate in a day.

In response to revising the CEQA Guidelines pursuant to SB 743, OPR issued the 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA (“technical advisory”), which provides guidance on how agencies can evaluate VMT in CEQA documents. While the advisory provides guidance on evaluating operational VMT impacts and recommends thresholds of significance, it is silent on thresholds for construction impacts, as SB 743 does not address construction VMT impacts.

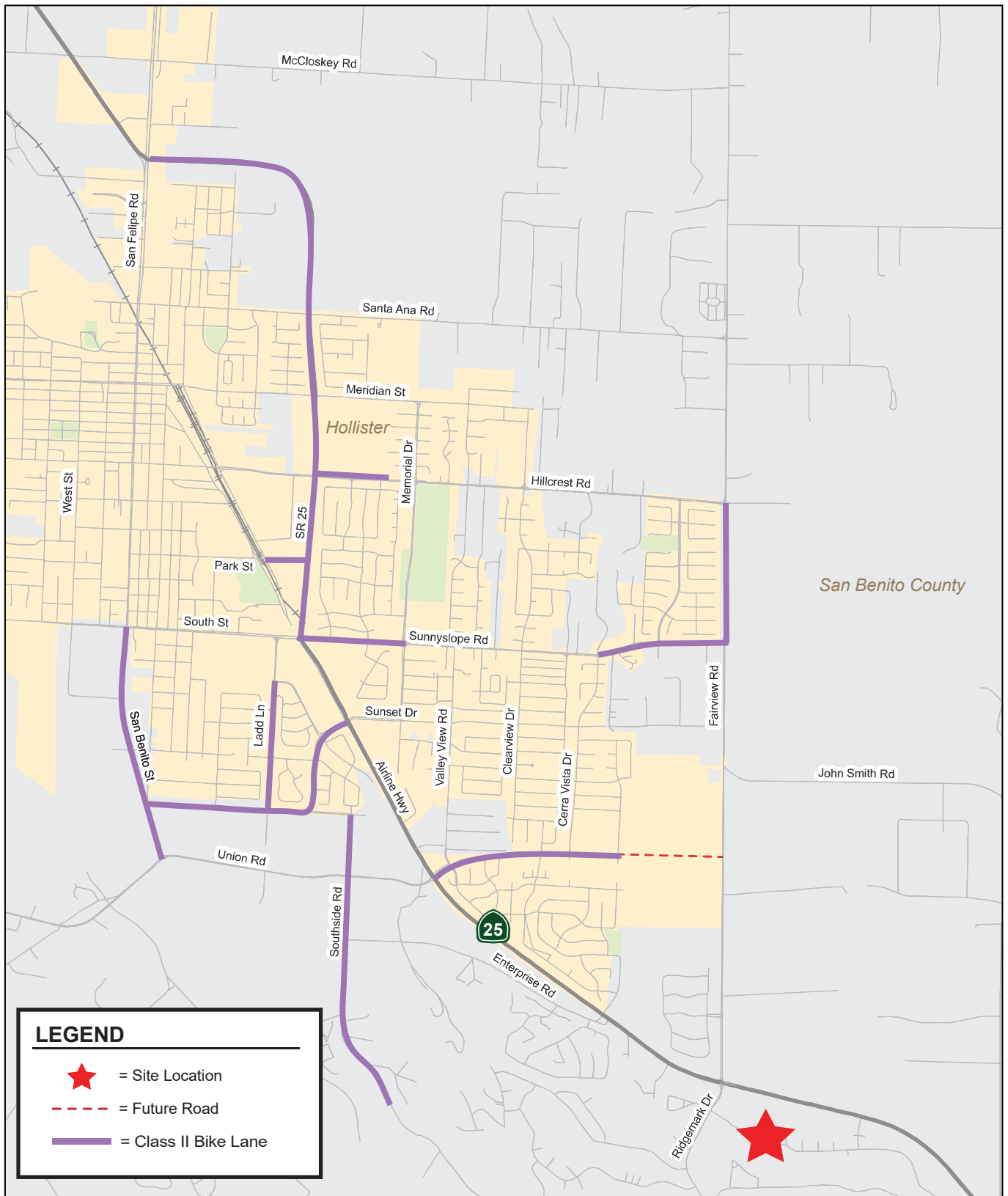
In adherence to SB 743, the San Benito County Board of Supervisors adopted a new VMT analysis policy in December 2022 (VMT policy). The policy establishes County thresholds of significance for transportation impacts per CEQA based on VMT instead of level of service. This VMT policy is discussed in more detail under San Benito County SB 743 Implementation Policy.

Assembly Bill 1358 (California Complete Streets Act)

Assembly Bill 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include “Complete Street” policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and the disabled. These policies can apply to new streets as well as the redesign of corridors.

Caltrans

Caltrans issued the VMT-Focused Transportation Impact Study Guide (TISG) in May 2020, providing the process by which Caltrans will review and assess VMT impacts of land development projects. The TISG generally aligns with the guidance in the OPR Technical Advisory.



Source: Hexagon 2022

Figure 16-2

Existing Bicycle Facilities

Ridgemark Subdivision EIR



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Regional/Local

2045 Metropolitan Transportation/Sustainable Communities Strategy

The 2045 Metropolitan Transportation/Sustainable Communities Strategy (Association of Monterey Bay Area Governments 2022) (RTP/SCS) contains the strategies for ensuring that the transportation system in the region will continue to operate efficiently in the future with sufficient capacity to meet demand and that mobility options are available. The RTP component of the plan focuses on improvements to the region's multi-modal transportation system. These improvements include closures of critical gaps in the network that hinder access to jobs and daily needs, as well as the strategic expansion of the transportation system to provide the region with increased mobility.

The SCS components of the plan address planned growth patterns to help reduce vehicle miles traveled consistent with California Senate Bill 375, the Sustainable Communities and Climate Protection Act. The Act is intended to reduce transportation related greenhouse gas emissions by identifying land use and transportation measures that will be used to meet the region's greenhouse gas emission reduction targets as established by CARB - a six percent per capita reduction by 2035 from passenger vehicles.

San Benito County Traffic Impact Mitigation Fee Program

The County traffic impact mitigation fee program for new residential, commercial and industrial development provides funds for transportation improvements needed to keep pace with travel demand growth projected within the county and Hollister through 2035. The traffic impact mitigation fee program identifies specific roadway improvement projects throughout the county that will be funded with collected fees.

Council of San Benito County Governments

The Council of San Benito County Governments is the County's transportation planning agency. Its Board of Directors is composed of five elected members representing all areas of San Benito County, including the City of Hollister, the City of San Juan Bautista, the unincorporated communities of Aromas, Ridgemark, Tres Pinos, and others.

Measure G, Roads and Transportation Safety Investment Plan

Approved by the voters in 2018, Measure G imposes a countywide one percent sales tax for investing in roadway repair and improvements.

San Benito Regional Transportation Plan

The San Benito Regional Transportation Plan 2018-2040 furthers the Councils of San Benito County Governments goals of improving access and mobility and promoting healthy communities, social equity, and safety. The plan considers the impact of regional growth on the transportation system and identifies solutions to meet increased demand on all modes including highways, local roads, bicycle, pedestrian and public transit. The plan identifies short- and long-range programs,

strategies, and projects that will integrate the county's intermodal transportation system to facilitate the efficient movement of people and goods. Policies and programs call for the provision of convenient, accessible, and reliable travel options; fostering efficient development patterns that encourage active transportation, providing an equitable level of transportation services to all segments of the population, and ensuring safe regional transportation. (Council of San Benito Governments 2018).

Bikeway and Pedestrian Master Plan

The Bikeway and Pedestrian Master Plan sets forth goals, objectives, and policies increasing access for bicyclists and pedestrians, and includes standards for the provision of bicycle and pedestrian facilities within the County.

Plan objectives include expanding bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, and recreational sites, to further county policies of encouraging bicycle and pedestrian travel; consider bicycle and pedestrian facilities in all projects (e.g. transportation, development, parks, etc.); increase the number of bicycle-transit trips and pedestrian access to transit; and for trips less than five miles, by implementing and maintaining a bikeway network, providing end-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer (Council of San Benito Governments 2009).

The 2009 San Benito County Bikeway and Pedestrian Master Plan indicates that Class II bike lanes are planned on the following roadways:

- Fairview Road between Airline Highway and Fallon Road;
- Union Road between Fairview Road and San Benito Street; and
- State Route 25 (Airline Highway) between the Hollister city limit and the Tres Pinos Elementary School east of the project site.

Transportation Demand Programs

Transportation Demand Management (TDM) strategies include ridesharing and vanpooling, park-and-ride lots, increased parking prices, decreased parking supply, bus transit, rail transit, and bicycle and pedestrian facilities. The Council of San Benito County Governments provides ridesharing services and park-and-ride lot facilities to help manage the growth in demand for highway capacity. These programs include:

- Ridesharing. These programs focus on commuters who travel to Santa Clara and Monterey Counties for work. The goal of the ridesharing program is to help residents of San Benito County achieve an acceptable level of mobility and improve air quality by encouraging shared vehicle use and the use of other modes of transportation as alternatives to the single-occupant vehicle. In addition, the San Benito County Ridesharing Program operates one 14-passenger vanpool that operates daily to Santa Clara County.

- **Park-and-Ride Lots.** Park-and-ride lots are free parking facilities for commuters to use as a convenient meeting place for carpools, vanpools, and transit. The County has two park and ride lots serving area commuters. One location is at the intersection of U.S. 101 and State Route 156 near Searle Road and has 20 parking spaces. The other location is in Hollister at the intersection of Hillcrest and Memorial Drives and has 19 parking spaces. Both of these lots have bicycle locker accommodations.

2035 San Benito County General Plan

The following general plan policies related to transportation are applicable to the proposed project:

Land Use Element

LU-1.1 Countywide Development. The County shall focus future development in areas around cities where infrastructure and public services are available, within existing unincorporated communities, and within a limited number of new communities, provided they meet the requirements of goal section LU-7.

LU-1.2 Sustainable Development Patterns. The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.

LU-2.7 Sustainable Location Factor. The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.

LU-4.2 Urban Residential Development. The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.

Economic Development Element

ED-8.4 Walking Distance to Parks. Strive to create development patterns such that the majority of residents are within a reasonable walking distance of a park, greenway, public plaza or recreation center.

Circulation Element

C-1.2 Complete Streets. To promote a road and street network that accommodates cars without requiring car-dependence, the County shall plan for use of roadways by all vehicle types and users, including automobiles, trucks, alternative energy vehicles, agricultural equipment, transit, bicyclists, and pedestrians, when constructing or modifying roadways. Additionally, the County shall plan its road and street network to reflect a context sensitive approach to

the design of thoroughfare assemblies, where the allocation of right-of-way and the facilities provided are based on the intended character, whether urban or rural, of a particular location (urban context). Roads and streets within communities shall be designed to support and encourage walkability as a response to their context, whereas roads in open areas of the County shall be designed primarily for vehicular circulation. As such, thoroughfares that serve both open areas and communities in the County shall change as the surrounding urban context varies. This includes:

- a. Encouraging thoroughfare designs that are context sensitive, such as those recommended in *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* by the Institute of Transportation Engineers (ITE);
- b. Supporting urban design principles that promote walkability within communities to include:
 - i. A mix and variety of land uses designed to be relatively compact and in proximity to one another;
 - ii. Buildings that are oriented toward streets, with appropriately narrow setbacks and functional entries directly fronting onto sidewalks;
 - iii. Pedestrian-scaled architecture, landscape, and thoroughfares designed to provide engaging sidewalk views and comfort to pedestrians traveling at slow speeds; and
 - iv. Circulation networks that provide an interconnected system of streets and open spaces with relatively small block lengths;
- c. Creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network designed to avoid the construction of new roadways and rail lines that would cause the physical division of existing communities;
- d. Incorporating pedestrian and bicycle facilities, where appropriate and feasible, that promote safety and maximize access;
- e. Planting street trees adjacent to curbs and between the street and sidewalk or walking path to provide a buffer between the pedestrian and the automobile, where appropriate;
- f. Incorporating traffic calming devices such as roundabouts, bulb-outs at intersections, and traffic tables; and
- g. Coordinating with other agencies and cities to ensure connections are made between jurisdictions.

C-1.3 Roadway Improvement Aesthetics. The County shall require roadway improvements to be designed to conform to existing landforms and to include landscaping and/or other treatments to ensure that aesthetics are preserved, including the county's rural character.

C-1.10 Mitigating Transportation Impacts. The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.

C-1.11 Discourage Cul-de-Sacs. The County shall encourage developers to minimize the use of cul-de-sac streets in new development. Cul-de-sac streets shall not exceed 800 feet in length and no portion of the cul-de-sac street shall be more than 400 feet from an intersecting street or public access way unless physical constraints make it unfeasible.

C-1.12 Level of Service (LOS) Standard. The County shall endeavor to maintain a General Plan target goal of LOS D at all locations. If a transportation facility is already operating at an LOS D or E, the existing LOS should be maintained. Exceptions should be considered where achievement of these levels of service would cause unacceptable impacts to other modes of transportation, the environment, or private property.

C-1.15 Street Networks that Enhance Neighborhood Character. The County shall encourage traditional interconnected street networks that provide alternate routes between neighborhoods and other measures that slow neighborhood traffic and enhance neighborhood character, such as those associated with Complete Streets.

C-2.1 Bicycle, Pedestrian, and Equestrian Systems. The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems, as appropriate to the context, that serve both commuter travel and recreational use, and provide access to major destinations in the county.

C-2.6 Development Along Planned Bikeways. The County shall require project applicants of new developments adjacent to designated bikeways to provide the portion of the planned bikeway within the development, including rights-of-way dedication and/or construction when (1) a nexus can be established between the proposed development and the dedication and/or construction; and (2) the dedication and/or construction would be roughly proportional to the development's impacts.

C-2.8 Sidewalks or Pedestrian Paths in Subdivisions. The County shall encourage project applicants to provide sidewalks or pedestrian paths, or other safe and convenient accommodations for pedestrians (e.g., shared-space streets) on all new roads or modifications to existing roads, as appropriate to the context, in accordance with County road-way design standards.

C-2.10 Paths Through Cul-de-Sacs. The County shall encourage developments at a density of one unit per acre or greater to include paths for bicycle and pedestrian traffic through or near the ends of loop streets and cul-de-sacs over 500 feet in length and to facilitate bicycle and pedestrian travel.

C-2.11 Curb Ramps. The County shall require developments to include curb ramps at new intersections, consistent with ADA requirements.

C-3.8 Transit in New Development. The County shall require new development at densities of one unit per acre or greater to provide funding for or construct transit stops and signs in appropriate locations and facilitate access to existing or future public transit through project design, consistent with the Local Transportation Authority Transit Design Guidelines.

C-3.9 Consistency with RTP. The County shall require all new development proposals to be consistent with and implement the San Benito County Regional Transportation Plan transit policies.

Public Facilities and Services Element

PFS-1.12 New Development Requirements. The County shall require new development, in compliance with local, State, and federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.

Health and Safety Element

HS-1.11 Road Capacity. The County shall require roads to be of adequate capacity for use in times of emergency.

San Benito County SB 743 Implementation Policy

In adherence to SB 743, the San Benito County Board of Supervisors adopted a new VMT analysis policy in December 2022 (VMT policy). The policy establishes County thresholds of significance for transportation impacts per CEQA based on VMT instead of level of service (LOS). County direction for all new development projects is to analyze transportation impacts using the VMT metric and conform to the VMT policy. The VMT policy establishes procedures for determining project impacts on VMT based on project description, characteristics, and/or location. The VMT policy also includes screening criteria that are used to identify types, characteristics, and/or locations of projects that would not exceed the CEQA thresholds of significance. Per the VMT policy, if a project meets the County's screening criteria, the project is expected to result in less-than-significant VMT impacts and a detailed CEQA VMT analysis is not required.

San Benito County Code of Ordinances

The County Code provides design criteria and performance thresholds for new or improved roadways on or off the site.

Chapter 19.27: Roads and Highways, includes design standards applicable to certain improvements such as curbs, gutters, and drive ways made to or adjacent to roads and highways; setback lines for certain structures and landscaping; and permitting requirements for encroachments within rights-of-way.

Chapter 23.15: Dedications, Reservations and Development Fees, includes requirements pertaining to subdivisions regarding dedication of streets, roads, alleys, access and abutters' rights; drainage, public utility and other public easements; bicycle paths; transit facilities; and payment of development impact fees to help fund other facilities.

Chapter 23.17: Improvements, sets forth the review authority for all required subdivision improvements; both on- and off-site, which shall be subject to the approval of the County Engineer and shall be constructed in accordance with the standard engineering specifications and other approved standards as provided by this title and by ordinance or resolution of the Board of Supervisors.

Chapters 23.25: Design Requirements, sets forth design requirements and standards pertaining to subdivision roads, bicycle and pedestrian paths, parcel size, open space easements, maintenance of facilities, and grading and erosion control.

Chapter 23.27: Fire Design Standards, includes standards for defensible space in the event of fires and accessible roadways for fire service providers.

Chapter 23.29: Road Standards and Chapter 23.31, Article II. Roadway Design Standards, focus on the safe and standardized design of streets in subdivisions, design standards for bike lanes and separated bike paths, and the preparation of traffic studies.

16.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of transportation, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of transportation impacts, or indeed on any subject addressed in the checklist (*Save Cuyama Valley v. County of Santa Barbara* (2013) Cal. App. 4th 1059, 1068). Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. (Ibid.) Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here. Therefore, for purposes of this EIR, a significant environmental impact would occur if implementation of the proposed project would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

16.4 Analysis, Impacts, and Mitigation Measures

The proposed project could result in environmental impacts if it were deemed to conflict with a plan, ordinance or policy related to circulation, and the mitigation to rectify the conflict would result in physical environmental changes with potential to create adverse impacts.

