

**DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

240 COLE ROAD SUBDIVISION PROJECT

Prepared for the County of San Benito, California
Resource Management Agency

May 31, 2019

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Project Data

1. **Project Title:** 240 Cole Road Subdivision Project
2. **Lead Agency Name and Address:** San Benito County Resource Management Agency, 2301 Technology Parkway, Hollister CA 95023
3. **Contact Person and Phone Number:** Michael Kelly, Associate Planner, (831) 902-2287, MKelly@cosb.us
4. **Project Location:** The proposed project, described below, is located at 240 Cole Road, Aromas, approximately 12 miles west of the City of Hollister in unincorporated San Benito County, California. The site is made up of a single 37.43-acre parcel (Assessor's Parcel Number ["APN"] 011-270-007-000) and is located approximately 1,100 feet north of Highway 101. Local access to the site is provided by 37.43. The property is bordered by grazing on the north, rural residential development on the east, rural/vacant land uses on the south, grazing and rural residential on the west; overall grazing and rural residential land uses surround the site. Regional access to the site is available via Highway 101 and Cole Road, local access would be via Ricardo Drive and a new access road to be constructed off Ricardo Drive.
5. **Project Description:** The project consists of the subdivision of an existing 37.43-acre parcel into seven (7) residential lots, specifically six (6) new residential lots and one (1) existing residential lot. Minimum lot size would be five (5) acres and each lot would consist of residential land uses, in keeping with the surrounding land uses. Development of the property would include construction of a new access road along Ricardo Drive. In addition, each lot would include construction of driveways, building sites, on-site septic systems, and trenching for underground utilities. Plans for the residences are not currently available, but it is assumed that they would be one- or two-story single-family residences with conventional light frame structures.
6. **Acreage of Project Site:** The project parcel is 37.43-acres; the parcel would be subdivided into six (6) parcels between five (5) and six (6) acres each, and one additional remainder lot. The remainder lot includes existing residential and open space land uses and would not be impacted by the proposed project.
7. **Land Use Designations:** The San Benito County 2035 General Plan designates the project area as Rural ("R") and the project site is zoned Rural/Open Space ("R/OS").
8. **Date Prepared:** May 31, 2019
9. **Prepared By:** Denise Duffy & Associates, Inc.

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Chapter 1. Introduction and Project Description

1.1 Introduction

This Initial Study has been prepared to evaluate the potential environmental effects associated with the 240 Cole Road Project (“project” or “proposed project”), located in unincorporated San Benito County, California (“County”). This document has been prepared in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code §21000 et. seq., and the State CEQA Guidelines, California Code of Regulations (“CCR”) §15000 et. seq.

An Initial Study is an informational document prepared by a lead agency to determine if a project may have a significant effect on the environment (CEQA Guidelines §15063, subd. (a)). If there is substantial evidence that a project may have a significant effect on the environment, an Environmental Impact Report (“EIR”) must be prepared, in accordance with CEQA Guidelines §15064(a). However, if the lead agency determines that revisions in the project plans or proposals made by or agreed to by the applicant mitigate the potentially significant effects to a less than significant level, an Initial Study/Mitigated Negative Declaration (“IS/MND”) may be prepared instead of an EIR (CEQA Guidelines §15070, subd. (b)). The lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071.

The San Benito County Resource Management Agency (“County RMA”) is acting as the Lead Agency pursuant to CEQA Guidelines §15050(a). As the Lead Agency, the County RMA oversaw preparation of this Initial Study pursuant to CEQA Guidelines §15063, §15070, and §15152. This Initial Study will be circulated for agency and public review during a 30-day public review period pursuant to CEQA Guidelines §15073. Comments received by the County RMA on this IS/MND will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines §15074.

The following section is consistent with the requirements of CEQA Guidelines §15124 to the extent that it is applicable to the project. This section contains a detailed description of the project location, existing setting, project components and relevant project characteristics, and applicable regulatory requirements.

1.2 Project Location

The proposed project, described below, is located at 240 Cole Road, Aromas, approximately 12 miles west of the City of Hollister in unincorporated San Benito County, California (see **Figure 1.1** Regional Project Map). The site is made up of a single 37.43-acre parcel (APN 011-270-007-000) and is located approximately 1,100 feet north of Highway 101 (see **Figure 1.2** Project Location).

The property consists primarily of undeveloped ranchland that has historically been used for grazing purposes. The property includes an existing ranch house, accessory buildings (barn and horse paddocks), and other related improvements which would be retained as part of the proposed subdivision in the remainder lot to the west (see **Figure 1.3** Site Photos). The site contains non-native grassland, additionally there are approximately 30 oak and eucalyptus trees on the northwestern portion of the parcel. The site consists of hills with slopes varying from flat to 33%; additionally, a seasonal creek runs during the rainy season and crosses the property from north to south approximately 200 feet west of Cole Road.

Regional access to the project site is provided from Highway 101 and Cole Road. The sites would be accessed by Ricardo Drive and a new access road originating at Ricardo Drive. The property is bordered by grazing on the north, rural residential development on the east, rural/vacant land uses on the south, grazing and rural residential on the west, overall grazing and rural residential land uses surround the site. The San Benito County 2035 General Plan designates the project area as Rural (“R”) and the project site is zoned Rural/Open Space (“R/OS”) (see **Figure 1.4** Zoning Designations).

