



# Lee Subdivision Project

## Final Recirculated Environmental Impact Report State Clearinghouse No. 2022020429

*prepared by*

**County of San Benito**  
Resource Management Agency, Planning Division  
2301 Technology Parkway  
Hollister, California 95023  
Contact: Arielle Goodspeed, Principal Planner

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
80 Garden Court, Suite 240  
Monterey, California 93940

**August 2024**



RINCON CONSULTANTS, INC. SINCE 1994

# Table of Contents

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1	Introduction .....	1-1
1.1	Final Recirculated EIR Contents .....	1-1
1.2	Background .....	1-1
1.3	Recirculated Draft EIR Public Review Process.....	1-2
1.3	EIR Certification Process and Project Approval .....	1-2
1.4	Additional Recirculation Not Required .....	1-3
2	Responses to Comments on the Recirculated Draft EIR.....	2-1
3	Revisions to the Recirculated Draft EIR .....	3-1
4	Mitigation Monitoring and Reporting Program.....	4-1

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# 1 Introduction

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## 1.1 Final Recirculated EIR Contents

This Final Recirculated Environmental Impact Report (Final Recirculated EIR) has been prepared by the County of San Benito Resource Management Agency (County) to evaluate the potential environmental impacts of the proposed Lee Subdivision Project (“proposed project” or “project”).

As prescribed by the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the County, is required to evaluate comments on environmental issues received from persons who have reviewed the Recirculated Draft EIR and to prepare written responses to those comments. This document, together with the Recirculated Draft EIR comprise the Final Recirculated EIR for this project. This Final Recirculated EIR includes individual responses to each letter received during the public review period for the Recirculated Draft EIR. It should be noted that the Recirculated Draft EIR and this Final Recirculated EIR supersede the previously published Draft EIR (August 2022) and Final EIR (November 2022) for the Lee Subdivision Project. In accordance with *CEQA Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The County has provided a good faith effort to respond to all significant environmental issues raised by the comments. The Final Recirculated EIR also includes revisions to the Recirculated Draft EIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Recirculated Draft EIR. The Final Recirculated EIR includes the following contents:

- Section 1: Introduction
- Section 2: Responses to Comments on the Recirculated Draft EIR, which also includes a list of all commenters and public comment letters
- Section 3: Revisions to the Recirculated Draft EIR
- Section 4: Mitigation Monitoring and Reporting Program

## 1.2 Background

San Benito County distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on February 22, 2022, and ending on March 24, 2022. The County received letters from four agencies in response to the NOP during the public review period, as well as one comment from the public.

On November 16, 2022, the San Benito County Planning Commission conducted a public hearing on the proposed project. At the conclusion of the hearing the Planning Commission voted 3-1 to deny the project. The applicant appealed. The Board of Supervisors heard the item on December 13, 2022, opened a duly noticed public hearing regarding the appeal of the Planning Commission decision of November 16, 2022, and at the hearing the Board heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given an opportunity to hear and be heard with respect to any matter related to the appeal. At the conclusion of the public testimony, the Board of Supervisors voted to continue its public hearing to January 17, 2023. On January 17, 2023, the San Benito County Board of Supervisors found the EIR inadequate and denied approval of the project.



As such, the County prepared a Recirculated Draft EIR pursuant to CEQA. The revisions included in the Recirculated Draft EIR included clarification of an off-site grading area, project description changes related to the proposed affordability of the project, and revisions addressing County Board of Supervisors findings of an inadequate EIR in Resolution 2023-01.

### 1.3 Recirculated Draft EIR Public Review Process

The County filed a notice of completion (NOC) with the Governor’s Office of Planning and Research to begin the 45-day public review period (Public Resources Code [PRC] Section 21161), which began on May 10, 2024 and ended on June 24, 2024. The Recirculated Draft EIR was made available on the County’s website (<https://www.sanbenitocountyca.gov/departments/resource-management-agency/planning-and-land-use-division/current-major-planning-projects>). A notice of availability (NOA) of the Recirculated Draft EIR was published on May 10, 2024 with the San Benito County Clerk, State Clearinghouse, San Benito County Resource Management Agency, San Benito County Administrative Office, San Benito County Free Library, and BenitoLink. As a result of these notification efforts, written comments on the content of the Recirculated Draft EIR were received from 15 State and local agencies, one organization, and three individuals. Section 2, *Responses to Comments on the Recirculated Draft EIR*, identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute “significant new information” by CEQA standards (*CEQA Guidelines* Section 15088.5) for the reasons set forth in this section.

### 1.4 EIR Certification Process and Project Approval

Before approving the proposed project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).

In approving a project, for each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). Per PRC Section 21061.1, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency’s decision and explains why the project’s benefits outweigh the significant environmental effects (*CEQA Guidelines* Section 15093). No significant unavoidable impacts were identified for the proposed project in the Recirculated Draft EIR. As such, a Statement of Overriding Considerations is not required nor appropriate.

When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (*CEQA Guidelines* Section 15091[d]). The Mitigation Monitoring and Reporting Program is included as Section 4 of this document.

## 1.5 Additional Recirculation Not Required

*CEQA Guidelines* Section 15088.5 requires Draft EIR recirculation when comments on the Draft EIR or responses thereto identify “significant new information.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and revisions to the Recirculated Draft EIR presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Recirculated Draft EIR. For example, none of the comments, responses, and revisions to the Recirculated Draft EIR disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Recirculated Draft EIR that would clearly lessen the proposed project's significant effects.

As such, additional recirculation of the already recirculated Draft EIR would not be required.

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## 2 Responses to Comments on the Recirculated Draft EIR

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This section includes comments received during public circulation of the Recirculated Draft Environmental Impact Report (EIR) prepared for the Lee Subdivision Project (project). It should be noted that the Recirculated Draft EIR and this Final Recirculated EIR supersede the previously published Draft EIR (August 2022) and Final EIR (November 2022) for the Lee Subdivision Project.

The Recirculated Draft EIR was circulated for a 45-day public review period that began on May 10, 2024 and ended on June 24, 2024. The County received 19 comment letters on the Recirculated Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
<b>Agency Comments</b>		
A1	Don Reynolds, City Manager, City of San Juan Bautista	2-3
A2	Carlos Bedolla, Fire Marshall, Hollister Fire Department	2-6
A3	N.C. Coady, Captain Commander, Department of California Highway Patrol	2-9
A4	Dave Kereazis, Associate Environmental Planner, California Department of Toxic Substances Control	2-12
A5	Julie A. Vance, Regional Manager, California Department of Fish and Wildlife	2-18
A6	Rob Hillebrecht, Principal Engineer, Sunnyslope County Water District	2-28
A7	Olga Vargas, Division of Environmental Health, San Benito County Planning	2-32
A8	Shawn Tennenbaum, Superintendent, San Benito High School District	2-34
A9	Eva Kelly, Planning Manager, City of Hollister Planning Division	2-45
A10	Shon Morrison, County Assessor's Office	2-58
A11	Kathryn Ramirez, Staff Analyst, Resource Management Agency Integrated Waste Management	2-60
A12	Robin Leland, Code Enforcement Officer III, County of San Benito Resource Management Agency	2-62
A13	Samuel Borick, Transportation Planner, Council of San Benito County Governments	2-64
A14	David Macdonald, Senior Engineer, San Benito County Water District	2-66
A15	Melissa Savage, Engineer I, San Benito County Resource Management Agency Engineering Services Division	2-68
<b>Organization Comments</b>		
O1	Dylan Casey, Executive Director, California Housing Defense Fund	2-78
<b>Public Comments</b>		
P1	Mary Anderson	2-82
P2	Michael Durkee	2-87
P3	Seth Capron	2-90

The comment letters and responses follow. The comment letters are numbered sequentially, and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1.1, for example, indicates that the response is for the first issue raised in Agency Comment Letter 1).

Where a comment resulted in a change to the Recirculated Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (underlined font) where text was added. These changes in text are also included in Section 3, *Revisions to the Recirculated Draft EIR*.

Letter A1

**From:** [Don Reynolds](#)  
**To:** [Arielle Goodspeed](#)  
**Cc:** [chris martorana](#); [Mayor Freels](#)  
**Subject:** RE: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR  
**Date:** Monday, May 13, 2024 8:34:13 AM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for including SJB in this notice. The City has no comment on this development.

Don Reynolds  
City Manager  
San Juan Bautista  
P.O. Box 1420  
311 Second Street  
San Juan Bautista CA 95045  
(831) 623-4661 x 14  
**C (831) 594 6322**

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**From:** Arielle Goodspeed <AGoodspeed@cosb.us>  
**Sent:** Friday, May 10, 2024 2:35 PM  
**Subject:** PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR

***NOTICE IS HEREBY GIVEN*** that the County of San Benito, as lead agency, has prepared a Revised Draft Environmental Impact Report (Draft EIR) for the below referenced project. The Draft EIR analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15087 of the CEQA Guidelines, San Benito County has prepared this Notice of Availability (NOA) to provide responsible agencies and other interested parties with notice of the availability of the Revised and Recirculated Draft EIR and solicit comments and concerns regarding the environmental issues associated with the proposed project.

- ***NOTICE IS HEREBY FURTHER GIVEN*** that a public hearing for certification of a Final EIR, Zoning Code Amendment, Zone Map Change, and Vesting Tentative Map for this project before the Planning Commission will take place at a future undetermined date to be separately announced.

***PUBLIC REVIEW PERIOD:*** A 45-day public review period for the Revised and Recirculated Draft EIR will commence on **May 10, 2024** and end on **June 24, 2024 at 5:00 p.m.** All comments on the Revised and Recirculated Draft EIR must be received by the County by 5:00 pm on June 24, 2024 in order to receive a response on those comments addressing environmental issues. Comments may be sent by postal service, electronic mail, or hand delivery.

**The County encourages written comments on the project to be submitted in a readily accessible electronic format.**

-

A1.1

I have attached above the PDF of the Notice of Availability for Lands of Lee Subdivision Project, PLN200051, Revised and Recirculated Draft Environmental Impact Report. If you have trouble opening up the PDF you can also view the notice attached or at <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/current-major-planning-projects> and on the project page <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/lands-of-lee-subdivision-file-no-pln20051/-fsiteid-1#!/>.

**Warmest Regards,**

**Arielle Goodspeed**

*Principal Planner*

Resource Management Agency  
2301 Technology Parkway  
Hollister CA 95023  
Ph: (831) 902-2547



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## Letter A1

**COMMENTER:** Don Reynolds, City Manager, City of San Juan Bautista

**DATE:** 5/13/2024

### **Response A1.1**

The commenter expresses gratitude for the notice and provides no comments on the project.

This comment is noted.





## HOLLISTER FIRE DEPARTMENT

110 Fifth St, Hollister CA 95023

P: 831-636-4325

*Fire Prevention Division*  
[hfdprevention@hollister.ca.gov](mailto:hfdprevention@hollister.ca.gov)

### PROJECT COMMENTS

Date: May 13, 2024

Subject: Lands of Lee Development

Address: 291 Old Ranch Road

**ITEMS TO BE IMMEDIATELY ADDRESSED FOR PLANNING/DESIGN APPROVAL**

#### 2.5.5 Public Services

The San Benito Sheriff's Department would provide law enforcement services. Fire protection and emergency response services are provided by the City of Hollister Fire Department through a contract with San Benito County. The site is within SBCFD Service Area 26. SBCFD contracts with the **California Department of Forestry and Fire Protection (CAL FIRE) to manage and provide these services. The nearest fire station is the CAL FIRE station at 1979 Fairview Road, approximately 1.4 miles north of the site.**

Hollister Fire Department. Hollister Fire Station 2 is the first due and nearest fire station located at 2240 Valley View Road which is 1.5 miles to Service Area 26. The second due station is located at 110 Fifth Street which is 4.1 miles to Service Area 26. California Department of Forestry and Fire Protection (CAL FIRE) is a State resource and is only available upon request through the state mutual aid request process to Service Area 26.

**INCORRECT- NEEDS TO BE REMOVED AND AMENDED.**

A2.1

#### 4.10.9 Public Services

Through an existing contract between the County and the City of Hollister Fire Department, the Hollister Fire Department would provide fire protection services to the project. Wildfire protection in the vicinity of the project site is supported by CAL FIRE (County of San Benito 2015b). The fire station nearest to the project site is Hollister Fire Department Station 2, located approximately 1.6 miles west of the site, at 2240 Valley View Road. The proposed project would result in the addition of approximately 544 additional persons within the County which would increase the need for fire services. This increased demand could result in the expansion or construction of new fire facilities. However, San Benito County Code Title 5 (Finance), Chapter 5.01 (County Fees), Article VIII (Fire Mitigation Fees) establishes development impact fees requiring that new development provide a fair share contribution toward the provision of 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. While the project would increase demand for fire protection services, compliance with the County Fire Code and payment of impact fees may ensure County fire protection services are available. Therefore, the project may result in substantial impacts associated with the provision of new or altered fire facilities and impacts would be less than significant.

A2.2

**ADDITIONAL INFORMATION:**

**MAKE CONTACT WITH FIRE DEPARTMENT FOR ADDITIONAL COMMENTS,  
CONCERNS, PLAN SUBMISSIONS and INSPECTIONS fire at 831-636-4325**

**AS THE PROJECT MAY CHANGE OVER TIME AND THAT SOME CONDITIONS MAY BE  
REQUIRED IN ADDITION TO PRELIMINARY PLANS.**

A2.2  
(Cont)

From: Carlos Bedolla

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Fire Marshal

## Letter A2

**COMMENTER:** Carlos Bedolla, Fire Marshall, Hollister Fire Department

**DATE:** 5/13/2024

### Response A2.1

The commenter provides suggested revisions to Section 2.5.5 of the Recirculated Draft EIR related to the provision of fire protection services to the project site.

The following revision has been made to Section 2.5.5 of the Recirculated Draft EIR:

The San Benito Sherriff's Department would provide law enforcement services. Fire protection and emergency response services are provided by the City of Hollister Fire Department through a contract with San Benito County. The site is within SBCFD Service Area 26. SBCFD contracts with the Hollister Fire Department. Hollister Fire Station 2 is the first due and nearest fire station located at 2240 Valley View Road which is 1.5 miles to Service Area 26. The second fire station is located at 110 Fifth Street which is 4.1 miles to Service Area 26. California Department of Forestry and Fire Protection (CAL FIRE) is a State resource and is only available upon request through the state mutual aid request process to Service Area 26. to manage and provide these services. The nearest fire station is the CAL FIRE station at 1979 Fairview Road, approximately 1.4 miles north of the site.

### Response A2.2

The commenter cites a passage in Section 4.10.9, *Public Services*, of the Recirculated Draft EIR, and notes that the project may change over time and that some conditions may be required in addition to preliminary plans.

This comment is noted.

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

740 Renz Lane  
Gilroy, California 95020  
(408) 427-0700  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)



June 7, 2024

Letter A3

File No.: 725.15606

San Benito County, Attention: Ms. Arielle Goodspeed  
2301 Technology Parkway  
Hollister, CA 95023

Subject: SCH 2022020429

The California Highway Patrol, Hollister-Gilroy Area received the Notice of Completion & Environmental Document Transmittal for a Draft Environmental Impact Report of the Lee Subdivision Project, State Clearing House (SCH) number 2022020429. After review, we have some concerns with the increased traffic congestion that will result with the proposed increase in residents in the project area.

Our concern relates to the conclusions of the Transportation Analysis – Appendix H, and findings of the Additional Vehicle Miles Traveled (VMT) Analysis – Appendix I, which identify numerous ‘adverse effects’ and ‘significant traffic impacts on VMT’ with the increased traffic volumes the proposed project will create. Without question, the projected increase in traffic volumes will have a negative impact on our operations due to the resulting increase in traffic congestion within the area, which will result in an increase in crashes and slower response times to emergency incidents. Efforts to mitigate the expected increase in congestion, crashes, and response times could include ensuring sufficient clearance (road width) exists along primary (State Route 25) and adjacent highways (e.g., Fairway Road, Sunnyslope Road, Hillcrest Road) for the free movement of emergency vehicles regardless of intermittent congestion, and/or on-demand signalized timing of traffic signals to control traffic flow for emergency vehicle response to incidents when necessary.

A3.1

Should you have any questions regarding these concerns, please do not hesitate to contact me directly via email at [NCoady@chp.ca.gov](mailto:NCoady@chp.ca.gov) or telephone (408) 427-0700.

Sincerely,

N. C. COADY, Captain  
Commander

Attachment

cc: Coastal Division



## Letter A3

**COMMENTER:** N.C. Coady, Captain Commander, California Highway Patrol (CHP)

**DATE:** 6/7/2024

### Response A3.1

The commenter expresses concerns related to increased traffic congestion. The commenter notes that the Transportation Analysis (Appendix H) and the Additional Vehicle Miles Traveled (VMT) Analysis (Appendix I) identify significant adverse effects due to higher traffic volumes, which may lead to more crashes and slower emergency response times. The commenter suggests mitigating this impact by ensuring adequate road clearance for emergency vehicles and/or on-demand signalized timing of traffic lights.

As stated in Section 4.7, *Transportation*, of the Recirculated Draft EIR, pursuant to Section 15064.3 of the *CEQA Guidelines*, traffic delay and congestion do not constitute a significant environmental impact for land use projects. Nonetheless, the County performed an intersection operation analysis to consider the potential traffic impacts from the project in Appendix H. The comment that increased traffic would result in more crashes and slower response times is speculative in nature. As shown in Appendix H, the project would add up to 66 peak hour trips to SR 25, which would be a 6.7 percent increase over existing peak hour trips on SR 25 (972 peak hour trips). The commenter does not explain how an increase in trips would lead to more crashes or slower response times. CEQA requires that a lead agency consider impacts from increased hazards due to a geometric design feature and physical impacts on the environment due to the provision of a new government facility to maintain acceptable service ratios, which the County did on pages 4.7-13 to 4.7-14 and page 4.10-12 of the Recirculated Draft EIR. Please refer to these pages in the Recirculated Draft EIR, which explain why the impacts from increased hazards due to a geometric design and physical impacts on the environment due to the provision of a new government facility to maintain acceptable service ratios, are less than significant.

It should also be noted that Appendix H to the Recirculated Draft EIR provides a transportation analysis for an older version of the proposed project, which included a smaller percentage of affordable units. The VMT analysis was updated in Appendix I to the Recirculated Draft EIR, which concluded less than significant VMT impacts, in comparison to the original significant and unavoidable conclusion for VMT impacts in Appendix H. No other significant and unavoidable transportation impacts were identified in Appendix H.

As noted in Appendix H, a southbound left-turn pocket within the median of Fairview Road would be constructed by the project to facilitate access to Old Ranch Road without blocking travel along southbound Fairview Road. This would be a striped median left-turn pocket, not a curbed median. The project would not provide additional modifications to existing roadways, including State Route 25, Fairview Road, Sunnyslope Road, or Hillcrest Road; therefore, any existing road clearance concerns for emergency vehicles would be an existing condition, and not an impact resulting from implementation of the project. Thus, mitigation measures to address this are not warranted.

Regarding the on-demand signalized timing of traffic lights, the Transportation Analysis included as Appendix H to the Recirculated Draft EIR indicates that the installation of traffic signals at Fairview Road is part of identified improvement projects of the San Benito County Regional Transportation Impact Mitigation Fee (TIMF). While the project proponent would be required to pay the TIMF for the proposed project, the County would control the construction of the new signal, and signal

timing would be established based on the standard practices of the County and in conformance with regulations applicable to the construction and signalization of new traffic lights.



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

June 19, 2024

Arielle Goodspeed  
Principal Planner  
San Benito County  
2301 Technology Pkwy  
Hollister, CA 95023  
[agoodspeed@cosb.us](mailto:agoodspeed@cosb.us)

RE: FOR THE PLN200051 LEE SUBDIVISION PROJECT REVISED DRAFT  
ENVIRONMENTAL IMPACT REPORT, DATED MAY 10, 2024, STATE  
CLEARINGHOUSE NUMBER [2022020429](#)

Dear Arielle Goodspeed,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Lee Subdivision Project Revised Draft Environmental Impact Report (Project). The approximate 27.45-acre site contains formerly dry-farmed grassland, an existing roadway, and one existing single-family residence. The site is bordered by rural single-family residences to the north and west, and agricultural/open space to the east. The proposed Project is a subdivision with development of 141 residential lots, a public park and open space, utilities infrastructure, internal public streets, improvements to Old Ranch Road, and would involve the demolition of the existing on-site residence (constructed in the late 1980s). The Project includes the development of 121 one and two story single-family detached units and 20 single-family attached duet units.

A4.1

DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).
3. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are Dichlorodiphenyltrichloroethane (DDT), toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [Human Health Risk Assessment Note Number 3](#) approved thresholds outlined in the [PEA Guidance Manual](#). If they do not, remedial action must take place to mitigate them below those thresholds.

A4.2

A4.3

A4.4



4. Additional chemicals of concern may be found in mixing/loading/storage area, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.

A4.5

DTSC appreciates the opportunity to comment on the Lee Subdivision Project Revised Draft Environmental Impact Report. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

A4.6

Sincerely,



Dave Kereazis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Arielle Goodspeed

June 19, 2024

Page 4

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Scott Wiley

Associate Governmental Program Analyst

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)

## Letter A4

**COMMENTER:** Dave Kereazis, Associate Environmental Planner, California Department of Toxic Substances Control

**DATE:** 6/19/2024

### Response A4.1

The commenter summarizes the project.

This comment is noted.

### Response A4.2

The commenter recommends that before demolishing buildings or structures on the project site, surveys for hazardous materials like lead-based paints, mercury, asbestos, and polychlorinated biphenyl caulk should be conducted. The commenter notes that removal and disposal must comply with California environmental regulations, and sampling near buildings should follow the DTSC's Preliminary Endangerment Assessment Guidance Manual.

As noted in Section 4.10.4, *Hazards and Hazardous Materials*, of the Recirculated Draft EIR, demolition of existing on-site structures could result in upset and release of hazardous materials into the environment. The existing buildings on the project site were constructed after 1981 and would therefore not contain asbestos and/or lead-based paints. Therefore, demolition would not result in health hazard impacts related to asbestos and lead-based paint to workers during construction activities and impacts would be less than significant.

Regarding mercury and polychlorinated biphenyl caulk, the County agrees that compliance with California environmental regulations is necessary. Page 4.10-6 of the Recirculated Draft EIR (Section 4.10, *Effects Found Not to be Significant*) has been updated to clarify the existing regulations that would apply for hazardous materials, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...Therefore, demolition would not result in health hazard impacts related to asbestos and lead-based paint to workers during construction activities. In addition, demolition for the project would be required to adhere to the Hazardous Waste Control Act. The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California HSC Section 25100 et seq.), which is implemented by regulations described in CCR Title 26. The regulations list materials that may be hazardous, and establish criteria for their identification, packaging, and disposal. The project would comply with the appropriate requirements for the identification, packaging, and disposal of hazardous materials, including mercury and polychlorinated biphenyl caulk. As such, ~~and~~ impacts related to the release of hazardous materials from demolition would be less than significant.

The revisions to the Recirculated Draft EIR identify that impacts would remain less than significant with compliance with existing regulations.

### Response A4.3

The commenter recommends testing all imported soil and fill material to ensure contaminants are within acceptable levels, as well as documentation of soil origins and sampling based on prior land

use. The commenter states that soil sampling should meet DTSC and USEPA screening levels, with further information available on DTSC's Human and Ecological Risk Office webpage.

No fill will be imported for the project. As stated in Section 2.5, *Project Characteristics*, of the Recirculated Draft EIR, the project would result in export of approximately 49,700 cubic yards from the site. As no import of soil or fill is anticipated, the comment is not specific to the project and no further response is required.

#### **Response A4.4**

The commenter notes that when agricultural land is rezoned for residential use, the Lead Agency must identify historical use of pesticides and organochlorine pesticides (OCPs) on the property. The commenter also states that further analysis is required for OCPs such as DDT, toxaphene, and dieldrin, as well as any level of arsenic, which must meet specific health risk assessment thresholds; otherwise, remedial action is necessary.

The comment is noted. As discussed in Section 4.10.4, *Hazards and Hazardous Materials*, of the Recirculated Draft EIR, it is unlikely that on-site soils would exceed environmental screening levels for contaminants. However, if contaminated soil is excavated from the site, it would be subject to proper handling and disposal pursuant to Title 14 of the California Code of Regulations, Section 17200, et. seq.

#### **Response A4.5**

The commenter recommends that chemicals of concern in areas such as mixing/loading/storage sites, drainage ditches, and outbuildings should be sampled and analyzed. If smudge pots were used, additional sampling for Polycyclic Aromatic Hydrocarbons (PAHs) and Total Petroleum Hydrocarbons (TPHs) may be necessary.

The project site does not contain mixing, loading, or storage sites. Grading for the project would not disturb an off-site drainage. There is a barn on the property, though it is unclear if the commenter considers this an outbuilding. There is no evidence that smudge pots have been used on the site. As discussed in Section 4.10.4, *Hazards and Hazardous Materials*, the project site and areas within 0.5 mile of the project site are not listed pursuant to Government Code Section 65962.5, which includes compiled lists of hazardous sites. Because chemicals of concern in areas referenced by the commenter are not present at the site, this comment does not apply to the project and no further response is required.

#### **Response A4.6**

The commenter concludes their comments and provides contact information for further information.

This comment is noted.



# Sunnyslope Water District

3570 Airline Highway  
Hollister, California 95023-9702

Phone (831) 637-4670  
Fax (831) 637-1399

June 20, 2024

San Benito County Planning Department

**RE** Sunnyslope Comments on Recirculated Draft EIR for Lee Subdivision Project

Arielle Goodspeed,

I have reviewed the Recirculated Draft EIR for the Lands of Lee Subdivision Project. Please find Sunnyslope Water District's comments regarding this EIR below.