Conflict with Transportation Programs, Plans, Ordinances, or Policy

IMPACT 16-1	Conflict with Transportation Programs, Plans, Ordinances, or Policy Leading to Adverse Impacts	Less than Significant with Mitigation
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Pursuant to CEQA and SB 743, the LOS analysis is not used as a basis for determining the significance of transportation impacts of the proposed project; the adopted county VMT policy is used to analyze transportation impacts for the purposes of CEQA. An operational LOS analysis is still required per general plan policy C-1.12 and is provided in greater detail in the transportation analysis ([Appendix H](#)). Information regarding LOS is presented in this section only to the extent that inconsistencies with general plan policy C-1.12 can be determined and for informational purposes to address issues raised by comments on the NOP.

General Plan Policies and Regional Transportation Program

County general plan policies require new development, in compliance with local, State, and federal law, to evaluate and mitigate project impacts to transportation facilities. Policy C-1.12, which predates SB 743 and CEQA regarding VMT analysis, calls for using LOS methodology to determine project impacts to transportation facilities. Policies C-1.10 and PFS-1.12 call for mitigation of impacts to infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods. Policy C-3.9 requires consistency with the Regional Transportation Program.

Consistent with general plan policy C-1.12 the transportation analysis includes evaluation of project effects to traffic operations based on the County’s standard of LOS D. The results of the transportation analysis will be used by the County to determine the project’s appropriate fair share fee payments for, or construction of, facility improvements necessary to maintain LOS D per general plan policy C-1.12.

According to the transportation analysis, the proposed project is estimated to generate 6,905 daily vehicle trips, with 324 trips occurring during the AM peak hour and 458 trips occurring during the PM peak hour. Under the Existing Plus Project Conditions Scenario, the transportation analysis found that addition of these project-generated trips would increase congestion at the Union Road and Airline Highway intersection, which currently operates at an acceptable LOS D.

The widening of Union Road to four lanes between San Benito Street and Airline Highway and the widening of Airline Highway to four lanes between Sunset Drive and Fairview Road would reduce

project effects to operations at the Union Road and Airline Highway intersection. These widening improvement projects are included as part of the San Benito County Regional Transportation Impact Mitigation Fee program; therefore, as a condition of project approval, the developer is responsible for the payment of the applicable impact fee as a fair-share contribution toward the implementation of improvements at this intersection.

The transportation analysis indicates that the proposed project developer also would be responsible for the payment of fair share impact fee payments to improve the following five intersections (Hexagon Transportation Consultants 2022, Table ES-1):

- Enterprise Road and Airline Highway;
- Airline Highway and Union Road;
- Fairview Road and Hillcrest Road;
- Southside Road and Union Road; and
- Union Road/Mitchell Road and State Route 156.

Improvements to these intersections that maintain acceptable levels of service are identified in the transportation analysis and are included as part of the San Benito County Regional Transportation Impact Mitigation Fee program. Therefore, as required conditions of approval, the developer is responsible for the payment of the applicable impact fee as a fair-share contribution toward the construction of improvements.

The transportation analysis concludes that the proposed project's participation in the regional impact fee program would ensure that the County standard would be met or exceeded through mitigation consistent with general plan policies C-1.10, C-1.12, C-3.9 and PFS-1.12. The project is subject to compliance with these general plan policies. Therefore, no conflicts with the general plan or Regional Transportation Plan would occur.

Bicycles and Pedestrians

There are a number of County policies that seek to develop complete pedestrian and bicycle networks to provide residents with alternative and accessible modes of transportation. The following discussion addresses consistency with various general plan policies.

Offsite Bicycle Network Access

The proposed project could increase the demand for access to bicycle facilities off the project site. With the existing limited and discontinuous bicycle network in the vicinity of the proposed project, bike riders would have to share the roadway with vehicular traffic, which could discourage the use of the bicycle as an alternative mode of transportation. With the implementation of the planned bicycle facilities identified in the County's Bikeway and Pedestrian Master Plan, a connection would be

provided between the project site and other bicycle facilities to the north, providing a continuous bicycle network with access to most areas within Hollister and major facilities outside of town. However, planned bicycle facilities are not fully funded and it is uncertain when these facilities would be available. Until these facilities are built out, off-site project-related bicycle traffic would need to share the roadway with auto traffic.

General plan policy C-2.6 requires that project applicants of new developments adjacent to designated bikeways provide the portion of the planned bikeway within the development including land dedication and/or construction when (1) a nexus can be established between the proposed development and the dedication and/or construction; and (2) the dedication and/or construction would be roughly proportional to the development's impacts.

A Class II bike lane is planned by San Benito Council of Governments on State Route 25 along the frontage of the Ridgemark project site. However, neither the project application materials or the proposed VTM identify land dedications or bike lane improvements on State Route 25 along the project site frontage. Therefore, the proposed project conflicts with general plan policy C-2.6.

Mitigation Measure

TRAN-1 Prior to County acceptance of the final map, and subject to review and approval of the Director of Planning, Building and Code Enforcement, the applicant shall submit proof of consultation with Caltrans determining if land area is needed for right-of-way improvements necessary to accommodate the planned SBCOG Class II bike lane along the project frontage on State Route 25. If right-of-way is required, the applicant shall identify the land area and method of dedication on the final map and all improvement plans.

Implementation of Mitigation Measure TRAN-1 would ensure that the proposed project does not conflict with or jeopardize the construction of a Class II bike lane on State Route 25 and ensures that the project would be consistent with general plan policy C-2.6.

Off-site Pedestrian Access

A lack of sidewalks off the project site make pedestrian travel to/from the project site challenging and forcing pedestrians to walk along undeveloped roadway shoulders and/or within the street. The implementation of the planned public transit improvements identified in the San Benito County 2040 RTP and planned Caltrans improvements to State Route 25 between Fairview Road and Sunset Drive could encourage the use of pedestrian facilities on these segments by project residents. However, no other pedestrian destinations, such as residences, shopping centers, or other pedestrian services, are located within what would be considered an acceptable walking distance (0.25 to 0.5 miles) from the project site. Within the project site neighborhood commercial uses are proposed within walking distance of existing and future residents. Therefore, it is very unlikely that the project would generate a measurable need for pedestrian facilities off the project site.

On-site Bicycle and Pedestrian Access

The following General plan policies address the need for on-site bicycle and pedestrian improvements: C-1.2 Complete Streets, C-2.1 Bicycle, Pedestrian and Equestrian Systems, and C-2.8 Sidewalks or Pedestrian Paths in Subdivisions & ED 8.4 Walking Distance to Parks.

- **C-1.2 Complete Streets.** (Excerpt) To promote a road and street network that accommodates cars without requiring car-dependence, the County shall plan for use of roadways by all vehicle types and users, including automobiles, trucks, alternative energy vehicles, agricultural equipment, transit, bicyclists, and pedestrians, when constructing or modifying roadways. Additionally, the County shall plan its road and street network to reflect a context sensitive approach to the design of thoroughfare assemblies, where the allocation of right-of-way and the facilities provided are based on the intended character, whether urban or rural, of a particular location (urban context). Roads and streets within communities shall be designed to support and encourage walkability as a response to their context, whereas roads in open areas of the County shall be designed primarily for vehicular circulation.
- **C-2.1 Bicycle, Pedestrian, and Equestrian Systems.** The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems, as appropriate to the context, that serve both commuter travel and recreational use, and provide access to major destinations in the county.
- **C-2.8 Sidewalks or Pedestrian Paths in Subdivisions.** The County shall encourage project applicants to provide sidewalks or pedestrian paths, or other safe and convenient accommodations for pedestrians (e.g., shared-space streets) on all new roads or modifications to existing roads, as appropriate to the context, in accordance with County road-way design standards.

The three above policies each include language incorporating consideration for the appropriate context of a project as one factor in the design of roadway, bicycle and pedestrian improvements. Policy C-1.2 states, in part that *“the County shall plan its road and street network to reflect a context sensitive approach to the design of thoroughfare assemblies,”* while policies C-2.1 and C-2.8 encourage design of pedestrian and bicycle systems *“as appropriate to the context”* of the project.

The context of the proposed project consists of the existing Ridgemark development within which the proposed 190 new units will be placed. The existing Ridgemark community includes the following characteristics:

- Streets are designed without sidewalks or bike lanes.
- On-street parking is not allowed within the Project.
- Pedestrian use of the cart paths within the golf course is allowed by the Ridgemark HOA.

The proposed residential areas include the following characteristics:

- Units are dispersed in several areas throughout the existing community.
- The majority (82 percent) of the new units are located on cul-de-sacs, avoiding through traffic.
- Most of the proposed new residential areas include off-street walking paths in close proximity.

Through these proposed characteristics, the proposed project provides an on-site circulation pattern with bicycle and pedestrian connectivity to match the design of the existing circulation pattern on the site, without the implementation of sidewalks and bike lanes. Within this context, the proposed circulation pattern is consistent with the general plan policies C-1.2, C-2.1 and C-2.8.

General plan policy ED-8.4 states:

- **ED-8.4 Walking Distance to Parks.** Strive to create development patterns such that the majority of residents are within a reasonable walking distance of a park, greenway, public plaza or recreation center.

As discussed previously, and as shown on the vesting tentative map there are various pedestrian and bicycle pathways throughout the existing and proposed project (refer to Figure 4-2 and [Appendix C](#)). Open space areas are provided by the golf course, open space buffers and a proposed 4.0-acre park. The project is consistent with general plan policy ED-8.4.

Transit

The proposed project could increase the demand for transit services in the vicinity of the project site. However, the existing limited transit services within the vicinity of the site may discourage the use of transit services as an alternative mode of transportation since the project site is not served directly by any transit services and the nearest bus stop is located approximately 1.5 miles distant within the City of Hollister.

The implementation of the planned public transit improvements identified in the San Benito County 2040 RTP could encourage the use of transit by project residents. However, since the planned transit facilities are not fully funded, it is uncertain when these facilities would be available. Until these facilities are built out, project-related transit users would be minimal (Robert Del Rio, email message, January 13, 2023).

Caltrans Planned Improvements

The San Benito Route 156 Improvement Project would involve the construction of approximately five miles of new four-lane at-grade expressway from The Alameda in San Juan Bautista to Business Route 156 near Hollister. Development at the project site, located approximately five miles northwest of the project site, would not interfere with or impair the Caltrans' planned roadway improvement at this location.

Widening of State Route 25 is proposed between Fairview Road and Sunset Drive. The proposed project does not include alterations to the intersection of Ridgemark Drive/State Route 25/Fairview Road, but does create a new parcel (Commercial Area B) adjacent to the intersection. In their comments on both versions of the notice of preparation, Caltrans requested that an appropriate amount of land be preserved along the right-of-way to ensure that future development of the parcel would not preclude widening of State Route 25 improvements that may be needed at the intersection. Improvement plans showing driveway access on Commercial Area B are not yet available in detail sufficient to analyze project-specific conflicts with Caltrans planned widening of the intersection. Implementation of the following mitigation measure would ensure that future development of Commercial Parcel B would not interfere or impair Caltrans planned roadway improvements.

Mitigation Measure

TRAN-2 Prior to submittal of improvement plans on Commercial Parcel B, and subject to review and approval of the Director of Planning, Building and Code Enforcement, the applicant shall submit proof of consultation with Caltrans determining if land area is needed for right-of-way improvements associated with Caltrans planned widening of SR 25 between Fairview Road and Sunset Drive. If right-of-way is required, the applicant shall identify the land area and method of dedication on all improvement plans.

Implementation of this mitigation measure ensures that the proposed project would not conflict with Caltrans planned widening of State Route 25.

No other policy conflicts that would lead to adverse effects would occur. The impact is less than significant with mitigation.

Vehicle Miles Traveled

IMPACT 16-2	Generate Home-based VMT per Resident that is Greater than 19.6 VMT per Resident	Significant and Unavoidable with Mitigation
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Pursuant to SB 743, the California Natural Resources Agency finalized updates to the CEQA Guidelines in late 2018. The guidelines state that level of service will no longer be considered to be an environmental impact under CEQA and conclude that VMT is the most appropriate measure of transportation impact. VMT is defined as the total distance traveled by vehicles traveling to and from a land use over a typical day. The County's general plan EIR did not address VMT as it was not previously required to be addressed per CEQA Guidelines.

Development of the proposed uses would generate new vehicle trips. These trips will have local and regional destinations that in aggregate constitute the daily VMT for the proposed project. For mixed-use projects, OPR allows lead agencies to evaluate only the project's dominant use. Since the

proposed residential and retail components of the project would be the dominant land use (the proposed residential and retail uses would generate a significantly greater number of daily trips when compared with the proposed hotel use), the CEQA impact evaluation for the project is based only on the residential and retail components of the project.

Retail Uses

Per the County's VMT policy screening criteria, retail projects with 50,000 square feet or less are considered local-serving and do not require a detailed CEQA transportation analysis. The addition of new local-serving retail development tends to shorten trips, and consequently reduce VMT, by improving retail destination proximity. That is, new local-serving retail projects would provide an alternative to other similar uses located farther away. The proposed retail component of the project satisfies this criterion and therefore is not required to complete a detailed VMT analysis.

Residential Uses

The residential component of the project does not meet the VMT policy screening criteria that would exempt it from further study, and therefore, a VMT analysis was prepared. The County VMT policy establishes an impact threshold of 15 percent below the county-wide home-based VMT per capita for residential uses in the county. When assessing a residential project, the project-generated home-based VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita. The County's Transportation Demand model (model) indicates that the countywide average home-based VMT per capita is currently 23.1. A 15 percent reduction in VMT would be 19.6 VMT per capita, which is the threshold for the proposed project. The proposed project will result in a significant impact if project-generated VMT exceeds the home-based 19.6 VMT per resident.

The results of the VMT analysis, using the County's model, indicate that the proposed project is located in transportation analysis zones (TAZs) 309-311, 313, 314, and 321, each of which have an existing home-based VMT per capita of 28.7. This exceeds the current county-wide average home-based VMT per capita of 23.1 and the County's 19.6 VMT per resident threshold. It is assumed that the proposed project would exhibit similar travel characteristics and have the same home-based VMT per capita as other residential uses within its TAZ.

The VMT analysis identifies VMT per capita per day for existing conditions, identifies the VMT threshold of significance at 15 percent below existing VMT per capita, and VMT per capita per day for the proposed project. [Table 16-1, Vehicle Miles Traveled Analysis Results](#), shows the results of the VMT modeling. Because the project's VMT per capita would exceed the impact threshold of 19.6 VMT per capita, the proposed project would have a significant impact on the transportation system based on the County's VMT impact criteria.

Table 16-1 Vehicle Miles Traveled Analysis Results

	VMT/Capita/day
Existing City Conditions (Baseline)	23.1
Threshold of Significance (15% below the baseline)	19.6
Proposed Project	28.7

SOURCE: Hexagon Transportation Engineers 2020

The data in Table 16-1 shows that the proposed project VMT/capita would exceed the threshold of significance by 9.1 VMT/capita per day, or by about 32 percent. Therefore, the residential portion of the proposed project would have a significant VMT impact.

The County VMT policy identifies several Transportation Demand Management (TDM) strategies that can be implemented to reduce a project's VMT. However, most of the measures are applicable to only employment uses and/or are beyond the means of implementation by a single development project. The VMT policy identifies the following TDM strategies that could reduce residential VMT per capita:

- T-8 Subsidized Transit Program: Provide subsidized or discounted, or free transit passes for residents. Reducing the out-of-pocket cost of choosing transit improves the competitiveness of transit against driving increasing the total number of transit trips and decreasing vehicle trips.
- T-22 Community-Based Travel Planning: Target residences in the community with community based travel planning (CBTP). CBTP is a residential-based approach to outreach that provides households with customized information, incentives, and support to encourage the use of transportation alternatives in place of single-occupancy vehicles.
- T-17 Pedestrian Network Improvement: Increase sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive.
- T-18 Construct or Improve Bike Facility: Construct or improve a single bicycle lane facility that connects to a larger existing bikeway network. Providing bicycle infrastructure helps to improve biking conditions within an area.

The transportation analysis notes that implementation of a residential travel demand management plan that includes these measures would reduce project VMT, where existing pedestrian and bicycle facilities, and existing and robust transit service systems are present. None of these conditions are currently present in proximity to the project site or in any other TAZ in unincorporated San Benito County (Robert del Rio, email message to consultant, September 12, 2022). The project site is located in a suburban/rural setting and has limited access to multi-model transportation infrastructure. Therefore, the project-generated VMT per capita with implementation of these TDM would still exceed the County's residential VMT per capita threshold and is significant and unavoidable.

However, offering transit passes to new residents, land dedication for the planned Class II bikeway on State Route 25 (see mitigation measure TRAN-1), and the provision of a Class II bikeway improvement within the project site that would connect the project site with the planned Class II bikeway on State Route 25, would increase the opportunities available to the project to reduce its residential VMT impact. Placing bike racks within commercial areas of the project site would encourage further reductions in residential VMT, by promoting bike travel between residences and commercial uses within the project site.

In addition to mitigation measure TRAN-1 for the provision of rights-of-way land dedications for planned bike lane improvements on State Route 25, implementation of the following mitigation measures would reduce project-generated VMT, but not to a less-than-significant level.

Mitigation Measures

- TRAN-3 Prior to issuance of occupancy certificates for residential development, the project developer shall coordinate with the County, the San Benito Council of Governments and the Ridgemark Owners Association to provide \$2,000.00 and establish a program to offer free transit passes for residents to use the Inter-County Transit service to the Gilroy Caltrain and Greyhound Stations. The program shall be approved by the San Benito County Director of Planning, Building and Code Enforcement. Information regarding this program shall be provided to each resident of a new house in the project.
- TRAN-4 Prior to issuance of an occupancy certificate for any commercial use, the developer shall construct a Class II bicycle lane on Ridgemark Drive between the intersection of State Route 25 and Ridgemark Drive and Commercial Area C.
- TRAN-5 All commercial development shall provide bike racks for each use. The locations of bike racks shall be shown on the project improvement plans.