1.3 Project Description

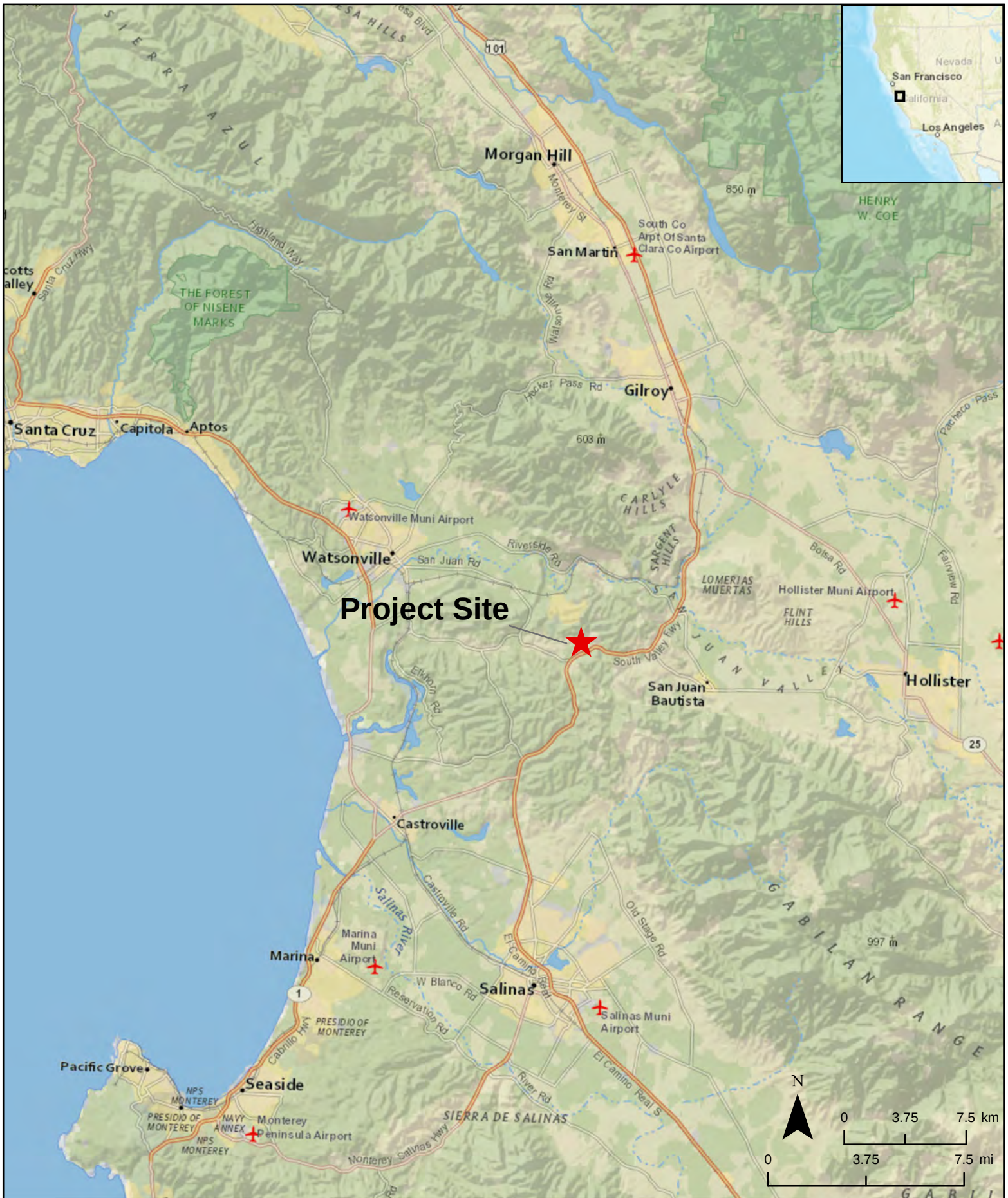
The project consists of a proposed subdivision, which would create seven (7) residential lots, specifically six (6) new residential lots and one (1) existing remainder lot out of a 37.43-acre parcel of land. The existing lot would not be further developed, and existing structures would not be impacted. Each of the parcels created would be between five (5) and six (6) acres in size and would consist of residential land uses, in keeping with the surrounding land uses (**Figure 1.5** Vesting Tentative Map). Development of the property would include construction of a new access road along Ricardo Drive, additionally each lot would include construction of driveways, building sites, on-site septic systems, and trenching for underground utilities. Plans for the residences are not currently available, but it is assumed that they would be one- or two-story single-family residences with conventional light frame structures and attached garages.

The following discussion provides a more detailed description of key proposed project elements, including lot information, access and parking, drainage and utilities, septic system, and grading.

LOTS

The subdivision would create six (6) lots plus one remainder lot. The minimum lot size would be five (5) gross acres, consistent with the existing General Plan and zoning designation for R/OS Districts which allows a minimum five (5) acres. Lots would be developed with single-family residences which is a permitted use in R/OS Districts. Additionally, there would be one remainder lot (six acres), which not be further developed, and existing structures would not be impacted.

Lot Number	Gross Acres	Net Acres	Building Envelope
Lot 1	5.54 ac	4.88 ac	5,000 square feet
Lot 2	5.00 ac	4.85 ac	5,000 square feet
Lot 3	5.00 ac	4.94 ac	5,000 square feet
Lot 4	5.15 ac	4.64 ac	5,000 square feet
Lot 5	5.06 ac	4.77 ac	5,000 square feet
Lot 6	5.65 ac	5.63 ac	5,000 square feet
Remainder lot (existing)	6.01 ac	5.32 ac	N/A
Source: Vesting Tentative Map, MH Engineering Co., October 2015.			



Title:

Regional Project Map

Date: 08/22/2018

Scale: 1 inch = 5 miles

Project: 2018-46



Monterey | San Jose

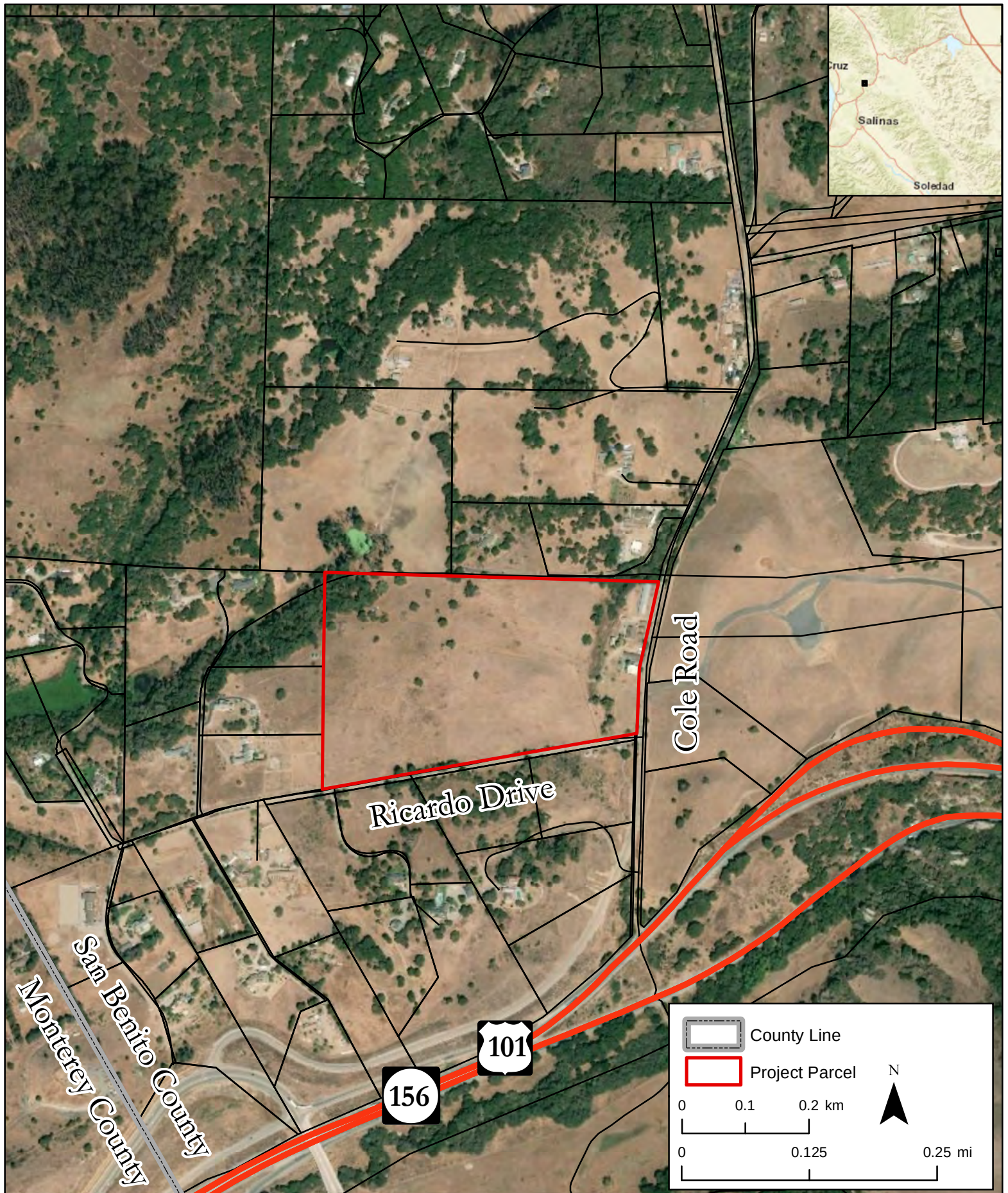
Denise Duffy and Associates, Inc.