- |  |      |
|--|------|
| 1. Page 2-9, Section 2.5.4 – Are there any proposed intersection improvements at Fairview Rd and the improved Old Ranch Rd?  | A5.1 |
| 2. Page 2-12, Section 2.5.6 – In the Water section, there is mention of installing a “non-potable” parallel water system for irrigation of the park parcels. However, this parallel water system will actually be fully potable, but will be sourced solely by groundwater rather than the higher quality (but more expensive) surface water that is provided to domestic customers.   | A5.2 |
| 3. Page 2-12 to 2-16 – All the description of sewer service for this development is accurate and Sunnyslope has the intent of providing service as described.  | A5.3 |
| 4. Page 4.9-13 – In the last sentence of the page, it says<br>“... as discussed therein, SCWD, in addition to managing local groundwater, is also the local imported water wholesale agency and holds the contract to receive water through the CVP and deliver it to end users within the HUA. As such, SCWD operates and maintains the infrastructure necessary to convey imported surface water supply and locally produced groundwater supply to end user customers within the HUA.”<br>However, it is actually San Benito County Water District (SBCWD) who manages the groundwater and holds the contract for imported CVP water. Sunnyslope works closely with SBCWD to ensure that adequate water supply is available in both groundwater and imported water to meet our customer demands. | A5.4 |
| 5. Section 4.7 – What planned improvements are proposed for the intersection of Fairview and Old Ranch Road? Signal light, turning lanes, stop signs, etc.   | A5.5 |
| 6. Section 4.7 – Is this development doing any widening or improvements on the east side of Fairview? If it is not being required to improve the east side of Fairview, is it at least paying money into a holding account so the County could do a future improvement of it? From my personal perspective, if the east side of Fairview does not get widened now, it never will. The 5-acre lots bordering Fairview there are unlikely to develop significantly, especially if they would have to bear the full cost of widening Fairview. This   | A5.6 |

development would add significant traffic to that section of road and should bear the lion's share of the cost for its expansion east.

7. Page 4.9-15 – At the end of the third paragraph on the page, it states "... from which point SCWD's existing sewer system..." but it should say "... from which point Hollister's existing sewer system...". Sunnyslope's collections jurisdiction will end at Manhole L-5-1, beyond which point it is Hollister's collections system.
8. Page 4.9-17 – Sunnyslope is NOT the Groundwater Sustainability Agency; that is San Benito County Water District.
9. Page 4.9-17 – The last sentence of the third paragraph says "... increase wastewater generate..." while it should say "... increase water demand...".

Thank you for your time in addressing my questions and comments. If you have any additional questions or need further clarification of mine, please do not hesitate to call me at (831) 637-4670 or email me at [rob@sunnyslopewater.org](mailto:rob@sunnyslopewater.org).

Sincerely,

Rob Hillebrecht, P.E.  
Principal Engineer  
Sunnyslope County Water District

A5.6  
(cont.)

A5.7

A5.8

A5.9

A5.10

## Letter A5

**COMMENTER:** Rob Hillebrecht, Principal Engineer, Sunnyslope County Water District

**DATE:** 6/20/2024

### Response A5.1

The commenter asks if there are any proposed intersection improvements at Fairview Road and the improved Old Ranch Road.

Signalization is not warranted at the intersection of Fairview Road and the improved Old Ranch Road (refer to Appendix H of the Recirculated Draft EIR). However, as noted in Appendix H, a southbound left-turn pocket within the median of Fairview Road would be constructed by the project to facilitate access to Old Ranch Road without blocking travel along southbound Fairview Road. This would be a striped median left-turn pocket, not a curbed median. Additional improvements would be limited to Old Ranch Road, which would be upgraded to meet County transportation standards of a 34-foot road section with parkways and sidewalks within a 60-foot ROW.

### Response A5.2

The commenter states that there is mention of installing a “non-potable” parallel water system for irrigation of the park parcels, but clarifies that this parallel water system would be potable and sourced by groundwater.

The County has revised the Recirculated Draft EIR to distinguish between domestic water mains, which would be used by residences; and irrigation water mains, which would be used for irrigation. The following revisions to the Recirculated Draft EIR have been made:

Page ES-4 (*Utilities* subsection):

...Buildout of the project site and adjacent planned development would result in a looped system of domestic water mains between Gavilan Community College’s San Benito Campus, Fairview Corners residential development, and the current residences on Old Ranch Road. The project also includes the installation of non-potable irrigation water mains for possible future irrigation of the proposed public park and remainder parcel, as well as installing non-potable irrigation water mains through the project site to the intersection of Old Ranch Road and Fairview Road. The proposed non-potable irrigation water mains would connect to the planned development immediately south of the project site. The proposed on-site ~~potable and non-potable~~ domestic and irrigation water main systems would be dedicated to SCWD for operation and maintenance, funded through monthly water rates collected by SCWD.

Page ES-5 (*Sustainability Features* subsection):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ The project would install photovoltaic systems on all proposed residential structures...

Page ES-6 (*Project Objectives* subsection):

- Extend ~~a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

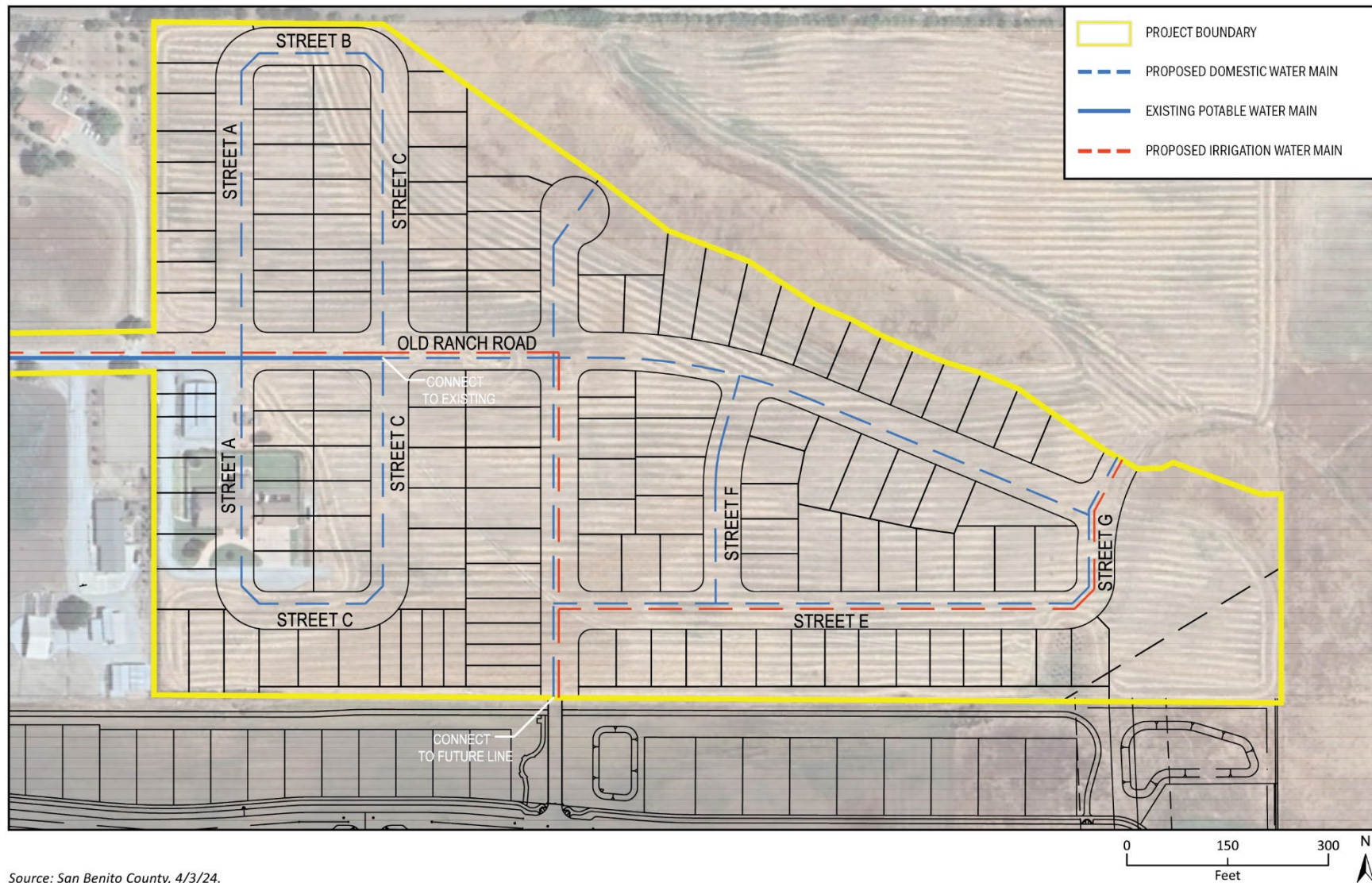
Page 2-12 (Section 2.5.6, *Utilities*; Water subsection):

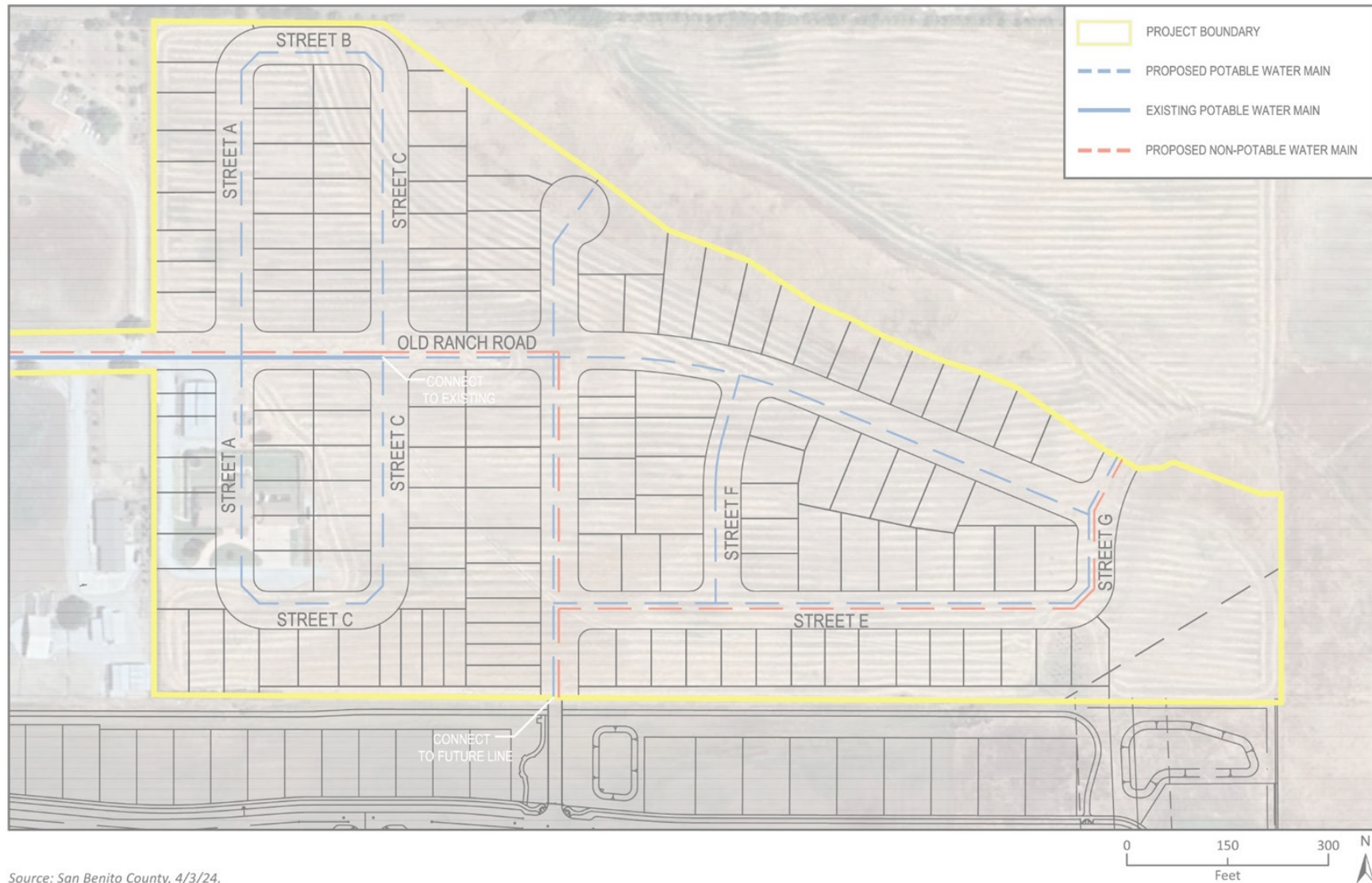
...Buildout of the project site and adjacent planned development would result in a looped system of domestic water mains between Gavilan Community College's San Benito Campus, Fairview Corners residential development, and the current residences on Old Ranch Road. The project also includes the installation of ~~non-potable~~ irrigation water mains for possible future irrigation of the proposed public park and remainder parcel, as well as installing ~~non-potable~~ irrigation water mains through the project site to the intersection of Old Ranch Road and Fairview Road. The proposed ~~non-potable~~ irrigation water mains would connect to the planned development immediately south of the project site. The proposed on-site ~~potable and non-potable~~ domestic and irrigation water main systems would be dedicated to SCWD for operation and maintenance, funded through monthly water rates collected by SCWD. Figure 2-7 shows the proposed location for new ~~potable and non-potable water~~ domestic and irrigation water mains on site.

Page 2-13 (Section 2.5.6, *Utilities*; Water subsection, Figure 2-7; the new figure precedes the old figure):



**Figure 2-7 Proposed Potable Domestic and Non-Potable Irrigation Water Pipelines**





Page 2-18 (Section 2.5.8, *Sustainability Features*):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ The project would install photovoltaic systems on all proposed residential structures...

Page 2-19 (Section 2.6, *Project Objectives*):

- Extend ~~a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

Page 4.10-5 (Section 4.10.3, *Energy*):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ Further, the project would meet the requirements of the 2019 Building Energy Efficiency Standards and the 2022 California Energy Code...

Page 5-2:

Extend ~~a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

### **Response A5.3**

The commenter states that the description of sewer service in the Recirculated Draft EIR project description is accurate and that SCWD intends to provide service as described.

This comment is noted.

### **Response A5.4**

The commenter identifies a discrepancy in Section 4.9, *Utilities and Service System*. The commenter states that it is San Benito County Water District (SBCWD) who manages the groundwater and holds the contract for imported Central Valley Project water.

Page 4.9-13 of the Recirculated Draft EIR (Section 4.9.3, *Impact Analysis*; Water subsection) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...The border of the HUA is contiguous with the area addressed in the *Hollister Urban Area Water and Wastewater Master Plan* (City of Hollister, SBCWD, and SCWD 2017); as discussed therein, ~~SCWD San Benito County Water District (SBCWD), in addition to managing local groundwater, is also the local imported water wholesale agency and holds a the contract to receive water through the CVP and deliver it to end users within the HUA. SCWD works closely with SBCWD to ensure that adequate water supply is available in both groundwater and~~



imported water to meet customer demands. As such, SCWD operates and maintains the infrastructure necessary to convey imported surface water supply and locally produced groundwater supply to end user customers within the HUA.

### **Response A5.5**

The commenter asks what planned improvements are proposed for the intersection of Fairview and Old Ranch Road.

Please refer to response to comment A5.1.

### **Response A5.6**

The commenter asks if the project includes widening or improvements on the east side of Fairview Road, or if the applicant will be responsible for paying their fair share of such improvements. The commenter expresses concern that this development would add significant traffic to that section of road and should bear the lion's share of the cost for its expansion east.

The project does not include widening or improvements on the east side of Fairview Road. As a matter of clarification, impacts to intersections or roadway segments are not considered environmental impacts under CEQA, pursuant to Section 15064.3 of the *CEQA Guidelines*. As such, widening is not required as mitigation for the project. Nonetheless, the project applicant would be required to pay a fair share fee into the County's Traffic Impact Fee Fund, which would finance County transportation and transit facilities maintenance and improvements (refer to Section 5.01.254 of the San Benito County Code). In addition, please note that in the Council of San Benito County Governments, 2018-2040 San Benito Regional Transportation Plan, identifies the widening of Fairview Road (between SR 25 and McCloskey Road) to a 4-lane arterial road as a project that could be funded based on revenues reasonably expected over the next 22-years.<sup>1</sup> This roadway widening would ultimately be funded by the County's Traffic Impact Fee Fund.

### **Response A5.7**

The commenter identifies an error in Section 4.9, *Utilities and Service Systems*, and states that the existing sewer system beyond Manhole L-5-1 belongs to the City of Hollister.

Page 4.9-15 of the Recirculated Draft EIR (Section 4.9.3, *Impact Analysis*; Wastewater subsection) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...Off-site improvements would be limited to an extension of the project's on-site sewer main, to cross under Fairview Road and connect to the existing Manhole L-5-1, from which point SCWD's Hollister's existing sewer system is sufficient to convey project effluent to the Hollister DWRP for treatment and discharge.

---

<sup>1</sup> See Appendix A of the Regional Transportation Plan, Project No. 73: <http://sanbenitocog.org/san-benito-regional-transportation-plan/>

## Response A5.8

The commenter clarifies that San Benito County Water District is the Groundwater Sustainability Agency, not Sunnyslope Water District.

Page 4.9-17 of the Recirculated Draft EIR (Impact UTIL-2 in Section 4.9, *Utilities and Service Systems*) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below....~~SCWD~~ San Benito County Water District is the DWR-approved Groundwater Sustainability Agency for the local groundwater resources...

...

Due to the proposed increase in total number of units from 137 to 171, the annual water demand associated with full project buildout would exceed that anticipated in the 2020 UWMP by 13,111 GPD, which is the water demand associated with 34 residential dwelling units.<sup>2</sup> Using the ratio of 325,851 gallons per one acre-foot, 13,111 gallons (per day) divided by 325,851 gallons (per acre-foot) equals 0.040 acre-feet per day; continued, 0.040 acre-feet (per day) multiplied by 365 (days per) year equals 14.7 AFY. Therefore, the proposed project's increase of 34 residential units would increase ~~wastewater~~ water demand generated from the project site by 14.7 AFY than was anticipated to occur from the project site based upon the previously projected land uses.

## Response A5.9

The commenter identifies an error in Section 4.9, *Utilities and Service System*, noting that a reference to wastewater demand should be a reference to water demand.

Page 4.9-17 of the Recirculated Draft EIR (Impact UTIL-2 in Section 4.9, *Utilities and Service Systems*) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...~~SCWD~~ San Benito County Water District is the DWR-approved Groundwater Sustainability Agency for the local groundwater resources...

...

Due to the proposed increase in total number of units from 137 to 171, the annual water demand associated with full project buildout would exceed that anticipated in the 2020 UWMP by 13,111 GPD, which is the water demand associated with 34 residential dwelling units.<sup>3</sup> Using the ratio of 325,851 gallons per one acre-foot, 13,111 gallons (per day) divided by 325,851 gallons (per acre-foot) equals 0.040 acre-feet per day; continued, 0.040 acre-feet (per day) multiplied by 365 (days per) year equals 14.7 AFY. Therefore, the proposed project's increase of 34 residential units would increase ~~wastewater~~ water demand generated from the project site by 14.7 AFY than was anticipated to occur from the project site based upon the previously projected land uses.

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<sup>2</sup> 116.5 gallons per capita per day (actual water use rates in 2020 per the UWMP) multiplied by 3.31 persons per unit (persons per single-family residence rate used in the UWMP) multiplied by 34 units (171 proposed units minus 137 units accounted for in the UWMP).

<sup>3</sup> 116.5 gallons per capita per day (actual water use rates in 2020 per the UWMP) multiplied by 3.31 persons per unit (persons per single-family residence rate used in the UWMP) multiplied by 34 units (171 proposed units minus 137 units accounted for in the UWMP).

### **Response A5.10**

The commenter expresses gratitude for addressing questions and comments and provides contact information for additional questions or clarification.

This comment is noted.



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 (559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 20, 2024

Letter A6

Arielle Goodspeed, Principal Planner  
 San Benito County  
 Resource Management Agency, Planning Division  
 2301 Technology Parkway  
 Hollister, California 95023  
[agoodspeed@cosb.us](mailto:agoodspeed@cosb.us)  
 (831) 902-2547

**Subject: Lee Subdivision Project (Project)**  
**Recirculated/Revised Draft Environmental Impact Report (DEIR)**  
**State Clearinghouse No: 2022020429**

Dear Arielle Goodspeed:

The California Department of Fish and Wildlife (CDFW) received a recirculated/revised DEIR from San Benito County for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the recirculated/revised DEIR and recommends that all measures in the DEIR be carried forward into the Final Environmental Impact Report (FEIR). This includes the measure under the Project Permits and Approvals section in the Executive Summary on page ES-7, which states that the Project proponent would pursue an Incidental Take Permit (ITP) for California tiger salamander (*Ambystoma californiense*) pursuant to Fish and Game Code section

A6.1

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Arielle Goodspeed, Principal Planner  
San Benito County  
June 20, 2024  
Page 2

2081 subdivision (b). Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be unauthorized if an ITP, pursuant to Fish and Game Code Section 2081 (b) was not acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

A6.1  
(cont)

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

A6.2

## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

A6.3

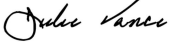
CDFW appreciates the opportunity to comment on the Project and to assist San Benito County in identifying and mitigating the Project's impacts on biological resources.



Arielle Goodspeed, Principal Planner  
San Benito County  
June 20, 2024  
Page 3

If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at [Kelley.Nelson@wildlife.ca.gov](mailto:Kelley.Nelson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

ec: State Clearinghouse,  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## Letter A6

**COMMENTER:** Julie A. Vance, Regional Manager, California Department of Fish and Wildlife

**DATE:** 6/20/2024

### **Response A6.1**

The commenter supports the biological resources analyses and mitigation measures proposed and recommends including these in the Final Recirculated EIR. The commenter notes that the Recirculated Draft EIR Executive Summary (Project Permits and Approvals Section), includes an Incidental Take Permit (ITP) for California tiger salamander as a requirement for the project and advises that certain actions, such as relocating listed species or erecting exclusion fencing, may require an ITP under the California Endangered Species Act. The commenter recommends all measures in the Recirculated Draft EIR be carried forward into the Final Recirculated EIR.

This comment is noted. Project requirement of an ITP and mitigation measures provided in the Recirculated Draft EIR are included in the Final Recirculated EIR and Mitigation Monitoring and Reporting Program. No changes to the EIR are warranted as a result of this comment.

### **Response A6.2**

The commenter requests that any special-status species and natural communities detected during surveys be reported to the California Natural Diversity Database.

This comment is noted. No species were observed during reconnaissance surveys completed in support of the Recirculated Draft EIR. In accordance with Public Resources Code Section 21003(e), qualified biologists that conduct future pre-construction surveys of the project site will report special-status species and natural communities detected during project surveys to the California Natural Diversity Database.

### **Response A6.3**

The commenter notes that payment of filing fees will be required when filing the Notice of Determination for the EIR.

This comment is noted. Should the County certify the Final Recirculated EIR and approve the project, the County will pay filing fees as required.



# SAN BENITO COUNTY

MARTIN FENSTERSHEIB, MD, MPH  
INTERIM HEALTH OFFICER

TRACEY BELTON  
INTERIM AGENCY DIRECTOR

HEALTH & HUMAN SERVICES AGENCY

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

Letter A7

DATE: 6/24/24  
TO: San Benito County Planning Dept.  
FROM: Olga Vargas – Division of Environmental Health  
SUBJECT: **PLN200051; ZC & TM - Lee; 300 Old Ranch Rd.; APN 025-320-004**

The Division of Environmental Health has reviewed the above referenced project and has the

## Sewage Disposal:

- The owner indicates that the project will be served by Sunnyslope County Water District (SCWD) for sewer service. The owner shall provide a letter of proof for sewer service.
- The owner shall complete the permit for destruction of the existing septic system for the existing SFD to be demolished.

A7.1

## Water:

The owner has provided an updated (11/16/20) letter from Sunnyslope Water District affirming their intent to provide water service for this project. This department has no comments at this time but reserves the right to make comment if there are any changes to the proposed project.

## Letter A7

**COMMENTER:** Olga Vargas, Division of Environmental Health, San Benito County Planning Department

**DATE:** 6/24/24

### **Response A7.1**

The commenter notes that the owner shall provide a letter of proof of sewer service and that a permit for the destruction of the existing septic system is required. The commenter further notes that the owner has provided an updated water service intent letter from Sunnyslope Water District and that the commenter has no comments at this time but reserves the right to make comments if there are any changes to the project.

This comment is noted. As the comment does not pertain to the adequacy of the Recirculated Draft EIR or CEQA process, no further response is required.



# San Benito

HIGH SCHOOL DISTRICT  
*Continuing Excellence*

1220 Monterey Street  
Hollister, CA 95023

Phone (831) 637-5831x1132  
[www.sbhs.sbhsd.org](http://www.sbhs.sbhsd.org)

Dr. Shawn Tennenbaum  
Superintendent

Letter A8

June 24, 2024

County of San Benito  
Resource Management Agency, Planning Division  
ATTN: Arielle Goodspeed, Principal Planner  
2301 Technology Parkway  
Hollister, CA 95023  
Email: [agoodspeed@cosb.us](mailto:agoodspeed@cosb.us)

Re: Lee Subdivision Project (SCH# 2022020429)  
**Comments on Draft Environmental Impact Report**

Dear Ms. Goodspeed:

This letter is submitted to the County of San Benito ("County") on behalf of the San Benito High School District ("District"), a California public school district, and its Board of Trustees with regard to our review and assessment of the County's Recirculated Draft Environmental Impact Report ("DEIR") for the proposed Lee Subdivision Project, a 171-unit residential development project ("Project"). As a California public school district serving children who reside and attend school within the County, and as an owner of property within the Project vicinity, the proposed Project affects resources within the District's expertise. Accordingly, we submit these comments to the County to register the District's concerns that the County has failed to comply with the legal requirements of the California Environmental Quality Act (Pub. Res. Code, § 21000, *et seq.*, hereinafter "CEQA") and its interpreting regulations (Cal. Code Regs., tit. 14, § 15000, hereinafter "Guidelines.")

Under CEQA and its Guidelines, an environmental impact report ("EIR") must set forth all significant effects on the environment of the proposed project, including its cumulative impacts, as well as mitigation measures proposed to minimize significant effects on the environment. An EIR must "present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Ranch Cordova* (2007) 40 Cal.4th 412, 449-450.)

It is the District's position that the DEIR contains insufficient information, and analytical gaps, which render the DEIR insufficient with respect to identifying and analyzing the possible impacts on the environment, and precludes meaningful public review and comment. Further analysis and/or mitigation is needed in the areas of Public Services, Transportation, and Cumulative Impacts. Therefore, the DEIR must be revised and recirculated to address its deficiencies and disclose significant new information to the public for review and comment.

In addition to our concerns with respect to the overall environmental impacts, the public has entrusted the District with providing its students with a high-quality education, which includes ensuring the health and safety of our students and staff and the integrity of their learning environment. The District has repeatedly reminded the County that the District's school facilities are currently operating over capacity, and as projects continue to get approved, the demand for new school facilities continues to intensify.