Implementation of the above mitigation measures would reduce the project’s home-based VMT but not to a less-than-significant level. Therefore, the proposed project’s impact to the County’s home-based VMT per capita is significant and unavoidable with mitigation. Adoption of a statement of overriding considerations by the County Board of Supervisors is required.

Circulation Hazards

IMPACT 16-3	Add Roadways and Vehicles on the Project Site	Less than Significant
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The proposed project includes the construction of new internal roadways. Traffic generated by existing and proposed residential uses would utilize existing and proposed internal roadway network and new small roadways connecting to existing roadways as shown on the project plans. The

proposed project is subject to compliance with general plan policies and County code provisions, design criteria and performance standards for the construction of all new roadways, including meeting complete street requirements and providing internal pedestrian and bicycle routes throughout the site, consistent with general plan policy C-1.2. Constructing these improvements will result in a range of environmental effects related to air quality, biological resources, cultural resources, hydrology and water quality, and noise. These effects are identified at a general level within each section of this EIR at the level of detail currently available about them. Mitigation measures for all construction related impacts of the proposed project have also been identified. No further analysis of construction impacts from proposed new or modified roadways and streets is necessary.

IMPACT 16-4	Circulation Hazards at the intersection of Graniterock Driveway / State Route 25, at the intersection of State Route 25 / South Ridgemark Drive, and at the Intersection of Southside Road / Promontory Driveway	Less than Significant
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Graniterock Driveway / State Route 25

In their NOP comments, Graniterock identified potential conflicts with sand and gravel truck movements at the intersection of their sand and gravel facility driveway and State Route 25, located east of South Ridgemark Drive. The transportation analysis operational LOS analysis did not include an assessment of potential impacts to the Graniterock sand and gravel facility driveway on State Route 25.

Total peak hour trips along State Route 25 south of Ridgemark Drive range between 180 and 325 peak hour trips without the project. In their NOP comments, the Ridgemark Homes Association has indicated that a new gatehouse would be constructed in the future on South Ridgemark Drive, which would allow for staff operation and access to the Ridgemark area by vendors and visitors, in addition to residents, however, the proposed project does not include detailed plans or a schedule for this improvement, and the referenced gatehouse would be constructed as part of a separate project. The proposed project does not add visitor traffic into or out of South Ridgemark Drive and, according to the traffic engineer, only 11 peak hour trips (from Ridgemark Drive) would be added to State Route 25 east of South Ridgemark Drive. Project peak hour trips that would be added to State Route 25 south of Ridgemark Drive, would represent a less than five percent increase in peak hour trips (Robert Del Rio, email message, January 13, 2023). The minimal amount of project traffic added to State Route 25 does not warrant study of intersections or driveways. Therefore, study of the referenced driveway is not required (Robert del Rio, email message to consultant September 13, 2022). The impact would be less than significant.

State Route 25 / South Ridgemark Drive

The transportation analysis indicates a potential line of sight issue at the intersection of South Ridgemark Road and State Route 25. Compliance with general plan policies and County code

provisions, such as general plan policy C-1.16, and design criteria and performance standards for street and roadway construction pursuant to County Code Section 23.25.009 and Chapter 23.31, Articles I and II, would ensure that this hazard would be avoided or reduced to less than significant. The proposed project is subject to compliance with these policies and code provisions as part of the building permit process. No mitigation is required.

Southside Road / Promontory Driveway

Traffic generated by existing and proposed residential uses would have access to Southside Road through the adjacent approved Promontory subdivision (refer to Figure 4-3). The Promontory Subdivision includes the construction of a third leg to the intersection of South Ridgemark Drive and Ridgemark Drive, connecting the two projects. The addition of project traffic to the access road may contribute to line of site issues at the intersection of the Promontory subdivision entrance with Southside Road. As would be required for on-site roadway improvements, the design of the driveway at the adjacent subdivision is presumed to occur in compliance with general plan policies and County code provisions, design criteria and performance standards for street and roadway construction to ensure that any hazard would be avoided or reduced to less than significant. No further analysis is required.

Emergency Access

IMPACT 16-5	Inadequate Emergency Access	Less than Significant
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The proposed project is served by two driveway access points; Ridgemark Drive and South Ridgemark Drive. A third restricted access point to Southside Road would be provided through the adjacent Promontory subdivision. The proposed project is subject to compliance with general plan policies and County code provisions, such as general plan policy C-1.16, and design criteria and performance standards for the construction of all new roadways, pursuant to County Code Section 23.25.009 and Chapter 23.31, Articles I and II, including the provision of emergency access. Compliance with County regulations will ensure that no significant impact would occur.

16.5 Cumulative Impact Analysis

Cumulative Context

The cumulative context for transportation-related impacts is existing development and future growth within the general plan planning area. Impacts related to design hazards and emergency access are generally site-specific, and would not result in cumulatively considerable impacts. Therefore, impacts related to design hazards and emergency access are not discussed further in this section. The Governor’s Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA provides the following guidance for evaluation of cumulative VMT impacts.

“When using an absolute VMT metric, i.e., total VMT (as recommended below for retail and transportation projects), analyzing the combined impacts for a cumulative impacts analysis may be appropriate. However, metrics such as VMT per capita or VMT per employee, i.e., metrics framed in terms of efficiency (as recommended below for use on residential and office projects), cannot be summed because they employ a denominator. A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa. “(State of California 2018, page 6)

Geographic Scope

The geographic context for cumulative VMT impacts is the counties of Monterey, Santa Cruz, San Benito, and Santa Clara. Regional traffic that contributes to San Benito County VMT per capita involves travel that primarily originates and ends within these counties. The geographic context for cumulative impacts to transit, pedestrian and bicycle facilities are the local existing and planned routes in the vicinity of the project site and the City of Hollister.

Cumulative Impacts

Past, present, and future projects will generate increased VMT throughout the region and demand for transit, bicycle and pedestrian facilities in the vicinity of the project site in northern San Benito County and the City of Hollister. The County’s model indicates that the county-wide average home-based VMT per capita is currently 23.1. The County VMT policy has established 15 percent below the county-wide home-based VMT per capita as the impact threshold for residential uses. The results of the VMT analysis, using the County’s model, show that development in TAZs 309-311, 313, 314, and 321, within which the project site is located, have an existing home-based VMT per capita of 28.7, which exceeds the current county-wide average home-based VMT per capita of 23.1 and is a cumulatively significant impact. Increased demand for transit, and pedestrian and bike facilities could outpace the development of facilities to address demand, which would be cumulatively significant.

Project Contribution

The proposed project’s contribution to cumulative home-based VMT impacts is a 9.1 percent increase in home-based VMT per capita above the County threshold, and would also increase demand for transit, bicycle and pedestrian facilities that could lead to deficiencies in service. These are cumulatively considerable impacts.

Conclusion

Implementation of mitigation measures TRAN-1 – TRAN 3 would reduce the project’s contribution to cumulative impacts to transit, bicycle and pedestrian facilities by requiring participation in the

County's fair share impact fee programs. As a result, the project's contribution to cumulative impacts to transit, bicycle and pedestrian facilities would be reduced to less than cumulatively considerable with mitigation.

Implementation of the TDM measures identified in Mitigation Measure TRAN-3 would reduce the project's contribution to cumulative VMT impacts in the region, but not to a less-than-significant level. As a result, the proposed project contribution to cumulatively significant VMT levels is significant and unavoidable and a statement of overriding considerations would be required.

17.0 Wastewater

This section of the EIR includes evaluation of the adequacy of wastewater conveyance and treatment facilities and capacities to accommodate the new development, whether treatment can be accomplished while meeting regulatory requirements, and whether new conveyance and/or treatment facilities are required. Information in this section is derived from a variety of sources including:

- *San Benito County General Plan* (San Benito County 2015a).
- *San Benito County General Plan EIR* (San Benito County 2015b).
- *Hollister Urban Area Water and Wastewater Master Plan Update* (City of Hollister, San Benito County Water District, and Sunnyslope County Water District 2017).

Sunnyslope County Water District (SSCWD) provided written responses to the notice of preparation (2020) and revised notice of preparation (2021) regarding wastewater capacity. In both comment letters, the SSCWD noted that it had sufficient capacity to serve the project's anticipated wastewater demand for 190 residential lots (2020) and including an additional 38 affordable housing units. However, in both letters SSCWD notes that sewer main infrastructure improvements would be necessary. The 2020 notice of preparation and responses are included in [Appendix A](#). The revised notice of preparation and responses are included in [Appendix B](#).

17.1 Environmental Setting

Wastewater Treatment

The proposed project is located within the service boundary of SSCWD. The SSCWD operates wastewater facilities for more than 1,200 customers through County Service Areas in the county. The project site is located within SSCWD County Service Area 9, Ridgemark.

Wastewater within the project site is collected through a system of gravity fed pipes, lift stations, and force mains (Sunnyslope County Water District 2021b) before treatment at the Ridgemark Wastewater Treatment Plant (treatment plant) with a treatment capacity of 0.35 million gallons per day (mgd). According to SSCWD comments on the notice of preparation, the plant has a design capacity of 0.35 mgd and currently treats an average of approximately 0.15 mgd. The treatment plant was completed in 2013 and treats sewage from Ridgemark, Quail Hollow, and Oak Creek. In order

to meet the more stringent regulations on treated wastewater quality, SSCWD replaced its previous aerated pond wastewater treatment with a new sequential batch reactor treatment plant (Sunnyslope County Water District 2021a).

Sewer Distribution System

SSCWD provides wastewater collection for the Ridgemark, Quail Hollow, and Oak Creek areas. Wastewater flows by gravity from residences and businesses into the sewer pipes and manholes in the street. It then continues flowing downhill toward one of SSCWD's sewer lift stations. These pump the wastewater uphill through force mains to a different part of the sewer system. From there the wastewater gravity flows either to the treatment plan or to another lift station. On-site existing wastewater conveyance systems include lift stations on Oak Creek Court, Paullus Drive, Sonnys Way, and Marks Drive (Sunnyslope County Water District 2021b).

17.2 Regulatory Setting

State

Regional Water Quality Control Board.

San Benito County is within the jurisdiction of the Central Coast Regional Water Quality Control Board (regional water quality control board). The regional water quality control board requires all wastewater collection and disposal providers to prepare both a long-term wastewater management plan and a sewer system management plan according to the *Statwide General Order Waste Discharge Requirements for Sanitary Sewer Systems (Order No. R3-2017-0028)*, which was adopted in 2017 and requires wastewater collection and service providers to report all sanitary sewer overflows and management plans for all sanitary sewer systems.

Title 22 of California Code of Regulations

Title 22 regulates the use of reclaimed wastewater. In most cases only disinfected tertiary water may be used on food crops where the recycled water would come into contact with the edible portion of the crop. Disinfected secondary treatment may be used for food crops where the edible portion is produced above ground and will not come into contact with the secondary effluent. Lesser levels of treatment are required for other types of crops, such as orchards, vineyards, and fiber crops. Standards are also prescribed for the use of treated wastewater for irrigation of parks, playgrounds, and landscaping.

Regional

Hollister Urban Area Water and Wastewater Master Plan (2017)

This plan was developed primarily to identify water and wastewater service development as defined by both the City of Hollister and San Benito County general plans. The HUA water and wastewater

master plan provides a long-term vision to guide water and wastewater improvements in the HUA. The plan was initiated through a memorandum of understanding between the City of Hollister, San Benito County, and the County water district. The SSCWD was added to the plan in 2008.

Sunnyslope County Water District Sewer System Management Plan (2020)

The SSCWD Sewer System Management Plan (SSMP) 2020, provides guidance and regulation for sewer system capacity and infrastructure improvements, best management practices to eliminate fats, oils and greases, and capital infrastructure improvements. The SSCWD currently provides sewer service to approximately 4,000 people.

San Benito County 2035 General Plan

The following goals and policies of the general plan public facilities and services element are relevant to the discussion of the project's impact to wastewater facilities:

Goal PFS-1. To provide residents and business quality, cost-effective, and sustainable public facilities and services.

PFS-1.1 Essential Facilities and Services. The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.

PFS-1.4 Level of Service. The County shall preserve, improve, and replace public facilities as necessary to maintain adequate levels of service for existing and future development. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.

PFS-1.9 Development Review. The County shall evaluate facility capacity, levels of service, and/or funding needs during the development review process to ensure adequate levels of service and facilities are provided and maintained.

PFS-1.10 Maximize Use of Existing Facilities. The County shall require new development projects to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.

PFS-1.11 Pay Fair Share. The County shall require new development to pay its fair share of public facility and service costs.

PFS-1.12 New Development Requirements. The County shall require new development, in compliance with local, State, and federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.

Goal PFS-5. To ensure wastewater treatment facilities and septic systems are available and adequate to collect, treat, store and safely dispose of wastewater.

PFS-5.3 Adequate Water Treatment and Disposal. The County shall ensure through the development review process that wastewater collection, treatment, and disposal facilities are sufficient to serve existing and new development, and are able to be expanded to meet capacity demands when needed.

PFS-5.4 Developer Requirements. The County shall require that new development meet all County requirements for adequate wastewater collection, treatment, and disposal prior to project approval.

San Benito County Code of Ordinances

Chapter 23.31 Improvement Designs, requires all sanitary sewer improvements under the jurisdiction of an agency other than the county, shall be designed and constructed in accordance with the requirements of that agency

17.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of constructing and operating wastewater conveyance and treatment facilities, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of wastewater facilities, or indeed on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The County has done so here. Therefore, for purposes of this EIR, a significant impact would occur in implementation of the proposed project would:

- Require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which cause significant environmental effects; and
- 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, and that expansion of, or construction of, such treatment facilities would cause significant environmental effects.

Issues not Discussed Further

The proposed development project would increase wastewater treatment demand on the site but would not exceed the SSCWD treatment plant capacity. According to the SSCWD comments on the NOP, average daily sewer demand within its service area is 120 gallons per day per unit. The project's 190 proposed units would result in an additional 22,800 gallons per day and SSCWD anticipates total project demand to be approximately 49,000 gallons per day. The treatment capacity

of the treatment plant designed to treat 350,000 gallons of wastewater per day and averages approximately 150,000 gallons per day (Sunnyslope County Water District 2019). According to SSCWD's will serve letter included in [Appendix A](#), SSCWD has determined that the treatment plant has sufficient capacity to accommodate the proposed project along with its existing commitments (Sunnyslope County Water District 2019). No further discussion is needed.

17.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding wastewater treatment facility construction and operation that are relevant to the proposed project based on the thresholds of significance described above. The information and data are used as a basis for determining impact significance and for mitigation measures as needed.

Wastewater Treatment and Collection Infrastructure

IMPACT 17-1	Construction of New Wastewater Infrastructure That Could Result in Significant Physical Environmental Effects	Less than Significant
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The proposed project would connect to the existing SSCWD infrastructure on the project site; however, according to SSCWD comments on the notice of preparation, on-and off-site conveyance infrastructure would be required to accommodate development within the proposed development area. New or modified infrastructure required by SSCWD includes the following improvements:

- Upsizing and deepening sewer mains in Donald Drive;
- Extending a gravity sewer line from the Paullus Lift Station to Commercial Area B and installing a new lift station at Commercial Area B;
- Rerouting the existing sewer from the clubhouse from Donnas Lane to Donald Drive;
- Rerouting existing sewer through the park between Donald Drive and Marks Drive, and through a portion of the Phase 2 development area; and
- Participating in the fair share payment of the adjacent approved project (Promontory) sewer upsizing in Marks Drive.

While many of these improvements are within the proposed development area, others are located within the roads owned by the Ridgemark HOA.

The impacts associated with these sewer infrastructure improvements would be temporary construction impacts and would be within previously disturbed roadways and fairway areas within the development area. Constructing new wastewater conveyance infrastructure would involve excavating soil and installing lift stations and pipes. The types of physical resource impacts that could result from these activities would be similar to those associated with constructing the

proposed project as a whole as identified in this EIR. These effects could include, but may not be limited to short term construction impacts to air and surface water quality, impacts to protected biological species, damage to previously undiscovered cultural, tribal cultural resources or paleontological resources, increased GHG emissions, and short-term noise impacts sensitive residential receptors. Proposed construction and its related effects are identified at a general level within each section of this EIR at the level of detail currently available about them. Mitigation measures for all construction related impacts of the proposed project have also been identified. No further analysis is necessary.

17.5 Cumulative Impact Analysis

Cumulative Context

The cumulative context for impacts to wastewater water supply and distribution is existing development and future growth within the SSCWD service district.

Geographic Boundary

The SSCWD service boundary includes the project site and other unincorporated parcels designated for urban development including parcels located east of Fairview Road and parcels south of State Route 25 in proximity to the project site.

Cumulative Impact

Past present and future development within the SSCWD has and will continue to increase demands on SSCWD wastewater treatment facilities, including the SSCWD treatment plant. However, the existing SSCWD has determined that the treatment plant has sufficient capacity to accommodate future development within its current service boundary. The SSCWD treatment plant has a capacity of 0.35 million gallons per day (mgd) and treats approximately 0.18 mgd, leaving an available capacity of approximately 0.17 mgd (City of Hollister, San Benito County Water District, and Sunnyslope County Water District 2017). The HUA water and wastewater master plan estimates that demand for SSCWD wastewater treatment would increase to 0.24 mgd by 2030.

Project Contribution

The proposed project's contribution to cumulative increases in demand for wastewater treatment would be approximately 0.05 mgd.