Environmental Consultants Resource Planners

947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure

1.1



Title:

Project Location

Date: 8/20/2018

Scale: 1 inch = 0.12 miles

Project: 2018-46



Monterey | San Jose

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Environmental Consultants Resource Planners

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Monterey, CA 93940
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Figure

1.2



Photo 1. View of Project site facing west from southeast corner of lot.



Photo 2. Eucalyptus and oak grove on northwestern corner of Project site.



Photo 3. View of existing residential lot on eastern portion of Project site.



Photo 4. Season drainage bordering existing lot.

Source: DD&A, 2018

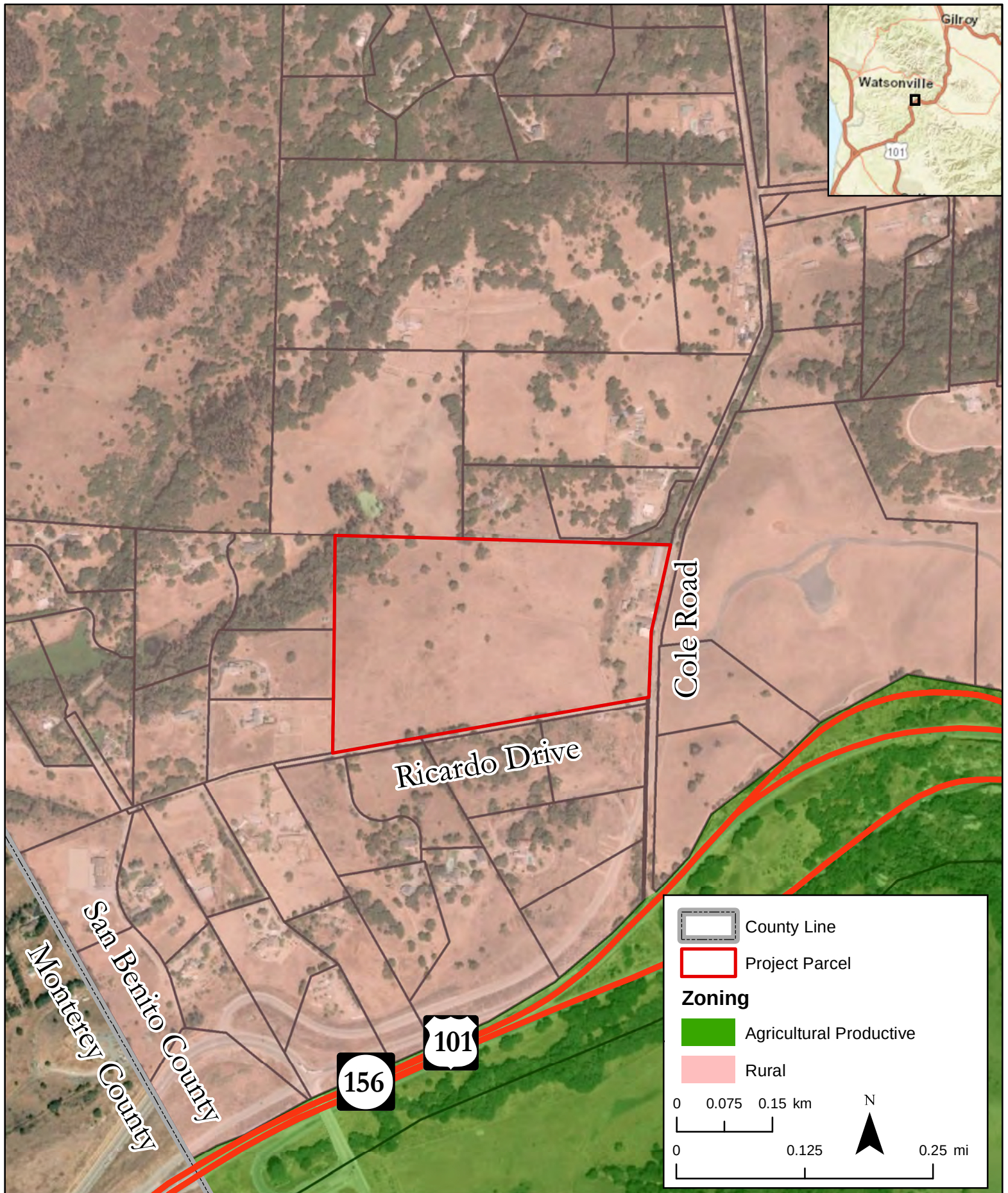
Title:
Site Photos

Date: 8/28/2018
 Scale: N/A
 Project: 2018-46



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 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
1.3



Title: Zoning Designation	Date: 8/20/2018 Scale: 1 inch = 0.12 miles Project: 2018-46	Monterey San Jose Denise Duffy and Associates, Inc. Environmental Consultants Resource Planners 947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341	Figure 1.4
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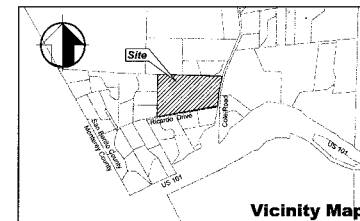


Figure
1.5

ACCESS AND PARKING

Regional access to the site is from Highway 101 and Cole Road. The site can be accessed from Ricardo Drive, which extends from Cole Road. As a Condition of Approval, the project would be required to provide improvements along the entire property frontage on Ricardo Drive. Additionally, the project would be required to make irrevocable offers to dedicate half of the 60 foot right-of-way along the entire property frontage on Cole Road and Ricardo Drive plus slope easement (see **Figure 1.5**). An Encroachment Permit will be required for any work performed within the County right-of-way.

The project would require the development of a 550 foot access road and cul-de-sac off of Ricardo Drive, for access to Lots 1, 2, 3, 4, and 6. The access road would be developed in conformance with County Code Section 23.29 Road Standards and Fire Code Requirement (i.e. full 16 foot paved surface on 18 foot roadbed for the common driveway from Ricardo Drive up to the end of cul-de-sac including a minimum of an 80 foot diameter paved surface on a 90 foot diameter roadbed within a 100 foot diameter right-of-way for the cul-de-sac). Lot 5 would be accessed directly from Ricardo Drive. Private driveways would be constructed for each individual lot. A total of 20 off-street parking spaces are proposed by the project, ten (10) parking spaces would be in garages (attached to the home) and up to ten (10) open spaces are also proposed.

DRAINAGE & UTILITIES

Water is currently provided to the parcel by one (1) existing well on site.

A seasonal creek runs during the rainy season across the property from north to south approximately 200 feet west of Cole Road. All drainage from the site flows to this creek as sheet flow, and the proposed project has no work proposed in this creek. Runoff from the new impervious surfaces shall be routed through retention/detention ponds on the site to mitigate the runoff from the proposed project. These retention/detention ponds shall retain the 95% volume to detain flows in excess of this to release post-development flows at pre-development levels. The project would comply with the County Drainage Standard as well as **Mitigation Measure HYD 4.9-1**, which requires the preparation of a SWPPP by a certified QSD/QSP prior to the start of grading/construction related activities (for more information, please refer to **Mitigation Measure HYD 4.9-1**). In addition, the project would comply with Central Coast Regional Water Quality Control Board's post construction requirements, Low Impact Development ("LID") requirements, and County storm water management requirements (for more information see **Section 4.9 Hydrology and Water Quality**).