A8.1

A8.2

The cumulative impact on our schools of unmitigated growth is *considerable, significant, and adverse*. It is time for the County to create measures that support the development of new school facilities as the region expands, and to address traffic safety measures. In order for the community to grow, we **must** grow together.

A8.2  
(cont.)

- **General Comments**

1. The District owns certain property [Assessor's Parcel Numbers ("APNs") 025-190-0019 and 025-190-052] located on Best Road approximately 1.5 miles to the southeast of the proposed Project area. The District also owns and operates the Hollister High School site, a 9-12 high school campus located approximately 3 miles to the northeast of the proposed Project. The District's lone high school is currently operating over capacity, with 3,556 students at a school designed for 3,437 students. (California Department of Education 2024.) As a result, the District is anticipating the development of a second high school site on certain District-owned property (APN 019-120-009) located on Wright Road within the area commonly referred to as the "Buena Vista Corridor."
2. Following circulation of the Notice of Preparation ("NOP") for the proposed Project in February 2022, the District submitted a comment letter to the County on March 16, 2022, documenting the presence of the District-owned property located on Best Road, and expressing our concerns regarding the ongoing and cumulative negative impacts of residential growth in the County on school facility capacity, as well as traffic circulation and safety conditions around Hollister High School that worsen as the community grows as all students travel to a single high school from homes across the County. The District concluded by stating that it intended to stay closely involved in the environmental review of the Project, and invited the County to continue communications. Unfortunately, while the Project Applicant met with the District, the County failed to reach out regarding this Project. The County then issued the initial Draft Environmental Impact Report in August 2022. On October 10, 2022, the District submitted a letter, commenting on Draft Environmental Impact Report. The County subsequently responded to the District's letter in its Final Environmental Impact Report in November 2022. However, because the County did not sufficiently address all the concerns the District highlighted in its October 10, 2022 letter, the District again voices its concerns below.

A8.3

- **Public Services**

1. According to Section 4.10.9 of the DEIR, the proposed Project would generate *approximately 60 high school students*. The DEIR goes on to state that

"With the proposed project, San Benito High School **would continue to exceed its total capacity**. As such, the project could potentially create the need for additional school capacity via expansion of an existing school, the construction of which could cause environmental impacts. However, in August 2023, SBHSD released the Facilities Master Plan which determined that, based on existing and projected residential growth, a second high school would be required to continue to meet the needs of the student population (SBHSD 2023). At the time of this document, the Pura Vida property has been identified for construction of a new high school, and the construction of the new school facility for the SBHSD would be subject to separate CEQA review.

A8.4



**The project would be required to pay HSD Developer Fees and SBHSD Level II Developer Fees.** SBHSD Resolution Number 2021-2022-001, approved August 10, 2021, established a developer fee program for projects within the SBHSD service area, which would apply to the proposed project. Pursuant to Government Code Section 65997, the payment of mandatory fees to the affected school districts would reduce potential school impacts to less than significant level under CEQA. Therefore, the project would not result in significant impacts, as the payment of impact fees is considered adequate mitigation for this impact."

The DEIR recognizes that the District is already over its student capacity limit and that the proposed Project will only exacerbate the problem. The DEIR points to the potential development of a second high school and the payment of impact fees as ways the overcrowding in the District's lone high school will be mitigated. However, the development of the second high school is still at its early stages, so the District must continue to rely on its current facilities to provide an excellent education to our community's high school students.

The District reminds the County that the Project applicant and District entered into a "Letter of Intent to Finalize the Voluntary School Impact Mitigation Agreement" dated November 15, 2022, for the landowner's prior reiteration of this project. Although that previous project was ultimately denied approval from the County, Mr. Lee and District remain committed to reviving and refining the terms and intent from the former Letter of Intent to address this Project's (1) impacts to the District's facilities and additional voluntary contribution payments to address those facilities impacts over and above authorized school impact fees, (2) affordable housing program proposal, and (3) potential first opportunity priorities for District teachers and employees to purchase the affordable housing units, to the extent legally permissible. Moreover, the amount projected to be paid in voluntary contribution under a potential mitigation agreement for this Project will not meaningfully contribute to curbing the magnitude of the District's overcrowding concerns by constructing a second high school – this is understood by the parties. However, the Project applicant and District remain committed to working together to yield voluntary contribution payments over and above school impact fees, and to creating mitigation terms which may allow better opportunities for the community's public employees to own a home within the Project, to the extent legally possible.

3. Section 4.10.9 relies on Government Code section 65997 with respect to addressing how these impacts on the District's facilities will be mitigated. However, the DEIR fails to consider the statutory language of Government Code section 65997 in its entirety, which, as of the date of the NOP, reads:

Government Code Section 65997.

(a) The following provisions shall be the exclusive methods of mitigating environmental effects related to the adequacy of school facilities when considering the approval or the establishment of conditions for the approval of a development project, as defined in Section 17620 of the Education Code, pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code:

A8.4  
(cont.)

A8.5

(1) Chapter 12 (commencing with Section 17000) of, or Chapter 12.5 (commencing with Section 17070.10) of, Part 10 of Division 1 of Title 1 of the Education Code.

(2) Chapter 14 (commencing with Section 17085) of Part 10 of Division 1 of Title 1 of the Education Code.

(3) Chapter 18 (commencing with Section 17170) of Part 10 of Division 1 of Title 1 of the Education Code.

(4) Article 2.5 (commencing with Section 17430) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code.

(5) Section 17620 of the Education Code.

(6) Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.

(7) Chapter 4.7 (commencing with Section 65970).

(b) A public agency may not, pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code or Division 2 (commencing with Section 66410) of this code, deny approval of a project on the basis of the adequacy of school facilities.

(c)(1) This section shall become operative on or after any statewide election in 2012, if a statewide general obligation bond measure submitted for voter approval in 2012 or thereafter that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved.

(2)(A) This section shall become inoperative if, subsequent to the failure of a general obligation bond measure described in paragraph (1), a statewide general bond measure as described in paragraph (1) is approved by the voters or provided state resources are available.

(B) Thereafter, this section shall become operative if a statewide general obligation bond measure submitted for voter approval that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved, unless provided state resources are available, and shall become inoperative if, subsequent to the failure of the general obligation bond measure, either a statewide bond measure as described in this subparagraph is approved by the voters or provided state resources are available.

(C) As used in this section, "provided state resources" means an appropriation for, or deposit into an account that are required to be used for, either the new construction of school facilities or the modernization of school facilities, or both.

(d) Notwithstanding any other provision of law, **a public agency may deny or refuse to approve a legislative act involving, but not limited to, the planning, use, or development of real property, on the basis that school facilities are inadequate**, except that a public agency may not require the payment or satisfaction of a fee, charge, dedication, or other financial

A8.5  
(cont.)



requirement in excess of that levied or imposed pursuant to Section 65995 and, if applicable, any amounts specified in Sections 65995.5 or 65995.7.

*(Emphasis added.)*

The DEIR fails to acknowledge subdivision (d). Given that District school facilities are currently operating over capacity, the DEIR neither analyzes the increasing burden on inadequate school facilities generated by new development nor proposes potential measures to address the cumulative impact of unmitigated growth at Hollister High School. The District anticipates 1,900-3,130 additional students over the next 20 years from residential development, based on the City of Hollister 2020 Land Use and Market Demand Study, and information provided by the County. That kind of growth may require not just a second high school, but a third high school. As mentioned previously, the District currently owns land located along the Buena Vista Corridor, which is under consideration for development of a new high school. However, construction costs estimates put the price tag upwards of \$220 million. In response to the District's October 10, 2022 letter, the County stated in its 2022 Final Environmental Impact Report that the payment of the District's developer fees reduces impacts to the District's schools to less than significant level. However, developer fees alone are inadequate to cover the cost of the development of any new school facilities, the demand for which is being dramatically accelerated by the Project. At this time, the District has no other significant source of funding to support the construction of this new school.

In such situations, developers, with the encouragement of local land use agencies, commonly contribute additional funds for school construction, or other consideration, by voluntarily agreeing to a school impact mitigation agreement. As noted above, Mr. Lee's commitment to contribute voluntary payments pursuant to a mitigation agreement reflects his understanding of the need for these types of additional efforts from developers; and the District sincerely appreciates Mr. Lee's continued partnership and leadership.

- **Transportation and Circulation**

- 1. *Impacts to Hollister High School*

The DEIR and its attached Draft Transportation Analysis (DEIR Appendix H) make no effort to evaluate the Project's impacts on Hollister High School, or the cumulative impacts of the Project and other projects like it. Per the DEIR, the Project's proposed 171 new dwelling units are expected to generate 60 new high school students. Given the Project's location, almost all of these students are expected to drive or be dropped off and picked up on a daily basis. The roadway infrastructure in and around the high school does not have sufficient capacity to serve existing levels of vehicular demand. While the County is not obligated to analyze existing infrastructure issues, the additional traffic introduced by the Project will further tax that infrastructure. Extreme levels of congestion occur around the school in the morning and afternoon peaks which lead to unacceptable levels of delay and risky driver behaviors that can create safety impacts during periods of heavy pedestrian and bicycle activity. Moreover, the additional congestion around Hollister High School will result in drivers taking alternative routes to and from the school, leading to an increase in vehicle miles travelled and an increase in the number of streets that will experience traffic safety concerns from higher volumes of vehicle usage at peak hours. At a minimum, we request that the DEIR and Draft Transportation Analysis be updated to

A8.5  
(cont.)

A8.6

include an assessment of congestion and safety at the intersections of San Benito Street/Nash Road, Monterey Street/Nash Road, and Monterey Street/B Street.

A8.6 (cont.)

## 2. Cumulative Impact

Regarding the cumulative impact on transportation in the area from the proposed Project and other cumulative projects, the DEIR states:

"Cumulative projects would result in increased vehicle use on area roadways. The increased use of vehicles in the area would result in a correlating increase in VMT. Development of cumulative projects would increase VMT above existing conditions; therefore, cumulative impacts would be significant. The proposed project would contribute to this cumulative impact by adding to countywide VMT alongside other planned development nearby. As described under Impact TRA-2, project-generated VMT would not exceed the County's VMT threshold. Therefore, the project would not result in a cumulatively considerable contribution to significant cumulative VMT impacts."

A8.7

As a result, the DEIR acknowledges the significant impact the proliferation of housing developments will have on transportation on the area's roadways. The DEIR states that because the Project itself will not have a significant impact, the Project is not required to take any mitigation measures. However, the purpose of analyzing cumulative impact is to identify and mitigate impacts that are not by themselves significant but that become significant once compounded. The effects of a project, standing alone, cannot be assumed insignificant if the incremental impact of the project, when added to other closely related past, present, and reasonably foreseeable future projects, results in a significant cumulative impact on the environment. (See CEQA Guidelines, §15355.) Even if the DEIR claims that the Project will not significantly impact traffic circulation in the area, the approval of other developments like the Project will ultimately result in significant impacts. Although the County may not be statistically experiencing significant traffic impacts from increased development, high traffic areas, like the roads surrounding Hollister High School, are already struggling with such impacts and their effect on the safety of the District's students. These impacts will only continue to get worse unless there are mitigation actions taken by projects that recognize the significant cumulative impact being caused on the area's transportation systems, even when their individual project may not be having a significant impact on it alone.

### • **Request for Notice**

Pursuant to Public Resources Code sections 21080.4, 21083.9, 21092, 21108, and/or 21152, as well as Government Code sections 65090 and/or 65091, please provide us with a copy of any future notices issued for the proposed Project.

A8.8

## **CONCLUSION**

The District requests that the proposed Project's potential significant and cumulative impacts to our students, parents, faculty, staff, and community be fully analyzed and mitigated, particularly with respect to Transportation and Public Services. Given the inconsistencies and lack of required analyses in the DEIR, and because informed decision making and public participation are fundamental purposes of the CEQA process, the District respectfully requests that the County revise the DEIR to include the required analyses and mitigation measures,

A8.9

and recirculate the revised DEIR for another 45-day review and public comment period per the requirements of CEQA.

Looking at the bigger picture, the District wishes to emphasize its desire to work collaboratively with the County to find solutions to the cumulative impact of unmitigated growth on our schools and traffic safety. We trust that the County recognizes the importance of providing students that reside within the County with school facilities that are safe, secure, and equipped with the best educational environment possible. We would value the opportunity to work together to ensure that appropriate and lawful mitigation measures and expectations of developers are put in place, and we look forward to the County's cooperation and collaboration in addressing these deficiencies to ensure the continued high quality of life in the County and education in its schools. Moreover, we would appreciate the County's encouragement to other developers to work with the District, as in Mr. Lee's ongoing efforts, to negotiate creative options to address the impacts to our facilities while providing opportunities for our local families and public employees to become homeowners in their hometown.

A8.9  
(cont.)

In accordance with CEQA Guidelines, section 15204(d), please be advised that I, Shawn Tennenbaum, am the contact person for the District who is available for consultation on the District's behalf. My contact information is provided below.

I look forward to receiving the County's response in accordance with the statutory timeline provided under CEQA.

Very truly yours,



Shawn Tennenbaum, Ed.D.  
Superintendent  
San Benito High School District  
(831) 637-5831 (x133)  
[stennenbaum@sbhisd.k12.ca.us](mailto:stennenbaum@sbhisd.k12.ca.us)

cc: Members, San Benito High School District Board of Trustees  
John Frusetta, Chief Business Officer, San Benito High School District

## Letter A8

**COMMENTER:** Shawn Tennenbaum, Superintendent, San Benito High School District

**DATE:** 6/24/24

### Response A8.1

The commenter asserts that the Recirculated Draft EIR fails to meet CEQA requirements due to insufficient information and analytical gaps, particularly in the areas of Public Services, Transportation, and Cumulative Impacts. They request further analysis and mitigation, and call for the Recirculated Draft EIR to be revised and recirculated again for public review and comment. As documented in the following responses to comments, the Recirculated Draft EIR has accurately disclosed project-level and cumulative impacts in compliance with CEQA. Additional recirculation of the Recirculated Draft EIR is not warranted. Please refer to responses to comments A8.2 through A8.9, which provide specific responses to the specific issues raised by the commenter.

### Response A8.2

The commenter notes that the District's school facilities are currently operating over capacity and expresses the opinion that cumulative impact to schools are considerable, significant, and adverse.

Please refer to responses to comments A8.4 and A8.5, which summarize the project-level and cumulative impact analysis on schools in the Recirculated Draft EIR, and describe how the Recirculated Draft EIR appropriately discloses the existing and projected demand on schools, why the payment of impact fees is full and complete mitigation for school impacts, and that impacts on schools would be considered less than significant.

### Response A8.3

The commenter reiterates concerns about the impact of residential growth on school capacity and traffic safety near Hollister High School, noting that the school is over capacity and a new site is planned on Wright Road. They state that their previous concerns submitted in a March 16, 2022 NOP letter and October 10, 2022 Draft EIR comment letter have not been sufficiently addressed by the County.

Please note that the comments in the commenter's March 16, 2022 NOP letter were summarized in Table 1-1 of the Recirculated Draft EIR (see page 1-2). The District's October 10, 2022, comment letter was addressed in the November 2022 Final EIR. Although the 2022 Final EIR was not certified, revisions related to comments provided on the 2022 Draft EIR were carried through into the Recirculated Draft EIR. The comments related to cumulative impacts on schools, school capacity, and the adequacy of school impact fees, and were addressed in Section 4.10, *Effects Found Not to be Significant*, of the Recirculated Draft EIR. These comments are also addressed in these responses to comments.

The comment does not raise specific concerns with the analysis in the Recirculated Draft EIR, but instead refers to subsequent comments. Please refer to responses to comments A8.1 through A8.9, which provide specific responses to the specific issues raised by the commenter.

## Response A8.4

The commenter reiterates the conclusions in the Recirculated Draft EIR related to impacts on San Benito High School. The commenter states that the development of a second high school is still in its early stages and that the District must continue to rely on its current facilities. The commenter also notes that the project applicant and District remain committed to working together to yield voluntary contribution payments over and above school impact fees, and to creating mitigation terms which may allow better opportunities for the community's public employees to own a home within the project.

Section 4.10.9, *Public Services*, of the Recirculated Draft EIR uses the environmental checklist language from Appendix G of the *CEQA Guidelines*. As stated therein, the project would have significant impacts related to public services, including schools, if the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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." In other words, the project could result in significant environmental impacts if it would require the construction or expansion of new school facilities.

The Recirculated Draft EIR complies with the requirements of CEQA because it acknowledges that both the project itself and cumulative development would result in an increased demand in schools, and that the provision of a new school may be needed to maintain acceptable performance objectives (see page 4.10-12 and 4.10-13 of the Recirculated Draft EIR). Under CEQA, a significant impact on the environment would occur from construction and operation of a new school. While the Recirculated Draft EIR acknowledges that a new high school may be required to meet demand, it does not speculate as to the potential physical impacts on the environment from the provision of that new school. *CEQA Guidelines* Section 15145 states the following: "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." A discussion of the physical impacts on the environment from a new high school is speculative at this time, since, as noted by the commenter, development is in its early stages. The new high school would be subject to subsequent environmental review under CEQA in which potential environmental impacts would be addressed accordingly.

As noted in Section 4.10.9, *Public Services*, of the Recirculated Draft EIR, the project would be required to pay SBHSD Level II Developer Fees. Pursuant to Government Code Section 65997, the payment of mandatory fees to the affected school districts would reduce potential school impacts to less than significant level under CEQA. Therefore, the project would not result in significant impacts, as the payment of impact fees is considered adequate mitigation for this impact.

Please refer to response to comment A8.5 below for additional discussion about school impact fees.

The County looks forward to continued coordination with the District.

## Response A8.5

The commenter provides the text from Government Code Section 65997, highlighting subdivision (d) which states that "a public agency may deny or refuse to approve a legislative act involving, but not limited to, the planning, use, or development of real property, on the basis that school facilities are inadequate." The commenter opines that the Recirculated Draft EIR fails to analyze the

increasing burden on inadequate school facilities and states that developer fees are inadequate to cover the cost of developing new school facilities.

The County does not dispute the full text of Government Code Section 65997, including subdivision (d). However, the project site was designated Residential Multiple (RM) in the County General Plan. As such, the only legislative act involved with the proposed project is a rezoning mandated by law to bring the zoning into consistency with the County General Plan.

The County acknowledges the increasing demand for school facilities and the high cost of construction. However, pursuant to Government Code Section 65997 and CEQA, the payment of school impact fees by the project applicant is considered full and complete mitigation for school impacts, resulting in less than significant impacts. Notably, the applicant has committed to making voluntary payments beyond the required fees, thereby contributing further to offsetting construction costs.

No revisions to the Recirculated Draft EIR are required.

### **Response A8.6**

The commenter states that the Recirculated Draft EIR, including the Transportation Analysis, fail to evaluate impacts related to roadway infrastructure capacity and congestion around Hollister High School. The commenter expresses concern that additional trips generated by the project would exacerbate congestion, leading to increased vehicle miles traveled and traffic safety issues. The commenter requests an updated analysis of congestion and safety at specific intersections around the high school.

The commenter acknowledges that the County is not required to analyze existing infrastructure issues. As stated in Section 4.7, *Transportation*, of the Recirculated Draft EIR, pursuant to Section 15064.3 of the *CEQA Guidelines*, traffic delay and congestion shall not constitute a significant environmental impact for land use projects. Therefore, supplemental analysis of congestion is not warranted. Nonetheless, it should be noted that the County did conduct an analysis of traffic congestion, which was included in Appendix H of the Recirculated Draft EIR. As part of that analysis, the County considered potential impacts to intersections near Hollister High School, including the Intersection of SR 25 and Sunnyslope Road (Intersection 3), which is approximately 0.75 mile from Hollister High School.

The comments that additional congestion would lead to risky driver behavior that can create safety impacts and would result in drivers using alternative routes to and from school that would increase VMT are speculative in nature. The commenter does not explain how traffic congestion would lead to more risky behavior and use of alternative routes to and from school. CEQA requires that a lead agency consider impacts from increased hazards due to a geometric design feature or incompatible uses, as well as VMT impacts from an inconsistency with *CEQA Guidelines* Section 15064.3, which the County did on pages 4.7-13 to 4.7-14 of the Recirculated Draft EIR. Please refer to these pages in the Recirculated Draft EIR, which explain why the impacts from increased hazards due to a geometric design and VMT impacts, are less than significant.

### **Response A8.7**

The commenter expresses disagreement with the cumulative transportation analysis in the Recirculated Draft EIR.

As quoted by the commenter, the Recirculated Draft EIR acknowledges that cumulative transportation impacts would be significant. While the proposed project would contribute to this impact, because project-generated VMT would not exceed the County's threshold, it was determined that the project's contribution would not be cumulatively considerable. The commenter does not provide evidence that the project's contribution would instead be cumulatively considerable. As such, a more specific response is not feasible, and no revisions to the Recirculated Draft EIR are warranted.

### **Response A8.8**

The commenter requests for notice pursuant to Public Resources Code sections 21080.4, 21083.9, 21092, 21108, and/or 21152, as well as Government Code sections 65090 and/or 65091, to provide the District with a copy of any future notices issued for the project.

The County will provide the District with copies of future notices on the project.

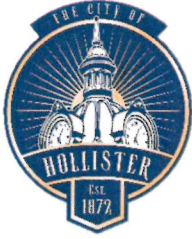
### **Response A8.9**

The commenter concludes their letter by requesting that potential significant cumulative impacts be fully analyzed and mitigated (particularly for Transportation and Public Services) and that the Recirculated Draft EIR be recirculated again for 45-days. The commenter also emphasizes their desire to work collaboratively with the County to identify solutions for cumulative impacts.

As documented in responses to comments A8.1 through A8.8 above, the Recirculated Draft EIR has sufficiently analyzed and accurately disclosed project-level and cumulative impacts in compliance with CEQA. Additional analysis, mitigation measures, and recirculation is not warranted.

The County looks forward to continued coordination with the District.





Letter A9

## City of Hollister Planning Division

339 Fifth Street, Hollister, CA 95023 • Telephone (831) 636-4360 • Fax (831) 634-4913

### SENT VIA EMAIL

June 25, 2024

To: San Benito County Resource Management Agency  
Attn: Arielle Goodspeed  
2301 Technology Parkway  
[agoodspeed@sanbenitocountyca.gov](mailto:agoodspeed@sanbenitocountyca.gov)

From: Eva Kelly, Planning Manager  
Development Services Department – Planning Division  
City of Hollister

RE: **Revised Draft Environmental Impact Report – Lee Subdivision Project**  
**PLN200051; SCH 2022020429**

Dear Ms. Goodspeed,

This letter is in response to the Notice of Availability issued by San Benito County for the Revised Draft Environmental Impact Report for the Lee Subdivision Project, PLN 200051, State Clearinghouse No. 2022020429. The City of Hollister has received the notice, and would like to thank you for the opportunity to provide comments. Upon review of the draft environmental impact report and project plans, the City has the following comments:

- Density.** The project site is identified as being 39.5 acres in size. The project proposes 141 residential units, which is a development density of approximately 3.57 units per gross acre. Pursuant to Chapter 3, Land Use Designations, of the San Benito County 2035 General Plan, and Section 25.02.005, Table 25.03-E, of the San Benito County Zoning Ordinance, a project site within the Residential Multiple (RM) Zoning District with access to public sewer and water must be developed between 8-20 units per gross acre. This project site is proposed have access to City of Hollister sewer and Sunnyslope County Water District water services, so it does not appear to meet the minimum density requirements of the County for this zoning district and general plan designation. Both the County's General Plan, and Section 25.09.002 of the Zoning Ordinance define density as the ratio of dwelling units to gross acreage.
- Section 2.3, Page 2-1, Project Description.** The final paragraph on page 2-1 (Section 2.3 Project Location), describes the Roberts Ranch and West of Fairview residential developments as being located to the east and northeast of the project site, respectively. These developments are located

A9.1

A9.2

A9.3



	to the <i>west</i> and <i>northwest</i> of the Lee project site. Additionally, the construction/entitlement status of the Fairview Corners residential development should be included, as the residences and roads within that project do not currently exist, and all other referenced development sites in this paragraph contain information as to their status.	A9.3 (cont.)
3.	<b>Section 2.4.2, Current Land Use Designation and Zoning.</b> As described in comment 1 above, this project does not meet the minimum density requirements of the County’s RM Zoning District and General Plan Designation. Section 2.4.2 states that the “General Plan’s RM land use designation has a maximum density for single-family residences of up to 20 units per acre...” However, this section should also reflect that the RM Zoning District is intended for multi-family development (SBC Zoning Ordinance, Section 25.03.005(E)(1)), with a minimum density of 8 units per acre, where single family units are permitted only with approval of a conditional use permit, in accordance with the County’s Zoning Ordinance, Chapter 25.03.	A9.4
4.	<b>Section 2.4.3, Surrounding Land Uses.</b> This section describes the Roberts Ranch and West of Fairview developments as being located to the east of the project site, but they are located to the west of the project site.	A9.5
5.	<b>Section 2.5.6, Utilities, Wastewater.</b> Where this section indicates that the agreement between Sunnyslope County Water District and the City of Hollister for the conveyance and treatment of wastewater is operable, it should be clarified that this project is required to enter into an agreement with Sunnyslope County Water District, meeting the terms of the City’s agreement to serve, which include a requirement to commit to non-protest of future annexation of the project area to the City of Hollister. This agreement must be executed prior to the City’s services being provided to the project. At this time, no such agreement has been executed, to the City’s knowledge.	A9.6
6.	<b>Table 3-1, Cumulative Projects List.</b> The City of Hollister projects listed in Table 3-1 should be updated as follows: <ul style="list-style-type: none"> <li>a. Table 3-1 lists the Award Homes/West of Fairview residential development project as containing “60 duet dwelling units”. These are not duet units. They are single family detached units. However, they are distinguished in the City’s entitlements because they are “cluster” units, developed under different development standards than the other 507 single family detached units in the development; though they are not attached dwellings as a duet would be. This development</li> <li>b. Bella Sera –This entitlement has expired and the multifamily units are not anticipated to be developed.</li> <li>c. Los Pinar – this development contains 26 <i>attached</i> and 15 <i>detached</i> single family homes. This is reversed in the table.</li> <li>d. American Casting – this development entitlement is expired and not anticipated to be constructed.</li> <li>e. 400 Block and DelCurto Brothers Construction – these two items are referring to the same project.</li> </ul>	A9.7

	<ul style="list-style-type: none"> <li>f. Gonzalez north of Buena Vista – this property has been annexed and is entitled for 130 multifamily dwelling units.</li> <li>g. Rosati – this property has been annexed and is entitled for 116 single family detached, and 28 duet/single-family attached units. Under construction.</li> <li>h. Kutz/South of Hillcrest – this property was entitled for 19 units, all of which are constructed and occupied (Cerro Verde Subdivision).</li> <li>i. Pacific West Communities – there is not a pending project at this location.</li> <li>j. Pivetti – there is not a pending project at this location.</li> <li>k. Woodle – this property has been annexed and entitled for 100 single family detached units.</li> <li>l. Chappell Road – there have been two entitled projects in this area: 82 single family units (Everglen Subdivision), and 75 single family detached and 16 duets (Kramer Commons Subdivision).</li> </ul>	A9.7 (cont.)
7.	<p><b>Section 4.4.3, references.</b> There are a few references in the Impact Analysis of Section 4.4.3 referring to Appendix F – however, the geologic investigation report is included in the document as Appendix E. Additionally on page 4.4-10, there are references to Figure 2-3 regarding the location of the seismic hazard exclusion zone. However, Figure 2-3 refers to Site Photographs 1 and 2. I believe this reference should be to Figure 2-4, Proposed Site Plan.</p>	A9.8
8.	<p><b>Figure 4.7-1 Existing Transit Facilities, Figure 4.7-2 Existing Bicycle Facilities.</b> The Avenida Cesar Chavez (formerly Union Road) extension to Fairview Road is fully constructed and open to traffic, and it is no longer a future road facility.</p>	A9.9
9.	<p><b>Section 4.9.1 b, Wastewater.</b> See comment 5 above regarding the conditions upon which the agreement between the City of Hollister and Sunnyslope County Water District is subject, before City services will be made available to the project site.</p>	A9.10
10.	<p><b>Impact UTIL-1.</b> The project should pay fair share costs associated with the treatment and collection of wastewater by the City of Hollister to mitigate impacts to the City’s system. See comment below on Impact UTIL-3.</p>	
11.	<p><b>Impact UTIL-3.</b> On page ES-22, this impact indicates that treatment facilities are owned and operated by Sunnyslope County Water District (SSCWD). This is incorrect. SSCWD will provide collection services for wastewater, which will be treated at the City of Hollister’s wastewater treatment facility in accordance with the agreement between SSCWD and the City of Hollister. The terms of such agreement include that the property owner enter into an agreement with SSCWD agreeing to non-protest of future annexation, among other things. There will be impacts to the City of Hollister’s wastewater treatment facility, which is undergoing updates in order to increase capacity associated with the provision of out of jurisdiction services to this project, among others. The EIR should include mitigation that the project either construct necessary improvements to the Wastewater Treatment Plant associated with their connection, and/or pay any fees associated with their fair-share impacts to the City’s treatment facilities. Cumulative impacts should also be updated accordingly. For additional information on City of Hollister</p>	A9.11

wastewater facilities, please contact Public Works Director, William Via at [william.via@hollister.ca.gov](mailto:william.via@hollister.ca.gov).