Conclusion

The SSCWD has found that wastewater treatment demand generated by the proposed project along with its existing commitments would not exceed capacity (Sunnyslope County Water District 2019). The project's contribution is less than cumulatively considerable.

18.0 Water Supply

This section of the EIR describes the existing groundwater supply setting, changes in groundwater demand resulting from the proposed project, the effect of the project water demand on groundwater supplies and distribution infrastructure, and assesses whether the change has implications for groundwater resource sustainability.

Information in this section is derived from a variety of sources including:

- *San Benito County 2035 General Plan* (San Benito County 2015a);
- *Revised Draft Environmental Impact Report 2035 San Benito County General Plan Update* (San Benito County 2015b);
- *Hollister Urban Area Water and Wastewater Master Plan Update* (City of Hollister, et al 2017) (“HUA master plan”); and
- *2020 Hollister Urban Area Urban Water Management Plan* (San Benito County Water District, et al 2021) (“2020 UWMP”).

One comment on the notice of preparation (2020) was received from Sunnyslope County Water District (SSCWD) regarding water supply. The SSCWD noted that the project’s anticipated water use would not trigger a water supply assessment. SSCWD also noted that it had adequate water supplies to serve the proposed project and would serve the project. Finally, SSCWD noted infrastructure improvements which would be required with implementation of the proposed project that are discussed within this EIR section. No other comments were received on the 2020 notice of preparation. The 2020 notice of preparation and comments received are included in [Appendix A](#). The SSCWD reiterated its initial comments in a written response to the revised notice of preparation (2021), noting that the addition of 38 residential units to the originally proposed project also would not trigger the need for a water supply assessment and the revised project would be accommodated by existing capacity. The proposed project has since been revised to eliminate the 38-unit apartment complex and instead, the number of residential lots would be reduced to 175 lots with 160 market-rate single-family lots and 15 duplex or duet lots accommodating 30 below market rate units (total 190 units). The SSCWD 2021 comments also included recommendations for infrastructure requirements. Five comments from the public were received that raised concerns over water supply availability. The revised notice of preparation (2021) and written comments received are included in [Appendix B](#).

18.1 Environmental Setting

Setting

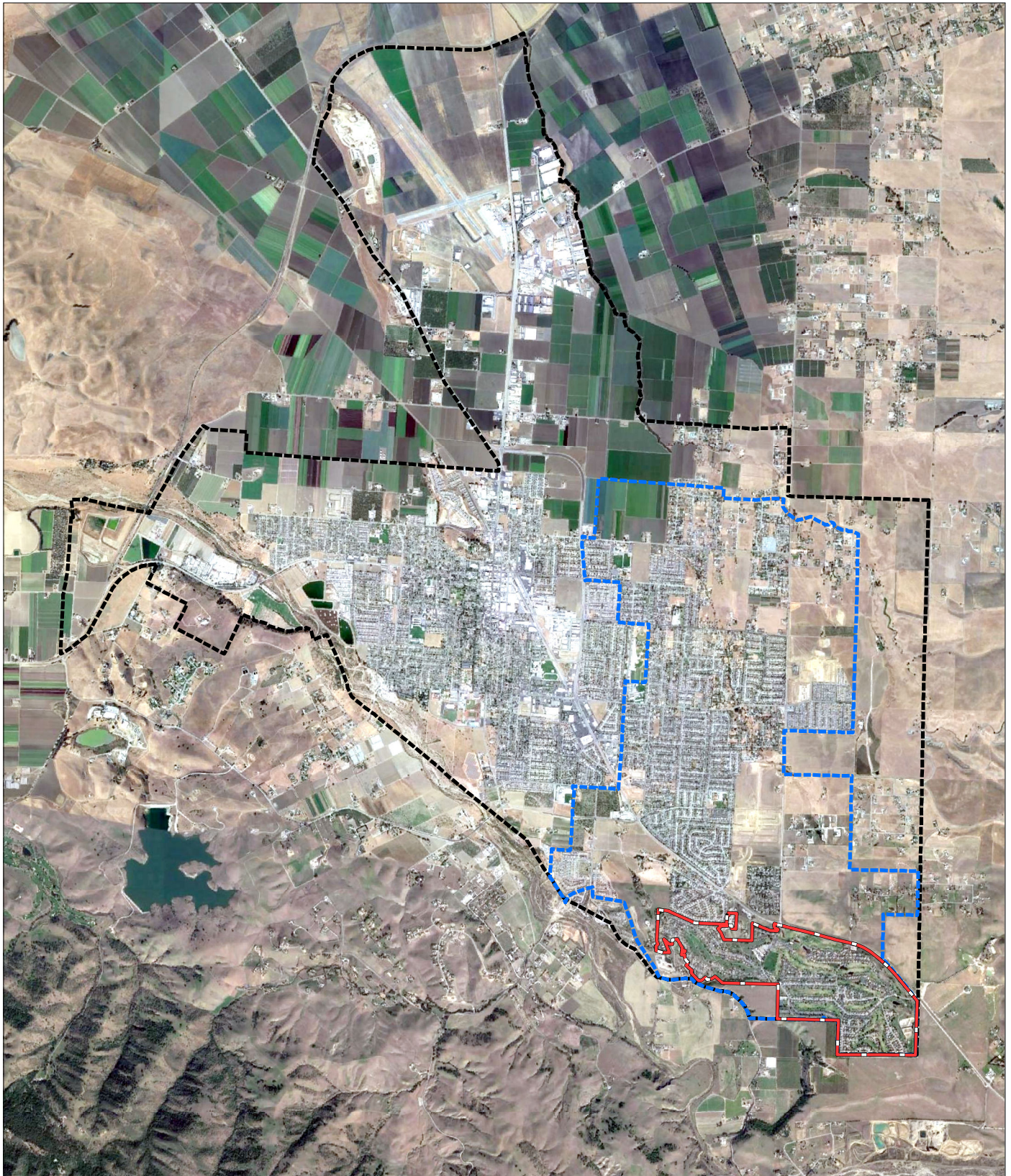
The project site is within the geographic boundaries of the Hollister Urban Area (HUA), which is an approximately 20-square mile area identified in the Hollister Urban Area Water and Wastewater Master Plan (Master Plan), comprising all of the incorporated City of Hollister and portions of unincorporated suburban and agricultural County lands. The project site is also within the planning area included in the 2020 HUA Urban Water Management Plan (2020 UWMP) (San Benito County Water District, et al. 2021). The City of Hollister and SSCWD are the municipal water purveyors for properties within the HUA. The project site is located within the service district of SSCWD, which currently provides service to existing uses and would provide service to the new development proposed within the project site (Sunnyslope County Water District 2019). [Figure 18-1, Hollister Urban Area](#), illustrates the boundaries of the HUA and SSCWD service areas.

Water Supply

Water supplies in the HUA are derived from local groundwater, imported water from the Central Valley Project (CVP), and a small amount of recycled water from the Hollister wastewater treatment plant for landscape irrigation (San Benito County Water District, et al. 2021). These sources are described below.

Imported Water (CVP)

Much of SSCWD water is surface water which originates in the Sierra Nevada range as snowmelt runoff (Sunnyslope County Water District 2020). Runoff enters rivers that flow into the Sacramento-San Joaquin River Delta, the largest estuary on the West Coast of both North and South America. The rivers also flow into 20 reservoirs that are part of the massive Central Valley Project, a complex network of infrastructure that moves water toward southern California, including to Hollister. The San Benito County Water District (County water district) has an open contract with the CVP for a maximum of 8,250 acre-feet per year (AFY) of municipal and industrial water and 35,550 AFY of agricultural water (San Benito County Water District, et al. 2021, p. 6-1). The City of Hollister and SSCWD purchase CVP water directly from the County water district as they are the primary municipal and industrial CVP customers (San Benito County Water District, et al. 2021, p. 6-1). In 2020, approximately 73 percent of SSCWD potable water was CVP water (Sunnyslope County Water District 2020). Actual CVP deliveries are modified on an annual basis by the United States Bureau of Reclamation, reflecting hydrologic conditions (e.g., drought), reservoir storage, and the environmental status of the Sacramento-San Joaquin Delta (San Benito County Water District, et al. 2021, p. 6-3).



0 1 mile



Project Site



Sunnyslope County
Water District



Hollister Urban
Area Boundary

Source: San Benito County GIS 2022, Google Earth 2022

Figure 18-1

Hollister Urban Area

Ridgemark Subdivision EIR



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The County water district manages San Justo Reservoir as storage for imported CVP water. In times of allocations greater than annual demand, the County water District can take delivery of additional CVP water to put into storage for dry year supplementation. The County water district's planned reserve is 5,000 AF, plus additional CVP transfers and exchanges, which would be sufficient to provide supply (in addition to groundwater) for up to five years with preferred blending of imported water and groundwater. Based on future demand and supply calculations, this reserve may only be needed when CVP allocations for municipal and industrial uses are at the lowest allocations (San Benito County Water District, et al. 2021, p. 6-1, 6-2). The U.S. Bureau of Reclamation updated water supply allocations for CVP municipal and Industrial water service contracts on April 1, 2022, in response to drought conditions in the first three months of 2022.

Groundwater

The County water district, formed by a special act of the State, has regional responsibility and authority to manage the North San Benito Groundwater Basin (Basin). As part of its management activities, the County water district provides recharge to the Basin, explores expanded groundwater banking, monitors water levels and water quality, and reports annually on groundwater conditions in the basin (San Benito County Water District, et al. 2021).

Groundwater availability in the long term depends on the Basin receiving adequate recharge to maintain or increase water in storage. The groundwater aquifer serves as a reserve for use during drought conditions. The use of groundwater is expected to increase in critically dry and below normal years as CVP imports are expected to decrease (San Benito County Water District, et al. 2021, p 6-9). While local surface water is not directly used for water supply, it is used as a source of managed recharge to the groundwater aquifer. In most years, local surface water released from Hernandez and Paicines Reservoirs is percolated along the San Benito River and Tres Pinos Creek. As reported in Section 12, the County water district uses these two reservoirs to store runoff for later release to augment groundwater recharge during the dry season. Releases vary dependent on river flows. In the past, the County water district has purchased and percolated additional imported Federal CVP water for groundwater management. This program began in 1988, and CVP percolation peaked in 1997. Managed CVP percolation volumes were reduced following 1997 in response to successful recovery of the groundwater basin from overdraft. In recent years, the County water district has restarted the CVP recharge program at off stream ponds. In water year 2020, 3,161 AFY of imported water was used as recharge to the groundwater basin (Todd Groundwater 2020).

SSCWD owns and operates five deep water wells within the Basin which supplied approximately 27 percent of its potable water in 2020 (Sunnyslope County Water District 2020). Total pumping for Hollister and SSCWD in 2020 totaled 1,919 AFY, with each agency pumping about half of the total. Infrastructure connects the two retailers' systems to allow groundwater pumped from either retailer

to flow to one or the other's systems. The retailers use this connection to ensure that groundwater and imported water is efficiently delivered to all customers in the HUA (San Benito County Water District, et al. 2021, p 6-9).

The City of Hollister and SSCWD percolate treated wastewater discharge to the groundwater basin. The City of Hollister provided 2,392 AF of treated water and SSCWD provided 155 AF in water year 2020. Wastewater percolation has been decreasing in recent years and is expected to continue to decrease as recycled water use increases (Todd Groundwater 2020).

Sunnyslope County Water District

The SSCWD's contracted water is delivered via the Pacheco Tunnel and Hollister Conduit to the Lessalt Water Treatment Plant or the West Hills Water Treatment Plant prior to delivery to customers. The Lessalt plant has an average capacity of 2.0 million gallons per day. West Hills water treatment plant is a second surface water treatment plant which treats CVP imports and allows delivery to urban areas currently not served by the Lessalt Water Treatment Plant. The SSCWD monitors water quality in its system and reports to the State Water Resources Control Board Division of Drinking Water. A general measure of groundwater quality is total dissolved solids (TDS). Imported CVP water is blended with local groundwater at the Lessalt Water Treatment Plant to reduce TDS in the City of Hollister and SSCWD water supplies. If CVP water is available, the objective for municipal and industrial delivered water is at least 65 percent CVP imports with the remaining 35 percent as groundwater. In 2020 groundwater made up approximately 27 percent of SSCWD supply.

Recycled Water

Treated and disinfected water from the City of Hollister's wastewater treatment plant is currently being used for landscape irrigation at one site within the HUA. Although the County has plans to meet water quality goals to facilitate reuse of treated wastewater, the effluent streams from all treatment facilities have high levels of TDS that can preclude reuse of treated water on local agricultural lands. While this water source is available to some areas of the HUA, the proposed project would be served by the SSCWD, which does not currently provide a recycled water supply.

Water Conservation

Hollister, SSCWD, and the County Water District, along with the City of San Juan Bautista, participate in the San Benito Water Resources Association. The San Benito Water Resources Association works to effectively improve the reliability of water supply and encourages water conservation for the San Benito region through various programs, rebates, giveaways, and advertising.

Water Supply and Demand

A water supply reliability analyses was conducted for the HUA in the 2020 UWMP, which evaluated constraints on water supply sources and project water supply volumes through 2040. Table 7-4 of the 2020 UWMP identifies CVP, groundwater, and recycled water sources and estimated supply for a normal year and multiple dry years through 2040. These analyses show that with implementation of water shortage contingency plan stage 1 reductions, water supplies are projected to be sufficient to meet demand within the HUA through 2040, even in multiple dry years. The water supply contingency plan is described in greater detail under Regulatory Setting.

While necessary to long-term basin sustainability, CVP supply is considered to be less reliable, given that municipal and industrial allocations can range from 50 to 100 percent and local agencies have little control. However, the HUA actively seeks out additional contracts and transfers and stores the additional supply in San Justo reservoir in preparation of multi-year droughts. Currently, the County water district is capable of continuing to provide adequate CVP supplies to the HUA even in a multi-year drought. In addition, the County water district manages the Basin conjunctively with surface water supplies, providing a reliable supply in the event of interruptions to the imported CVP supply. The projections of multiple year water supply and demand in the 2020 UWMP show that expected demand and supply for the near future would be able to withstand a five-year drought beginning with implementation of water shortage contingency plan Stage 1 water conservation measures. Water conservation measures to further reduce demand are implemented, if necessary, in accordance with the water shortage contingency plan (San Benito County Water District, et al. 2021, p. 7-13). Consumers within the HUA are currently subject to water shortage contingency plan Stage 2 restrictions.

18.2 Regulatory Setting

Federal

Central Valley Project (CVP)

The federal CVP is operated by the United States Bureau of Reclamation. The CVP was created to prevent Central Valley water shortages and floods, improve navigation on the Sacramento River, provide supplies of municipal and industrial water, enhance water quality, generate electric power, conserve fish and wildlife, and create opportunities for recreation. The CVP consists of 20 dams and reservoirs, 11 power plants, and 500 miles of major canals, conduits, and tunnels. About nine million AFY of water are managed by the CVP and about seven million AFY of water for agricultural, urban, and wildlife uses are delivered annually. An average of five million AFY of CVP water is provided to farms to irrigate about three million acres of land and about 600,000 AFY of water is provided for municipal and industrial uses. About 800,000 AFY are provided for fish and wildlife

habitats and 410,000 AFY to State and Federal wildlife refuges and wetlands, pursuant to the Central Valley Project Improvement Act. Finally, the CVP generates 5.6 billion kilowatt hours of electricity annually (San Benito County Water District, et al. 2021, p. 6-1).

State

Senate Bill 610 (SB 610) and Assembly Bill 901 (AB 901)

During the 2001 regular session of the State Legislature, SB 610 and AB 910 – Water Supply Planning – were signed and became effective January 1, 2002. SB 610 amends Public Resources Code section 21151.0, requiring any EIR, negative declaration, or mitigated negative declaration for a qualifying project to include consultation with affected water supply agencies (current law applies only to NOPs). SB 610 also amends the following: Water Code 10656 and 10657 to restrict state funding for agencies that fail to submit their urban water management plan to the Department of Water Resource’s Water Code section 10910 to describe the water supply assessment that must be undertaken for projects referred under PRC Section 21151.9.

Water agencies would be given 90 days from the start of consultation in which to provide a water supply assessment of the CEQA lead agency; Water Code section 10910 would also specify the circumstances under which a project for which a water supply assessment was once prepared would be required to obtain another assessment. AB 910 amends Water Code section 10631, expanding the contents of the urban water management plans to include further information on future water supply projects and programs.

Senate Bill (SB) 221

SB 221 adds Government Code section 66455.3, requiring that the local water agency be sent a copy of any proposed residential subdivision of more than 500 dwelling units within five days of the subdivision application being accepted as complete for processing by the city or county. It adds Government Code section 66473.7, establishing detailed requirements for determining whether a “sufficient water supply” exists to support any proposed residential subdivisions of more than 500 dwellings, including any such subdivision involving a development agreement.

When approving a qualifying subdivision tentative map, the city or county must include a condition requiring a sufficient water supply to be available. Proof of availability must be requested of and provided by the applicable public water system. If there is no public water system, the city or county must undertake the analysis described in section 66473.7. The analysis must include consideration of effects on other users of water and groundwater.

Water Conservation in Landscaping Act

The Water Conservation in Landscaping Act, enacted in 2006, required the Department of Water Resources to update the Model Water Efficient Landscape Ordinance (MWELO). In 2009, the Office of Administrative Law approved the updated MWELO, which required a retail water supplier

or a county to adopt the provisions of the MWELo by January 1, 2010, or enact its own provisions equal to or more restrictive than the MWELo provisions (Frame 2008). San Benito County has yet to adopt a water efficient landscaping ordinance (Department of Water Resources n.d.); therefore, the proposed project would be required to comply with the requirements set forth in the State MWELo. The MWELo applies to new construction with a landscape area greater than 2,500 square feet, and requires, among other things, weather-based irrigation controllers or soil-moisture based controllers or other self-adjusting irrigation controllers for irrigation scheduling in all irrigation systems

Part 11 California Green Building Standards

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The 2019 CALGreen includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes voluntary tiers (Tiers I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements. The use of water-conserving indoor water fixtures to minimum standards is required.