Underground utilities include telephone (provided by AT&T), water lines, gas and electrical services (electric provided by PG&E).

SEPTIC SYSTEM

The project includes a new 2,000 gallon septic tank with leach field sewer system for each lot. A sewage disposal permit would be required from San Benito County Health Department.

GRADING

The project would require grading on the site to facilitate construction of the proposed subdivision and associated infrastructure. The site occupies portions of the top and southwestern face of a northeast-southeast trending ridge. The slope inclination at the proposed building sites generally ranges from less than 10 to about 20 percent, with a maximum slope inclination beyond the building sites in excess of 30 percent in some areas. Construction of driveways and building sites would result in 9,000 cubic yards cut and 1,500 cubic yards filled over 90,000 square feet.

1.4 Required Permits

This Initial Study is an informational document for both agency decision-makers and the public. The San Benito County Resource Management Agency is the Lead Agency responsible for certification of this Initial Study. A general application for the project has been filed with the County for the project (project number TSM 09-82). It is anticipated that the proposed project would require permits and approvals from the following agencies.¹

REGIONAL AND STATE AGENCIES

- Regional Water Quality Control Board

LOCAL AGENCIES

- San Benito County Resource Management Agency
- San Benito County Public Works
- San Benito County Department of Environmental Health

¹ This list is not considered exhaustive and additional agencies and/or jurisdictions may have permitting authority.

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Chapter 2. Environmental Factors Potentially Affected

The environmental factors identified below are discussed within **Chapter 4. Initial Study Environmental Checklist** Sources used for analysis of environmental effects are cited in parenthesis after each discussion, and are listed in **Chapter 5. References**.

- | | | |
|---|---|--|
| ☒ Aesthetics | ☐ Agricultural Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☒ Geology/Soils |
| ☒ Hazards/Hazardous Materials | ☒ Hydrology/Water Quality | ☒ Land Use/Planning |
| ☐ Mineral Resources | ☒ Noise | ☒ Population/Housing |
| ☒ Public Services | ☒ Recreation | ☒ Transportation/Traffic |
| ☒ Tribal Cultural Resources | ☒ Utilities/Service Systems | ☒ Mandatory Findings of Significance |

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Chapter 3. Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Michael Kelly
Signature

May 30, 2019
Date

Michael Kelly
Printed Name
Associate Planner,
County of San Benito

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Chapter 4. Initial Study Environmental Checklist

The following chapter assesses the environmental consequences associated with the proposed project. Mitigation measures, where appropriate, are identified to address potential impacts.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate information sources for potential impacts (e.g., general plans, zoning ordinances) into the checklist references. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 Aesthetics

4.1.1 Environmental Setting

The 2035 County General Plan Update Recirculated Draft EIR (“RDEIR”) notes that the County’s most striking features are the Diablo and Gabilan Mountain Ranges and the San Benito Valley between them. There are no State designated scenic highways located in the County. However, three highways are County designated scenic highways, including Highway 101, located approximately 725 feet south of the project site; State Route (“SR”) 146, located over 35 miles south of the project site; and SR 129, located approximately 2.75 miles north of the project site. SR 25 from SR 198 to Hollister, located approximately 13.5 miles south-west of the project site, is eligible for designation as a State Scenic Route, but is not a County designated scenic roadway. Additionally, SR 156, 2.5 miles south-west of the project site, is eligible for designation as a State Scenic Route, but it is not a County designated scenic roadway.

According to the 2035 County General Plan RDEIR, important vistas within San Benito County that define its visual character include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the Diablo and Gabilan ranges. These agricultural and rangeland areas constitute more than 75 percent of the County’s total land area. Also, the County’s topography includes valleys and rolling hills, particularly in the northern portion of the County near the cities of Hollister and San Juan Bautista, where most of the County’s population dwells.

The project site is currently comprised of oak woodland and grassland (please refer to **Section 4.4 Biological Resources**). The proposed residential subdivision would result in the development of one- or two-story single-family residences with conventional light frame structures as well as associated infrastructure, including lighting, fencing, landscaping, and internal circulation network. Construction of the proposed project would not require any nighttime construction, and, therefore, construction activities would not result in any new nighttime lighting or glare. New exterior lighting would be required. All exterior lighting would be downward facing and consistent with the County lighting ordinances. The site is bordered by rural residential land uses, which produce varying degrees of nighttime lighting.

Section 19.31.005 of the San Benito County Code establishes three lighting zones, with Zone I having the strictest regulations and Zone III imposing the least restrictive. The project site is located in Zone II. General requirements are applicable to all zones, under Section 19.31.006, and the special requirements applicable to project set forth in Section 19.31.008 are listed below.

- (A) (1) Total outdoor light output (excluding streetlights used for illumination of county roadways or private roadways related to any development project in Zone II) shall not exceed 50,000 initial raw lamp lumens per net acre, averaged over the entire project.

(2) Furthermore, no more than 5,500 initial raw lamp lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in Table 19.31.006(1) of this chapter.
- (D) Class 3 lighting must be extinguished at 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 to January 15.

4.1.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

4.1.3 Explanation

- a) **Less than Significant Impact.** As described in the County's General Plan, most of the County consists of agricultural and rangeland uses, many of the County's scenic vistas consist of views of these areas. The project would consist of the development of single-family homes consistent with the parcels zoning as well as with surrounding rural residential land uses. The project would include development of undeveloped rangeland that has historically been used for grazing purposes. This rural landscape, although common in the County and in the project vicinity, is a highly valued landscape to some viewers and is treated as a scenic resource generally under the County's General Plan. The General Plan envisions growth to be located away from prime agricultural lands, and lands that are not visible from existing scenic roads. The project is not located within prime agricultural farmland and is not visible from existing scenic roads. In addition, the project would not exceed the 30-foot building height threshold and would not block any neighboring views of distant mountain ranges. Therefore, impacts would be less than significant. (1, 2, 3)
- b) **Less than Significant Impact.** As discussed above, there are many scenic resources in the County. However, the project site is not located on a County designated scenic roadway. There are also no officially designated State Scenic Highways in the project vicinity. The project site is, however, located 725 feet south of a County designated scenic roadway, Highway 101. As a result, the project has the potential to adversely affect a scenic resource. The proposed project would not adversely affect this resource. The project site is not directly visible from Highway 101 – topography, existing homes, and existing vegetation block views of the site from Highway 101. As a result, the project site is not visible from Highway 101. Therefore, the project is not visible from an officially designated scenic highway or County designated scenic roadway. As a result, the project would have no impact on scenic resources such as rock outcroppings, trees, or historic buildings within view from a scenic highway. This impact would be less than significant. (1, 2, 3)
- c) **Less than Significant Impact.** The project site and immediate vicinity has a rural character dominated by agricultural and grazing land, rolling hillsides, and rural residential uses. The project site is characterized as predominantly undeveloped except for limited residential improvements and associated buildings on a portion of the site. Moreover, a portion of the site includes improvements. Uses within the immediate vicinity of the project include agricultural and rural residential uses. The resulting rural visual character, although not unique within the County, would be considered scenic

and is treated as such by the County's General Plan. The proposed uses are consistent with R/OS zoning and existing uses in the project vicinity. New structures associated with the project must comply with the County's design standards contained in Chapter 25.29 of the Code of Ordinances, along with the County's General Plan Land Use goals and policies related to visual character. Additionally, prior to issuance of a building permit, the project design plans must be reviewed and approved by the Planning Commission for review of design standards including building elevations, materials, colors, textures, light fixtures, and perimeter fencing. As a result, compliance with existing County policies and regulations, including standard conditions of approval, would ensure that the project would have a less than significant impact on the existing visual character or quality of the site and its surroundings. (1, 2, 3)

- d) **Less than Significant Impact.** Construction activities would occur during daytime hours. Nighttime lighting for construction activities would not be required. Lighting associated with the project would primarily consist of street lighting and exterior lighting for new residences. Overall, nighttime lighting would be minimal and would only include that which is necessary for safety for vehicular movement and security.