A9.11  
(cont.)

12. **Impacts to City services/planning, generally.**

- a. As described above, the City intends to annex the project site in the future as a condition of the provision of out-of-jurisdiction wastewater services to the site. The City is currently undergoing a General Plan Update, and this property is proposed for inclusion in the City's Sphere of Influence and within a future Specific Plan area. Development of this project at County standards, rather than City standards, will impact the City's ability to adequately plan development and provision of future services in this area, which is proposed ultimately for incorporation into the City limits.
- b. Additionally, the City of Hollister currently provides Fire Services to San Benito County and will provide these services to this project. The City of Hollister has created Community Facilities District Number 5, which is a special tax district imposed upon new residential development within the City of Hollister for the provision of police and fire services. As a county project, this development will not be subject to CFD 5, and the City's general fund will supplement the impacts to fire service provision for this subdivision.
- c. This City of Hollister has created Community Facilities District Number 4, which is a special tax district imposed upon new development for maintenance and replacement of public facilities (sidewalks, roads, landscaping, lighting, stormwater, etc.). As a county project, this development will not be subject to CFD 4. Upon annexation of this development in the future, the City will bear the financial burden of maintenance for all new roads, sidewalks, parks, and other public facilities in this project, as a direct cost to the City's general fund.
- d. The City would greatly appreciate an opportunity to coordinate development proposals in "City Fringe Areas" with San Benito County to ensure that development which is intended for ultimate inclusion within the City of Hollister city limits, is mutually beneficial for both the City and County, and consistent with the goals of both of our agencies, as is consistent with San Benito County General Plan Policy LU-9.6.

A9.12

I thank you again for the opportunity to provide comment upon this project and revised environmental impact report. Please contact me at [eva.kelly@hollister.ca.gov](mailto:eva.kelly@hollister.ca.gov) or 831.636.4360, if you have any questions.

Sincerely,



Eva Kelly, Planning Manager  
Development Services Department – Planning Division

CC: David Mirrione, City Manager  
Rod Powell, Assistant City Manager  
William Via, Public Works Director

## Letter A9

**COMMENTER:** Eva Kelly, Planning Manager, City of Hollister Planning Division

**DATE:** 6/25/24

### Response A9.1

The commenter states the City of Hollister has received the Notice of Availability for the Recirculated Draft EIR and expresses gratitude for the opportunity to provide comments.

This comment is noted.

### Response A9.2

The commenter states that the project does not appear to meet the minimum density requirements of the County for the Residential Multiple (RM) Zoning District.

While the RM Zoning District has a minimum density of 8 units per acre, as noted in this comment as well as in comment A9.4, there is no minimum density requirement according to the General Plan or Zoning Standards.

Table 3-1, Land Use Designations and Standards, of the General Plan includes Development Standards, and identifies that the Residential Mixed Land Use Designation as having a Maximum Density of up to 20 dwelling units per acre. No minimum density is identified in the Development Standards column. The Land Use Description does state the following: "Thirty percent of new residential dwelling units with available public sewer and water shall include mixed residential types with an average development density of 8 units per acre." Please note that the Land Use Description does not state that 100 percent of RM properties need an average development density of 8 units per acre.

The Land Use Description goes on to state the following: "The exception shall be the Residential Multiple zoning category where densities of 8 to 20 units per acre are allowed. This designation also allows mixed-use developments that include residential, retail, and office uses." This text identifies that a density of 8 to 20 units per acre is "allowed" but it does indicate this as a requirement.

Furthermore, the proposed project includes a rezone of the project site to RM with a Planned Unit Development (PUD) Combining District. The PUD provides an alternative procedure for the proposed development that is consistent with Section 25.05 of the County Code. The development standard governing the density of development on the project site would be established through a resolution of the County Planning Commission, in accordance with Section 25.05.001(B).

### Response A9.3

The commenter requests several modifications to Section 2.3, *Project Location*, of the Recirculated Draft EIR regarding surrounding planned development, including their location relative to the project and the construction/entitlement status.

Page 2-1 of the Recirculated Draft EIR (Section 2.3, *Project Location* in Section 2, *Project Description*) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...Planned development (some of which is already constructed) in the vicinity of the project site includes residences at Fairview Corners (approved development) to the south, Roberts Ranch to the ~~east west~~ (fully built out), West of Fairview (approved development) to the ~~northeast~~ northwest (under construction), and Santana Ranch to the north (almost built out), and the Gavilan Community College San Benito Campus (under construction) to the south.

#### **Response A9.4**

The commenter reiterates the opinion that the project does not meet the minimum density requirements of the County's RM Zoning District.

Please refer to response to comment A9.2.

#### **Response A9.5**

The commenter requests modifications to Section 2.4.3, *Surrounding Land Uses*, of the Recirculated Draft EIR regarding the location of Roberts Ranch and West of Fairview development, relative to the project site.

Page 2-2 of the Recirculated Draft EIR (Section 2.4.3, *Surrounding Land Uses* in Section 2, *Project Description*) has been updated to make this clarification, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

The project site is immediately bordered by rural residential development to the west, rural residences with vineyards and an associated winery to the north (Leal Vineyards), and planned development to the south and ~~east west~~...

#### **Response A9.6**

The commenter indicates that Section 2.5.6 of the Recirculated Draft EIR should be updated to clarify that this project is required to enter into an agreement with Sunnyslope County Water District.

Section 2.7, *Project Permits and Approvals* (page 2-20), of the Recirculated Draft EIR acknowledges that the agreement noted by the commenter would be necessary. For clarity, page 2-14 in Section 2.5.6 of the Recirculated Draft EIR has been updated to reference to Section 2.7, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and below.

...Therefore, the wastewater agreement between SCWD and the City of Hollister to provide service to multiple developments, including the proposed project, is now in place and operable. Please refer to Section 2.7, *Project Permits and Approvals*, which identifies requirements related to agreements between the City of Hollister and SCWD.

#### **Response A9.7**

The commenter requests several changes to Table 3-1, *Cumulative Project List*, in Section 3, *Environmental Setting*, of the Recirculated Draft EIR.

The Recirculated Draft EIR has been updated to make most of these suggested revisions, as shown in Section 3, *Revisions to the Recirculated Draft EIR*. However, the County did not remove the Bella Sera (b), American Casting (d), Pacific West Communities (i), or Pivetti (j) projects from the table, as requested by the City, as these projects are considered reasonably foreseeable probable future projects. *CEQA Guidelines* Section 15355 (b) states that: "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project

when added to other closely related past, present, and reasonably foreseeable probable future projects...” An active application is not necessarily required to meet the definition of “reasonably foreseeable probable future projects.”

### **Response A9.8**

The commenter identifies typographical errors in the Recirculated Draft EIR, noting that the Geologic Investigations Report is incorrectly referred to as Appendix F instead of Appendix E, and that references to Figure 2-3 should be to Figure 2-4, Proposed Site Plan.

Section 4.4, *Geology and Soils*, of the Recirculated Draft EIR has been updated to correct these typographical errors, as shown in Section 3, *Revisions to the Recirculated Draft EIR*.

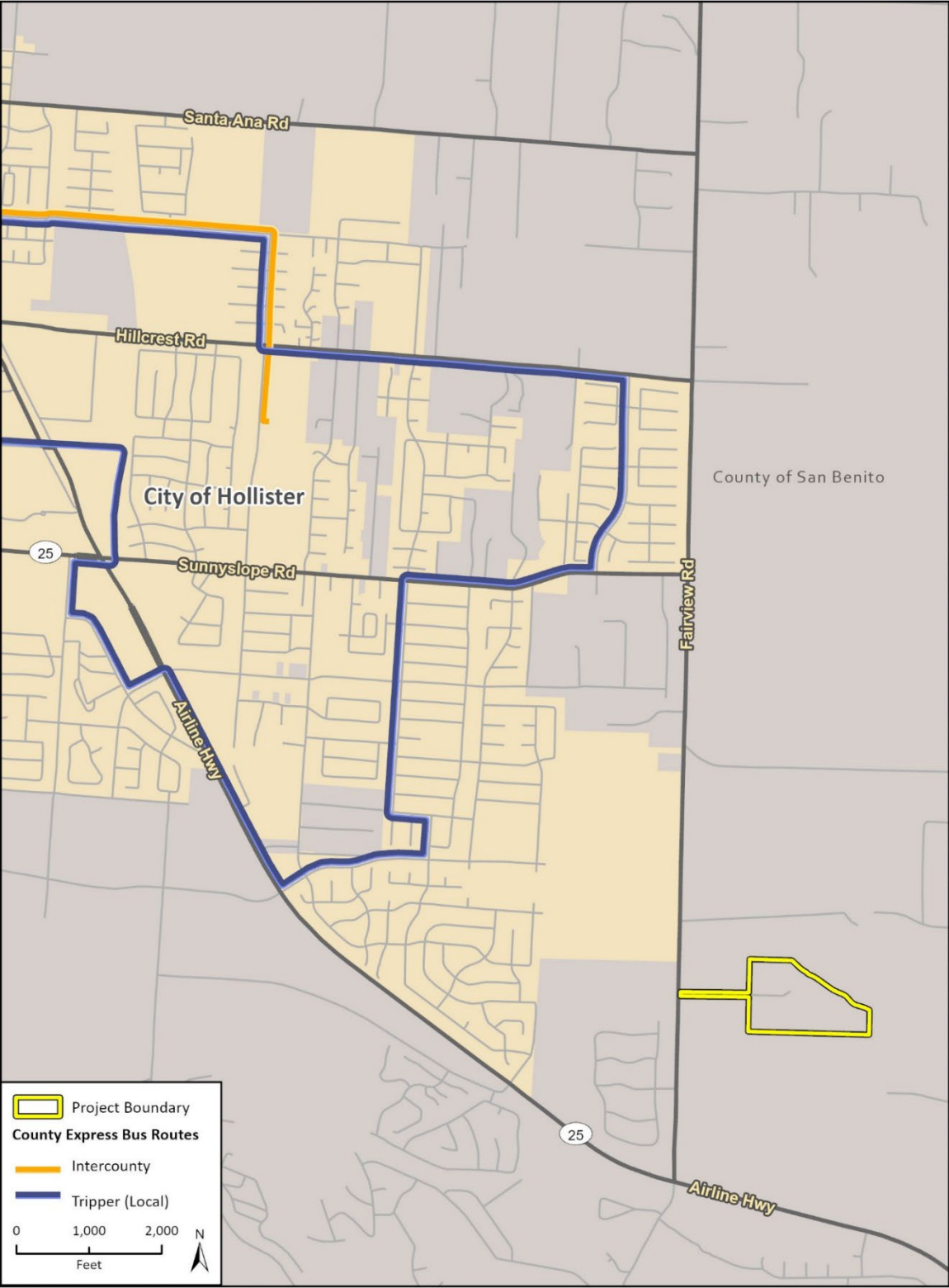
### **Response A9.9**

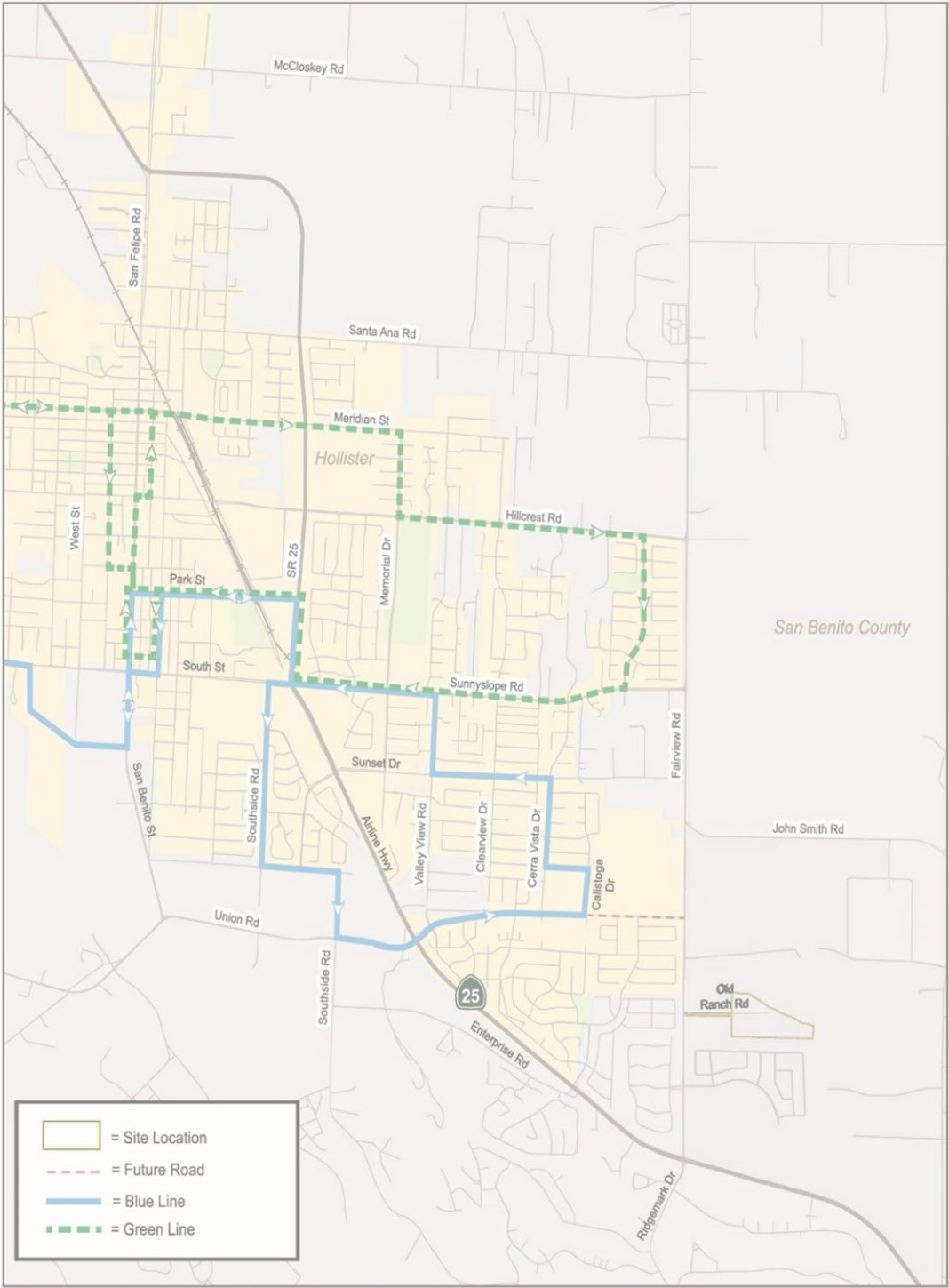
In reference to Figure 4.7-1, Existing Transit Facilities and Figure 4.7-2 Existing Bicycle Facilities, the commenter states that the Avenida Cesar Chavez (formerly Union Road) extension to Fairview Road is fully constructed and open to traffic, and it is no longer a future road facility.

Figure 4.7-1 and 4.7-2 in Section 4.7, *Transportation*, of the Recirculated Draft EIR has been updated to reflect this update, as shown in Section 3, *Revisions to the Recirculated Draft EIR* and below.



Figure 4.7-1 Existing Transit Facilities



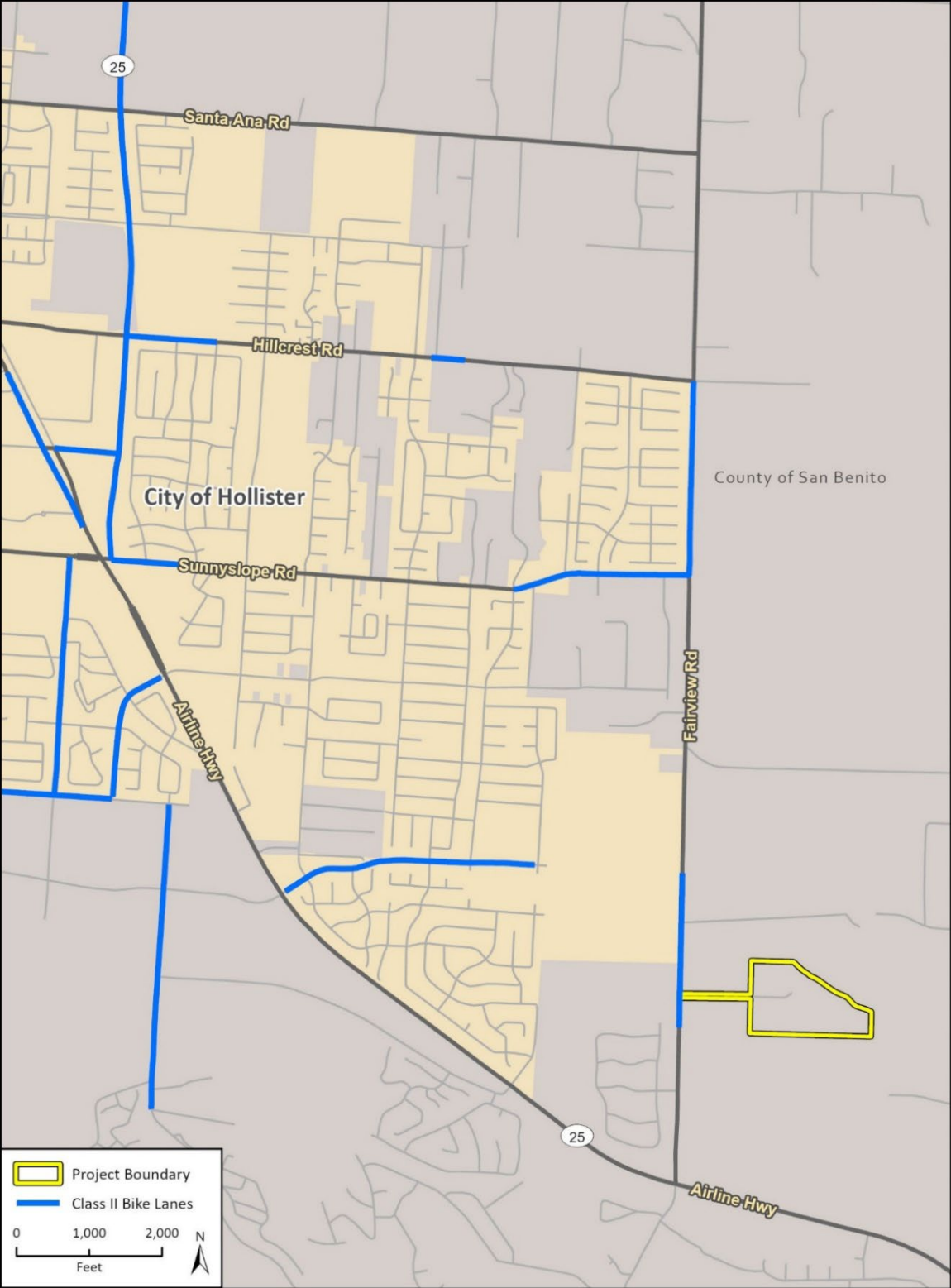


Source: Hexagon, 2022.

Not to Scale



Figure 4.7-2 Existing Bicycle Facilities



Imagery provided by Microsoft Bing and its licensors © 2024.  
Bike route data provided by San Benito County 2024.

20-10682 S Bnto Co, Lee Subdiv EIR  
Fig 4.7-2 Existing Bicycle Facilities



Source: Hexagon, 2022.

Not to Scale

## Response A9.10

In reference to Section 4.9.1 of the Recirculated Draft EIR, the commenter refers to their comment 5 (comment and response A9.6 herein).

This comment is noted. Refer to the response to comment A9.6 above. For clarity, page 4.9-3 in Section 4.9, *Utilities and Service Systems*, of the Recirculated Draft EIR has been updated to reference to Section 2.7, *Project Permits and Approvals*, as shown in Section 3, *Revisions to the Recirculated Draft EIR* and below.

...Therefore, the wastewater agreement between SCWD and the City of Hollister to provide service to multiple developments, including the proposed project, is now in place and operable. Please refer to Section 2.7, Project Permits and Approvals, which identifies requirements related to agreements between the City of Hollister and SCWD.

## Response A9.11

The commenter states that the project should pay fair share costs for wastewater treatment and collection by the City of Hollister, and notes errors in the Recirculated Draft EIR regarding ownership of treatment facilities and service provisions. The commenter also requests that the EIR include mitigation for impacts to the City's wastewater treatment facility and update cumulative impacts accordingly.

First, regarding the comment that the project's wastewater would be treated at the City of Hollister's wastewater treatment facility, the County agrees with this comment. While there was a typographical error in the impact statement of Impact UTIL-3 in Section 4.9, *Utilities and Service Systems*, the analysis in Impact UTIL-3 analyzes the impacts of the project on the City of Hollister Domestic Water Reclamation Facility. As such, the County has conducted the appropriate analysis on wastewater treatment capacity, as required by CEQA, in the Recirculated Draft EIR. The title of Impact UTIL-3 has been updated in the Executive Summary and Section 4.9, *Utilities and Service Systems* of the Recirculated Draft EIR, to rectify this error, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and as follows.

**Impact UTIL-3.** The project would generate wastewater from the new residential land uses, which would be accommodated by existing wastewater treatment facilities owned and operated by the ~~Sunnyslope County Water District~~ City of Hollister. Sufficient wastewater treatment capacity is available. Potential impacts would be less than significant.

Second, regarding the comment about project-level and the cumulative impacts on the City of Hollister's wastewater treatment facility, the County performed both a project-level analysis and cumulative-level analysis for potential impacts on the City of Hollister's wastewater treatment facility. Please refer to Impact UTIL-3 and the cumulative impact section (Section 4.9.4) in Section 4.9, *Utilities and Service Systems*, of the Recirculated Draft EIR. Please refer to this analysis, which identifies why impacts, both project-level and cumulative, on the City of Hollister's wastewater treatment facility would be less than significant. For this reason, no mitigation is required.

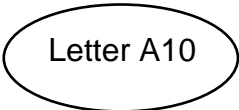
## Response A9.12

The commenter notes that the City intends to incorporate the project site into the City's Sphere of Influence and within a future Specific Plan area, and that development of the project to County standards will impact the City's ability to adequately plan development and provision of future services in this area. The commenter laments that the project would not be subject to City fees, yet

the City will bear the financial burden of maintenance. The commenter requests coordination with San Benito County on development proposals in “City fringe areas.”

The project site is currently located within the County; as such, the project is subject to the existing County requirements, including County fees. While the commenter expresses the City’s intent to incorporate the project site in the City’s Sphere of influence, this has not yet occurred and has not been proposed as part of the project. The County must comply with existing requirements and not future requirements for a future scenario that may be considered speculative. The County looks forward to continued coordination with the City.

PLN200051 - TM-ZC - LEE



Menu      Cancel      Help

Task Details Other Review  
**Current Status**  
Complete  
**Status Date**  
06/25/2024  
**Due Date**  
01/04/2022  
**Action By**  
SHON MORRISON  
**Action by Department**  
County Assessor  
**Assigned Date**  
12/14/2021  
**Assigned to Department**  
Planning Department  
**Assigned to**  
**Comments**  
All Documents have been reviewed. No additional comments to add at this time.

Task Specific Information

Coastal Commission      Dept of Fish & Game      CalTrans  
Army Corp of Engineers

A10.1

## Letter A10

**COMMENTER:** Shon Morrison, County Assessor's Office

**DATE:** 6/25/24

### **Response A10.1**

The commenter states that all documents have been reviewed and the commenter has no additional comments to add at this time.

This comment is noted. As the comment does not address the sufficiency of the Recirculated Draft EIR analysis or CEQA process, further response is not required.