Compliance with the CALGreen water conservation/demand reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act was amended in the later part of 2015 by Senate Bill 13, Senate Bill 226 and Assembly Bill 1390 to provide clarity to the original law and guidance on groundwater adjudications. The Sustainable Groundwater Management Act defines sustainable groundwater management as the “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results,” including chronic lowering of groundwater levels indicating a significant and unreasonable depletion due to reduction of groundwater storage, seawater intrusion, degraded water quality, land subsidence and adverse impacts on beneficial uses of surface water.

The Sustainable Groundwater Management Act provides financial and enforcement tools to carry out effective local sustainable groundwater management through formation of groundwater sustainability agencies consisting of local public agencies, water companies regulated by the California Public Utilities Commission, and mutual water companies. Groundwater sustainability

agencies within high- and medium- priority basins under the California Statewide Groundwater Elevation Monitoring Program subject to critical conditions of overdraft prepare and submit groundwater sustainability plans for the basin by January 31, 2020, and requires groundwater sustainability agencies in all other groundwater basins designated as high- or medium-priority basins to prepare and submit a groundwater sustainability plan by January 31, 2022. Following state approval, the basin would thereafter be managed under the groundwater sustainability plan.

The key intended outcomes and benefits of the Sustainable Groundwater Management Act are numerous, and include:

- Advancement in understanding and knowledge of the State’s groundwater basins and their issues and challenges;
- Establishment of effective local governance to protect and manage groundwater basins;
- Management of regional water resources for regional self-sufficiency and drought resilience;
- Sustainable management of groundwater basins through the actions of Groundwater Sustainability Agencies, utilizing State assistance and intervention only when necessary;
- All groundwater basins in California are operated to maintain adequate protection to support the beneficial uses for the resource;
- Surface water and groundwater are managed as “a Single Resource” to sustain their interconnectivity, provide dry season base flow to interconnected streams, and support and promote long-term aquatic ecosystem health and vitality;
- A statewide framework for local groundwater management planning, including development of sustainable groundwater management best management practices and plans;
- Development of comprehensive and uniform water budgets, groundwater models, and engineering tools for effective management of groundwater basins;
- Improved coordination between land use and groundwater planning; and
- Enforcement actions as needed by the SWRCB to achieve region-by-region sustainable groundwater management in accordance with the 2014 legislation.

The benefits of these outcomes include:

- A reliable, safe and sustainable water supply to protect communities, farms, and the environment, and support a stable and growing economy; and
- Elimination of long-term groundwater overdraft, an increase in groundwater storage, avoidance or minimization of subsidence, enhancement of water flows in stream systems, and prevention of future groundwater quality degradation.

The Sustainable Groundwater Management Act is landmark legislation that, for the first time in the history of California, requires comprehensive groundwater management, with the mandatory goal of bringing all currently over drafted basins into sustainable conditions by no later than 2040 or 2042, with five-year increments of progress starting in 2025 and 2027.

Regional

North San Benito Groundwater Basin Groundwater Sustainability Plan (2021)

The North San Benito Groundwater Basin (basin) is the plan area for the North San Benito Groundwater Basin Groundwater Sustainability Plan (2021) (basin plan). The basin includes the Bolsa, Hollister, and San Juan Bautista Subbasins of the Gilroy-Hollister Basin and the Tres Pinos Valley Basin. The basin shares a boundary along the Pajaro River with the Llagas Subbasin in Santa Clara County. This groundwater sustainability plan applies best available information to describe groundwater and related surface water resources within the basin. Analysis of the groundwater basin conditions, made with reference to sustainability indicators defined in Sustainable Groundwater Management Act, indicates that the basin has been managed sustainably, given variable availability of imported water.

Projections have been made into the future (simulated with the numerical groundwater flow model) of existing conditions, climate change, and reasonably anticipated growth. These projections indicate that the basin can continue to be sustainable, assuming reasonable availability of CVP water, with implementation of projects and management actions to avoid undesirable results. These projects and management actions do not include any long-term planned reductions in groundwater pumping. Additional discussion of effects to the basin and consistency with the groundwater sustainability plan is provided in Section 12, Hydrology and Water Quality.

Hollister Urban Area Water and Wastewater Master Plan (2017)

The HUA master plan provides a comprehensive plan and implementation program to meet the existing and future water resources needs of the Hollister Urban Area. The HUA master plan goals are to improve water quality, increase the reliability of the water supply, and integrate the goals from long-range wastewater and groundwater management programs.

Hollister Urban Area Urban Water Management Plan (2020)

The 2020 UWMP provides guidance for future water management efforts within the HUA. The 2020 UWMP builds on and updates the previous urban water management plan (2015) and addresses changes in the California water code and local planning and water management efforts. The 2020 UWMP includes a drought reliability assessment, provides quantification of demand reductions via a water shortage contingency plan, and detailed consideration of supply reliability by source.

Water Shortage Contingency Plan (2020)

The HUA agencies developed the water shortage contingency plan as part of the 2015 UWMP and updated as part of the 2020 UWMP. The water shortage contingency plan serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. For example, implementing customer water budgets and surcharges, or restricting landscape irrigation to specific days and/or times. Consistent with the California Department of Water Resources requirements, the water shortage contingency plan includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent shortage.

- Stage 1 of the water shortage contingency plan applies voluntary water conservation actions to reach the demand reduction goal of 10 percent, with a focus on outdoor irrigation demand reduction including recommended watering hours, limits on watering duration, discouraging washing down of hard paved surfaces, etc.
- Stage 2 continues the voluntary Stage 1 conservation measures and seeks a 10 to 20 percent reduction of future supplies. Stage 2 measures include restricted building permits and mandatory rationing, and reduction by customer types. The shortage response actions in Stage 2 are derived from the 25 percent reduction stage established in the 2016 water shortage contingency plan.
- Stage 3 seeks a 20 to 30 percent reduction of water demand using the same mechanisms of Stages 1 and 2. The shortage response actions for this stage also are derived from the 25 percent reduction stage established in the 2016 water shortage contingency plan. This stage may include an increase in response action monitoring and enforcement, as well as encouraging water users to adopt additional voluntary conservation measures.
- Stage 4 aims for a 30 to 40 percent reduction. It allows the agencies to restrict water uses to priority needs and the prohibited or limited uses of water become more restrictive. These restrictions are derived from the 35 percent reduction stage in the 2016 water shortage contingency plan.
- Stage 5 aims for a 40 to 50 percent reduction. The water shortage response actions in this phase are the same as those in Stage 4, although enforcement and monitoring may be increased during this stage to assist in decreasing water demand.
- Stage 6 seeks at least a 50 percent reduction. This stage adds flow restrictions and a per capita allotment by customer type. The prohibited or limited uses of water in the previous stages are continued or made more restrictive. Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited (San Benito County Water District, et al. 2021, p. 8-10).

Sunnyslope County Water District (SSCWD)

The SSCWD provides water service to about 5,600 customers in the unincorporated area east of Hollister, the Ridgemark Country Club development, and incorporated properties east of Memorial Drive in Hollister. SSCWD derives its supply from groundwater and CVP imports. The SSCWD storage and distribution facilities include four groundwater wells and three reservoirs for a total capacity of 2.5 million gallons. The SSCWD operates and maintains storage tanks on Fairview Road in addition to a surface storage facility within the project site. The Fairview Road tanks have a total capacity of two million gallons, with one million gallons allocated to the City of Hollister. Pressure reducing/sustaining stations are used to maintain water pressure for supplemental flows during periods of peak demand.

SSCWD Demand Management Measures

SSCWD adopted a water conservation ordinance to reduce water waste and implements several water demand management measures for water conservation, including meter replacement programs and separate metering of commercial landscaping, parks, and other nonresidential water services, leak detection and notification programs, residential water surveys, plumbing retrofit programs, water fixture rebates, tiered pricing, and public outreach.

San Benito County 2035 General Plan

The following general plan goals and policies are relevant to the discussion of the project's impact to water supply:

Land Use Element

LU-4.2 Urban Residential Development. The County shall ensure new residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.

LU-4.5: Innovative Site Planning and Residential Design. The County shall encourage new residential developments to use innovative site planning techniques and to incorporate design features that increase design quality, and energy efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.

Public Facilities and Services Element

PFS-1.9 Development Review. The County shall evaluate facility capacity, levels of service, and/or funding needs during the development review process to ensure adequate levels of service and facilities are provided and maintained.

PFS-1.10 Maximize Use of Existing Facilities. The County shall require new development projects to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.

PFS-1.11 Pay Fair Share. The County shall require new development to pay in fair share of public facility and service costs.

PFS-1.12 New Development Requirements. The County shall require new development, in compliance with local, State, and federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.

Goal PFS-3 To ensure reliable supplies of water for unincorporated areas to meet the needs of existing and future agriculture and development, while promoting water conservation and the use of sustainable water supply sources.

Goal PFS-4. To maintain an adequate level of service in the water systems serving unincorporated areas to meet the needs of existing and future agriculture and development, while improving water system efficiency.

PFS-4.1 Adequate Water Treatment and Delivery Facilities. The County shall ensure, through the development review process, that adequate water supply, treatment and delivery facilities are sufficient to serve new development, and are able to be expanded to meet capacity when needed. Such needs shall include capacities necessary to comply with water quality and public safety requirements.

PFS-4.2 Water Facility Infrastructure Fees. As a condition of approval for discretionary developments, the County shall not issue approval for a final map until verification of adequate water and wastewater service has been provided, which may include verification of payment of fees imposed for water and wastewater infrastructure capacity per the fee payment schedule from the water and wastewater provider.

San Benito County Code of Ordinances

Chapter 15.05, Article IV. Water Conservation, requires that building permits be issued in conformance with a final water conservation plan. The final water conservation plan shall specify guidelines for the issuance of building permits and shall specify certain requirements to be incorporated into the design and construction of all structures.

Prior to the adoption of the preliminary water conservation plan, the Building Department shall not issue a building permit until the Planning Commission determines that ample water of suitable quality exists to meet the water needs generated by the structures and the use thereof. The applicant shall have the burden of proof according to clear and convincing evidence. (Section 15.05.227[D])

18.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of water supply, as it does on a whole series of additional environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on this subject, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, “CEQA grants agencies discretion to develop their own thresholds of significance.” (*Ibid.*) Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The county has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

- Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects; or
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

18.4 Analysis, Impacts, and Mitigation Measures

Water Distribution Improvements

IMPACT 18-1	Construction of Water Infrastructure Improvements that Would Result in Significant Environmental Impacts	Less than Significant
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Water Facilities

The proposed project would connect to existing SSCWD water infrastructure on the project site. The SSCWD analyzed project water demand and determined that additional infrastructure is needed to reduce project demand on higher quality domestic water. The SSCWD comments require construction of a new 12-inch secondary water line from the adjacent Promontory residential subdivision entry at Ridgemark Drive to the north side of State Route 25 that would utilize lower quality well water for irrigation purposes. An encroachment permit from Caltrans is required prior to construction of any improvements within the Caltrans right-of-way along State Route 25.

Construction of new or expanded infrastructure that results in significant environmental impacts would be a significant impact. Although the required water main improvements would be constructed within existing roadway rights-of-way or other areas within the proposed development area, environmental effects could include, but may not be limited to short term construction impacts to air and surface water quality, impacts to protected biological species, damage to previously undiscovered cultural, tribal cultural resources or paleontological resources, increased GHG emissions, and short-term noise impacts sensitive residential receptors. Proposed construction

activities and their effects are identified at a general level within each section of this EIR at the level of detail currently available about them. Mitigation measures for all construction related impacts of the proposed project have also been identified and would apply to the construction of all required improvements. Implementation of mitigation measures in addition to compliance with general plan policies and code provisions would reduce environmental impacts from the construction of water distribution improvements to less than significant.

Water Supply

IMPACT 18-2	Insufficient Water Supply During Normal, Dry, and Multiple Dry Years	Less than Significant
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The SSCWD comments on the notice of preparation confirm that future development of the proposed development area would increase demand for SSCWD domestic water on the project site. SSCWD found that demand would increase by 133.6 AFY based upon the proposed commercial uses, 190 single-family residential units and 38 apartment units. Since the revised notice of preparation (2021) was issued, the proposed residential component has been revised to 190 units (160 market rate residences and 30 below-market rate duplex/duet units), which would reduce the estimated demand to approximately 120 AFY. The SSCWD can accommodate the increase in demand but requires the construction of a secondary distribution main identified in impact 18-1 to reduce demand for treated water for domestic water purposes. Construction of the secondary main is required by SSCWD to connect to the water system. Water supply verification is required by County code Chapter 15.05 prior to County issuance of any discretionary approval or building permit. The proposed project is subject to conformance with Chapter 15.05.

The 2020 UWMP considered existing and anticipated future development within the HUA, including the SSCWD service boundary (See 2020 UWMP Appendix C, Future Water Demands for a list of anticipated development projects). The 2020 UWMP determined that sufficient water supplies exist to serve the HUA’s anticipated commitments during normal, dry, and multiple dry years provided that each district and jurisdiction continues to implement demand management measures and programs during periods of prolonged drought. Compliance with County general plan policies and County Code provisions in addition to compliance with applicable SSCWD water demand management measures ensure that the proposed project’s water demand would not exceed existing or planned water supply. The proposed project is subject to these requirements and its impact to water supply is less than significant.

18.5 Cumulative Impact Analysis

Cumulative Context

Existing development in addition to future development anticipated in the County general plan and in other jurisdictions defines the cumulative context related to demand for water supply.

Geographic Scope

The geographic scope for impacts to water supply and distribution is existing development and future growth in the City of Hollister and unincorporated areas located within the basin, within the boundary of the HUA master plan. This includes SSCWD service boundary, which includes the project site and other unincorporated parcels designated for urban development includes parcels located east of Fairview Road, and parcels south of State Route 25 in proximity to the project site.

Cumulative Impact

Past, present and future development within the SSCWD has and will continue to increase demands on area water supply. The county's general plan EIR identified less than significant cumulative impacts to water supply due to an increase in demand resulting from buildout of general plan land use designations within the planning area (p. 4.10-18). The general plan EIR concluded that implementation of general plan policies and programs related to water supply and water conservation, implementation of demand management measures and water shortage contingency plans, in addition to coordinated master planning with the County water district, City of Hollister and the SSCWD would reduce cumulative water demand to less than significant.

More recently, water supply and demand for existing and future growth within the Hollister Urban Area to the year 2040 is evaluated in the 2020 UWMP (San Benito County Water District et. al. 2021). Future SSCWD municipal water demand is anticipated to increase from 2,487 acre-feet per year in 2020 to 4,955 acre-feet per year in 2040. The 2020 UWMP concluded that sufficient water supplies are available to meet current and future water demand through 2040 during normal, dry, and multiple dry years within the HUA provided that each district and jurisdiction continues to implement demand management measures and programs during periods of prolonged drought. Therefore, the cumulative impact is less than significant.

Project Contribution

The proposed project would contribute approximately 120 AFY or approximately 2.4 percent to SSCWD future annual water demand of 4,955 AFY.

Conclusion

The project would not require construction of new water treatment or storage facilities to meet demand and is accommodated in the demand projections. However, construction of a secondary water main is required by SSCWD to reduce the project's impact to its supply of higher quality domestic supply. The proposed project is subject to compliance with general plan policies and programs related to water supply and water conservation, implementation of demand management measures and water shortage contingency plans. Therefore, the proposed project's contribution to cumulative impacts to water supply is less than cumulatively considerable.

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19.0

Effects Not Found to be Significant

19.1 CEQA Requirements

CEQA Guidelines section 15128, states that an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. This section includes a brief discussion of effects not found to be significant. The CEQA Guidelines Appendix G was used to guide these discussions. CEQA Guidelines Appendix G is a sample Initial Study checklist that includes a number of factual inquiries related to a whole series of environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on these subjects, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Rather, with few exceptions, agencies have discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The county has done so here.

The following environmental issues were evaluated: agricultural resources, hazards and hazardous materials, flooding, mineral resources, recreation, wildfire hazards, and solid waste. These impacts are found not to be significant due to the location of the project site outside of sensitive areas, the proposed land uses would not result in impacts typical of residential and commercial uses, or other project characteristics, and therefore, are not addressed in detail.

19.2 Agricultural Resources

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, a significant environmental effect related to agricultural resources would occur if the project would result in any of the following:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;

- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; and
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Environmental Setting

As discussed in Section 3.0, Environmental Setting, the project site has a *San Benito County 2035 General Plan* (general plan) land use designation of Residential Mixed (RM) and lies within two San Benito County zoning districts: R-1, Single-family residential, and RM, Residential Multiple. None of these land use or zoning designations permit active agricultural production. In addition, the State Department of Conservation’s “San Benito County Important Farmland Map” (2016) was reviewed to determine if the project site any areas designated as Important Farmland (comprising of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance). The entirety of the project site is designated “Urban and Built-Up Land” and does not contain any Important Farmland designations. Therefore, the proposed project would not result in the conversion of Farmland to non-agricultural uses. No further analysis is required.

In addition, the project site is not under a Williamson Act contract. Therefore, there would be no impact related to conflicts with a Williamson Act contract.

Pursuant to Public Resources Code section 12220(g), “forest land” is land that can support 10-percent native tree cover of any species. Timberland, according to Public Resources Code section 4526, refers to land which is available for and capable of growing a crop of trees of a commercial species used to produce lumber and other forest products. As the project site does not constitute forest land and is not zoned for forest land or timber land production, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, nor would it result in the loss of forest land or conversion of forest land to non-forest use. Therefore, the project would result in no impact to forest and timberland resources.