The introduction of new lighting into a minimally lit area would increase the extent of lighting as compared to existing conditions. This would result in a corresponding increase in the extent of potential light glow in the nighttime sky. However, the proposed project would be required to conform with applicable provisions of the County "Dark Skies" Ordinance (Chapter 19.31), which requires the use of outdoor lighting systems and practices designed to reduce light pollution and glare, and to protect the nighttime visual environment by regulating outdoor lighting that interferes with astronomical observations and enjoyment of the night sky.

Compliance with the County's "Dark Skies" Ordinance would ensure that potential adverse effects associated with site lighting would be less than significant. Additionally, as part of the County application process, the proposed project would go through design review and approval in order to confirm consistency with applicable standards, requirements and design guidelines. As a result, potential impacts from lighting and glare would be less than significant. (1, 2, 3)

4.2 Agricultural and Forest Resources

4.2.1 Environmental Setting

The California Department of Conservation Farmland Mapping and Monitoring Program ("FMMP"), established by the State Legislature in 1982, assesses the location, quality, and quantity of agricultural lands. In addition, the FMMP monitors the conversion of these lands over time. The FMMP is a non-regulatory program contained in Section 612 of the Public Resources Code. The Program contains five farmland categories (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing) with a purpose of providing consistent and impartial analysis of agricultural land use and land use changes throughout California. The five farmland categories consist of the following:

- Prime Farmland (P) comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.

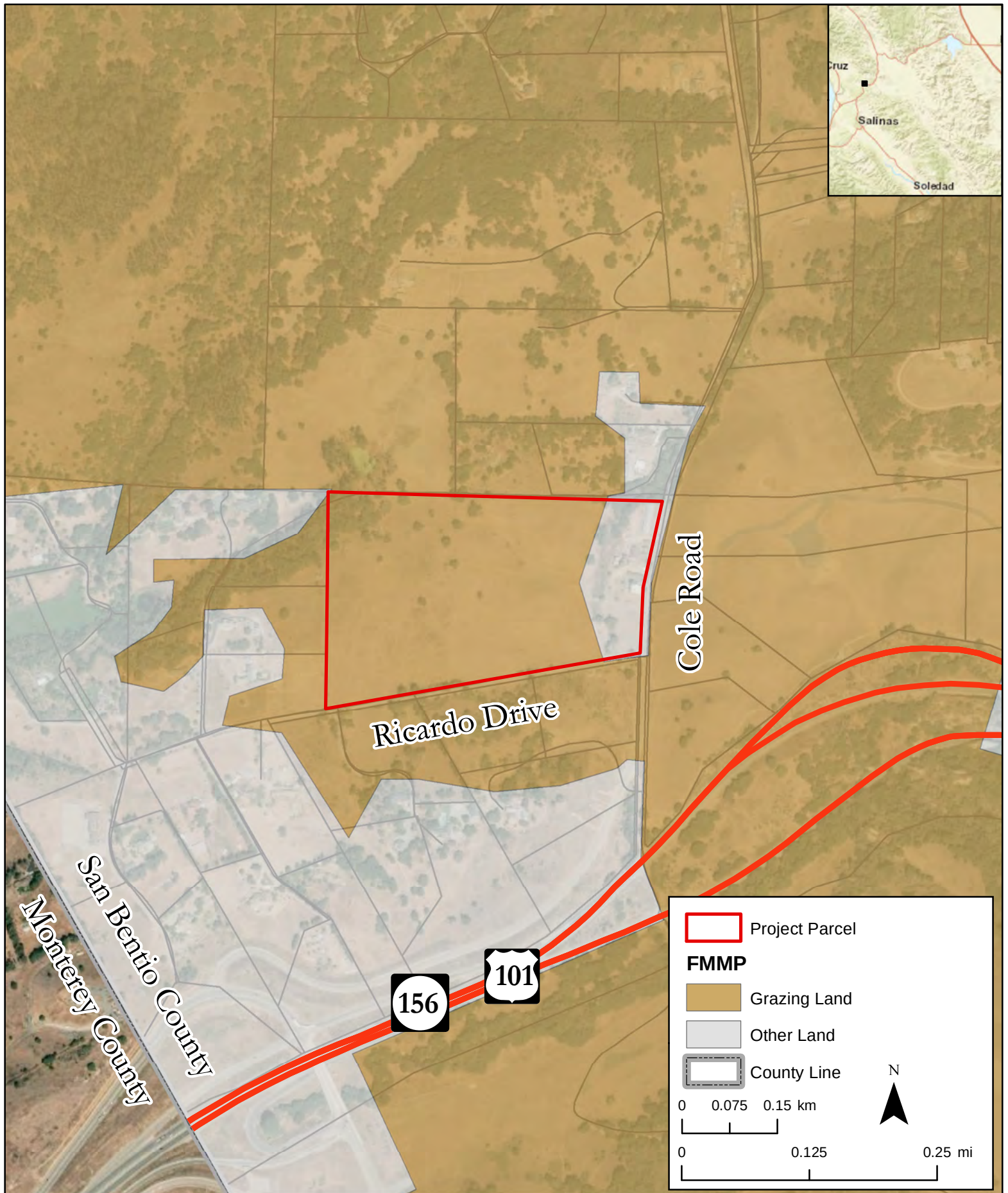
- Farmland of Statewide Importance (S) possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and more pronounced slopes.
- Unique Farmland (U) has a production history of propagating crops with high-economic value.
- Farmland of Local Importance (L) is important to the local agricultural economy. Local advisory committees and a county specific Board of Supervisors determine this status.
- Grazing Land (G) is suitable for browsing or grazing of livestock.

The project site consists of land designated as Grazing Land and Other in the FMMP; see **Figure 4.2-1**. The project site does not contain any land designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance.

In addition, the County’s “Right to Farm” ordinances and General Plan Policy LU-3.9: Right to Farm and Ranch, are applicable and encourage the protection of agricultural lands and operations by including disclosure requirements and the incorporation of agricultural buffers. In so doing, these policies help to minimize land use conflicts in the County by supporting the rights of farming operations, even when established urban uses in the area may result in complaints against agricultural practices.

The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners, offering tax incentives in exchange for an agreement that the land will remain as agricultural or related open space use for a period of 10 years. The project site is not under a Williamson Act contract.

According to the California Public Resources Code §4526, the California Board of Forestry and Fire Protection defines “Timberland” as land not owned by the federal government, nor designated as experimental forest land, which is capable and available for growing any commercial tree species. The board defines commercial trees on a district basis following consultation with district committees and other necessary parties. There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local regulations located within the County. San Benito County Code Chapter 19.33, the woodland conservation ordinance, establishes regulations for the conservation and protection of woodlands in the unincorporated area of San Benito County by limiting tree removal. However, the ordinance is not applicable to lots with less than 10% woodland cover, such as this property.