## Letter A11

**From:** [Kathryn Ramirez](#)  
**To:** [Arielle Goodspeed](#)  
**Cc:** [Celina Stotler](#)  
**Subject:** RE: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR  
**Date:** Thursday, June 27, 2024 2:26:15 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

Good afternoon,

IWM has reviewed this application. Our recommendations are listed below.  
Collection Service Area is voluntary service area, the residents can either self-haul their solid waste or they can contact Recology to set up Solid Waste collection services.  
Mandatory Recycling and Organics Service is required.

Contact information for Recology: <https://www.recology.com/recology-san-benito-county/>

The Developer can work with Kathryn to process their Construction and Demolitions Recycling plan. <https://www.sanbenitocountyca.gov/departments/resource-management-agency/integrated-waste-management/construction-demolition-recycling-plan>

Kind regards,  
Kathryn



**Kathryn  
Ramirez,  
MPA**  
IWM Staff Analyst

**Resource Management Agency  
Integrated Waste Management**

2301 Technology Pkwy  
Hollister, CA 95023

831-902-8759

831-636-4110

[kramirez@sanbenitocountyca.gov](mailto:kramirez@sanbenitocountyca.gov)

<https://www.sanbenitocountyca.gov/iwm>



Please Note: Beginning Monday, May 20, 2024, my email address will change to [kramirez@sanbenitocountyca.gov](mailto:kramirez@sanbenitocountyca.gov) in compliance with the requirements set forth by AB 1637 mandating California cities and counties transition to a government-designated domain. All County email addresses, and the County's website address will be changing from cosb.us to sanbenitocountyca.gov. Our general department email will be [sbcilm@sanbenitocountyca.gov](mailto:sbcilm@sanbenitocountyca.gov).

A11.1

## Letter A11

Kathryn Ramirez, IVM Staff Analyst, Resource Management Agency Integrated Waste Management

**COMMENTER:**

**DATE:** 6/27/24

### **Response A11.1**

The commenter states that the Collection Service Area is a voluntary service area, and the residents can either self-haul their solid waste or they can contact Recology to set up Solid Waste collection services; that mandatory Recycling and Organics Service is required; and recommends the developer work with Integrated Waste Management staff to process their Construction and Demolition Recycling Plan.

This comment is noted. Page 4.9-4 of the Recirculated Draft EIR (Section 4.9.1, *Setting* in Section 4.9, *Utilities and Service Systems*) has been updated to clarify that the Collection Service Area is a voluntary service area, and the residents can either self-haul their solid waste or they can contact Recology to set up Solid Waste collection services, as shown in Section 3, *Revisions to the Recirculated Draft EIR*, and as follows.

...JSRL is the only operating active solid waste landfill in San Benito County. The Collection Service Area for the project site is in a voluntary service area and residents can either self-haul their solid waste or they can contact Recology to set up Solid Waste collection services.



## Letter A12

**From:** [Robin Leland](#)  
**To:** [Arielle Goodspeed](#)  
**Subject:** Re: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR  
**Date:** Monday, July 1, 2024 2:58:58 PM  
**Attachments:** [Outlook-frg1osmw.png](#)

---

There is no code enforcement on this property.

A12.1

Respectfully,

**Robin Leland, CCEO**  
Code Enforcement Officer III

---



### **Resource Management Agency**

County of San Benito  
2301 Technology Pkwy.  
Hollister, CA, 95023

**Office:** (831) 902-2160  
**Fax:** (831) 637-5334  
**Email:** [RLeland@sanbenitocountyca.gov](mailto:RLeland@sanbenitocountyca.gov)  
**Web:** <https://www.cosb.us/departments/resource-management-agency>

[Book an Appointment With Me](#)

[Report a Violation](#)

*\*Please Note: Beginning Monday, May 20, 2024, my email address will change to [RLeland@sanbenitocountyca.gov](mailto:RLeland@sanbenitocountyca.gov) in compliance with the requirements set forth by AB 1637 mandating California cities and counties transition to a government-designated domain.*

---

**From:** Arielle Goodspeed <[AGoodspeed@sanbenitocountyca.gov](mailto:AGoodspeed@sanbenitocountyca.gov)>  
**Sent:** Monday, July 1, 2024 2:21 PM  
**Subject:** RE: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR

Hello All,

I am still in need of public comment letters for the amended project, please get to me this week, they have been past due.

Thank you,

**Warmest Regards,**

**Arielle Goodspeed**

## Letter A12

**COMMENTER:** Robin Leland, CCEO, Code Enforcement Officer III, County of San Benito Resource Management Agency

**DATE:** 7/1/24

### **Response A12.1**

The commenter states that there is no code enforcement on this property.

This comment is noted.

Letter A13

**From:** [Samuel Borick](#)  
**To:** [Arielle Goodspeed](#)  
**Subject:** RE: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR  
**Date:** Wednesday, July 10, 2024 8:40:56 AM

---

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Apologies on the delay Arielle. I have reviewed the documents attached in the link. SBCOG supports the pedestrian infrastructure plans for Old Ranch Road and Fairview intersection and would be supportive of additional traffic calming features around that intersection. SBCOG also supports efforts to add a bus stop to the project location; offering transit services to a part of the community that has limited opportunities for foot travel is an important dimension of creating equitable communities.

A13.1

There are no further comments at this time.

Thank you,

**Samuel Borick**  
Transportation Planner  
Council of San Benito County Governments  
[sborick@sanbenitocog.org](mailto:sborick@sanbenitocog.org)  
831-637-7665 ext 205

---

**From:** Arielle Goodspeed <[AGoodspeed@sanbenitocountyca.gov](mailto:AGoodspeed@sanbenitocountyca.gov)>  
**Sent:** Tuesday, July 9, 2024 3:47 PM  
**To:** Samuel Borick <[sborick@sanbenitocog.org](mailto:sborick@sanbenitocog.org)>  
**Cc:** Norma Aceves <[norma@sanbenitocog.org](mailto:norma@sanbenitocog.org)>  
**Subject:** RE: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR

Hello Samuel,

My name is Arielle Goodspeed, I am the Principal Planner for Resource Management Agency, I have a very past due comment letter I need for this project:  
The updated public draft of the EIR, the amended VTM, and the amended PUD are all attached below under notices of the site, they are also uploaded to Accela documents under County File PLN200051.

<https://www.sanbenitocountyca.gov/departments/resource-management-agency/planning-and-land-use-division/lands-of-lee-subdivision-file-no-pln20051/-fsiteid-1#!/>

My apologies, I was not sending to you directly prior, I did not know to send to you.  
Can you let me know when I could get a comment letter.  
If you have no comments, if I could just get a confirmation of that.  
Thank you,

## Letter A13

**COMMENTER:** Samuel Borick, Transportation Planner, Council of San Benito County Governments

**DATE:** 7/10/24

### **Response A13.1**

The commenter expresses support for the proposed pedestrian infrastructure associated with the project and expresses support for additional traffic-calming features and additional transit infrastructure.

This comment is noted and passed on to decision-makers for review.



## San Benito County Water District

30 Mansfield Road • P.O. Box 899 • Hollister, CA 95024-0899 • (831) 637-8218 • Fax: (831) 637-7267

DATE: July 12, 2024

TO: San Benito County Planning Department

FROM: San Benito County Water District (SBCWD)

SUBJECT: COMMENTS ON PLANNING APPLICATION  
PLN 20-0051 – Lee – 300 Old Rancho Road

We have reviewed the subject materials and have no comments at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Macdonald", is written over a light blue horizontal line.

David Macdonald, P.E.  
Senior Engineer

A14.1

## Letter A14

**COMMENTER:** David Macdonald, PE, Senior Engineer, San Benito County Water District

**DATE:** 7/12/24

### **Response A14.1**

The commenter indicates they have no comments to provide.

This comment is noted.



**San Benito County**  
**Resource Management Agency**  
**Engineering Services Division**  
 2301 Technology Parkway, Hollister CA 95023  
 Phone: (831) 636-4170 Fax: (831) 636-4176

**INTER- AGENCY MEMO**

TO: Arielle Goodspeed  
Principal Planner, Planning Division

FROM: Melissa Savage  
Engineer I

REVIEWED BY: \_\_\_\_\_  
Steve Loupe  
County Engineer

DATE: July 16, 2024

SUBJECT: 4<sup>th</sup> Review Comments for PLN200051 – Amended Vesting Tentative Map (VTM), ZC - Lee Subdivision  
Description: 141 Lot Subdivision  
Location: 291 Old Ranch Road, Hollister, CA 95023  
(APN 025-320-004)

**New comments are in bold.**

1. Primary access to the project is Old Ranch Road, consisting of a 60' wide parcel with 18 feet wide asphalt roadway and an 8" diameter water main extending from Fairview Road to the project. The 60 feet wide parcel shall be a part of the development and required to be dedicated to the County and improved to County Standards (36 feet total pavement width is the minimum acceptable – please see proposed conditions of approval) including curbs, gutters, sidewalks, pavement structural section of 3"AC on 12" 11" base and public utilities.
  - **Still in effect as a condition of approval.**
2. The project shall provide a recorded document of a 56-foot wide right of way easement from the southerly boundary of the project for a secondary public access to Fairview Road.
  - Still in effect as a condition of approval.
  - **Satisfied.**
3. Provide documentation of a will service letter for sanitary sewer service to the property from Sunnyslope Water District or City of Hollister.
  - **Still in effect. No will serve letter for sanitary sewer service is currently in the project file.**
4. Old Ranch Road to be extended from Fairview Road to Street "G" and shall be a 60 feet wide dedicated right of way, improved to San Benito County Standards (36 feet total pavement width is the minimum acceptable – please see proposed conditions of approval). All other interior streets and roads shall be a 56-foot wide right of way improved to County Standards (36 feet total pavement width is the minimum acceptable – please see proposed conditions of approval).

A15.1

<ul style="list-style-type: none"> <li>• <b>Still in effect as a condition of approval.</b></li> </ul>	A15.1 (cont.)
<p>5. The project will be required to construct a storm water drainage collection system within the project boundaries and a storm water bio-retention treatment pond prior to discharging any storm runoff water into the existing Santa Ana Creek drainage channel.</p> <ul style="list-style-type: none"> <li>• <b>Still in effect as a condition of approval.</b></li> <li>• <b>As indicated in the Amended VTM, the Storm Water Runoff Management Plan shown is conceptual, hence as part of submission of engineered improvement plan for the project, applicant shall be required to provide Final Storm Water Runoff Management Plan and once reviewed and approved shall be implemented/constructed for the project. Since the project is proposing an underground retention facility, a maintenance program shall be included in the submittal.</b></li> </ul> <p>6. The project to submit a hydrology calculation report for the storm drainage system conforming to the State of California Regional Water Control Board Resolution R3-2013-0032.</p> <ul style="list-style-type: none"> <li>• <b>Still in effect as a condition of approval.</b></li> <li>• <b>A final calculation report shall be required. VTM-10 indicates all calculations are preliminary.</b></li> </ul>	A15.2
<p>7. The applicant shall submit a grading plan for the project with cross sections from the existing Santa Ana Creek drainage channel showing the slopes, depths of embankment fills on lots 12, 25, 37, 38, 41 thru 50 (<b>lots 26, 39, 40, 43-54 on resubmittal</b>) and the storm drain bioretention drainage pond.</p> <ul style="list-style-type: none"> <li>• <b>Still in effect as part of the required Improvement Plan.</b></li> </ul> <p>8. The project is to submit improvement plan for all streets, roads and underground utilities including water, sanitary sewer, storm drainage, electrical, communication systems upon receiving Vested Tentative Map approval from the Planning Commission.</p> <ul style="list-style-type: none"> <li>• <b>Still in effect as conditions of approval.</b></li> </ul>	
<p>9. The project to identify and show on the Tentative map the location of the Alquist-Priolo Special Study Zone and how it will affect the lots within the Special Study Zone.</p> <ul style="list-style-type: none"> <li>• Satisfied.</li> </ul> <p>10. The applicant shall submit a Geotechnical Report for the project.</p> <ul style="list-style-type: none"> <li>• Satisfied.</li> </ul>	A15.3
<p>11. The applicant shall enter into an Indemnification agreement with the County of San Benito.</p> <ul style="list-style-type: none"> <li>• C/o Planning Department.</li> </ul>	
<p>12. The applicant shall establish a Community Financial District (CFD) prior to recording the final map.</p> <ul style="list-style-type: none"> <li>• <b>Still in effect as a condition of approval.</b></li> </ul>	
<p>13. The applicant shall provide affordable housing lots in the required percentage per County Code or pay in-lieu fees.</p>	



- Still in effect. C/o Planning Department.
14. The applicant shall provide a park land dedication for the subdivision or pay park in-lieu fees or both per County Code Section 23.15.008.
    - **Still in effect as a condition of approval.**
  15. The applicant shall provide fire protection water service to all residential structures within the subdivision that meets County Fire Marshall's standard.
    - Still in effect. C/o Fire Department.
  16. The applicant shall obtain an encroachment permit for any construction or work within the existing public right of way along Fairview Road.
    - **Still in effect as a condition of approval.**
  17. The applicant shall pay all fees for the filing of the notice of determination with the State of California Fish and Wildlife agency.
    - C/o Planning Department.
  18. The applicant shall pay all storm drainage impact fees for the Santa Ana Creek Storm Drainage Basin.
    - **Still in effect as a condition of approval.**
  19. As part of the Environmental Study for the project, applicant shall be required to provide traffic study for the proposed subdivision. The traffic study shall provide analysis and recommendations for the required improvements on Fairview Road and Old Ranch Road intersection.
    - Still in effect. Intersection improvements shall be per traffic study recommendation, hence intersection improvements as shown on the VTM still subject to change.
    - **Satisfied per amended VTM submittal.**
  20. Applicant shall submit Phasing Plan for the project. The phasing plan shall show temporary turn around facilities per County Fire standards if the proposed street is left unconstructed (as the case of proposed lots 131-134 and 135-139), hence shall show temporary turn around (hammerhead) per County standards.
    - Still in effect.
    - **Satisfied per amended VTM submittal.**
  21. Remove general information or note in the map that is not applicable or acceptable per County's Subdivision Ordinance (Remove #15). Regarding note no.13, please refer to comments from the Planning department.
    - Still in effect, remove #15, (**#12 on the resubmittal**).
    - **Note #7 may also need to be revised or removed.**
  22. Per recorded map 4 PM 70, applicant shall show 42' offer of dedication at the eastern side of the property.
    - Still in effect.

A15.3  
(cont.)

A15.4

<ul style="list-style-type: none"> <li>• Applicant shall be required to provide access connectivity to the neighboring parcels, hence shall provide a street network plan illustrating how adjoining properties will have access connectivity (to the existing access easements to the east and north). A 60 feet ROW dedication to connect Steet G to the existing ROW dedication to the northeast corner may suffice for this requirement [C-1.10 Street Network Plans Circulation Element General Plan; § 23.01.002(C)]</li> </ul>	A15.4 (cont.)
23. A “Dead End” or “No Outlet” sign should be posted at the entrance to the cul-de-sac.	
24. Any landscaping or street trees should be planted and maintained so that they do not block sight distance at internal intersections. Stop signs should be provided at cross streets within the proposed internal roadways.	A15.5
25. Airline Highway and Union Road (Caltrans): The widenings of Union Road to four lanes between San Benito Street and Airline Highway and of Airline Highway to four lanes between Sunset Drive and Fairview Road are included as part of the improvement projects of the San Benito County Regional Transportation Impact Mitigation Fee (TIMF). In addition, separate eastbound and westbound right-turn lanes with dedicated right-turn arrows and changing the signal phasing on Union Road from split to protected would also be required to improve LOS to less than no-project levels. The developer will be required to pay the applicable TIMF fee as a fair-share contribution toward the implementation of improvements at this intersection.	
26. Fairview Road and Hillcrest Road (County): The installation of a traffic signal at the intersection as part of the widening of Fairview Road between Airline Highway and McCloskey Road is included as part of the improvement projects of the San Benito County Regional Transportation Impact Mitigation Fee (TIMF). The developer will be required to pay the applicable TIMF fee as a fair-share contribution toward improvements at this intersection.	A15.6
27. Fairview Road/Ridgemark Drive and Airline Highway (Caltrans): The installation of a traffic signal at the intersection is included as part of the improvement projects of the San Benito County Regional Transportation Impact Mitigation Fee (TIMF). The developer will be required to pay the applicable TIMF fee as a fair-share contribution toward improvements at this intersection.	
28. Enterprise Road and Airline Highway (Caltrans): The installation of a traffic signal at the intersection as part of the widening of Airline Highway to four lanes between Sunset Drive and Fairview Road is included as part of the improvement projects of the San Benito County Regional Transportation Impact Mitigation Fee (TIMF). The developer will be required to pay the applicable TIMF fee as a fair-share contribution toward improvements at this intersection.	
29. The Amended VTM is based on the Lot Line Adjustment (LLA) application that has not been approved yet, hence this VTM shall not be approved until the LLA is approved.	A15.7

30. Applicant shall be required to revise and resubmit the Tentative Map to reflect comments above and proposed conditions of approval below.

- Still in effect.

A15.7  
(cont.)

*Below are additional considerations that may also be reflected in the Tentative Map. However, RMA-Public Works (PW) believes some of these items, if not all, could be adequately addressed as conditions of approval and reflected in any improvement plan prepared for this proposed subdivision.*

31. Prior to recordation of the Final Map, the applicant shall make the following irrevocable offers of dedication to San Benito County and the public for public use:

- Full 60-foot right-of-way for the common driveway (Old Ranch Road) from Fairview Road to Street A.
- Full 56-foot right-of-way for the common driveway (Old Ranch Road) from Street A to Street G.
- Full 56-foot right-of-way for all proposed internal streets, including Street G, within the subdivision with standard 50 feet radius right-of-way for the turnaround facility. Dedication of road should consider and provide required curve radius at the corners of intersections. Right-of-way dedications at the corners of intersections shall also accommodate ADA Ramp per City of Hollister Standards (which is also being adopted by the County).
- Proposed Street D shall connect to the property to the south for secondary public access purposes.
- Minimum of 30-foot right-of-way dedication for the common driveways for lots 113-116 and 120-122.  
[§ 23.29 Road Standards; § 23.31.023(D)(6)(B)]

A15.8

32. Prior to recordation of the Final Map the applicant shall bond for or make the following roadway improvements:

- Full 36 feet curb to curb AC pavement on 38 feet AB roadbed for the proposed common driveway (Old Ranch Road) from Fairview Road to Street G, along with standard curbs, gutters, sidewalks, streetlights, street trees and landscapes.
- Full 36 feet curb to curb AC pavement on 38 feet AB roadbed for all internal streets, including Street G, within the subdivision with standard 40 feet radius AC paved turnaround facility, along with standard curbs, gutters, sidewalks, streetlights, street trees and landscapes.
- A minimum width of 18 feet of AC pavement for the proposed common driveways for proposed lots 113-116 and 120-122.  
[§ 23.29 Road Standards; § 23.27.004(E)]
- A southbound left-turn pocket within the median of Fairview Road shall be constructed by the project to facilitate access to Old Ranch Road without blocking travel along southbound Fairview Road.**
- Design of improvements shall comply with County Code improvement standards.

33. As part of the submission of Improvement Plan for this project, the recommendations of the Geotechnical Engineer of Stevens Ferrone & Bailey, per Geotechnical Investigation Report submitted (SFB Project No. 819-1) shall be incorporated into the design of the improvements. Upon completion of improvements, prior to final inspection and acceptance of required improvements, a complete compilation of test reports along with a letter from the Engineer in responsible charge of the soils report attesting compliance with requirements and recommendations shall be submitted to Public Works. A note shall be placed on the Final map referencing the aforementioned reports for future reference by potential property owners. [§ 23.31.023]

34. As part of submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide erosion control details for the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for impermeable surfaces created as part of this project. Details and direction of flows of drainage swales and grades shall also be included. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project.

The project will be required to construct a storm water drainage collection system within the project boundaries and a storm water bio-retention treatment pond prior to discharging any storm runoff water into the existing Santa Ana Creek drainage channel.

**As indicated in the Amended VTM, the Storm Water Runoff Management Plan shown is conceptual, hence as part of submission of engineered improvement plan for the project, applicant shall be required to provide Final Storm Water Runoff Management Plan and once reviewed and approved shall be implemented/constructed for the project. Since the project is proposing an underground retention facility, a maintenance program shall be included in the submittal.**

A15.8  
(cont.)

The applicant shall submit a grading plan for the project with cross sections from the existing Santa Ana Creek drainage channel showing the slopes, depths of embankment fills on lots 12, 25, 37, 38, 41 thru 50 (**lots 26, 39, 40, 43-54 on resubmittal**) and the storm drain bioretention drainage pond.

35. All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations [§23.17.003(F)]. All necessary utilities must be installed or bonded for prior to recordation of the Final Map.

36. Applicant shall submit with the Improvement Plans all applicable utility plans approved by the respective utility company. Approved utility plans will be included as part of the final or approved Improvement Plan.

37. It is the applicant's responsibility to provide utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. The width of the easements shall be approved by the utility companies. Said easement(s) shall be shown on the Final Map.

38. Applicant must obtain Encroachment Permit from PW for any work being performed within the County R/W or for any road offered for dedication to the County prior to commencement of any improvements associated with this project.
39. Prior to recordation of the Final Map, the applicant must submit a list of proposed street name(s) for all internal streets within the subdivision to PW and to be submitted to County Communications Department for road name approval. Approved street names shall be reflected in the Final Map and Improvement Plans [§ 23.07.003.(A)(1)]
40. In accordance with San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider must dedicate land; pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
41. The applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to PW prior to start of any construction activities as part of this project. A note to this effect and WDID number must be added on the Improvement Plans.
42. Prior to the recordation of the Final Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
43. Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]
44. Prior to the recordation of the Final Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and shall be submitted to Engineering. [§ 23.31.002.(K)(1)]

A15.8  
(cont.)

## Letter A15

**COMMENTER:** Melissa Savage, Engineer I, San Benito County Resource Management Agency, Engineering and Services Division

**DATE:** 7/16/24

### **Response A15.1**

The commenter summarizes conditions of approval on the project that are still in effect regarding roadway design, easements, and sewer service. The commenter notes that there is no will serve letter for sanitary sewer service on file.

This comment is noted. As described in Section 2.5.6, *Utilities*, of the Recirculated Draft EIR, the project would be served by SCWD and the City of Hollister, through an agreement approved by SCWD on October 17, 2023 and by the City of Hollister on November 6, 2023.

### **Response A15.2**

The commenter summarizes conditions of approval on the project that are still in effect regarding stormwater. The commenter indicates that a Final Stormwater Runoff Management Plan and a final hydrology calculation report will be required.

This comment is noted. If the project is approved, the project proponent will submit all documents required by the County.

### **Response A15.3**

The commenter summarizes conditions of approval on the project that are still in effect, as well as requirements that have been met, regarding grading, site improvements, map and submittal requirements and permits, affordability, parks, water service, fees, and traffic. The commenter notes that some general information notes on the Vesting Tentative Map may need to be removed.

This comment is noted. The project proponent will revise documents as required by the County.

### **Response A15.4**

The commenter summarizes conditions of approval on the project that are still in effect regarding easements, and notes that access connectivity to neighboring parcels is required. The commenter provides County right-of-way dedication requirements and indicates necessary cul-de-sac signage.

This comment is noted. If the project is approved, final project design will meet the standards for cul-de-sacs and secondary access points as required by the County.

### **Response A15.5**

The commenter indicates that landscaping street trees must not block sight distances at intersections, and notes that stop signs at cross streets are required.

This comment is noted. The Transportation Analysis, included as Appendix H to the Recirculated Draft EIR, provides the same landscaping recommendation related to the maintenance of necessary sight distances at intersection. If the project is approved, final project design will meet the standards for sight distance as required by the County.

### **Response A15.6**

The commenter notes that improvements to Airline Highway and Union Road, Fairview Road and Hillcrest Road, Fairview Road/Ridgemark Drive and Airline Highway, and Enterprise Road and Airline Highway will be funded by the San Benito County Transportation Impact Mitigation Fee (TIMF), and that the developer is required to pay this fair-share fee.

This comment is noted. As noted on page 4.7-11 of the Recirculated Draft EIR, the project proponent would be required pay fair-share fees as required by the County if the project is approved.

### **Response A15.7**

The commenter indicates that the Lot Line Adjustment application has not been approved, and approval of the Lot Line Adjustment is required prior to approval of the Amended Vesting Tentative Map.

This comment is noted. As part of project approval, all necessary project approvals, as determined by County staff, will be sought by the project proponent from County decision-makers.

### **Response A15.8**

The commenter provides additional considerations for conditions of approval on the project and Vesting Tentative Map. These considerations include:

- Dedication of rights-of-way to the County and public for public use
- Connection of Street D to the property bordering the site to the south for secondary access
- Street and driveway design requirements, including minimum widths, curb and gutter placement, sidewalks, street trees, and landscaping
- A southbound left-turn pocket on Fairview Road at Old Ranch Road
- Compliance with County Code improvement standards and County drainage standards and erosion control, including the provision of drainage-related calculations
- Incorporation of recommendations from the Geotechnical Investigation Report into project design
- Submittal of the Final Stormwater Runoff Management Plan, a grading plan, utility plans approved by the appropriate utility company, proposed street names, and as-built Improvement Plans
- Undergrounding of all utilities, unless exempt
- Provision of utility easements within the subdivision
- Receipt of an Encroachment Permit from Public Works
- Dedication of parkland or payment of the in-lieu park fee
- Compliance with the Construction Stormwater General Permit, including development of a Stormwater Pollution Prevention Plan and provision of a WDID number or Erosivity Waiver
- Annexation into the Mello-Roos Community Facilities District 2018-1, including payment of taxes and fees
- Provision of warranty security for required improvements

This comment is noted. If the project is approved, adherence to County requirements and standards will be demonstrated on final documents. This comment is not specific to the analysis or mitigation measures provided in the Recirculated Draft EIR, and no revisions to the Recirculated Draft EIR are required.