19.3 Hazards and Hazardous Materials

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, a significant environmental effect related to hazards and hazardous materials would occur if the project would result in any of the following:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area; and
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Analysis and Impacts

The exposure of people to hazardous chemicals during construction of the proposed project could lead to adverse health effects. Residential construction and operation may involve use and storage of some materials that are considered hazardous. These materials would be limited to typical solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. These materials would not be substantially different from household chemicals and solvents already in general and wide use throughout the county and in the vicinity of the project site at other residences. Furthermore, the handling, use, disposal and transport of these materials are governed by a comprehensive regulatory framework, with which the project would be required to comply. Therefore, the proposed project would not involve the routine transport, use, or disposal of substantial amounts of hazardous substances and impacts would be less than significant.

The nearest school to the project site, Southside Elementary School, is located approximately 0.75 mile to the south. Therefore, the project would have no impact to a school within one-quarter mile of the site as a result of emitting hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste.

The proposed project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. The site is not located on the California Environmental Protection Agency's Cortese List (Health and Safety Code Section 25187.5) (California Department of Toxic Substance Control 2022). The State Water Resources Control Board's GeoTracker (Health and Safety Code Section 25295 and Water Code Sections 13273 and 13301) does not indicate any hazardous sites within the project site (Geotracker 2022). The project site is also not listed on the California Environmental Protection Agency's list of solid waste sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (Health and Safety Code Section 116395).

The project site is not located within a two-mile vicinity of any airport or airfield and is not within an airport land use plan or safety area and would therefore not expose residents or workers to hazards associated with airport or private air strip operations. Therefore, the project would result in no impact as a result of safety hazards or excessive noise due to being located within two miles of an airport or within an airport land use plan.

As noted in Section 4.0, Project Description, under "Access and Circulation," internal circulation improvements are proposed by the applicant that enable project traffic to more efficiently and safely access the Ridgemark Subdivision. These include widening Ridgemark Drive from two lanes to four lanes, where possible, between State Route 25 and Marks Drive, and to three lanes with a median turn lane where sufficient width is not available to accommodate a fourth lane. The intersection of Joe's Lane with Ridgemark Drive would be also modified into a four-way stop with the addition of a new clubhouse driveway that extends into Commercial Lot B to provide access to Commercial Lot D. The existing residential entry gate would be relocated approximately 50 feet farther south on Ridgemark Drive. An eastbound leg would be added to the intersection of Donald Drive and Ridgemark Drive to provide access to the new residential neighborhood on the former driving range. All of these circulation improvements would be constructed to comply with relevant County Fire Department standards and other applicable requirements. In addition, the provision of a secondary vehicle access point and new internal roadways designed to adhere to applicable Fire Department standards and other requirements would improve emergency access to the site as well as evacuation routes from the site. With compliance with these relevant County and Fire Department standards, impacts from interference with any existing emergency or evacuation plans would be less than significant.

19.4 Flooding

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist (taken from checklist questions for “Hydrology and Water Quality” and “Wildfire”), a significant environmental effect related to flooding would occur if the project would result in any of the following:

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; and
 - impede or redirect flood flows.
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Analysis and Impacts

Future development associated with the proposed project would result in alterations to site drainage, such as changes in ground surface permeability from paving and changes in topography from grading and excavation. As much of the project site is currently undeveloped (golf courses areas), the proposed project will result in an increase in areas covered by impervious surfaces, resulting in potential increases in surface runoff. Increased runoff could impact water quality down-gradient of the project site by increasing erosion or sedimentation and the quantity of flood water. Increased runoff could also impact stormwater drainage facilities such that new or expanded facilities would be required. As discussed in Section 12.0, Hydrology and Water Quality, the proposed project would involve onsite drainage infrastructure and construction of an on-site retention basin to manage stormwater, which would ensure that the capacity of existing stormwater drainage systems would not be significantly impacted by the project. The on-site stormwater infrastructure would ensure that the proposed project would not result in substantial flooding on- or off-site and would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Additionally, conformance to standard Regional Water Quality Control Board (RWQCB) pre- and post-construction requirements would reduce impacts associated with the risk of flooding on or off-site to less than significant. See also analysis included in Section 12.0, Hydrology and Water Quality, for additional discussion of project-specific stormwater infrastructure and alteration of existing drainage pattern onsite.

The 100-year flood zone is defined as the area that could be inundated by the flood which has a one percent probability of occurring in any given year. The project site is outside the effective 100-year Federal Management Emergency (FEMA) floodplain (FEMA 2009). In addition, the project site would not be subject to flooding as a result of the failure of a levee or dam, tsunami, or seiche. The

San Justo Dam is located over three miles west of the project site; however, this dam is located downstream of the project site and as such the project site would not be subject to inundation in the event of failure of the San Justo Dam. Therefore, the development of the proposed project would not place housing, structures, or people within a 100-year flood zone or in a location with flooding potential due to a levee or dam failure. No impacts would occur.

19.5 Mineral Resources

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts related to mineral resources would occur if the proposed project would result in any of the following:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Analysis and Impacts

The California Department of Conservation has mapped the project site as located within Mineral Resource Zone 4 (MRZ-4), an area where available information is inadequate for assignment of any other category (Department of Conservation 1999). There are no known mineral resources of value on the project site, nor is there any prior, ongoing or proposed mineral extraction on site. Therefore, the project would have no impact from the loss of the availability of mineral resources of value to the region or on a statewide basis.

19.6 Recreation

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts related to recreation facilities would occur if the proposed project would result in any of the following:

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Analysis and Impacts

The County requires that new development provide parkland at the rate of five acres per 1,000 residents (San Benito County 2010). Based on the estimated population of 3.34 people per household for the County (Department of Finance 2022), the proposed project would generate approximately 635 residents. Therefore, the proposed project would be required to provide approximately 3.18-acres of parkland that are open to the public and meet the minimum sizes and standards of the public parkland classification system, as described in Chapter 9 of the *San Benito County Parks and Recreation Facilities Master Plan* (San Benito County 2010). Per the County Code, final acreage calculations and fee amounts are determined at the final map stage.

As noted in Section 4.0, Project Description, approximately 36 acres of private open space is proposed within the project site. The proposed open space is located within the gated community and is not available for use by the general public. Fifty-foot-wide open space buffers would be provided between existing residences and proposed residences in all the former fairway areas. The open space buffers would generally follow existing golf cart paths within former golf course fairways. The driving range would be relocated to the open space area north of Donald Drive and west of Ridgemark Drive (refer to Sheet C-2 in Appendix B). A four-acre park is proposed on the currently abandoned golf course area between Marks Drive and Donald Drive and is shown on Sheet C-3 and Sheet C-4 of the vesting tentative map. According to the application materials on file with the County, the proposed four-acre park would include a tot lot, picnic area, tables, hard surface court for basketball and turf field, with connecting walking and bike trails. The park and trail system improvements would be designed in conjunction with the Ridgemark Homes Association, and improved areas would be dedicated to the association for their ownership and use.

Pursuant to the San Benito County Code of Ordinances, section 23.15.008, Parkland Dedication Requirements, the onsite parks and open space would not qualify as dedicated parkland. The project applicant would therefore be required to provide the 3.18 acres of public parkland or pay an in-lieu fee equivalent to 3.18 acres of parkland. The County currently exceeds the target ratio of five acres of parkland per 1,000 residents. The parkland included in the proposed project would also exceed the target ratio for private parks within the project site that would serve for the increase in population generated by the project. As a result, demand from the project population would be met. In addition, the in-lieu fee would help with maintenance and operation of existing, off-site public county parks. Thus, the project would not generate significant demand that would cause the County to exceed its parkland target ratio, and would not cause substantial physical deterioration to existing parks. Accordingly, the project's impacts in this regard would be less than significant.

19.7 Solid Waste

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts related to solid waste would occur if the proposed project would result in any of the following:

- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The proposed project is subject to compliance with federal, state and local management and reduction statutes and regulations related to solid waste. No environmental impact would result from noncompliance with solid waste statutes and regulations.

Analysis and Impacts

Development of the proposed commercial and residential lots will generate solid waste during demolition, construction and operations. County general plan policies require recycling and other waste diversion methods to meet state mandates to divert at least 50 percent of its solid waste from landfills. This can be achieved through compliance with the County's recycling and waste diversion policies and ordinances. The proposed project is subject to compliance with general plan policies requiring compliance with the state diversion standards.

Operational Solid Waste Generation

San Benito County has a target residential disposal rate of 5.1 pounds per person per day (CalRecycle 2022a). The most recent CalRecycle waste generation rates for single-family residential, commercial retail, and hotel uses were used to derive the project's per capita solid waste generation and disposal rates assuming compliance with the County's requirement to divert 50 percent of solid waste. The project's estimated operational solid waste generation from development of the proposed subdivision is included below in [Table 19-1, Projected Solid Waste Generation](#).

The current solid waste disposal and recycling service provider for the City of Hollister, the City of San Juan Bautista, and most parts of unincorporated San Benito County is Recology San Benito County. Recology San Benito County would provide solid waste services to the proposed project and would transport solid waste to the 95.16-acre John Smith Road Landfill (landfill), which is owned by the San Benito County Integrated Waste Management Department and operated by Waste Connections, Inc. and is located at 2650 John Smith Road in unincorporated San Benito County. The John Smith Road Landfill is the only operating active solid waste landfill in San Benito County (San Benito County 2015b).

Table 19-1 Projected Solid Waste Generation

Land Use	Generation Rate	Proposed ^{1,2,3}		
		Size	Solid Waste Generation	Solid Waste Disposal ⁴
Residential Units	12.23 (pounds per household per day)	190 units	2,495	1,248
Commercial Retail	2.5 (pounds per 1,000 square feet per day)	45,300 square feet	113	57
Hotel	2 (pounds per room per day)	154	308	154
Total-			2,916	1,458

SOURCE: CalRecycle 2020b, EMC Planning Group

NOTE:

1. Numbers are rounded and may vary.

2. Based on CalRecycle Residential Sector Generation Rates for single-family households, commercial retail uses, hotels, and other services (<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>).

3. Expressed in pounds per day.

4. Diversion rate of 50 percent per current County Code requirement (Section 15.01.046 Building Permits; Diversion Plans).

5. Includes golf course pro shop.

Prior to the consideration of any waste reduction efforts, residential development would generate 2,916 pounds (1.46 tons) of solid waste per day, which would equate with a per capita generation rate of 4.28 pounds per day per person (682 persons). Solid waste generated by the proposed project would be consistent with the County's per capita disposal rate of 5.1 pounds per day per person. Compliance with the County's waste diversion policies would reduce this amount to 1,458 pounds (0.73 tons) per day, which equates to a per capita disposal rate of approximately 2.14 pounds per day per person. Compliance with general plan policies for the diversion of 50 percent of the project's solid waste would result in the need to dispose of approximately 0.73 tons of solid waste at the landfill.

The proposed project is expected to be fully built out by 2035 and the landfill is expected to reach its design capacity in approximately 2036 (San Benito County 2021b). However, the landfill closure date would vary dependent upon several factors such as increased diversion rates, solid waste stream flows, and population growth. As noted in the setting, the landfill operator is seeking approval to expand capacity by approximately 1,000 tons per day with the potential to expand the capacity of the facility by 50 to 100 years (San Benito County 2021b). As regulatory requirements for solid waste diversion become more stringent, the closure date of the landfill could potentially be extended beyond the currently estimated closure date. Therefore, given the anticipated availability of the expanded landfill site, it is anticipated that capacity will continue to be available to accommodate the project. Solid waste generated by the proposed project would not be expected to exceed capacity and is less than significant.

The general plan EIR identified less than cumulatively considerable impacts related to landfill capacity. Policies set forth in the general plan would assure that adequate solid waste disposal facilities would be provided, such as Policies PFS-7.1 through PFS-7.7. Because adequate facilities would be provided through implementation of general plan policies, this would be a less-than-cumulatively considerable impact (County of San Benito 2015b). However, San Benito County has a target residential disposal rate of 5.1 pounds per person per day and currently has a disposal rate of 6.6 pounds per resident per day (CalRecycle 2022a), which is inconsistent with state mandates for waste diversion. This is a cumulatively considerable impact.

As presented earlier, the proposed project would contribute to the less than cumulatively considerable impacts to landfill capacity at a rate of 2.14 pounds per day per person or, 0.73 tons per day. Solid waste generated by the increased population resulting from development of the proposed project would contribute to the County's cumulatively considerable impact of not meeting mandated waste disposal rates. However, the project's contribution would be less than cumulatively considerable because project-related solid waste generation and disposal per capita are less than the County's targeted per capita disposal rate of 5.1 pounds per day per person.

Therefore, the project's contribution to reduced capacity of the landfill is less than cumulatively considerable and the project's contribution to daily waste disposal targets is less than cumulatively considerable.

The proposed project is also subject to conformance with County Code Section 15.01.046, which requires the preparation of a solid waste diversion plan that demonstrates that at least 50 percent of demolition and construction wastes are diverted from disposal at the landfill. A plan approved by the San Benito County Integrated Waste Management Department is required prior to issuance of a demolition, grading, or building permit. Conformance to County Code Section 15.01.046 ensures that demolition and construction activity would consistent with state mandates and less than significant.

19.8 Wildfire

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts related to wildfires would occur if the proposed project would result in any of the following:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire;

- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

In addition, CEQA Guidelines Appendix G includes a question under “IX. Hazards and Hazardous Materials,” which states a project would result in a significant impact if it would:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Analysis and Impacts

The California Fire Code Chapter 49 provides minimum standards to increase building resistance to the intrusion of flame or burning embers projected by a vegetation fire and identifies performance and prescriptive requirements. Section 4906 provides hazardous vegetation fuel management requirements for buildings and structures located on land under state responsibility areas or local responsibility areas. Within local responsibility areas the state fuel management requirements apply to building and structures located in Very High Fire Hazard Severity Zones; within state responsibility areas, the standards apply to buildings and structures located in Moderate, High, and Very High Fire Hazard Severity Zones.

The project site is located within a rural-suburban area of the County and is located within an area designated as “Local Responsibility Area Unzoned” according to the California Department of Forestry and Fire Protection (CAL FIRE 2007) and the County’s WebGIS. Due to its location outside of moderate, high or very high fire hazard zones, the project site is not considered to be subject to a high fire threat and is not subject to the fuel management requirements of Section 4906 of the California Fire Code Chapter 49. The proposed project is subject to compliance with the Title 24 building code and California Fire Code design criteria and performance standards set forth the Fire Code and County Code for buildings and structures. Therefore, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The project site is not located within a high fire hazard severity zone and is substantially developed. The site is not located in a flood zone or area prone to downstream flooding (refer to the discussion in Section 12), or within an area prone to landslides. The proposed development would not substantially increase risks of exposures to flooding or landslides due to post-fire runoff, slope instability or drainage changes. The increase in risk from development within the project site is less than significant.

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20.0 Other CEQA Considerations

20.1 Irreversible Impacts

CEQA Requirements

CEQA Guidelines section 15126.2 (c) states that uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

CEQA Guidelines section 15127 states that irreversible impacts need be included only in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a Local Agency Formation Commission of a resolution making determinations;
or
- (c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4347.

The proposed project includes a zoning amendment on the project site as needed to establish a base zone of “Single-family Residential (R-1)” District combined with the “Planned Unit Development (PUD)” Combining District. The proposed project is consistent with general plan Land Use designations (refer to Section 3.1). A portion of the project site is identified as “Contract Zone per Rec File No. 8403420” and is located within the RM zone district. The County seeks to change this single-family residential designation to the proposed zoning and overlay district to bring the zoning into compliance with the general plan. The proposed project also includes a vesting tentative map to re-subdivide the project site to accommodate 175 residential lots for eventual construction of 160 market-rate single-family residential units and 30 below-market-rate duplex or duet residential units on a total of 175 residential lots, commercial/non-residential development, recreational/open space improvements, roadway improvements, and related utility infrastructure improvements within the development area shown on Figure 3-2.

Analysis

The approval of the proposed project would not represent a new commitment of land for development. The proposed project is located entirely within the approximately 618-acre Ridgemark Golf Course and Country Club property (“project site”). The project site was subdivided and developed with a gated residential community with a 36-hole, PGA-quality golf course in 1972. The proposed development area consists of several locations within and adjacent to the existing gated residential subdivision. The development within the proposed development areas of the project site would include the consumption of non-renewable building materials and energy resources during the construction phase, as well as the ongoing consumption of energy for lighting, air conditioning, space and water heating, and travel to and from the site during the life of the project.

The consumption of such resources is typical of this type of development and would result in an irreversible commitment of natural resources for construction and operations of the proposed project. The proposed project would be required to comply with all applicable building and design requirements, including those set forth in Title 24 relating to energy conservation. In compliance with CALGreen, the State’s Green Building Standards Code, the project would be required to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials. For these reasons the project would not result in any significant impacts as it relates to a large, irreversible commitment of nonrenewable resources. The proposed project, as a typical mixed-use development, does not involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

20.2 Growth Inducement

CEQA Requirements

Public Resources Code Section 21100(b)(5) and CEQA Guidelines section 15126.2(d) require a discussion in the EIR of the growth-inducing impacts of a proposed project. The EIR must discuss the ways in which the project may directly or indirectly foster economic or population growth or additional housing in the surrounding environment, remove obstacles to growth, tax existing community services facilities, or encourage or facilitate other activities that cause significant environmental effects, either individually or cumulatively. Direct growth-inducing impacts result when the development associated with a project directly induces population growth or the construction of other development within the same geographic area.