4.2.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest uses?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

- a-e) **No Impact.** As noted above, the FMMP of the California Resources Agency classifies the majority of the project site as Grazing Land. As the site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance ("Farmland"), as shown on the maps prepared pursuant to the FMMP, the proposed project would not convert these farmland designations to non-agricultural use. In addition, the project site is not within a Williamson Act contract. As noted above, there are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations located within the County, or otherwise present on-site. County Code Chapter 19.33 establishes regulations for the conservation and protection of woodlands in the unincorporated San Benito County by limiting tree removal, however the ordinance is only applicable to lots with at least 10% woodland cover. Since the project site has less than 10% woodland cover, the ordinance is not applicable to the project. As the project is not designated as farmland or forest land, the proposed project would not convert these lands to a non-agricultural or non-forest use. Furthermore, the proposed use for the project is consistent with the zoning designation, R/OS, and general plan designation, Rural, of the site. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use; would not conflict with a Williamson Act contract; would not conflict with or cause rezoning of forest land or timberland; would not result in the loss or conservation of forest land; and would not involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest land; there is no impact. (1, 2, 3, 4, 5)

4.3 Air Quality

4.3.1 Environmental Setting

The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under these Acts, the United States Environmental Protection Agency (“U.S. EPA”) and the California Air Resources Board (“CARB”) have established ambient air quality standards for specific “criteria” pollutants. These pollutants are carbon monoxide (“CO”), ozone (“O₃”), sulfur dioxide (“SO₂”), nitrogen oxides (“NO_x”), particulate matter less than 10 microns in diameter (“PM₁₀”), lead, and particulate matter less than 2.5 microns in diameter (“PM_{2.5}”).

The project site is located within the North Central Coast Air Basin (“NCCAB”), which is comprised of Santa Cruz, San Benito, and Monterey Counties, and is regulated by the Monterey Bay Air Resources District (“MBARD”), formally known as Monterey Bay Unified Air Pollution Control District).

The U.S. EPA administers the National Ambient Air Quality Standards (“NAAQS”) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The NCCAB is in attainment for all NAAQS and for all California Ambient Air Quality Standards (“CAAQS”) except O₃ and PM₁₀. The primary sources of O₃ and PM₁₀ in the NCAAB are from automobile engine combustion. To address exceedance of these CAAQS, the MBARD has developed and implemented several plans including the 2005 Particulate Matter Plan, the 2007 Federal Maintenance Plan, and the 2012-2015 Air Quality Management Plan (“AQMP”), a revision to the 2012 Triennial Plan. NCCAB Attainment Status to National and California Ambient Air Quality can be found in **Table 4.3-1** North Central Coast Air Basin Attainment Status below.

Table 4.3-1 North Central Coast Air Basin Attainment Status – January 2015		
Pollutant	State Standards ¹	National Standards
Ozone (O ₃)	Nonattainment ²	Attainment/Unclassified ³
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment/Unclassified ⁴
Carbon Monoxide (CO)	Monterey Co. – Attainment San Benito Co. – Unclassified Santa Cruz Co. – Unclassified	Attainment/Unclassified
Nitrogen Dioxide (NO ₂)	Attainment	Attainment/Unclassified ⁵
Sulfur Dioxide (SO ₂)	Attainment	Attainment ⁶
Lead	Attainment	Attainment/Unclassified ⁷
Notes: 1) State designations based on 2010 to 2012 air monitoring data. 2) Effective July 26, 2007, the CARB designated the NCCAB a nonattainment area for the State ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm. 3) On March 12, 2008, EPA adopted a new 8-hour ozone standard of 0.075 ppm. In April 2012, EPA designated the NCCAB attainment/unclassified based on 2009-2011 data. 4) This includes the 2006 24-hour standard of 35 µg/m ³ and the 2012 annual standard of 12 µg/m ³ . 5) In 2012, EPA designated the entire state as attainment/unclassified for the 2010 NO ₂ standard. 6) In June 2011, the CARB recommended to EPA that the entire state be designated as attainment for the 2010 primary SO ₂ standard. Final designations to be addressed in future EPA actions. 7) On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m ³ to 0.15 µg/m ³ . Final designations were made by EPA in November 2011. 8) Nonattainment designations are highlighted in Bold . Source: CARB Area Designation Maps website http://www.arb.ca.gov/desig/adm/adm.htm and EPA Green Book Nonattainment Areas for Criteria Pollutants http://www.epa.gov/air/oaqps/greenbk/index.html .		

Plans to attain these standards already accommodate the future growth projections available at the time these plans were prepared. Any development project capable of generating air pollutant emissions exceeding regionally-established criteria is considered significant for purposes of CEQA, whether or not such emissions have been accounted for in regional air planning. Any project that would directly cause or substantially contribute to a localized violation of an air quality standard would generate substantial air pollution impacts. The same is true for a project that generates a substantial increase in health risks from toxic air contaminants or introduces future occupants to a site exposed to substantial health risks associated with such contaminants.

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors include residences, schools, and health care facilities. Sensitive receptors in the vicinity of the project consist of existing residences adjacent the project site to the north, south, and east, the closest of which being approximately 200 feet west of property line to Lot 5. The remainder lot also consists of a single family residence, however this lot is a part of the project and therefore, is not considered a sensitive receptor.

4.3.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

4.3.3 Explanation

- a) **Less than Significant Impact.** CEQA Guidelines §15125(b) requires an evaluation of project consistency with applicable regional plans, including the AQMP. As stated above, the MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the MBARD 2012-2015 AQMP. The MBARD is required to update their AQMP once every three years; the most recent update (MBARD, 2017) was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (“AMBAG”) and other indicators.

The proposed project would not result in a substantial increase in employment, nor would the proposed project result in increased population growth. The proposed project would be consistent with the MBARD 2012-2015 AQMP. In addition, as noted in Response b, below, the proposed project would not result in a significant increase in emissions. For these reasons, implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. This impact is considered less than significant. (1, 2, 11, 12)

- b) **Less than Significant Impact.** Grading and filling during construction could result in impacts to air quality. Site disturbance activities could result in short-term, localized decrease in air quality due to the generation of particulate emissions (PM₁₀). The MBARD 2008 CEQA Air Quality Guidelines contains standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA (see Table 5-1, pg. 5-14, of the MBARD 2008 CEQA Guidelines). According to MBARD, a project would violate an air quality standard and/or contribute to an existing or projected violation if it would:

- Emit 137 or more of volatile organic compounds (“VOC”) or NO_x;
- Directly emit 550 pounds per day (“lbs/day”) of CO;
- Generate traffic that significantly affects levels of service;
- Directly emit 82 lb/day or more of PM₁₀ on site during operation or construction;
- Generate traffic on unpaved roads of 82 lb/day or more of PM₁₀; or
- Directly emit 150 lb/day or more of oxides of Sulfur (“SO_x”).

Construction. According to the MBARD’s criteria for determining construction impacts (as updated February 2008), a project would result in a potentially significant impact if it would result in 8.1 acres of minimal earthmoving per day or 2.2 acres per day with major grading and excavation. As only 90,000 square feet of the project site would be graded, which is approximately 2 acres, the project is below the threshold. In addition, the project would also implement standard construction Best Management Practices (BMPs) related to dust suppression, which would include: 1) watering active construction areas; 2) prohibiting grading activities during periods of high wind (over 15 mph); 3) covering trucks hauling soil; and, 4) covering exposed stockpiles. The implementation of BMPs would further ensure that potential construction-related emissions would be minimized. Since the project is under the threshold for construction air quality impacts, this impact is considered to be less than significant.