Letter O1

Mar 21, 2024

County of San Benito  
481 4th Street  
Hollister, CA 95023

Re: Proposed Housing Development at 300 Old Ranch Road

By email: [supervisors@cosb.us](mailto:supervisors@cosb.us); [supervisorzanger@cosb.us](mailto:supervisorzanger@cosb.us);  
[supervisorkosmicki@cosb.us](mailto:supervisorkosmicki@cosb.us); [SupervisorSotelo@cosb.us](mailto:SupervisorSotelo@cosb.us); [SupervisorCurro@cosb.us](mailto:SupervisorCurro@cosb.us);  
[supervisorgonzales@cosb.us](mailto:supervisorgonzales@cosb.us); [commissionerbianchi@cosb.us](mailto:commissionerbianchi@cosb.us);  
[commissionerrway@cosb.us](mailto:commissionerrway@cosb.us); [commissionerrscagliotti@cosb.us](mailto:commissionerrscagliotti@cosb.us);  
[commissionerrgibson@cosb.us](mailto:commissionerrgibson@cosb.us); [celeste\\_tb@yahoo.com](mailto:celeste_tb@yahoo.com); [sbcplan@cosb.us](mailto:sbcplan@cosb.us)

Cc: [cclerk@cosb.us](mailto:cclerk@cosb.us); [vdelgado@cosb.us](mailto:vdelgado@cosb.us); [arodriguez@cosb.us](mailto:arodriguez@cosb.us); [legal@cosb.us](mailto:legal@cosb.us)

Dear San Benito County Board of Supervisors, Planning Commission, and Planning Division:

The California Housing Defense Fund ("CalHDF") writes to remind the County of its obligation to follow state law in processing the application for a housing subdivision at 300 Old Ranch Road. Having designated the site in question as suitable for residential mixed ("RM") zoning in its general plan (see San Benito County [2035 General Plan](#), pp. 3-9 thru 3-14), the County must now facilitate residential development consistent with that zoning category. The Housing Accountability Act ("HAA") requires the County to approve all housing development projects consistent with applicable objective general plan, zoning, and subdivision standards except in narrow circumstances. (Gov. Code § 65589.5, subd. (j)(1).) The HAA further clarifies that "a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria." (*Id.* at subd. (j)(4).)

Furthermore, given that a rezoning is now being sought in order to bring the site's zoning into compliance with the general plan, the following excerpt from the HAA is applicable: "the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria **shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.**" (*Id.* at subd. (j)(4).) In other words, the County

O1.1

must, in its application of the standards, facilitate the development at the requested density level, as it is allowed by the General Plan.

The site at 300 Old Ranch Road has the land use designation of RM - Residential Mixed in the County's general plan. The project proposed for the site by applicant Bill Lee is consistent with RM densities and purpose. It therefore receives the benefit of the HAA's protections. (*Id.* at subd. (j)(4).)

CalHDF notes that the Board of Supervisors adopted resolution 2023-01 upholding the following:

3. Inconsistency with the 2035 San Benito County General Plan
4. Planned Unit Development Purpose, Standards and Findings Requirements Not Met

Of note for this project, the Board of Supervisors may only base its decision on **objective** standards. (*Id.* at subd. (j)(4).) Design criteria such as, "Harmonious variations in materials, textures and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit" (San Benito Zoning Code § 25.05.005 (A)(1)) are subjective and thus may not be used by the Board of Supervisors when evaluating the application.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit. It will bring increased tax revenue and new customers to local businesses, and it will reduce displacement of existing residents. While no one project will solve the statewide housing crisis, the proposed development at 300 Old Ranch Road is a step in the right direction. CalHDF also notes the project will set aside 15% of its units for rent at levels affordable to low-income households – crucial in helping the County meet its low-income housing targets, where it has so far fallen short. We urge the County to approve the project, consistent with its obligations under state law and commitments in its general plan.

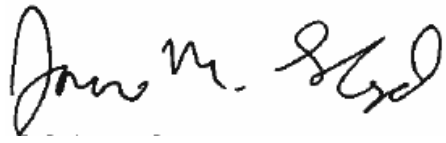
CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey  
CalHDF Executive Director

O1.1  
(cont.)

A handwritten signature in black ink, appearing to read "James M. Lloyd". The signature is written in a cursive, flowing style.

James M. Lloyd  
CalHDF Director of Planning and Investigations

## Letter O1

**COMMENTER:** Dylan Casey, Executive Director, California Housing Defense Fund (CalHDF)

**DATE:** 3/21/24

### **Response O1.1**

The commenter reminds the County of its obligation to follow state law in processing the application for a housing subdivision, including the Housing Accountability Act. The commenter notes the Board of Supervisors may only base its decision on objective standards. The commenter urges the County to approve the project, consistent with its obligations under state law and the General Plan.

This comment is noted. The comment does not identify a concern with the Recirculated Draft EIR analysis or CEQA process. As such, further response is not required.

## Letter P1

**From:** [Mary Anderson](#)  
**To:** [Arielle Goodspeed](#)  
**Subject:** Re: PLN200051 Lands of Lee Revised/Recirculated Public Draft EIR  
**Date:** Sunday, May 12, 2024 7:40:08 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Arielle,

If this is just the rezoning portion of the Lee project, again I am opposed. Why should this again be such an urgent need, if the development is not approved why the need to rezone?

P1.1

It appears that Mr. Lee has used or is using his personal relationships with City/County members for his own benefit and certainly should be held to the same requirements as any developer proposing a project. Quite frankly there are fewer and fewer properties available for agricultural needs, and maybe selling to someone who appreciates the land would be a better option.

I am extremely disappointed that Mr. Lee is still pursuing this project indicating he has absolutely no compassion for the miserable living environment he would leave us with. Since my last letter, the traffic has doubled and the speeding drivers on Fairview Road make it more difficult to pull out from Old Ranch Road onto Fairview Road. Without a physical survey of the amount of traffic that moves in front of Old Ranch Road, I do not agree that even a turn lane would reduce the risk of injury accidents.

Intentionally adding additional traffic flow from Old Ranch Road onto Fairview would be a liability and if Mr. Lee resided on the property (other than 1 or 2 days a week) he would know this. It would be safe to say that if Mr. Lee were in my place, he would probably file a lawsuit to prevent a development such as this. If one of his family members were to be injured in a traffic accident on Old Ranch Road and Fairview Road, wherein the City knowingly allowed traffic to become dangerous, he would have a different opinion.

P1.2

The Lee Development is a money maker not a contribution to Hollister. The City would be adding to the problems it already has. The infrastructure does not handle the developments that have been built or are in the process of being built. Why is it so critical that another project of this size be built now? Political favoritism needs to stop and the best interests of the City and County and in the manner which is grows is most important. Do not make the same mistakes that are being made in Morgan Hill and Gilroy.

New developments did not build more schools, they have just generated the need for more schools.

P1.3

Issues such as sewage, landfill, water usage, over capacity schools, and roads that are still not repaired properly are reasons to fix these issues before approving more development projects.

Financial contributions for a new high school is great, but this development is not going to build the new high school, it is going to increase the need for one and not resolve the issues we already have.

Respectfully submitted,

Mary J. Whitaker Anderson  
130 Old Ranch Road  
Hollister, CA 95023

On May 10, 2024, at 2:34 PM, Arielle Goodspeed <[AGoodspeed@cosb.us](mailto:AGoodspeed@cosb.us)> wrote:

**NOTICE IS HEREBY GIVEN** that the County of San Benito, as lead agency, has prepared a Revised Draft Environmental Impact Report (Draft EIR) for the below referenced project. The Draft EIR analyzes the potential environmental effects associated with the proposed project in accordance with the California Environmental Quality Act (CEQA). In accordance with Section 15087 of the CEQA Guidelines, San Benito County has prepared this Notice of Availability (NOA) to provide responsible agencies and other interested parties with notice of the availability of the Revised and Recirculated Draft EIR and solicit comments and concerns regarding the environmental issues associated with the proposed project.

-  
**NOTICE IS HEREBY FURTHER GIVEN** that a public hearing for certification of a Final EIR, Zoning Code Amendment, Zone Map Change, and Vesting Tentative Map for this project before the Planning Commission will take place at a future undetermined date to be separately announced.

**PUBLIC REVIEW PERIOD:** A 45-day public review period for the Revised and Recirculated Draft EIR will commence on **May 10, 2024** and end on **June 24, 2024 at 5:00 p.m.** All comments on the Revised and Recirculated Draft EIR must be received by the County by 5:00 pm on June 24, 2024 in order to receive a response on those comments addressing environmental issues. Comments may be sent by postal service, electronic mail, or hand delivery.

**The County encourages written comments on the project to be submitted in a readily accessible electronic format.**

-  
I have attached above the PDF of the Notice of Availability for Lands of Lee Subdivision Project, PLN200051, Revised and Recirculated Draft Environmental Impact Report. If you have trouble opening up the PDF you can also view the notice attached or at <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/current-major-planning-projects> and on the project page <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/lands-of-lee-subdivision-file-no-pln20051/-fsiteid-1#!/>.

**Warmest Regards,**

**Arielle Goodspeed**

*Principal Planner*

Resource Management Agency

2301 Technology Parkway

Hollister CA 95023

Ph: (831) 902-2547

<image001.jpg>

<Lands of Lee Revised Public Draft EIR Notice of Availability.pdf>

## Letter P1

**COMMENTER:** Mary Anderson

**DATE:** 5/12/2024

### Response P1.1

The commenter expresses opposition to the project.

This comment is noted. It should be clarified that the proposal before the County of San Benito is for demolition of existing on-site structures, subdivision of 141 residential lots, and development of 121 single-family detached units, 20 single-family det units, and 30 junior accessory dwelling units.

### Response P1.2

The commenter claims that traffic on Fairview Road has doubled and that speeding makes it difficult to safely exit Old Ranch Road. The commenter disagrees that a turn lane would reduce accident risk, and expresses concerns about increased traffic flow.

Please refer to Section 4.7, *Transportation*, of the Recirculated Draft EIR for discussion of potential traffic impacts and traffic safety. As noted therein, although traffic delay does not constitute a significant environmental impact for the purposes of CEQA, the Transportation Analysis (Appendix H) determined that vehicle trips generated by the project would not result in worsened levels of service (LOS) on surrounding roadways or intersections. Specifically, the intersection operations analysis indicates that the Old Ranch Road and Fairview Road has an existing LOS A; that it would operate at LOS B conditions with the project; and is not projected to have peak hour traffic volumes that warrant installation of a signal. The peak hour signal warrant analysis indicates that the unsignalized study intersections currently have and will continue to have traffic conditions that fall below the thresholds that warrant signalization with the addition of project-generated trips. Therefore, a signal is not warranted at the Fairview/Old Ranch intersection. Note that the Transportation Analysis (Appendix H) did include a survey of existing conditions on Fairview Road near Old Ranch Road, as requested by the commenter.

Regarding safety concerns, as discussed in Impact TRA-3, the project would not substantially increase hazards due to a geometric design feature or incompatible use. Please refer to page 45 and 46 of Appendix H for a discussion of on-site circulation and sight distance. Recommendations include adhering to County roadway design standards and ensuring that landscaping or street trees do not block sight distance, all of which would be implemented to promote safety.

The commenter does not provide evidence to support a recent doubling of existing traffic nor indicate how the proposed project would contribute to significant environmental effects due to increased vehicle travel. As such, further response nor revisions to the Recirculated Draft EIR analysis are required.

### Response P1.3

The commenter identifies that there are existing issues with infrastructure, including sewage, landfill, water usage, over capacity schools, and roads, and states that these issues should be fixed before adding new development. The commenter also states that the proposed development may also increase the need for schools without resolving current capacity issues.



Regarding the comment about school capacity, please refer to Section 4.10.9 of the Recirculated Draft EIR, which evaluates the project's impact on school facilities. Refer also to responses to comments A8.1 through A8.9 for additional discussion of school capacity.

Regarding the capacity for water, wastewater, and solid waste services, please refer to Section 4.9, *Utilities and Service Systems*, of the Recirculated Draft EIR. Impact UTIL-2 (water), UTIL-3 (wastewater), and UTIL-4 (solid waste) discuss in detail the anticipated project impacts to these services. As described therein, there would be sufficient water, wastewater, and landfill capacity to serve the project and impacts would be less than significant.

Regarding roadways, the existing condition of roadways is part of the baseline condition and not an impact of the project. Roadways in the area would be subject to increased use through construction and residential traffic, which could result in accelerated deterioration. The County collects road maintenance improvement fees pursuant to Ordinances 554 and 962, which fund the maintenance and improvement of County roadways. The payment of regional development impact fees is considered adequate mitigation for individual project contributions to cumulative transportation impacts to the regional road network.

This comment does not raise issues with the adequacy of the analysis presented in the Recirculated Draft EIR. Thus, no edits are required. This comment has been noted and will be passed on to decision-makers.

Letter P2

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*Re: Comments on Recirculated Draft EIR - Lands of Lee Project, PLN200051;  
State Clearinghouse No. 202202042*

Dear Ms. Goodspeed:

I hope you are well. Thank you for this opportunity to provide the following comments on the Recirculated Draft Environmental Impact Report (“Recirculated DEIR”) for the Revised Lands of Lee Project (“Revised Project”) on behalf of Bill Lee and the Lee Family Trust.

**DISCUSSION**

The Revised Project is designed to address and resolve the traffic impacts of the original Project, to provide further setback from the neighboring Leal Winery property, and to provide a substantial amount of low-income housing:

1. The original Project, reviewed in a Draft EIR in 2022, resulted in significant, unavoidable adverse traffic-related impacts, requiring the adoption of a Statement of Overriding Considerations. The Revised Project has reduced its traffic impacts to less than significant, eliminating the need for a Statement of Overriding Considerations. This information is fully explained in the April 2024 Kimley-Horn VMT Analysis and Mitigation Memorandum, set forth in Appendix I to the Recirculated DEIR.

2. In response to staff requests, the Revised Projects has relocated a street and homes near the border of the Lee Property to provide an additional buffer between the Lands of Lee development and the Leal Winery, thereby improving compatibility between the two uses.

3. The Revised Project proposes 30 junior attached dwelling units (ADUs) - deed-restricted for low-income households – which exceeds the County’s inclusionary housing requirements under Chapter 21.03 of the County Code of Ordinances. *See*, Recirculated DEIR, p. 2-8. Providing low-income housing is enshrined in state law as a matter of “vital statewide importance.” The Revised Project has been included in the current draft 6<sup>th</sup> Cycle Housing Element as a “pipeline project.” *See*, Draft 6<sup>th</sup> Cycle Housing Element, Table B-5, p. B-15 and Table B-9, p. B-21. The County is required to provide 444 units under its Regional Housing Needs Allocation for the three low-income categories. Of this total, the County has focused on using ADUs to provide 131 of that 444 total. *See*, Draft 6<sup>th</sup> Cycle Housing Element, Table B-2,

P2.1

p. B-2. The Revised Project proposes 30 deed-restricted ADUs, satisfying approximately 23% of this 131 ADU County obligation. In other words, the Revised Project will significantly help the County achieve its 6<sup>th</sup> Cycle Housing Element obligations.



Thank you for this opportunity to provide comments on the Recirculated DEIR for the Revised Lands of Lee Project, and thank you for the excellent work that County Staff and the EIR Consultants have performed.

We respectfully submit that the Revised Project represents one of the best – if not the best – residential projects proposed in the County. The Revised Project has eliminated its traffic impacts, has modified its design to ensure compatibility with neighboring uses, and has increased its low-income housing to an amount that will significantly help the County achieve its 6<sup>th</sup> Cycle Housing Element obligations.

We look forward to the County’s certification of the Final EIR for the Revised Project when presented.

Respectfully submitted,

Michael Patrick Durkee, Esq.

Cc: Bill Lee

P2.1  
(cont.)

## Letter P2

**COMMENTER:** Michael Durkee

**DATE:** 6/21/24

### **Response P2.1**

The comment letter is provided by legal counsel for the project applicant and summarizes the project revisions and benefits. The commenter notes that the revisions eliminated its traffic impacts, improved compatibility with neighboring uses, and increased low-income housing to an amount that will significantly help the County achieve its 6th Cycle Housing Element obligations. The commenter looks forward to the County's certification of the Final Recirculated EIR for the revised project.

This comment is noted.

## Letter P3

Dear Arielle Goodspeed:

Thank you for this opportunity to comment on the Lee Subdivision Project Recirculated Draft Environmental Impact Report, State Clearinghouse No. 2022020429. At first as a member of the public, and later as a member of the SBC Housing Advisory Council, I was involved in the drafting of the county's Affordable Housing Ordinance (AHO) and with its subsequent updating. I am commenting on the project's proposal for meeting the requirements of this ordinance.

The AHO has a number of specific requirements that the proposed project doesn't meet.

### 21.03.006 On Site Units

(B) Onsite affordable units must:

- (3) Have a similar number of bedrooms as the market rate homes in which the affordable units are located;
- (4) Minimum unit sizes are defined as 80% of the average market rate unit sizes for rental and ownership units for that specific development.

The project description calls for all affordability requirements to be met by thirty 438 square foot, one bedroom junior ADU's, which are deed restricted as low income rentals.

The proposed single family market rate homes have three or four bedrooms. The proposed one bedroom ADU's do not meet the AHO requirement that all affordable units must "have a similar number of bedrooms as the market rate homes in which the affordable units are located."

The proposed single family market rate homes range from 1547 square feet to 3029 square feet. The 438 square foot ADU's don't meet the requirement that all affordable units must have "minimum unit sizes (that) are defined as 80% of the average market rate unit sizes for rental and ownership units for that specific development."

These deviations from the AHO requirements result in:

- Not meeting any of the county's need for affordable housing for low or moderate income families with children.
- Serving approximately 45 low income individuals (1.5 average one bedroom occupancy times 30 units), instead of the approximately 110 low income individuals (1.5 average per bedroom times 3.5 bedrooms times 21 units to meet 15% requirement) that would result from following the above requirements in the AHO.

There are other areas in which the proposal falls short of requirements in the AHO.

P3.1

In the chart in Section 21.03.006, projects of more than 41 lots have On-Site Rental Unit Inclusionary Requirements of:

5% Very Low Income (< 50% AMI)

5% Low Income (< 51% -80% AMI)

5% Moderate Income (< 81% - 120% AMI)

The proposal calls for all 30 affordable units to be targeted for Low Income buyers, with no units for Very Low and no units for Moderate.

The calculation of the number of required affordable units doesn't comply with the language in the AHO:

§ 21.03.006 ON-SITE UNITS.

(A) To satisfy its inclusionary requirement on-site, a residential development must construct inclusionary units in an amount equal to or greater than 15% of the total number of units approved for the residential development...

The number of affordable units must be in an amount equal to or greater than 15% of the total number of units approved for the residential development. In earlier proposals, the applicant proposed that some of the single family units be affordable to moderate income buyers, multiplying 10% times 141 units, resulting in 14 affordable units. In the current proposal, 30 accessory dwelling units are added to the unit mix. These ADU's are part of "the total number of units approved for the residential development," increasing the total to 171 units. Calculating the resulting number of affordable units: 171 (141 + 30) total units times 15% equals 25 affordable units. The AHO didn't anticipate using ADU's to meet the affordable unit requirements, but the above is the only rational way to apply the ordinance.

The application proposed that affordable ADU rentals would be deed restricted for a period of 30 years. In AHO Section 21.03.010 – Occupancy and Continuing Availability of Units – at (F)(2) it states that "New and existing inclusionary rental units, affordability and occupancy restrictions shall remain in effect for a minimum of 55 years." The proposal doesn't comply with the AHO.

To justify all of these significant deviations from the express requirements in the AHO, the applicant relies on the following sections of the AHO:

21.03.004 Development Requiring Inclusionary Contribution

(B)(5) Notwithstanding any other provision of this chapter, an applicant may propose an alternative means of compliance with this chapter by submitting an affordable housing plan that

P3.1  
(cont.)

achieves the purpose and intent of this chapter. The Board of Supervisors may approve such alternative method of meeting the county's inclusionary housing requirement by means of a development agreement or an affordable housing agreement or other appropriate means if the Board of Supervisors finds and determine that, based on substantial evidence in the record, the proposed new residential development is consistent with the general plan, will assist in the attainment of the county's identified housing needs and regional fair share responsibilities for very low, low, and moderate income households, and the number of affordable housing units will provide an acceptable level of affordable housing while providing public benefits consistent with compliance with the express requirements of this chapter.

Some of the "chapter's" goals are included in:

21.03.001 Findings

(H) Other Objectives

(1) The Board of Supervisors finds that an objective of this chapter is to meet the housing needs of all types of very low, low, and moderate-income groups in a manner that is economically feasible and consistent with their needs.

(2) The Board of Supervisors further finds that extremely low, very low, low, and moderate-income housing best achieves the broader community goal of integrating households of all economic levels into the community when such housing is provided throughout the community and that a specific objective of this chapter is to provide housing opportunities throughout the community, in all planning areas of the county for very low, low, and moderate-income households.

It's clear that the applicant's proposal doesn't meet the letter or the spirit of the AHO due to the proposal to meet all affordability requirements with small, one bedroom ADU's. The language above stating that it is a specific objective to provide housing opportunities for very low, low and moderate income households throughout the community is implemented in the specific language in the ordinance that requires a similar variety in the number of bedrooms per unit as well as minimum square footage that is 80% of the market rate units. The proposal's alternate means of compliance do not meet these explicit objectives. Approval of this concept would signal to developers that future projects can ignore the objective standards in the AHO and substitute noncompliant proposals that meet their economic needs, but not the community's need for varied affordable housing units that address the needs of various lower income buyers, and particularly of families with children.

P3.1  
(cont.)

Because the AHO didn't anticipate using ADU's to meet affordable unit requirements, there is no enforcement mechanism proposed for assuring that ADU rental units will actually be rented, and will remain rented to an income qualified renter throughout the required period of affordability. Any deed restriction for a rental unit needs to include a clause stating that the unit will in fact be rented to an income qualified renter, and not left vacant or used by the owner as part of their home. If an owner doesn't comply with this requirement to rent the unit to an income qualified renter, and provide annual documentation to the county, there needs to be some mechanism for the county to respond effectively to noncompliance. This will be challenging when dealing with single family homeowners who are required to rent to income qualified tenants.

My understanding is that it isn't settled yet whether the current application is a modification of the original application or will be treated as anew application. If it is determined that it is a new application, it will be subject to the updated requirements in the current AHO. When the ordinance was revised, some of the language about bedroom count and square footage of affordable units was modified to make it more specific and clear. The reasons stated above for why the proposal doesn't meet the development standards in the earlier AHO will apply in the same way if evaluated in the context of the current ordinance.

In order to maintain the integrity of the Affordable Housing Ordinance, I strongly urge the county to stand firm in applying the objective standards in the ordinance to this project, and those proposed in the future.

Seth Capron  
Aromas, CA

P3.1  
(cont.)



## Letter P3

**COMMENTER:** Seth Capron

**DATE:** 6/21/24

### Response P3.1

The commenter states that the project does not meet the Affordable Housing Ordinance (AHO). The commenter expresses concern about the project's alternative means of compliance with the AHO by relying on ADUs to meet the affordability requirements, and which they believe do not meet the objectives of the AHO.

As described in Sections 2.5.1 (Affordability) and 2.4.2 (Accessory Dwelling Units) in Section 2, *Project Description*, the project is subject to the County's inclusionary housing requirements, pursuant to County Code Chapter 21.03 (Affordable Housing Requirements). To satisfy this requirement, the applicant is proposing 30 ADUs, all of which would be deed restricted for 30 years to ensure affordability. These 30 proposed affordable ADUs would represent approximately 17.5 percent of the total units or 21 percent of the total residential lots, thereby exceeding the County's requirement of 15 percent (County Code Section 21.03.006[A]).

The primary objectives of the project include several specifically related to affordable housing, including the following:

- Provide a balanced approach to land use that accommodates future growth, protects community assets, meets affordability requirements, and protects environmental resources.
- Provide a mix of residential housing types that will meet the needs of, and be affordable to, various household sizes, unit types, and income levels, including the local county workforce such as teachers, emergency workers, nurses, and others.
- Provide at least twenty percent (20%) deed-restricted low-income housing through the provision of ADUs, thereby exceeding the County's required levels throughout the project.

The applicant has proposed an affordability component they believe meets the intent of County Code Chapter 21.03. As indicated in Section 2.7, *Project Permits and Approvals*, an affordable housing agreement between the applicant and the County would be required and would be entered into as a condition of project approval.

Furthermore, Section 21.03.004 of the County Code allows applicants to propose an alternative means of compliance with Chapter 21.03. The alternative affordability scenario requires approval by the Board of Supervisors, along with the determination that the project is consistent with the County General Plan and would assist in the attainment of the County's identified housing needs and regional fair share responsibilities to provide affordable housing.

Additionally, the Applicant has proposed an alternative affordability option for consideration, via a letter to the County dated August 8, 2024. As described therein, the alternative affordability option, which was not included in the Recirculated Draft EIR, would provide 16 deed-restricted, low-income ADUs and 6 deed-restricted, moderate-income duet units. This scenario provides a total of 22 affordable units. This change to the affordability scenario from the proposed project would not result in environmental impacts not previously considered in the EIR. The total number of units would remain the same, and the overall development footprint would remain the same. As described in the Additional VMT Analysis included as Appendix I to the Recirculated Draft EIR, as

long as at least 15 ADUs are deed restricted for low-income households, the County VMT threshold would not be exceeded. Therefore, no new impacts not previously addressed in the Recirculated Draft EIR would occur as a result of this alternate affordability scenario, and no revisions to the EIR impact analysis would be necessary.

The commenter's concerns regarding the size and makeup of the proposed affordable units are noted and hereby shared with County decision makers for consideration. The size, bedroom count, and other details of the specific affordable units does not influence the environmental impacts as they are presented in the Recirculated Draft EIR, and the commenter does not raise concerns with the existing EIR analysis or CEQA process. As such, further response is not required.

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### 3 Revisions to the Recirculated Draft EIR

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This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

#### Executive Summary

Page ES-2 (*Project Characteristics* subsection):

...A total of approximately 17.5 percent of the total units or 21 percent of the total residential lots ~~residences~~ (30 units) would be designated as affordable housing...

Page ES-2:

...These 30 proposed affordable ADUs would represent approximately 17.5 percent (17.5%) of the total units or 21 percent (21%) of the total residential lots ~~units~~, thereby exceeding the County’s requirement of 15 ~~20~~ percent.

Page ES-4 (*Utilities* subsection):

...Buildout of the project site and adjacent planned development would result in a looped system of domestic water mains between Gavilan Community College’s San Benito Campus, Fairview Corners residential development, and the current residences on Old Ranch Road. The project also includes the installation of ~~non-potable~~ irrigation water mains for possible future irrigation of the proposed public park and remainder parcel, as well as installing ~~non-potable irrigation~~ water mains through the project site to the intersection of Old Ranch Road and Fairview Road. The proposed ~~non-potable irrigation~~ water mains would connect to the planned development immediately south of the project site. The proposed on-site ~~potable and non-potable~~ domestic and irrigation water main systems would be dedicated to SCWD for operation and maintenance, funded through monthly water rates collected by SCWD.