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities that can provide services to new development. In addition to direct growth-inducing impacts, an EIR must also discuss growth-inducing effects that will result indirectly from

the project, by serving as catalysts for future unrelated development in an area. Development of public institutions and the introduction of employment opportunities within the same geographic area are examples of projects that may result in growth-inducing impacts.

An EIR's discussion of growth-inducing effects should not assume that growth is necessarily beneficial, detrimental, or of little significance to the environment. An EIR is required to discuss the ways in which the proposed project could foster growth.

Analysis

CEQA Guidelines Appendix G indicates that a project may have significant growth-inducing impacts if the project would 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).

The approval of the proposed project would not represent a new commitment of land for development. The proposed project is located entirely within the approximately 618-acre Ridgemark Golf Course and Country Club property ("project site"). The project site was subdivided and developed with a gated residential community with a 36-hole, PGA-quality golf course in 1972. One course has since been left fallow and the proposed development area consists of several locations within fallowed areas within and adjacent to the existing gated residential subdivision within the project site.

Subdivision and development of the project site for residential uses and neighborhood commercial has been envisioned by the County. The project site has a San Benito County 2035 General Plan (general plan) land use designation of Residential Mixed (RM) across most of the site, and a Commercial Neighborhood (CN) node is identified on the general plan Figure 3-5 near the entrance to the project site at the intersection of Ridgemark Drive and Highway 25 (San Benito County 2015a). The RM land use designation allows certain urban uses outside of incorporated areas but within areas served by existing circulation and utility systems. Allowable land uses within this designation include residential land uses with a maximum residential land use density of 20 dwelling units per acre, and commercial uses serving the residences with a maximum floor-to-area ratio of 0.8. General plan policy LU-5.1 establishes CN nodes and allows commercial uses so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. Neighborhood commercial uses are encouraged in these nodes to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.

The proposed project includes an amendment to the zoning ordinance and a vesting tentative map to re-subdivide the project site to as noted in the project description and reiterated above (Section 21.1). The proposed project can be accommodated by existing water supply and wastewater treatment capacity (refer to the discussions in Section 17, Wastewater, and Section 18, Water Supply) and would connect to the existing water and sewer infrastructure within the project site. Sewer and water main extensions would be constructed on proposed new streets. Wastewater would be conveyed to the Ridgemark Wastewater Treatment plant. Storm water facilities would be developed according to county standards. The proposed project's utility infrastructure improvements would be sized to accommodate development within the proposed development area only.

Construction and implementation of the proposed project would not remove physical obstacles to population growth. Therefore, the proposed project would not represent direct or in-direct growth-inducing impacts.

21.0 Significant Unavoidable Impacts

21.1 CEQA Requirements

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less-than-significant level through the implementation of mitigation measures. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

21.2 Impact Analysis

The proposed project would generate residential VMT that exceeds the County’s VMT threshold, which is based on current San Benito County VMT guidelines. The threshold is a 15 percent reduction in home-based VMT per capita. As reported previously in Section 16, Transportation, the proposed project is located in County transportation analysis zones (TAZs) with home-based VMT per capita of 28.7, which is assumed to be similar to VMT that would be generated by the proposed project (Hexagon Transportation Consultants 2022). A fifteen percent reduction equates to 19.6 VMT per capita. The proposed project VMT/capita would exceed the threshold of significance by 9.1 VMT/capita per day, or by about 32 percent. Therefore, the residential portion of the proposed project would have a significant VMT impact.

The VMT policy identifies several Travel Demand Management (TDM) strategies that can be implemented to reduce a project's VMT. However, most of the measures are applicable to only employment uses and/or are beyond the means of implementation by a single development project. These TDMs include subsidizing transit programs, providing community-based travel planning for residential uses, improving pedestrian networks and constructing or improving bike facilities. As discussed in Section 16, implementation of mitigation measure TRAN-3 requires an approved Residential Travel Demand Management Program prior to issuance of residential certificates of occupancy to implement these or other measures that reduce VMT. Implementation of these measures would reduce the project home-based VMT but not to a less-than-significant level. Therefore, the proposed project's impact to the County's home-based VMT per capita is significant and unavoidable with mitigation. Adoption of a statement of overriding considerations by the County Board of Supervisors is required.

22.0 Alternatives

22.1 CEQA Requirements

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

22.2 Project Objectives and Significant Impacts

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. Therefore, the proposed project objectives and significant effects are summarized here.

Objectives

CEQA Guidelines section, 15124(b) requires an EIR to include a statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding consideration, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.

The objectives set forth below describe the underlying purpose of the proposed project and provide a basis of identification of a reasonable range of alternatives evaluated in this DEIR. The objectives are numbered for ease of reference only; the numbering does not reflect any priority or weight given to the objectives.

1. Locate new development in existing unincorporated communities or clustered developments as an alternative to locations that would compromise prime farmland, rangeland, and natural habitats and that would impose financial, social, and environmental impacts of urban sprawl.
2. Develop a mixed-use project including residential, retail commercial, a hotel, a redesigned golf course and supporting amenities, expanded open space areas, and a new 4.0-acre park.
3. Provide both market-rate and affordable housing options to accommodate residents of all income levels and life situations.
4. Provide retail and tourism jobs so people can live and work in the county and reduce lengthy out-of-county commuting.
5. Support the county's tourism industry by developing a 154-room hotel and related facilities.
6. Locate new residential and commercial development to utilize existing transportation networks, including State Route 25.
7. Develop new commercial and residential uses in areas supported by adequate, long-term access to water, sewer, electric, gas, and other utilities.
8. Provide a healthy living environment that includes walkable neighborhoods and access to support commercial, recreation and open space uses.
9. Encourage future growth that can be supported by adequate, long-term access to water, sewer, electric, gas, and other utilities.
10. Protect natural resources and open space areas from incompatible uses.
11. Preserve the county's environmental quality and diverse natural habitats.
12. Encourage a healthy living environment that includes walkable neighborhoods, access to recreation and open space, healthy foods, medical services, and public transit.
13. Become a leader in the efficient use of resources, including renewable energy, water, and land.

22.3 Significant and Unavoidable Impacts

- Transportation Impact 16-2: Generate Home-based VMT per Resident that is Greater than 19.6 VMT per Resident.

22.4 Significant Impacts Reduced to Less-than-Significant with Mitigation Measures

Air Quality Impacts

- Impact 6-1: The Proposed Project May Be Inconsistent with the 2017 Clean Air Plan;

- Impact 6-3: Generate Criteria Air Pollutants During Operations that Exceed Air District Thresholds and Degrade Air Quality; and
- Impact 6-4: Demolition and Construction Activity Could Increase Sensitive Receptor Health Risks from Exposure to Toxic Air Contaminants.

Biological Resources

- Impact 7-1: Loss or Harm to Special-Status Plant Species (San Joaquin Spearscale);
- Impact 7-2: Loss or Harm to Special-Status Wildlife Species (California Tiger Salamander and California Red-Legged Frog);
- Impact 7-3: Loss or Harm to Special-Status Wildlife Species (Western Pond Turtle and Western Spadefoot);
- Impact 7-4: Loss or Harm to Special-Status Wildlife Species (San Joaquin Coachwhip);
- Impact 7-5: Loss or Harm to Special-Status Wildlife Species (Burrowing Owl);
- Impact 7-6: Loss or Harm to Special-Status Wildlife Species (Nesting Birds and Raptors);
- Impact 7-7: Loss or Harm to Special-Status Wildlife Species (American Badger);
- Impact 7-8: Loss or Harm to Special-Status Wildlife Species (San Joaquin Kit Fox);
- Impact 7-9: Loss or Harm to Special-Status Wildlife Species (Protected Bat Species);
- Impact 7-10: Impacts to Sensitive Natural Communities (Oak Woodland, Wetland/Riparian); and
- Impact 7-11: Disturbance of Jurisdictional Wetlands and Waters.

Cultural and Tribal Cultural Resources

- Impact 8-1: Potential to Cause a Substantial Change the Significance of an undiscovered Historic or Archaeological Resource;
- Impact 8-2: Potential Disturbance to Undiscovered Native American Remains During Grading and Construction; and
- Impact 8-3: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource as Defined in Public Resources Code § 21074.

Geologic Hazards

- Impact 10-3: Damage or Destroy Previously Undetected Paleontological Resources During Construction.

Greenhouse Gas Emissions

- Impact 11-1: Generate Substantial GHG Emissions.

Hydrology and Water Quality

- Impact 12-1: Erosion and Runoff During Construction and Operations that Violates Water Quality Standards or Waste Discharge Requirements;
- Impact 12-3: Increase Impervious Surfaces that Prevent or Interfere with Groundwater Recharge; and
- Impact 12-4: Runoff That Exceeds the Capacity of Existing or Planned Off-Site Stormwater Systems.

Noise

- Impact 14-2: Expose New Sensitive Receptors to Traffic Noise that Exceeds Noise Level Standards;
- Impact 14-3: Expose Existing Receptors to Commercial Noise that Exceeds Noise Level Thresholds; and
- Impact 14-4: Exposures to Unacceptable Noise Levels During Construction.

Transportation

- Impact 16-1: Conflict with Transportation Programs, Plans, Ordinances, or Policy Leading to Adverse Impacts.

22.5 Alternatives Considered but Rejected

Alternative Project Location

CEQA Guidelines section 15126.6(f)(2) identifies considerations for evaluating an alternative project location. Among these are whether any of the significant effects of the project would be avoided or substantially lessened and whether feasible alternative locations exist. CEQA Guidelines Section 15126.6(f)(2)(A) states that “Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.” An “Alternative Site Location” was considered as a means of possibly reducing the significant and unavoidable VMT impact of the proposed project (Impact 16-2). The Ridgemark VMT analysis relies on average VMT in the project area using the County’s Transportation Demand Forecast model. Since the County has yet to develop a VMT tool that provides greater refinement of the VMT for different areas, there currently is not a Transportation Analysis Zone (TAZ) within the city of Hollister or San Benito County with VMT below the County VMT threshold. This is due to there not being areas (that would accommodate the same or similar development intensity as the proposed project) that also have significantly greater transit services than the proposed project site. There also are no dense employment areas that would support lower residential VMT.

Subsequently a feasible alternative location within the County is not available that would eliminate or reduce the project’s significant and unavoidable VMT impact.

All other environmental impacts associated with the proposed project were found to be less than significant or less than significant with mitigation. Another site location may have additional significant impacts or constraints. For these reasons, the “Alternative Site Location” is eliminated from further consideration.

Reduced Scale Project Alternatives

Reduced Commercial Development Alternative

Any “Reduced Commercial Development Alternative” qualifies as a reasonable alternative per CEQA Guidelines Section 15126.6(c), if it would eliminate or substantially reduce significant environmental effects. Reducing the commercial scale of the project may result in reducing the proposed project’s less than significant with mitigation impacts generated by commercial noise, traffic, and air or GHG emissions, and potentially some of the impacts to biological resources, but would not eliminate them or reduce the proposed project’s significant and unavoidable impact related to home-based VMT per capita. Therefore, reducing the scale of future commercial uses was not analyzed further.

Reduced Residential Development Alternative

Due to the project’s location (see previous discussion of alternative location) within TAZs 309-311, 313, 314, and 321, each of which have an existing home-based VMT per capita of 28.7, a project alternative that reduces the number of residential units would not eliminate or reduce the proposed project’s significant and unavoidable impact to home-based residential VMT per capita because the home-based VMT per capita within these TAZ is constant and is not based on number of residential units. Subsequently, reducing the number of residential units in a development within these TAZs would have no effect on home-based per-capita VMT. However, the Governor’s Office of Planning and Research states that residential projects with fewer than 110 daily residential vehicle trips are assumed to have less than significant VMT impacts. Conversely, a residential development alternative with greater than 110 daily residential vehicle trips would still result in a significant unavoidable VMT impact. For this reason, reduced residential development alternatives with 110 or more daily residential vehicle trips are dismissed from further analysis. An alternative with fewer than 110 residential daily vehicle trips is analyzed in greater detail later in this section.

No Project – Future Development Consistent with Existing General Plan Land Use Designations and Zoning

Under this alternative no development would occur. However, it is possible that future development consistent with the existing Single-family Residential and RM zoning and general plan RM and Commercial Neighborhood (CN) node land use designations may be proposed. Allowable land uses within the RM designation include residential land uses with a maximum residential land use density of 20 dwelling units per acre. The RM zone district is intended to allow areas within the County that are already developed with urban land uses to continue where public sewer and water, as well as

circulation, other utilities and services exist or can be provided to serve that density (San Benito County 2020). Similar to the proposed project, allowable uses would include single- and multiple-family residential development at land use densities and intensities greater than the R-1 zone district and commercial uses subject to approval of an overlay district or specific plan. Under this alternative it is possible that residential development of 20 units per acre could be developed on areas of the site subject to the general plan RM residential densities with lot sizes much smaller than the current 10,000 square foot minimum required by the Ridgemark HOA. The development capacity of the currently proposed Phase 4 and Phase 6 residential development area (where 70 residential lots of 10,000 square feet are currently proposed) could support up to 320 multi-family residential units. This alternative would not reduce the environmental impacts of the project and could potentially increase the magnitude of certain population-related impacts. This development intensity, if implemented, would generate a substantial increase in mobile-source air and GHG emissions, increased demand for water and wastewater treatment, increased demand for school facilities, public services, storm drainage facilities, and utilities, and would generate average daily vehicle trips substantially greater than the proposed project. Therefore, this alternative is rejected from further consideration.

22.6 Alternatives Considered

The following alternatives to the project are considered:

1. Alternative 1: No Project; and
2. Alternative 2: Reduced Residential Development With Increased Open Space Alternative.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1: No Project Alternative

CEQA Guidelines section 15126.6 (e) requires the “No Project” alternative be evaluated along with its impacts. The “No Project” alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Description

The No Project alternative assumes the proposed Ridgemark Subdivision project would not occur and all conditions at the project site would remain as they currently are. The zoning on the project site would remain as R-1, Single-family residential and “Contract Zone per Rec File No. 8403420”. There would be no resubdivision of the underutilized parcels on the property. The proposed redevelopment of the golf course fairways, the development of a visitor serving hotel and

neighborhood commercial uses would not occur, including the neighborhood commercial uses called for in the general plan at the Commercial Neighborhood (CN) node identified on the general plan Figure 3-5 near the entrance to the project site at the intersection of Ridgemark Drive and Highway 25. Under this alternative the development of 160 market-rate and up to 30 below market-rate residential units would not occur. Existing overnight cottage, clubhouse, driving range, and restaurant operations would remain unchanged. Existing fallowed golf course fairways would remain undeveloped and the driving range would not be relocated.

Attainment of Project Objectives

This alternative would not meet any of the objectives of the proposed project as it would not allow redevelopment of commercial uses or residential development on the fallow fairways that would provide mix of housing opportunities for all incomes.

Impact Comparison

This analysis identifies potential environmental impacts associated with this alternative and compares it with the impacts of the proposed Ridgemark Subdivision project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative would not result in visual impacts as there would be no change in the existing visual setting.

Air Quality

This alternative would not result in operational ROG emissions or construction dust and equipment exhaust emissions impacts to air quality as no demolition or construction would occur and there would be no change in emissions from existing commercial sources.

Biological Resources

This alternative would not result in potential biological resource impacts as there would be no construction activity or development and possible loss or harm to special-status plant species (San Joaquin spearscale), loss or harm to special-status wildlife species (California tiger salamander, California red-legged frog, western pond turtle, western spadefoot, San Joaquin coachwhip, burrowing owl, nesting birds and raptors, American badger, San Joaquin kit fox, protected bat species), impacts to sensitive communities (oak woodland and wetland/riparian), or disturbance of jurisdictional wetlands and waters. Although determined to be less than significant with mitigation for the proposed project, the No Project alternative would not result in any potential impact to wildlife movement or loss or harm to protected trees as no development or tree removal would occur.

Cultural Resources and Tribal Cultural Resources

This alternative would not result in potential (historic or archaeological) resource impacts, potential disturbance to undiscovered Native American remains, or substantial adverse change in the significance of a tribal cultural resources as there would be no ground disturbance.

Energy

Although unnecessary, wasteful, or inefficient use of energy resources was determined to be less than significant with implementation of the proposed project, this alternative would not result in any additional use of energy resources as there would be no construction of new housing or new or remodeled commercial uses that would create demand for energy in the short-term, nor would there be new residential and commercial development that would increase long-term demand for energy through operations.

Geologic Hazards

This alternative would not place residential uses on a known earthquake fault and potentially increase risks of human harm and/or property damage from fault rupture or development on expansive soils. This alternative would not potentially disturb or damage previously undetected paleontological resources as there would be no ground disturbance. Although determined to be less than significant with mitigation under the proposed project, the No Project Alternative would not increase risks of human harm or property damage from exposures to seismic shaking and landslides, or property damage due to construction on expansive soils.

Greenhouse Gases

This alternative would not result in substantial GHG emissions as there would be no construction or operational emissions.

Hydrology and Water Quality

This alternative would not result in any erosion or runoff, nor would it increase impervious surfaces that would prevent or interfere with groundwater recharge as there would be no new construction or operations.

Law Enforcement and Fire Protection

Although determined to be less than significant with implementation of the proposed project, this alternative would not generate new residences that would result in the need for expanded police protection facilities or increased demand for fire protection services.

Noise

This alternative would not result in noise impacts generated by construction of new residential or commercial uses, or commercial operations.

Public School Facilities

Although the proposed project public school facilities impact was determined to be less than significant, this alternative would not result in the generation of any new students which would potentially impact school facilities that are above capacity or are currently above capacity.

Transportation

No transportation impacts would occur from additional residential and commercial development.

Wastewater

The proposed project would not result in significant impacts due to increased wastewater treatment demand. This alternative would not result in any additional wastewater demand as it would not result in any new development.