Operational. Based on preliminary modeling, the MBARD establishes screening criteria for development projects which provide conservative indication of whether a development could result in a potentially significant impact on ozone. These are levels at which indirect sources and area sources could potentially emit 137 lbs/day or more of VOC or NO_x. For a single family dwelling the threshold for a potentially significant impact is 810 dwelling units. The proposed project is substantially below the screening criteria. Potential operational air quality emissions associated with project traffic would also be below applicable MBARD thresholds of significance. The proposed project would generate only 53 daily trips (see **Section 4.15 Traffic/Transportation**). This amount of traffic is not anticipated to affect current level of service in the area or exceed the 550 pound per day threshold of CO (e.g. industrial operations). There are no truck trips associated with operations of the proposed project, nor are unpaved roads proposed, therefore the project is not anticipated to generate in excess of 82 lbs/day of PM₁₀ at the project site. In addition, the proposed project consists of a small subdivision and is not anticipated to general oxides or sulfur emissions. As a result, the

proposed project is not anticipated to result in substantial operational air quality impacts, this is considered a less than significant impact. (1, 2, 11, 12)

- c) **Less than Significant Impact.** Project construction and operation would not result in a significant air quality impact (see Response b, above). All impacts would be below applicable MBARD thresholds of significance, including thresholds for ozone precursors. As there are no significant impacts, project construction and operation would not result in a cumulatively considerable net increase in any criteria pollutant. Air quality impacts associated with the project would not be significant. This represents a less than significant impact. (1, 2, 11, 12)
- d) **Less than Significant Impact.** A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. There are several single-family residences within the vicinity of the proposed project. The closest residence is located approximately 200 feet west of property line to Lot 5. The MBARD’s 2008 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO, PM₁₀ or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor.

As stated above, the project would implement standard air quality BMPs and emissions of CO resulting from construction of the proposed project are below applicable MBARD thresholds of significance. As discussed in Response b, above, the proposed project would not exceed any MBARD thresholds, including CO and PM₁₀. Compliance with applicable MBARD regulations would also include, but is not limited to, Rule 402², which would minimize potential nuisance impacts to occupants of nearby land uses. For these reasons, construction activities would be considered to have a less than significant impact to sensitive receptors. Additionally, implementation of the proposed project would not result in the installation of any major stationary or mobile sources of emissions. Operational activities of the project would have a less than significant impact to nearby receptors as they are consistent with surrounding land uses and current zoning of the property. (1, 2, 11, 12)

- e) **No Impact.** Pollutants associated with objectionable odors include sulfur compounds and methane. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD, 2008). The proposed project consists of a residential subdivision and would not create objectional odors. This is no impact. (1, 2)

4.4 Biological Resources

4.4.1 Environmental Setting

The analysis presented in this section describes existing biological resources within the project site, identifies any special status species and sensitive habitats known or with the potential to occur on the site, looks generally at what types of biological impacts could result from project activities, and provides generalized recommended avoidance, minimization, and mitigation measures to reduce project impact to biological

² MBARD Rule 402 “Nuisance” states, “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.”

resources. A reconnaissance survey was conducted at the site on August 24, 2018 by DD&A Senior Environmental Scientist Josh Harwayne and Assistant Environmental Scientist Liz Camilo to characterize habitats present within the site and to identify any special-status plant or wildlife species or suitable habitat for these species within the site. Survey methods included walking the site and using aerial maps and GPS to map the biological resources. Available reference materials were reviewed prior to conducting the field survey. Data collected during the survey was used to assess the environmental conditions of the site and its surroundings.

Data Sources

The primary literature and data sources reviewed to determine the occurrence or potential for occurrence of special-status species at the site are as follows: California Natural Diversity Database (“CNDDDB”) occurrence reports from the United States Geological Survey (“USGS”) Prunedale and San Juan Bautista quadrangles and ten surrounding quadrangles (Chittenden, Hollister, Marina, Moss Landing, Mt. Harlan, Natividad, Salinas, San Felipe, Watsonville East, and Watsonville West) (CDFW, 2018a); current agency status information from the U.S. Fish and Wildlife Service (“USFWS”) and California Department of Fish and Wildlife (“CDFW”) for species listed, proposed for listing, or candidates for listing as Threatened or Endangered under the federal Endangered Species Act (“ESA”) or the California Endangered Species Act (“CESA”), and those considered CDFW “species of special concern” (USFWS, 2018 and CDFW, 2018b); and the California Native Plant Society (“CNPS”) Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2018). From these resources, a list of special-status plant and wildlife species known or with the potential to occur near the site was created (**Appendix A**). The list presents these species along with their legal status, habitat requirements, and a brief statement of their likelihood to occur.

Vegetation Types

Vegetation types found on the project site include:

- *Non-native grassland*: Within California, non-native grasslands are typically dominated by non-native annual grasses and forbs along with scattered native grasses and wildflowers. This habitat type is present throughout most of the project site (29.5 acres) as a matrix of non-native grasses intermingled with a mosaic of areas of slightly more mesic non-native grasses (**Figure 4.4-1**). Dominant species include black mustard (*Brassica nigra*), curly dock (*Rumex crispus*), Italian rye grass (*Festuca perennis*), Italian thistle (*Carduus pycnocephalus*), *Juncus* spp., and slender oat (*Avena barbata*).
- *Coast Live Oak Woodland*: A canopy of coast live oak (*Quercus agrifolia*) is present within a small corner of the project site (1.8 acres), and extends out into the adjacent lot (**Figure 4.4-1**). In addition, lone coast live oaks are sparsely scattered throughout the non-native grassland within the project site. Although these trees can be habitat for some protected wildlife species (e.g. nesting birds), no trees are planned for removal during construction of the project.

Sensitive Habitats

The sensitive habitat types found on the project site include:

- *Riparian*: A highly degraded seasonal creek runs through the project site and lies adjacent to the existing residence within the site, as depicted in **Figure 4.4-1**. The project avoids the 1.7 acres of degraded riparian corridor by design, however, and would therefore not directly impact riparian habitat. Indirect impacts to the riparian corridor, such as erosion and runoff, would be avoided following adherence to applicable County regulations, such as wet-weather grading restrictions.

- *Wetlands and Other Waters:* Wetlands and other waters of the U.S. potentially under the jurisdiction of the U.S. Army Corps of Engineers (“USACOE”) and the Regional Water Quality Control Board (“RWQCB”) have the potential to occur in some portions of the riparian corridor within the project site. The project avoids the riparian corridor by design, however, and would therefore not impact wetlands.

Special-Status Plant Species

Published occurrence data within the project site and surrounding USGS quadrangles were evaluated to compile a table of special-status species known to occur near the site (**Appendix A**). Each of these species was evaluated for their likelihood to occur within and immediately adjacent to the site. The special-status plant species that are known to or have been determined to have a moderate or high potential to occur within the site are discussed below. All other special-status plant species are assumed “unlikely to occur” or have a low potential to occur at the site for the species-specific reason presented in **Appendix A**, are not likely to be impacted by the project, and are not discussed further.