Page ES-5 (*Sustainability Features* subsection):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ The project would install photovoltaic systems on all proposed residential structures...

Page ES-6 (*Project Objectives* subsection):

- Extend ~~a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

Page ES-22 (Table ES-2: Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts):

**Impact UTIL-3.** The project would generate wastewater from the new residential land uses, which would be accommodated by existing wastewater treatment facilities owned and operated by the ~~Sunnyslope County Water District~~ City of Hollister. Sufficient wastewater treatment capacity is available. Potential impacts would be less than significant.

## Section 1, Introduction

Page 1-1:

... A total of 30 junior accessory dwelling units (hereinafter referred to as “ADUs”) would be included in the project, all of which would be deed restricted for low-income housing, providing 17.5 percent of the total units or 21 percent of the total residential lots ~~units~~ as affordable housing...

## Section 2, Project Description

Page 2-1 (Section 2.3, *Project Location*):

...Planned development (some of which is already constructed) in the vicinity of the project site includes residences at Fairview Corners (approved development) to the south, Roberts Ranch to the ~~east~~ west (fully built out), West of Fairview (approved development) to the ~~northeast~~ northwest (under construction), and Santana Ranch to the north (almost built out), and the Gavilan Community College San Benito Campus (under construction) to the south.

Page 2-2 (Section 2.4.3, *Surrounding Land Uses*):

The project site is immediately bordered by rural residential development to the west, rural residences with vineyards and an associated winery to the north (Leal Vineyards), and planned development to the south and ~~east~~ west...

Page 2-6 (Section 2.5, *Project Characteristics*):

... A total of approximately 17.5 percent of the total units or 21 percent of the total residential lots ~~residences~~ (30 units) would be designated as affordable housing...

Page 2-8 (Table 2-1, *Project Characteristics*, revised rows only):

Gross Residential Density	<u>5.14</u> <del>4.22</del> DU/gross acre <sup>3</sup>
Notes: DU = dwelling units	
<sup>1</sup> Please refer to the affordability options described in Section 2.5.2, below.	
<sup>2</sup> The respective number of SFD single-story and SFD two-story units may vary; however, the total of both unit types would remain at 121 units.	
<sup>3</sup> <u>Calculated by dividing the total number of residential lots (141 lots) by the development acreage (27.45 acres; excludes proposed easement areas).</u>	

Page 2-8 (Section 2.5.1, *Affordability*):

...These 30 proposed affordable ADUs would represent approximately 17.5 percent (17.5%) of the total units or 21 percent (21%) of the total residential lots units, thereby exceeding the County's requirement of 15 ~~20~~ percent.

Page 2-12 (Section 2.5.5, *Public Services*):

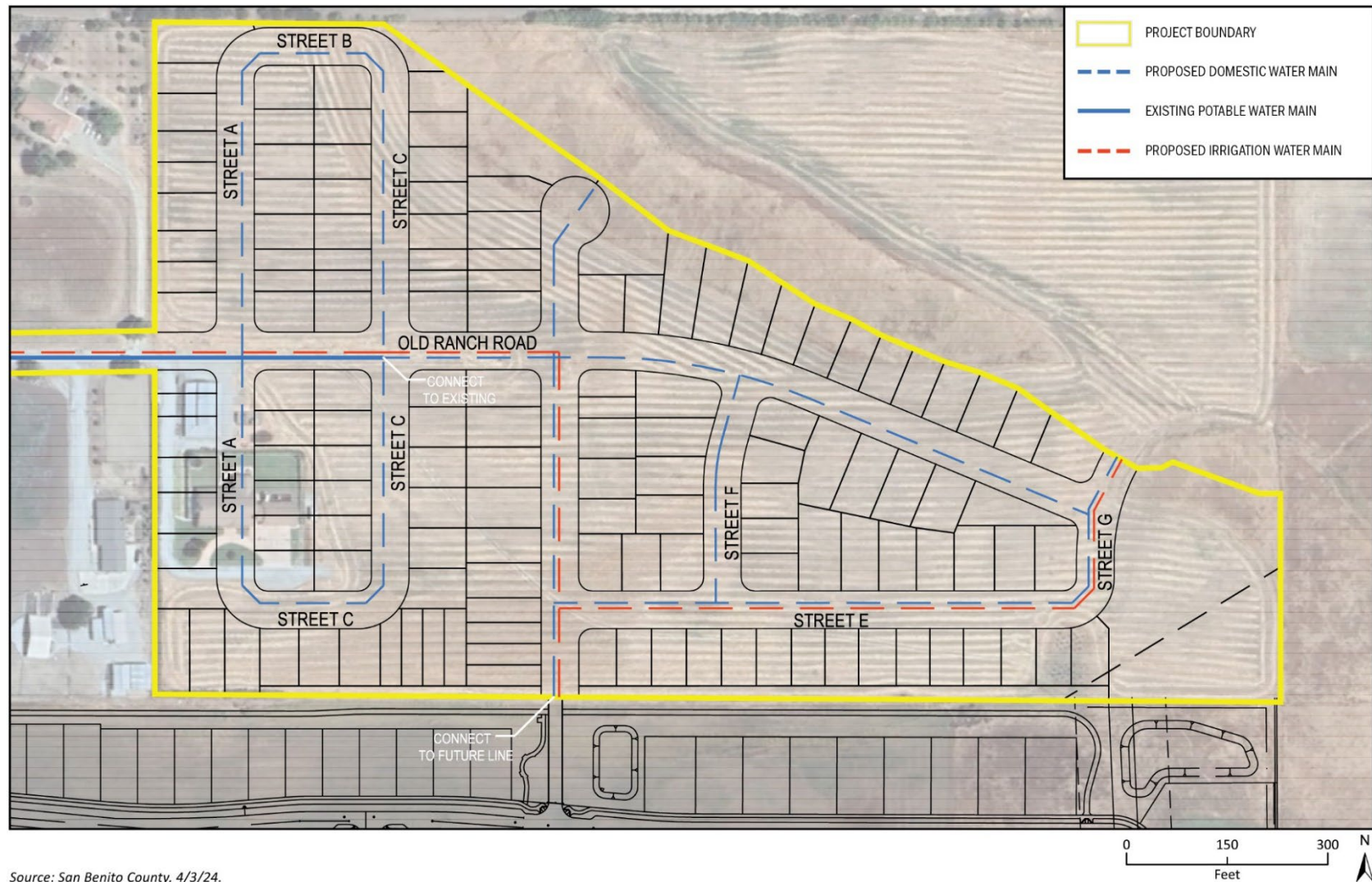
The San Benito Sherriff's Department would provide law enforcement services. Fire protection and emergency response services are provided by the City of Hollister Fire Department through a contract with San Benito County. The site is within SBCFD Service Area 26. SBCFD contracts with the Hollister Fire Department. Hollister Fire Station 2 is the first due and nearest fire station located at 2240 Valley View Road which is 1.5 miles to Service Area 26. The second fire station is located at 110 Fifth Street which is 4.1 miles to Service Area 26. California Department of Forestry and Fire Protection (CAL FIRE) is a State resource and is only available upon request through the state mutual aid request process to Service Area 26. to manage and provide these services. ~~The nearest fire station is the CAL FIRE station at 1979 Fairview Road, approximately 1.4 miles north of the site.~~

Page 2-12 (Section 2.5.6, *Utilities*; Water subsection):

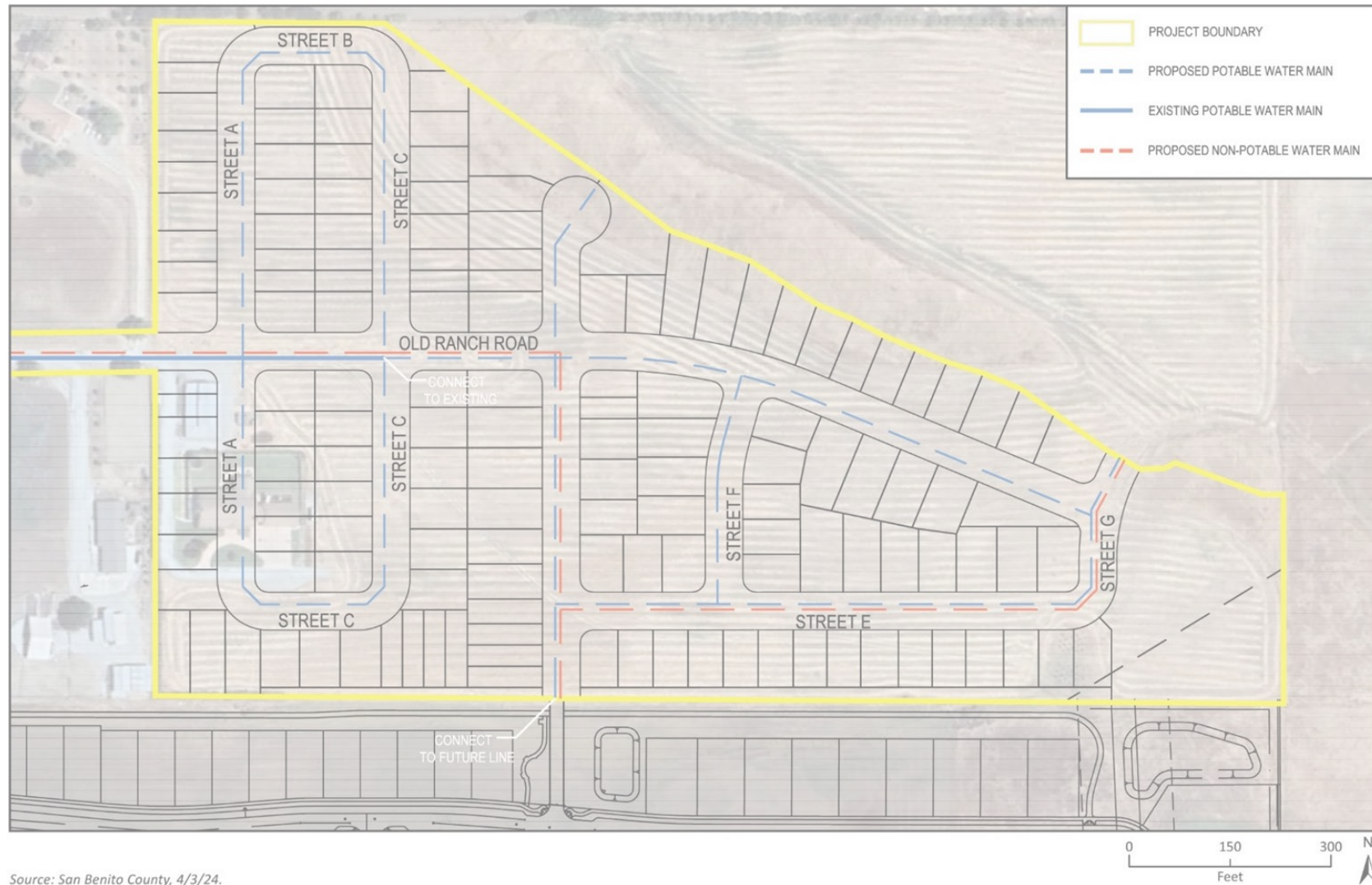
...Buildout of the project site and adjacent planned development would result in a looped system of domestic water mains between Gavilan Community College's San Benito Campus, Fairview Corners residential development, and the current residences on Old Ranch Road. The project also includes the installation of non-potable irrigation water mains for possible future irrigation of the proposed public park and remainder parcel, as well as installing non-potable irrigation water mains through the project site to the intersection of Old Ranch Road and Fairview Road. The proposed non-potable irrigation water mains would connect to the planned development immediately south of the project site. The proposed on-site potable and non-potable domestic and irrigation water main systems would be dedicated to SCWD for operation and maintenance, funded through monthly water rates collected by SCWD. Figure 2-7 shows the proposed location for new potable and non-potable water domestic and irrigation water mains on site.

Page 2-13 (Section 2.5.6, *Utilities*; Water subsection, Figure 2-7; the new figure precedes the old figure):

Figure 2-7 Proposed Potable Domestic and Non-Potable Irrigation Water Pipelines









Page 2-14 (Section 2.5.6, *Utilities*; Wastewater subsection):

...Therefore, the wastewater agreement between SCWD and the City of Hollister to provide service to multiple developments, including the proposed project, is now in place and operable. Please refer to Section 2.7, *Project Permits and Approvals*, which identifies requirements related to agreements between the City of Hollister and SCWD.

Page 2-18 (Section 2.5.8, *Sustainability Features*):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ The project would install photovoltaic systems on all proposed residential structures...

Page 2-19 (Section 2.6, *Project Objectives*):

- Extend ~~a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

## Section 3, Environmental Setting

Page 3-3 through 3-5 (Section 3.3, *Cumulative Development*):

**Table 3-1 Cumulative Projects List**

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
Award Homes	West of Fairview Road, south of St. Benedict's Church	507 single-family dwelling units (dwelling unit), <del>60 dual dwelling</del> <u>single family detached</u> units, and 100 multi-family dwelling units	Approved
Silver Oaks	West of Valley View Road, south of Hazel Hawkins Hospital, east of Airline Highway	170 senior detached dwelling units	Approved
Bella Sera	West of Ladd Lane, across from Hillock Drive	63 multi-family dwelling units	Approved
Cerrato	Between Meridian Street and Hillcrest Road, west of Memorial Drive	241 single-family dwelling units	Approved
Farmstead	South Street and Westside Boulevard	13 single-family dwelling units	Approved
Allendale	North Street and Buena Vista Road	60 multi-family dwelling units and 279 single-family dwelling units	Approved
Los Pinar	East of Cushman Street, south of Nash Road	44 multi-family dwelling units, <del>15</del> <u>26</u> attached and <del>26</del> <u>15</u> detached single family dwelling units	Approved
Robert's Ranch	Fairview Road and Mimosa Road	192 single-family dwelling units and 49 multi-family dwelling units	Approved
Solorio Park II	1040 South Street	25 single-family dwelling units	Approved

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
Mirabella II	North of Buena Vista Road, west of Miller Road	157 single-family dwelling units and 26 multi-family dwelling units	Approved
400 Block/ <u>DelCurto Brothers Construction</u>	365 4th Street; 430, 434, and 438 San Benito Street	22 multi-family dwelling units <u>and 30,738-square foot commercial mixed-use building</u>	Approved
Rong Chang USA/John Wynn	Northeast of Hollister Municipal Airport, west of San Felipe Road	151,200-square foot shell building	Approved
Hawkins Companies/Christian Samples, AICP	West of SR 25, south of Park Street	165,533-square foot shopping center	Approved
Gleanomic, LLC	1802 Shelton Drive	Subdivision an approximately 79,400 square foot building into three separate commercial/industrial condominiums	Approved
American Casting	71 Fallon Road	Construction of new 21,200-square foot two-story industrial building to replace existing 2,160-square foot manufactured building	Approved
<del>DelCurto Brothers Construction</del>	<del>365 Fourth Street</del>	<del>30,738-square foot commercial mixed-use building</del>	<del>Approved</del>
Community Foundation	460, 434, 438 San Benito Street	10,858-square foot community building	Approved
Geary Coats	773 San Felipe Road	2,400-square foot cannabis dispensary	Approved
Scenic Southside	Southside Road	184 single-family dwelling units	Approved
Faye Hollister Lane	3061 Southside Road	84 single-family dwelling units	Approved
Santana Ranch	East of Fairview Road from Hillcrest to Sunnyslope	1,092 single-family dwelling units, 800-student elementary school, and 65,000-square foot of commercial space	Under construction
Fairview Corners Residential	Northeast Corner of Fairview Road and Airline Hwy	220 single-family dwelling units	Approved
River View Estates III	24 100% affordable single-family dwelling units	Approved	
San Juan Oaks	Southwest corner of Union Street and San Juan Oaks Drive	1,100 residential dwelling units, 200-room hotel, 65,000-square foot commercial space, assisted living/skilled nursing center	Approved
Solorio Park I	1001 4th Street	76 single-family dwelling units	Approved
Roth Family Living Trust	2400 Cole Road	6 single-family dwelling units	Approved
Brigantino [Sunnyside Estates]	Southside Road, South of Union Road	200 single-family dwelling units	Approved
Gonzalez north of Buena Vista	North of Buena Vista Road, east of Carmoble Drive	Pre-zone 11.11 acres medium density <del>(133 maximum dwelling units)</del> <u>(130 multifamily dwelling units)</u>	Pending <u>(Annexed and Entitled)</u>

County of San Benito  
**Lee Subdivision Project**

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
Rosati	South of Santa Ana Road, north of Meridian St, west of El Toro Drive	Pre-zone 23.45 acres medium density <del>(192 116 single-family detached dwelling units and 48 multi-family dwelling 28 duet/single-family attached units)</del>	<del>Pending</del> <u>Under construction</u>
Sywak/Powell St	Powell Street and A Street	64 multi-family dwelling units	Pending
Kutz south of Hillcrest	Hillcrest Road and El Cerro Drive	<del>90-19</del> single-family dwelling units	<del>Pending</del> <u>Construction Completed</u>
Pacific West Communities	Northeast corner of Miller Road and San Juan Road	57 multi-family dwelling units	Pending
Pivetti	Valley View Road between Sunnyslope Road and Sunset Drive	24 single-family dwelling units	Pending
Campisi, Elizabeth	Northwest Corner of Southside and Enterprise	23 single-family dwelling units	Pending
Javid Asst. Living	3586 Airline Highway	180-room assisted care facility	Pending
Clearist Park	San Felipe Road	Subdivision of three parcels consisting of 207 total acres into 60 lots ranging in size from 1.68 to 11.30 acres for future industrial use	Pending
Williams – Spring Meadows Est	1735 Santa Ana Road	20 single-family dwelling units	Pending
Lima Property Specific Plan	Airline Highway, south of Fairview Road	1,185 residential dwelling units, 42,000-square foot commercial/retail space and up to 95 residential dwelling units in the mixed-use village commercial parcel, and a 928-student middle school	Pending
Woodle	North of Buena Vista Road, west of Miller Road	Pre-zone 9.09 acres medium density <del>(109 maximum residential dwelling units)</del> <u>(100 single family detached units)</u>	Pending <u>(Annexed and Entitled)</u>
Chappell Road	South of and east of North Chappell Road, west of SR 25, north of Santa Ana Road	Pre-zone 118 acres low density (926 residential dwelling unit and 303,700-square foot commercial space) <u>Two entitled projects: 82 single family units (Everglen Subdivision) and 75 single family detached and 16 duets (Kramer Commons Subdivision)</u>	Pending
San Benito County Behavioral Health Center	San Felipe Road, north of Wright Road	17,212-square foot clinic	Pending

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
The Bluffs at Ridgemark	Southwest corner of Ridgemark Drive and Lanini Drive	93 single-family dwelling units	Pending
Vista del Calabria	213 Enterprise Road	149 single-family dwelling units	Approved
Ridgemark Subdivision Project	Ridgemark Golf Course and Country Club (253 acres of the 618-acre area)	190 residential lots, 5 commercial/nonresidential lots, 5 golf course lots, one park	Pending
Source: County of San Benito 2022; Hexagon Transportation Consultants, Inc. 2022, Megaña 2020			

## Section 4.2, Biological Resources

Page 4.2-4 (Section 4.2.1, *Biological Resources*):

- Burrowing owl (*Athene cunicularia*; [SSC, state petitioned for listing])
- Western pond turtle (*Actinemys marmorata*, [SSC, federally proposed threatened])
- Western spadefoot toad (*Spea hammondi*; [SSC, federally proposed threatened])

## Section 4.4, Geology and Soils

Section 4.4, *Geology and Soils*. Section has been updated to make reference to Appendix E instead of Appendix F.

Page 4.4-1:

This section is also based on a surface fault-rupture hazard investigation performed by Berlogar Stevens & Associates (BSA) in March 2020, which was reviewed by certified engineering geologists at Earth Systems Pacific in April 2020 (~~Appendix F~~ Appendix E).

Page 4.4-1:

Additionally, the Tres Pinos Fault runs approximately 1,000 feet south of the project site and terminates in the southeast corner of the site (~~Appendix F~~ Appendix E). The center of the project site is within an Alquist-Priolo Earthquake Fault Zone (Appendix E). However, based on subsurface explorations, the potential for ground surface rupture within the project site is low (~~Appendix F~~ Appendix E).

Page 4.4-9 to 4.4-10:

As described above in Section 4.4.1, Setting, the project site is known to be within an Alquist-Priolo Earthquake Fault Zone. CGS maps indicate that the Tres Pinos Fault runs north and terminates in the center of the project site. However, as described in the surface fault-rupture hazard investigation (BSA 2020; ~~Appendix F~~ Appendix E), the Tres Pinos fault does not traverse the project site as mapped. In 1989, Terratech conducted seven exploratory trenches for the property adjacent to the project site to the south, which indicated that the fault veers to the northeast to travel through the southeast corner of the project site. A trench located approximately 30 feet south of the project site revealed two to five fault traces generally trending north. Subsurface explorations performed by BSA confirmed that the Tres Pinos fault does not cross into the project site as mapped by CGS and there is a low probability of surface

fault rupture (~~Appendix F~~ Appendix E). The surface fault-rupture hazard investigation (~~Appendix F~~ Appendix E) recommends a building exclusion zone located in the southeast corner of the site, as shown in Figure 2-3 in Section 2, Project Description. This building exclusion zone has been incorporated into project design. As shown in Figure ~~2-3~~ 2-4 in Section 2, Project Description, the proposed project does not propose any structures to be located within this building exclusion zone and would develop the area as a public park.

The Tres Pinos Fault does not traverse the site as mapped by CGS, and subsurface investigations determined that the potential for ground surface rupture within the project site is low (BSA 2020; ~~Appendix F~~ Appendix E). Further, residences would be designed to comply with seismic safety standards established by the CBC, which would reduce and minimize risk to project inhabitants in the event of fault rupture. The project would locate people within an Alquist-Priolo Earthquake Fault Zone. Therefore, the project would not cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. Impacts would be less than significant.

## **Section 4.7, Transportation**

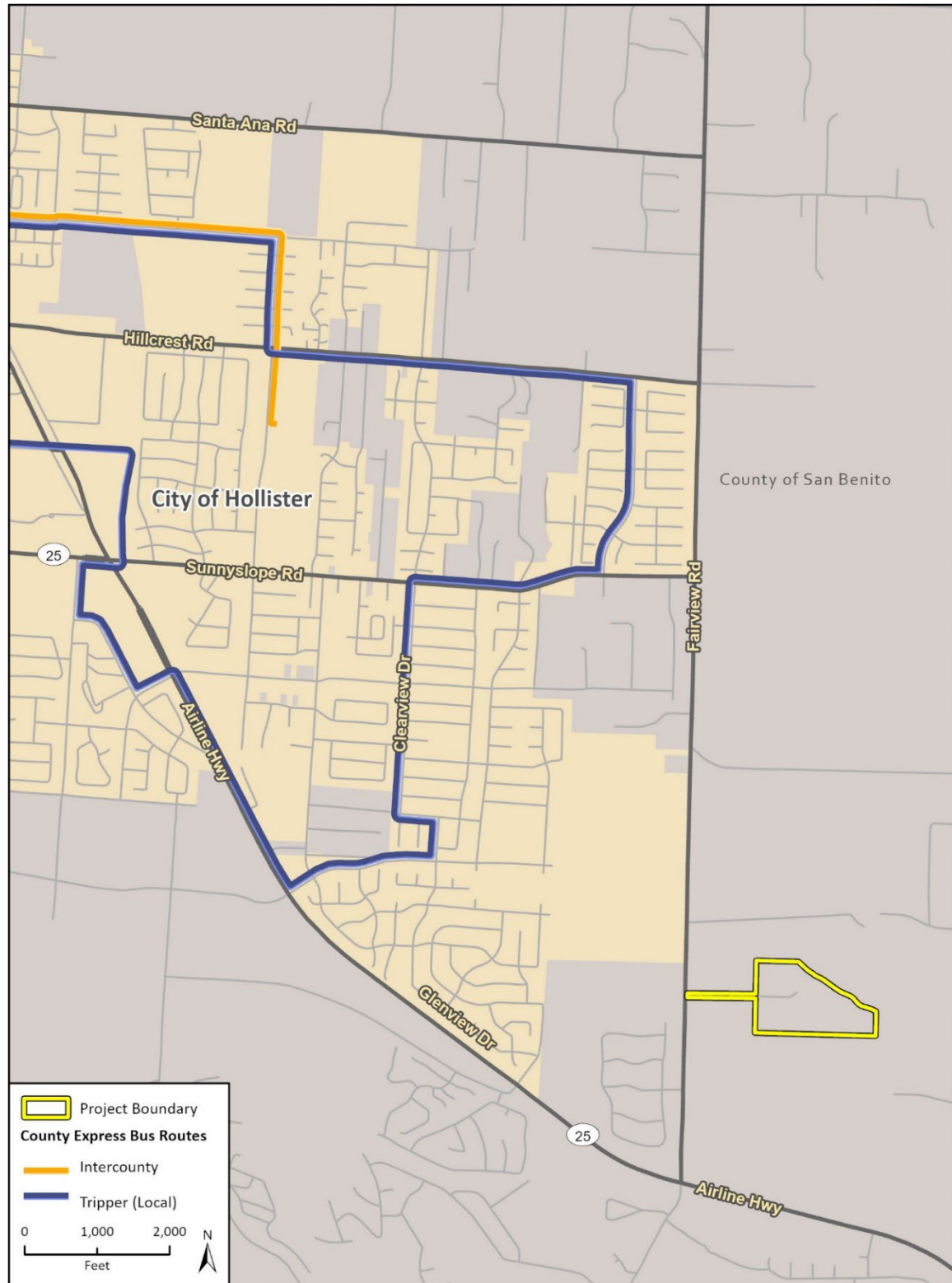
Page 4.7-2 (c. *Existing Transit Facilities*):

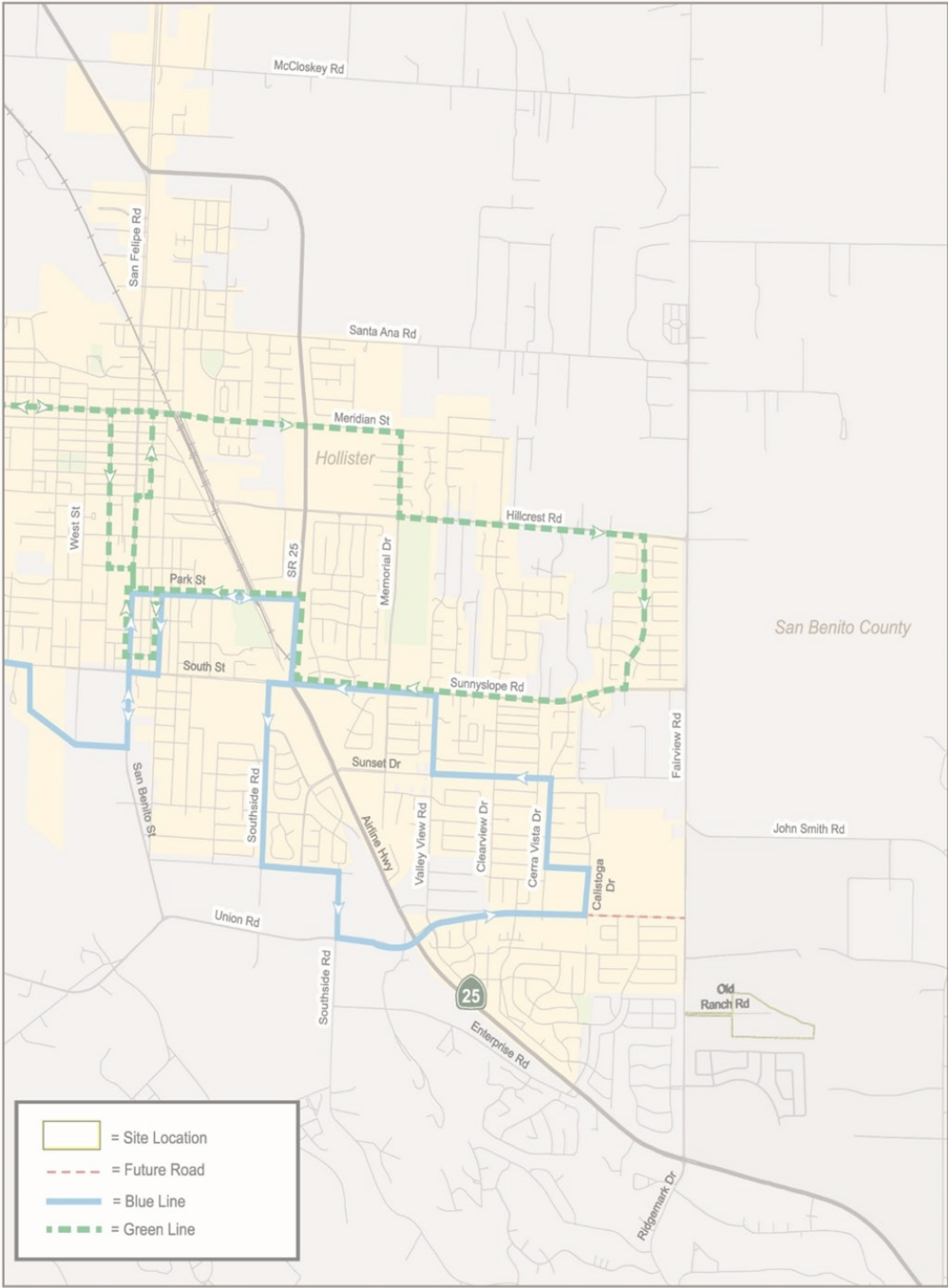
...As shown on Figure 4.7-1, the nearest bus stop to the project site is located along Glenview ~~Calistoga~~ Drive, just north of Union Road, approximately 0.8 mile northwest of the project site.