Water Supply

Although the proposed project water supply impacts were determined to be less than significant, this alternative would not result in any additional water demand or require new supply facilities as it would not result in any new development.

Alternative 2 Reduced Residential Development With Increased Open Space

Description

The Reduced Residential Development With Increased Open Space Alternative complies with the state screening threshold for residential uses: a maximum 110 daily vehicle trips that equates with less than significant VMT impacts. The proposed project's residential trip generation per unit is 9.495 trips per day. Reducing the size of the residential component of the project to fall below the 110 daily vehicle trip threshold for residential VMT impacts would result in a reduction of up to 179 residential units ($110 \text{ daily trips} / 9.495 \text{ residential daily trips} = 11.585 \text{ residential units}$), an approximately 94 percent reduction in residential units.

The Reduced Residential With Increased Open Space alternative reduces the residential component of the proposed project from 190 units to 11 units with no change to proposed future commercial/hotel/recreation development. Under this alternative, the proposed zoning amendment would occur and all commercial uses and proposed park areas would be implemented. The development area would be reduced with the 11 residential lots placed nearer to the community's main entrance within the area identified as Phase 1 on Figure 4-1 and Figure 4-2. No new residential development would occur along Marks Drive, south of Ridgemark Drive or in the vicinity of Paullus Drive, South Ridgemark Drive, Fred's Way, or Sonny's Way. The existing fallow golf courses and underutilized fairway open spaces would be maintained as common open space or improved parkland with walking trails on the former golf cart paths.

Attainment of Project Objectives

With only eleven residential units, this alternative would not fully meet the basic project objectives to provide both market-rate and affordable housing options to accommodate residents of all income levels and life situations or lead to the efficient use of land resources. Up to 30 affordable units would not be developed, and land currently zoned for residential uses would not be utilized to increase the County's available housing stock in proximity to urban areas.

Impact Comparison

This analysis identifies potential environmental impacts associated with the Reduced Residential Development With Increased Open Space alternative and compares them with the impacts of the proposed Ridgemark Subdivision project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics

This alternative would result in less than significant aesthetic impacts similar to the proposed project. However, with this alternative very little development would occur on the existing fairways visible from State Route 25. Changes in the aesthetic quality of the site would be less perceptible to viewers on State Route 25. Changes from open space to built environment when viewed from public vantage points to the north and east would be less perceptible across the site. The greatest change to public views would be limited to areas in proximity to the existing clubhouse and the future commercial development at the intersection of Ridgemark Drive/State Route 25/Fairview Road. Retention of open space throughout the site maintained either as natural open space or improved parkland would maintain the existing aesthetic value of open space areas.

Air Quality

This alternative would generate fewer air emissions and exposures to them during construction and operations. Operational ROG emissions impacts from residential fireplace emissions would be substantially reduced. Construction emissions and exposures to them would be reduced within the development area by elimination of most of the residential development, but would not be avoided or substantially lessened since some residential and commercial development would still occur. Mitigation of construction and operational ROG emissions impacts would still be required.

Biological Resources

Loss or harm to special-status plant and wildlife species (San Joaquin spearscale, California tiger salamander, California red-legged frog, western pond turtle, western spadefoot, San Joaquin coachwhip, burrowing owl, nesting birds and raptors, American badger, San Joaquin kit fox, protected bat species), would still occur with this alternative but to a substantially lesser extent. The Reduced Residential Development With Increased Open Space alternative would eliminate or minimize impacts to the existing ponds located south of South Ridgemark Drive and west of State Route 25, reduce development impacts to sensitive oak woodland and wetland/riparian natural

communities and potentially avoid disturbance of jurisdictional wetlands and waters. Fewer impacts to wildlife movement or loss or harm to protected trees would occur, as a reduction in the size of the development area would result in less disturbance to habitat and tree removal. However, mitigation would still be required for this alternative.

Cultural and Tribal Cultural Resources

This alternative would result in potential (historic or archaeological) resource impacts, potential disturbance to undiscovered Native American remains, and potential substantial adverse change in the significance of a tribal cultural resources due to construction activity. Due to reduced construction activities within the development area, the potential for disturbance to previously undiscovered cultural resources would still be present, although to a lesser extent. Mitigation would still be required for this alternative.

Energy

Although unnecessary, wasteful, or inefficient use of energy resources was determined to be less than significant with implementation of the proposed project, this alternative would reduce demand for and use of energy resources in the short term through construction of fewer residential units, and reduced energy demand in the long term from residential and commercial operations.

Geologic Hazards

Under this alternative, new residential uses would not be located within the eastern portion of the site in proximity to the Tres Pinos Fault, thereby eliminating the impacts from placing residential uses on a known earthquake fault. This impact would be avoided. With respect to seismic impacts involving surface rupture from an active fault, the Reduced Residential Development With Increased Open Space alternative is the environmentally superior alternative.

However, the Reduced Residential Development With Increased Open Space alternative would include grading and excavation activity during construction that could damage or destroy previously undetected paleontological resources. As with the proposed project, mitigation is required to reduce potentially significant impacts to paleontological resources during construction.

Greenhouse Gases

The Reduced Residential Development With Increased Open Space would generate substantial GHG emissions during construction and operations although to a lesser extent than the proposed project. The proposed project would require mitigation of GHG emissions through preparation of and implementation of a GHG emissions reduction plan. This alternative also would be required to implement reduction measures identified in an approved GHG reduction plan. Therefore, although GHG impacts of this alternative would be reduced, mitigation would still be required and the impacts would not be substantially lessened.

Hydrology and Water Quality

The Reduced Residential Development With Increased Open Space alternative would increase impervious surfaces that could violate water quality standards, interfere with groundwater recharge, and exceed capacity of existing drainage facilities, although to a lesser extent than the proposed project. This alternative would concentrate development near the existing clubhouse and driving range and although reduced in overall scale, drainage impacts could still occur and mitigation would still be required to ensure that runoff generated by this alternative would not adversely affect existing drainage systems or affect water quality, in particular to drainage systems located along State Route 25. Mitigation to control erosion and runoff, minimize effects to groundwater recharge, and existing drainage facilities would still be required for this alternative.

Law Enforcement and Fire Protection

Although determined to be less than significant with implementation of the proposed project, this alternative would also generate new residences that would increase demand for expanded police and fire protection services or increased demand for fire protection services.

Noise

The Reduced Residential Development With Increased Open Space alternative would expose existing residential receptors to short term construction and potentially long term commercial operations that may substantially increase ambient noise levels and exceed county noise level thresholds.

Public School Facilities

The proposed project public school facilities impact was determined to be less than significant. The Reduced Residential Development With Increased Open Space alternative would result in substantially fewer new students. No residential development would occur within the service boundary of the Southside Elementary School District; therefore, no impact to that district would occur. Fewer impacts to school facilities would occur because fewer students requiring instruction would be generated by this alternative.

Transportation

The proposed project would result in a significant and unavoidable VMT impact. The Reduced Residential Development With Increased Open Space alternative would generate fewer than 110 daily residential trips, which is below the Governor's Office of Planning and Research recommended screening threshold. Therefore, the VMT generated by this alternative avoids the proposed project's significant VMT impact. With respect to impacts to VMT impacts, the Reduced Residential Development With Increased Open Space alternative is the environmentally superior alternative.

The Reduced Residential Development With Increased Open Space alternative would generate about 1,700 fewer average daily trips than the proposed project. A 94 percent reduction in

residential units would also generate fewer persons in need of transit opportunities, increased pedestrian and bicycle facility improvements, or traffic facility improvements. Compliance with county general plan policies requiring new development to provide land dedications or fee payments for planned facilities would still be required.

Wastewater

A 94 percent reduction in residential units would require less wastewater treatment. Although the proposed project wastewater impacts were determined to be less than significant, this alternative would result in fewer residential wastewater volumes that would require treatment as it would have substantially less residential development than the proposed project.

Water Supply

A 94 percent reduction in dwelling units would require 94 percent less domestic water for residential use. Although some water would be required for maintaining the additional parks and open space, this alternative would result in significantly less water demand.

Solid Waste

Although the proposed project solid waste and landfill generation impacts were determined to be less than significant, a 94 percent reduction in residential units would generate less solid waste that would need to be disposed in the landfill.

22.7 Comparison of Alternatives

The alternatives are summarized and compared in a matrix format in [Table 22-1, Project Alternative Summary](#).

Table 22-1 Comparison of Alternatives to the Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Aesthetics			
Impact 5-1: Substantial Adverse Impact on a Scenic Vista	LTS	NI	LTS Less than Proposed Project
Impact 5-2: Substantial Change in Visual Character of the Site and Surrounding Areas	LTS	NI	LTS Less than Proposed Project
Impact 5-3: Introduce New Sources of Substantial Light or Glare with Potential to Adversely Day or Affect Nighttime Views	LTS	NI	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Air Quality			
Impact 6-1: The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	LTSM	NI	LTSM Less than Proposed Project
Impact 6-2: Fugitive Dust and Equipment Exhaust Emissions During Construction Could Exceed the Air District Thresholds and Degrade Ambient Air Quality	LTS	NI	LTS
Impact 6-3: Generate Criteria Air Pollutants During Operations that Exceed Air District Thresholds and Degrade Air Quality	LTSM	NI	LTSM Less than Proposed Project
Impact 6-4: Demolition and Construction Activity Could increase Sensitive Receptor Health Risks from Exposure to Toxic Air Contaminants	LTSM	NI	LTSM Less than Proposed Project
Impact 6-5: Project Operations Could Expose Sensitive Receptors to Sources of Significant Odors	LTS	NI	LTS Less than Proposed Project
Biological Resources			
Impact 7-1: Loss or Harm to Special-Status Plant Species (San Joaquin Spearscale)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-2: Loss or Harm to Special-Status Wildlife Species (California Tiger Salamander and California Red-Legged Frog)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-3: Loss or Harm to Special-Status Wildlife Species (Western Pond Turtle and Western Spadefoot)	LTSM	NI	LTS Less than Proposed Project
Impact 7-4: Loss or Harm to Special-Status Wildlife Species (San Joaquin Coachwhip)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-5: Loss or Harm to Special-Status Wildlife Species (Burrowing Owl)	LTSM	NI	LTSM Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Impact 7-6: Loss or Harm to Special-Status Wildlife Species (Nesting Birds and Raptors)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-7: Loss or Harm to Special-Status Wildlife Species (American Badger)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-8: Loss or Harm to Special-Status Wildlife Species (San Joaquin Kit Fox)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-9: Loss or Harm to Special-Status Wildlife Species (Protected Bat Species)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-10: Impacts to Sensitive Natural Communities (Oak Woodland, Wetland/Riparian)	LTSM	NI	LTSM Less than Proposed Project
Impact 7-11: Disturbance of Jurisdictional Wetlands and Waters	LTSM	NI	LTSM Less than Proposed Project
Impact 7-12: Impacts to Wildlife Movement	LTS	NI	LTS Less than Proposed Project
Impact 7-13: Loss or harm to Protected Trees	LTS	NI	LTS Less than Proposed Project
Cultural and Tribal Cultural Resources			
Impact 8-1: Potential to Cause a Substantial Adverse Change in the Significance of an undiscovered Historic or Archaeological Resource	LTSM	NI	LTSM Less than Proposed Project
Impact 8-2: Potential Disturbance to Undiscovered Native American Remains During Grading and Construction	LTSM	NI	LTSM Less than Proposed Project
Impact 8-3: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource as Defined in Public Resources Code § 21074	LTSM	NI	LTSM Less than Proposed Project
Energy			
Impact 9-1: Unnecessary, Wasteful, or Inefficient Use of Energy Resources	LTS	NI	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Geology and Soils			
Impact 10-1: Increased Soil Erosion During Construction	LTS	NI	LTS Less than Proposed Project
Impact 10-2: Increased Risk of Property Damage Due to Construction on Expansive Soils	LTS	NI	LTS Less than Proposed Project
Impact 10-3: Damage or Destroy Previously Undetected Paleontological Resources During Construction	LTSM	NI	LTSM Less than Proposed Project
Greenhouse Gases			
Impact 11-1: Generate Substantial GHG Emissions	LTSM	NI	LTSM Less than Proposed Project
Hydrology and Water Quality			
Impact 12-1: Erosion and Runoff During Construction and Operations That Violate Water Quality Standards or Waste Discharge Requirements	LTSM	NI	LTSM Less than Proposed Project
Impact 12-2: Increased Demand for Groundwater	LTS	NI	LTS Less than Proposed Project
Impact 12-3: Increased Impervious Surfaces that Prevent or Interfere with Groundwater Recharge	LTSM	NI	LTSM Less than Proposed Project
Impact 12-4: Runoff That Exceeds the Capacity of Existing or Planned Off-Site Stormwater Systems	LTSM	NI	LTSM Less than Proposed Project
Impact 12-5: Conflict with or Obstruct Implementation of the North San Benito Basin Groundwater Sustainability Plan	LTS	NI	LTS Less than Proposed Project
Law Enforcement and Fire Protection			
Impact 13-1: Increased Demand for Law Enforcement Services	LTS	NI	LTS Less than Proposed Project
Impact 13-2: Increased Demand for Fire Protection Services	LTS	NI	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Noise			
Impact 14-1: Expose Off-Site Noise-Sensitive Receptors to Unacceptable Traffic Noise	LTS	NI	LTS Less than Proposed Project
Impact 14-2: Expose New Sensitive Receptors to Traffic Noise that Exceeds Noise Level Standards	LTSM	NI	LTSM Less than Proposed Project
Impact 14-3: Expose Existing Receptors to Commercial Noise that Exceeds Noise Level Thresholds	LTSM	NI	LTSM Less than Proposed Project
Impact 14-4: Exposure to Unacceptable Noise Levels During Construction	LTSM	NI	LTSM Less than Proposed Project
Impact 14-5: Exposure to Groundborne Vibration Noise During Construction that Exceeds Vibration Noise Level Standards	LTS	NI	LTS Less than Proposed Project
Public School Facilities			
Impact 15-1: Add New Students That Exceed Capacity of Southside Elementary School, Ladd Lane Elementary School, and Hollister High School	LTS	NI	LTS Less than Proposed Project
Transportation			
Impact 16-1: Conflict with Transportation Programs, Plans, Ordinances, or Policies Leading to Adverse Impacts	LTSM	NI	LTSM Less than Proposed Project
Impact 16-2: Generate Home-based VMT per Resident that is Greater than 19.6 VMT per Resident	SU	NI	LTS Less than Proposed Project
Impact 16-3: Add roadways and vehicles to the project site	LTS	NI	LTS Less than Proposed Project
Impact 16-4: Circulation Hazards at the intersection of Graniterock Driveway / State Route 25, at the intersection of State Route 25 / South Ridgemark Drive, and at the Intersection of Southside Road / Promontory Driveway	LTS	NI	LTS Less than Proposed Project

Environmental Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Residential Development With Increased Open Space
Impact 16-5: Inadequate Emergency Access	LTS	NI	LTS Less than Proposed Project
Wastewater			
Impact 17-1: Construction of New Wastewater Infrastructure That Could Result in Significant Physical Environmental Effects	LTS	NI	LTS Less than Proposed Project
Water Supply			
Impact 18-1: Construction of Water Infrastructure Improvements that Would Result in Significant Environmental Impacts	LTS	NI	LTS Less than Proposed Project
Impact 18-2: Insufficient Water Supply During Normal, Dry, and Multiple Dry Years	LTS	NI	LTS Less than Proposed Project
Project Objectives	Met	Not Met	Partially Met

SOURCE: EMC Planning Group 2023

NOTE: NI – No Impact; LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

No Project Alternative

The No Project Alternative would not result in any adverse environmental impacts. This alternative is the environmentally superior alternative but would not meet any of the proposed project objectives.

Reduced Residential Development With Increased Open Space Alternative

The Reduced Residential Development With Increased Open Space would reduce the extent of, but would not substantially lessen, impacts related to aesthetics, air quality, cultural and paleontological resources, energy consumption, GHG emissions volumes, hydrology and water quality, public services and utility systems, and schools.

The substantially lessened impacts resulting from this alternative are listed below:

1. The Reduced Residential Development With Increased Open Space alternative would substantially lessen impacts to special-status wildlife species by avoiding development in proximity to ponds where California tiger salamander have been observed, reducing construction and the need for drainage improvements across the site and reducing the extent of urbanized development within their habitat.

2. The Reduced Residential Development With Increased Open Space alternative would avoid significant VMT impacts and would reduce impacts to existing traffic facilities and planned improvements.
3. The Reduced Residential Development With Increased Open Space alternative would result in significantly less water demand.

This alternative would substantially lessen some of the significant impacts related to biological resources, seismic risks/hazards, and VMT. However, this alternative would not meet project objectives for the provision of affordable housing or for efficient use of land zoned for residential use. Further, the Reduced Residential Development With Increased Open Space alternative would not be consistent with many general plan policies for new development including but not limited to: PFS-1.10, which calls for maximizing the use of existing facilities; LU-1.2, which promotes compact, clustered development patterns that use land efficiently and encourages employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips; LU-1.5, which encourages infill development on vacant and underutilized parcels to maximize the use of land within existing urban areas; and LU-4.1, which encourages a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds.

22.8 Environmentally Superior Alternative

The No Project alternative is the environmentally superior alternative. It would avoid all of the proposed project impacts. However, CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Residential Development With Increased Open Space alternative eliminates the significant and unavoidable VMT impact and substantially lessens the proposed project’s significant but mitigable impacts. This alternative is considered the environmentally superior alternative among the remaining alternatives. It is the only alternative that could accomplish most of the basic project objectives while eliminating the significant and unavoidable VMT impact, and reducing some of the less-than-significant and/or significant and mitigable environmental impacts identified for the proposed project.

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