Page 4.7-2 through 4.7-4 (Figure 4.7-1 and 4.7-2; new figures precede old figures):

...Currently, the project site is ~~not served directly by~~ discontinuous Class II bicycle lane ~~any bicycle facilities~~, as shown in Figure 4.7-2. Additional ~~However~~, Class II bike lanes are provided on the following roadways (denoted by travel distance from the site):

**Figure 4.7-1 Existing Transit Facilities**





Source: Hexagon, 2022.

Not to Scale

**Figure 4.7-2 Existing Bicycle Facilities**



Imagery provided by Microsoft Bing and its licensors © 2024.  
Bike route data provided by San Benito County 2024.

20-10682 S Bnto Co, Lee Subdiv EIR  
Fig 4.7-2 Existing Bicycle Facilities





Source: Hexagon, 2022.

Not to Scale 

## Section 4.9, Utilities and Service Systems

Page 4.9-3 (Section 4.9.1, *Setting*, Wastewater subsection):

...Therefore, the wastewater agreement between SCWD and the City of Hollister to provide service to multiple developments, including the proposed project, is now in place and operable. Please refer to Section 2.7, Project Permits and Approvals, which identifies requirements related to agreements between the City of Hollister and SCWD.

Page 4.9-4 (Section 4.9.1, *Setting*, Solid Waste subsection):

...JSRL is the only operating active solid waste landfill in San Benito County. The Collection Service Area for the project site is in a voluntary service area and residents can either self-haul their solid waste or they can contact Recology to set up Solid Waste collection services.

Page 4.9-13 (Section 4.9.3, *Impact Analysis*):

...The border of the HUA is contiguous with the area addressed in the *Hollister Urban Area Water and Wastewater Master Plan* (City of Hollister, SBCWD, and SCWD 2017); as discussed therein, SCWD-San Benito County Water District (SBCWD), in addition to managing local groundwater, is also the local imported water wholesale agency and holds a the contract to receive water through the CVP and deliver it to end users within the HUA. SCWD works closely with SBCWD to ensure that adequate water supply is available in both groundwater and imported water to meet customer demands. As such, SCWD operates and maintains the infrastructure necessary to convey imported surface water supply and locally produced groundwater supply to end user customers within the HUA.

Page 4.9-15 (Section 4.9.3, *Impact Analysis*):

...Off-site improvements would be limited to an extension of the project's on-site sewer main, to cross under Fairview Road and connect to the existing Manhole L-5-1, from which point SCWD's Hollister's existing sewer system is sufficient to convey project effluent to the Hollister DWRf for treatment and discharge.

Page 4.9-17 (Section 4.9.3, *Impact Analysis*):

...SCWD-San Benito County Water District is the DWR-approved Groundwater Sustainability Agency for the local groundwater resources...

...

Due to the proposed increase in total number of units from 137 to 171, the annual water demand associated with full project buildout would exceed that anticipated in the 2020 UWMP by 13,111 GPD, which is the water demand associated with 34 residential dwelling units.<sup>1</sup> Using the ratio of 325,851 gallons per one acre-foot, 13,111 gallons (per day) divided by 325,851 gallons (per acre-foot) equals 0.040 acre-feet per day; continued, 0.040 acre-feet (per day) multiplied by 365 (days per) year equals 14.7 AFY. Therefore, the proposed project's increase of 34 residential units would increase wastewater-water demand generated from the project site

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<sup>1</sup> 116.5 gallons per capita per day (actual water use rates in 2020 per the UWMP) multiplied by 3.31 persons per unit (persons per single-family residence rate used in the UWMP) multiplied by 34 units (171 proposed units minus 137 units accounted for in the UWMP).

by 14.7 AFY than was anticipated to occur from the project site based upon the previously projected land uses.

Page 4.9-19 (Section 4.9.3, *Impact Analysis*):

**Impact UTIL-3.** The project would generate wastewater from the new residential land uses, which would be accommodated by existing wastewater treatment facilities owned and operated by the ~~Sunnyslope County Water District~~ City of Hollister. Sufficient wastewater treatment capacity is available. Potential impacts would be less than significant.

## **Section 4.10, Effects Found Not to be Significant**

Page 4.10-5 (Section 4.10.3, *Energy*):

...The stormwater design would implement low-impact development techniques. ~~The project would extend a non-potable water main for future irrigation of the park and other open space areas, which would reduce the project's potable water demand.~~ Further, the project would meet the requirements of the 2019 Building Energy Efficiency Standards and the 2022 California Energy Code...

Page 4.10-6 (Section 4.10.4, *Hazards and Hazardous Materials*):

...Therefore, demolition would not result in health hazard impacts related to asbestos and lead-based paint to workers during construction activities. In addition, demolition for the project would be required to adhere to the Hazardous Waste Control Act. The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California HSC Section 25100 et seq.), which is implemented by regulations described in CCR Title 26. The regulations list materials that may be hazardous, and establish criteria for their identification, packaging, and disposal. The project would comply with the appropriate requirements for the identification, packaging, and disposal of hazardous materials, including mercury and polychlorinated biphenyl caulk. As such, and impacts related to the release of hazardous materials from demolition would be less than significant.

## **Section 5, Alternatives**

Page 5-2:

- ~~Extend a the County's non-potable~~ water main to the remaining undeveloped portion of the project parcel, the Dividend Homes development to the south, the Old Ranch Road/Fairview Road connection to the west, and the on-site park to provide ~~sustainable~~ irrigation from a connection point at the project site southern boundary.

## **4 Mitigation Monitoring and Reporting Program**

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CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final Recirculated Environmental Impact Report (Final Recirculated EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<b>Air Quality</b>							
<b>AQ-3: Construction Emissions Reduction</b>							
<p>Prior to issuance of grading permits, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. In the event of specialized equipment where Tier 4 Final equipment is not commercially available at the time of construction, the equipment shall meet Tier 3 standards at a minimum.</li> <li>Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on site.</li> <li>Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.</li> <li>The project shall comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction.</li> </ul>	<p>Require the construction contract to require the use of Tier 4 engines in all off-road equipment greater than 50 horsepower, use of alternative fuel equipment as feasible, use of electricity from the power grid or a non-diesel generator, and limiting the use of diesel-powered equipment and vehicle idling to no more than 5 minutes.</p>	<p>Prior to issuance of grading permits</p>	<p>Once</p>	<p>County of San Benito</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<b>Biological Resources</b>							
<b>BIO-1(a): California Tiger Salamander (CTS), California red-legged frog (CRLF), and Western Spadefoot Toad (WST) Pre-Construction Survey and Avoidance</b>							
<p>The following measures are required to reduce impacts to individual CTS, CRLF, and WST habitat (additional measures may be required by the CDFW and/or USFWS):</p> <ul style="list-style-type: none"> <li>No more than 14 days prior to the start of any construction activities (including staging and mobilization), a qualified biologist shall conduct a pre-construction survey within the disked hayfield. The surveys shall include mapping of all areas containing small mammal burrows.</li> <li>An additional pre-construction clearance survey for CTS, CRLF, and WST shall be conducted where suitable habitat is present not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer.</li> <li>Prior to the start of any construction activities (including staging and mobilization), a qualified biologist shall oversee installation of exclusion fencing (e.g., silt fencing) along the north, east, and southern boundaries of the site (i.e., along the boundaries with undeveloped parcels) to prevent CTS, CRLF, and WST from entering active work areas.</li> <li>To avoid encountering migrating CTS within range of potentially suitable aquatic habitat, initial ground disturbance within upland areas shall be limited to July 15 to October 15. Work shall be postponed if chance of rain is greater than 70 percent based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a qualified biologist shall conduct a clearance sweep of work areas prior to the start of work.</li> </ul>	<p>Require the submittal of a report from a qualified biologist detailing the results of a pre-construction survey conducted no more than 14 days prior to the start of construction or 48 hours in advance of construction for areas containing suitable habitat for CTS, CRLF, and WST.</p> <p>Prohibit initial ground disturbing activities from occurring between October 15 and July 15. Require construction be postponed if the chance of rain is greater than 70 percent or within 48 hours following a rain event of greater than 0.1 inch. If the above requirements cannot be met, require the submittal of a report from a qualified biologist detailing the results of a clearance sweep of work areas prior to the start of work.</p> <p>Require the project applicant to retain a County-approved biologist to be present during initial ground disturbance of areas within or adjacent to habitats supporting CTS or CRLF.</p> <p>Require in the construction contract that work shall be halted if any CTS or CRLF are identified within the work area, and notification of the County, CDFW, and USFWS.</p>	Prior to construction	Once, and then as needed	County of San Benito, CDFW, USFWS			

County of San Benito  
**Lee Subdivision Project**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<ul style="list-style-type: none"> <li>All projects occurring within or adjacent to habitats that may support CTS or CRLF shall have a County-approved biologist present during all initial ground disturbing/vegetation clearing activities.</li> <li>If any life stage of the CTS or CRLF is identified within the work area, construction and grading in these areas shall be halted and the County, CDFW, and USFWS shall be contacted immediately. Additional avoidance strategies shall be approved by the County in consultation with CDFW and USFWS to achieve compliance with the ESA and CESA. At a minimum, mitigation measures shall include purchase of credits at an approved conservation bank or purchase and management of offsite suitable upland habitat for CTS to offset loss of suitable upland habitat for this species (i.e., area[s] containing small mammal burrows) at a ratio of 2:1 (two acres preserved for every one acre of impact).</li> <li>A pre-construction survey report shall be submitted to the County Resource Management Agency within 15 days of completion of the survey. The report shall include the dates, times, weather conditions, aquatic and terrestrial habitat conditions (including a map of small mammal burrow or burrow complex locations), agency consultation(s) if individuals are discovered, and personnel involved in the surveys.</li> </ul>							
<b>BIO-1(b): Worker Environmental Awareness Program (WEAP)</b>							
Prior to the initiation of grading or construction activities (including staging and mobilization), a County-approved qualified biologist shall conduct a WEAP training to be attended by all personnel associated with project construction. The purpose of the WEAP is to aid personnel in recognizing special-status resources that may occur on the project site. The specifics of this program shall include identification of the sensitive species and	Require the project applicant to retain a County-approved qualified biologist to conduct WEAP training for all construction personnel. Require the construction contractor to submit the WEAP attendance log.	Prior to construction	Once	County of San Benito			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. In addition, personnel will be briefed on the reporting process in the event of an unintended occurrence or inadvertent injury to a special-status species during construction or operations. All employees shall sign a form provided by the trainer documenting that they have attended the WEAP and understand the information presented to them. A WEAP attendance log that includes the names and signatures of all personnel that have received the training shall be provided to the San Benito County Resource Management Agency, Planning Division compliance monitoring staff prior to the start of grading or construction activities.							
<b>BIO-1(c): General Avoidance and Minimization Measures</b>							
The following measures shall be implemented during grading and construction activities and implementation of the compensatory mitigation if required under BIO-1(a).	Require the construction contractor identify equipment and material storage, parking, and staging areas.	Prior to issuance of the grading permit	Once	County of San Benito			
<ul style="list-style-type: none"> <li>Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.</li> <li>All work shall occur during daylight hours.</li> </ul>	Require the construction contract to include: <ul style="list-style-type: none"> <li>Flagging and fencing of the construction limits of disturbance</li> <li>Limiting construction to daylight hours</li> <li>Enclosing all food-related trash items in sealed containers</li> <li>Prohibiting pets at the construction site</li> <li>Placement of vehicle maintenance, fueling, and staging at least 60 feet from riparian habitat or water bodies</li> </ul>	During construction	As needed				



County of San Benito  
Lee Subdivision Project

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<ul style="list-style-type: none"> <li>Upon completion of construction all excess materials and debris shall be removed from the project site and disposed of appropriately.</li> <li>The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.</li> <li>Pets shall be prohibited at the construction site.</li> <li>All vehicle maintenance/fueling/staging shall occur not less than 60 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.</li> <li>All equipment operating on site shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within 100 feet of aquatic habitat and extra spill containment and clean up materials shall be located in close proximity for easy access.</li> <li>At the end of each workday, excavations shall be secured with a cover, or a ramp shall be provided to prevent wildlife entrapment.</li> <li>All trenches, pipes, culverts, or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.</li> <li>To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times (i.e., decontamination protocol).</li> <li>The applicant shall retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures. The approved biologist shall submit monthly maintenance reports during construction to the County.</li> </ul>	<ul style="list-style-type: none"> <li>Use of equipment in good conditions and free from leaks, with spill containment installed</li> <li>Securing excavations with covers or ramps at the end of each work day</li> <li>Inspecting materials for animals prior to burying, capping, moving, or filling</li> </ul> <p>Require the construction contract to include removal and proper disposal of all excess materials and debris.</p> <p>Require the qualified biologist to follow decontamination protocol.</p> <p>Require the applicant to retain a County-approved qualified biologist to monitor compliance and submit monthly reports.</p>	<p>Upon completion of construction</p> <p>Prior to entering or exiting the project site</p> <p>Prior to and during construction</p>	<p>Once</p> <p>As needed</p> <p>Once, monthly</p>				

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<b>BIO-1(d): Western Pond Turtle and San Joaquin Whipsnake Pre-construction Survey</b>							
<p>No more than 14 days prior to the start of any construction activities (including staging and mobilization), a qualified biologist shall conduct a pre-construction survey for western pond turtle, and San Joaquin whipsnake (coachwhip) within suitable habitat on the project site. If any of these species are identified within the work area, work that may potentially cause injury or harm to the species shall be halted until the individual leaves the site on their own. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed.</p> <p>The results of this survey shall be included in the pre-construction survey report submitted to the County Resource Management Agency within 15 days of completion of the survey.</p>	Require the submittal of a report from a qualified biologist detailing the results of a pre-construction survey conducted no more than 14 days prior to the start of construction for western pond turtle and San Joaquin whipsnake.	Prior to construction	Once	County of San Benito, CDFW			
<b>BIO-1(e): Nesting Migratory Birds and Raptors Survey and Avoidance</b>							
<p>If ground disturbance, vegetation thinning, or other construction activities are proposed during the bird nesting season (February 1 through August 31), a focused survey for nesting raptors and migratory bird nests shall be conducted by a qualified biologist within 15 days prior to the beginning of construction activities to identify active nests. This survey shall be conducted within the proposed construction area and all accessible areas within 500 feet of the construction area for passerines and small raptors (including white-tailed kite and Loggerhead Shrike), and 0.25 mile for golden eagle, and Swainson's hawk. The results of this survey shall be submitted to the County prior to the start of work.</p> <p>If active raptor nests are found, no construction activities shall take place within 500 feet, or 0.25 mile for golden eagle and Swainson's hawk, of the nest until the young have fledged. If active nests are found, a 100-foot no disturbance buffer shall be established around the nest location. The no-disturbance buffer may be reduced based on the</p>	Require the submittal of a report from a qualified biologist detailing the results of a focused survey conducted within 15 days prior to the start of construction for active nests, if construction occurs between February 1 and August 31, or if construction lapses for a period of 15 days or longer.	Prior to construction	Once	County of San Benito			

County of San Benito  
**Lee Subdivision Project**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
recommendations of the qualified biologist and approval of the County. The perimeter of the protected area shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist. If tree removal is necessary, trees containing nests shall be removed during the nonbreeding season (September 1 through January 31). If no active nests are found during the focused survey, no further mitigation shall be required. If a lapse in construction work of 15 days or longer occurs during the nesting season, additional nest surveys shall be required before construction is reinitiated.							
<b>BIO-1(f): San Joaquin Kit Fox Survey and Avoidance</b>							
Prior to any ground disturbance, a qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius within accessible areas. The survey shall establish the presence or absence of San Joaquin kit fox and/or suitable dens in accordance with USFWS survey guidelines (USFWS 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. If construction lapses for more than 30 days, the survey shall be repeated. Adjacent parcels under different land ownership are not required to be surveyed. The status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to the County within five working days after survey completion and before the start of ground disturbance. If San Joaquin kit foxes and/or suitable dens are not identified in the survey area, further mitigation is not necessary. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, avoidance measures in accordance with USFWS protocol shall only be implemented under the authorization of both a CDFW Incidental Take Permit (ITP) and a USFWS Habitat	Require the submittal of a report from a qualified biologist detailing the results of a focused survey conducted no more than 30 days prior to the start of ground disturbance for kit fox dens and/or suitable dens in accordance with USFWS guidelines.	Prior to construction	Once	County of San Benito, CDFW, USFWS			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<p>Conservation Plan (HCP). These measures may include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for three days by a qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.</li> <li>▪ Unoccupied dens shall be destroyed immediately to prevent subsequent use following USFWS protocol.</li> <li>▪ If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW. Documentation of USFWS and CDFW approval shall be submitted to the County prior to den removal.</li> <li>▪ If San Joaquin kit fox activity is observed at a den during the initial three-day monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially blocking the entrance with one-way doors such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist.</li> <li>▪ If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). Ground disturbance activities shall not occur within the exclusion zones. Exclusion zone radii for potential dens</li> </ul>							

County of San Benito  
**Lee Subdivision Project**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 500 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by San Joaquin kit fox.							
<b>BIO-3(a): Wetland and Drainage Avoidance</b>							
Construction impacts to wetlands and drainages shall be avoided to the maximum extent feasible. Under the direction of a County-approved, qualified biologist, bright orange construction fencing shall be placed to mark a 100-foot buffer from the extent of the wetland to be avoided by construction, as feasible, to protect wetlands and drainages that would not be impacted by the project. The fencing shall be installed prior to the initiation of ground disturbance activities and shall remain in place until grading and construction activities are complete. No vehicles, person, materials, or equipment shall be allowed into the designated protected area. Grading plans shall show the location of these areas and protective fencing. Grading plans showing the location of wetlands and drainages as well as protective fencing locations shall be submitted to the County of San Benito for review and approval prior to issuance of zoning clearance for grading. Construction within the swale shall be avoided during the wet season, from October 1 through May 1.	Require a qualified biologist to oversee the implementation of wetland protection measures, and review grading plans depicting the location of all wetlands and drainages as well as the protective fencing locations for wetlands.	Prior to construction	Once	County of San Benito			
<b>BIO-3(b): Off-Site Drainage Mitigation</b>							
Impacts to the off-site drainage shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted) for permanent impacts and minimum ratio of 1:1 (acres of habitat restored to acres impacted) for temporary impacts. Upon final design, the County-approved biologist shall determine the final impacts to wetlands and the subsequent amount of acreage needed for restoration for the project. Restoration on the	Require a qualified biologist to determine the final impacts to wetlands and subsequent acreage need for restoration of the project.  Approve off-site restoration at a location in the same watershed as the project.  Require a qualified biologist to prepare an Off-Site Restoration Plan and review	Prior to construction and grading permit issuance	Once	County of San Benito, USFWS, USACE, RWQCB, CDFW			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<p>project site is preferable. However, the County may approve off-site restoration at a location in the same watershed as the project that results in equal compensatory value if the applicant can demonstrate to the County's satisfaction that restoration on the project site cannot be achieved. An Off-Site Restoration Plan developed by a County-approved biologist shall be implemented for no less than five years after construction, or until the local jurisdiction and/or the permitting authority (e.g., USACE) has determined that restoration has been successful. The timing of construction of required mitigation measures shall be determined based on the impacts created by each phase of the project and approved by the County.</p> <p>The applicant shall submit the Off-Site Restoration Plan to the San Benito County Resource Management Agency, Planning Division as well as USWFS, USACE, RWQCB, and/or CDFW (depending upon the agencies permitting authority over the project) for review and approval prior to issuance of grading permits.</p>	the timing of construction of required mitigation measures.						
<b>Cultural Resources</b>							
<b>CUL-2: Unanticipated Discovery of Archaeological Resources</b>							
<p>If work is halted due to an unanticipated discovery, consistent with Chapter 19.05 of the San Benito County Code, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately and retained to evaluate the find. In addition to recording the site and preparing an archaeological report (as required per Chapter 19.05), the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the proposed project, additional work, such as data recovery excavation, may be warranted, at the recommendation of the professional archaeologist. If archaeological</p>	<p>Require in the construction contract that work be halted upon discovery of an archaeological find. Retain an archaeologist meeting the Secretary of Interior's Professional Qualifications Standards for archaeology following discovery of cultural artifacts to evaluate the find.</p>	Prior to and during construction	Once and as needed	County of San Benito			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
resources of Native American origin are identified during project construction, a qualified archaeologist will consult with the County to begin Native American consultation procedures.							
<b>Geology and Soils</b>							
<b>GEO-7: Paleontological Resources Monitoring and Mitigation</b>							
The County shall require the project proponent to implement the following measures for any construction phase in previously undisturbed geologic strata with high paleontological sensitivity in the project site and off-site improvement areas (for Wastewater Options 1 and 2):	Require a qualified paleontologist or their designee to conduct a paleontological Worker Environmental Awareness program training for construction personnel.	Prior to construction	Once and as needed	County of San Benito			
<p>1. <b>Paleontological Worker Environmental Awareness Program.</b> Prior to the start of construction, the Qualified Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</p> <p>2. <b>Paleontological Monitoring.</b> Full-time paleontological monitoring shall be conducted during ground disturbing construction activities (i.e., grading, trenching). Monitoring shall be directed by a Qualified Paleontologist, defined as an individual meeting the SVP (2010) standards of a qualified professional paleontologist (i.e., someone with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years). Paleontological monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP</p>	Where high paleontological sensitivity is present, require a qualified paleontologist to monitor the project during ground disturbing activities, and require that all activity cease in the vicinity of a paleontological find should one be uncovered. Require a qualified paleontologist to prepare a final report detailing all monitoring, and scientific significance of any paleontological findings, and recommendations.	During and upon completion of construction					

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<p>(2010) for a Paleontological Resources Monitor. The duration and timing of the monitoring shall be determined by the Qualified Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to the review and approval by San Benito County. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:</p> <p>a. <b>Fossil Salvage.</b> If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. Bulk matrix sampling may</p>							



Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<p>be necessary to recover small invertebrates or microvertebrates from within paleontologically sensitive deposits</p> <p>b. <b>Fossil Preparation and Curation.</b> Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.</p> <p>3. <b>Final Paleontological Mitigation Report.</b> Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to San Benito County. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.</p>							

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<b>Tribal Cultural Resources</b>							
<b>TCR-1: Unanticipated Discovery Tribal Cultural Resources</b>							
<p>If cultural resources of Native American origin are identified during implementation of the proposed project, all earth-disturbing work within 200 feet of the find shall cease and desist until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. Staking of the area of discovery will be implemented with stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the County, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.</p>	<p>Require in the construction contract that work within 200 feet of discovered tribal cultural resources be temporarily suspended or redirected.</p> <p>In the event of discovery, retain a qualified archaeologist and contact the proper Native American representative to evaluate the resource. Consult with Native American groups to create a mitigation plan for the unanticipated significant tribal cultural resources.</p>	<p>Prior to grading permit issuance and during construction</p>	<p>Once and as needed</p>	<p>County of San Benito</p>			

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