Fragrant Fritillary. Fragrant fritillary (*Fritillaria liliacea*) is CNPS List 1B species (rare, threatened, or endangered in California or elsewhere). It is a perennial herb native to California which occurs in cismontane woodland, coastal prairie, coast scrub, and valley and foothill grassland. This species blooms February through April. Its main threats include grazing, agriculture, urbanization, and competition from non-native plants. Other possible stressors are recreational activities and foot traffic. Suitable habitat is present within the project site for fragrant fritillary, and the CNDDDB reports four occurrences of the species within the 12 quadrangles reviewed, the nearest occurrence approximately 0.12 miles southeast of the project site. Two other occurrences of fragrant fritillary are reported within 1.5 miles of the site. This species has a moderate potential to occur within the project site.

Special-Status Wildlife Species

The special-status wildlife that are known to or have been determined to have a moderate or high potential to occur within the site (**Appendix A**) are discussed below. All other special-status wildlife species are assumed “unlikely to occur” or have a low potential to occur at the site for the species-specific reason presented in **Appendix A**, are not likely to be impacted by the project, and are not discussed further.

California Red-Legged Frog. The California red-legged frog (*Rana draytonii*; “CRLF”) was listed as a federally Threatened species on June 24, 1996 (61 FR 25813-25833) and is also a CDFW species of special concern. Critical habitat was designated for CRLF on April 13, 2006 (71 FR 19244-19346) and revised on March 17, 2010 (75 FR 12816-12959). The revised critical habitat went into effect on April 16, 2010.

The CRLF is the largest native frog in California (44-131 mm snout-vent length) and was historically widely distributed in the central and southern portions of the state (Jennings & Hayes, 1994). Adults generally inhabit aquatic habitats with riparian vegetation, overhanging banks, or plunge pools for cover, especially during the breeding season (Jennings and Hayes, 1988). They may take refuge in small mammal burrows, leaf litter, or other moist areas during periods of inactivity or to avoid desiccation (Rathbun, et al., 1993; Jennings and Hayes, 1994). Radio telemetry data indicates that adults engage in straight-line breeding season movements irrespective of riparian corridors or topography and they may move up to two miles between non-breeding and breeding sites (Bulger et. al., 2003). During the non-breeding season, a wider variety of aquatic habitats are used, including small pools in coastal streams, springs, water traps, and other ephemeral water bodies (USFWS, 1996). CRLF may also move up to 100 meters from aquatic habitats into surrounding uplands, especially following rains, where individuals may spend days or weeks (Bulger et al., 2003).

This species requires still or slow-moving water during the breeding season where it can deposit large egg masses, which are most often attached to submergent or emergent vegetation. Breeding typically occurs between December and April depending on annual environmental conditions and locality. Eggs require six to 12 days to hatch and metamorphosis generally occurs after 3.5 to seven months, although larvae are also capable of over-wintering. Following metamorphosis, generally between July and September, juveniles are 25-35 mm in size. Juvenile CRLF appear to have different habitat needs than adults. Jennings and Hayes (1988) recorded juvenile frogs mostly from sites with shallow water and limited shoreline or emergent vegetation. Additionally, it was important that there be small one-meter breaks in the vegetation or clearings in the dense riparian cover to allow juveniles to sun themselves and forage, but to also have close escape cover from predators. Jennings and Hayes also noted that tadpoles have different habitat needs and that in addition to vegetation cover, tadpoles use mud. It is speculated that CRLF larvae are algae grazers; however, foraging larval ecology remains unknown (Jennings, et. al., 1993).

It has been shown that occurrences of CRLF are negatively correlated with presence of non-native bullfrogs (Moyle, 1973; Jennings and Hayes, 1986 and 1988), although both species are able to persist at certain locations, particularly in the coastal zone. It is estimated that CRLF has disappeared from approximately 75% of its former range and has been nearly extirpated from the Sierra Nevada, Central Valley, and much of southern California (USFWS, 1996).

The CNDDB reports 82 occurrences of CRLF within the 12 quadrangles reviewed, the nearest occurrence approximately 1.5 miles west of the project site (**Figure 4.4-2**). This occurrence was reported in 2002 and lies within the dispersal range of several potential CRLF breeding ponds near the project site (**Figure 4.4-1**). Although no aquatic resources are present within the site, CRLF may use the site for dispersal or as upland refugia from the nearby ponds. This species has a moderate potential to occur within the project site.

California Tiger Salamander. The California tiger salamander (*Ambystoma californiense*; “CTS”) was listed as a federally threatened species on August 4, 2004 (69 FR 47211-47248). Critical habitat was designated for CTS on August 23, 2005 (70 FR 49379-49458), and went into effect on September 22, 2005. Additionally, CTS was listed as a state threatened species on March 3, 2010.

The CTS is a large, stocky salamander most commonly found in annual grassland habitat, but also occurring in the grassy understory of valley-foothill hardwood and chaparral habitats, and uncommonly along stream courses in valley-foothill riparian habitats (USFWS, 2004). Adults spend most of their lives underground, typically in burrows of ground squirrels and other animals (USFWS, 2004). The CTS has been eliminated from an estimated 55 percent of its documented historic breeding sites. Currently, about 150 known populations of CTS remain. The CTS persists in disjunct remnant vernal pool complexes in Sonoma County and Santa Barbara County, in vernal pool complexes and isolated stockponds scattered along a narrow strip of rangeland on the fringes of the Central Valley from southern Colusa County south to northern Kern County, and in sag ponds and human maintained stockponds in the coast ranges from the San Francisco Bay Area south to the Temblor Range.

Above-ground migratory and breeding activity may occur under suitable environmental conditions from mid-October through May. Adults may travel long distances between upland and breeding sites; adults have been found more than two kilometers (1.24 miles) from breeding sites (USFWS, 2004). Breeding occurs from November to February, following relatively warm rains (Stebbins, 2003). The CTS breeds and lays eggs primarily in vernal pools and other temporary rainwater ponds. Permanent human-made ponds are sometimes utilized if predatory fishes are absent; streams are rarely used for reproduction. Eggs are laid singly or in clumps on both submerged and emergent vegetation and on submerged debris in shallow water (Stebbins, 1972; Jennings and Hayes, 1994). Males typically spend 6-8 weeks at breeding ponds, while females typically spend only 1-2 weeks (Loredo et al., 1996). Eggs hatch within 10-14 days (USFWS, 2004) and a

minimum of 10 weeks is required to complete development through metamorphosis (Jennings and Hayes, 1994), although the larval stage may last up to six months and some larvae in Contra Costa and Alameda Counties may remain in their breeding sites over the summer (USFWS, 2004).

Semi-permanent ponds which may be used for breeding are present directly adjacent to the project site (**Figure 4.4-1**). Semi-permanent ponds are ideal habitat for CTS, who are outcompeted in permanent ponds by CRLF and invasive bull frogs. Historical aerial photography of the area shows that four additional semi-permanent ponds were present to the north, east, and west of the project site in 2014, and have since been filled or have dried up. Additionally, mammal burrows, which are habitat for adult CTS, are present within and adjacent to the project site, and the directly adjacent northern lot is ideal upland habitat for CTS (coast live oak savanna).

The CNDDB reports 77 occurrences of the species within the twelve quadrangles reviewed, the nearest occurrence approximately 0.13 mile east of the project site (**Figure 4.4-2**). This occurrence was from a pond just east of the project site that has been filled since the occurrence was recorded in 2007 (**Figure 4.4-1**). CTS may have dispersed into other nearby ponds, however, and may use the project site as upland or dispersal habitat (**Figure 4.4-3**). This species therefore has a high potential to occur within the project site.

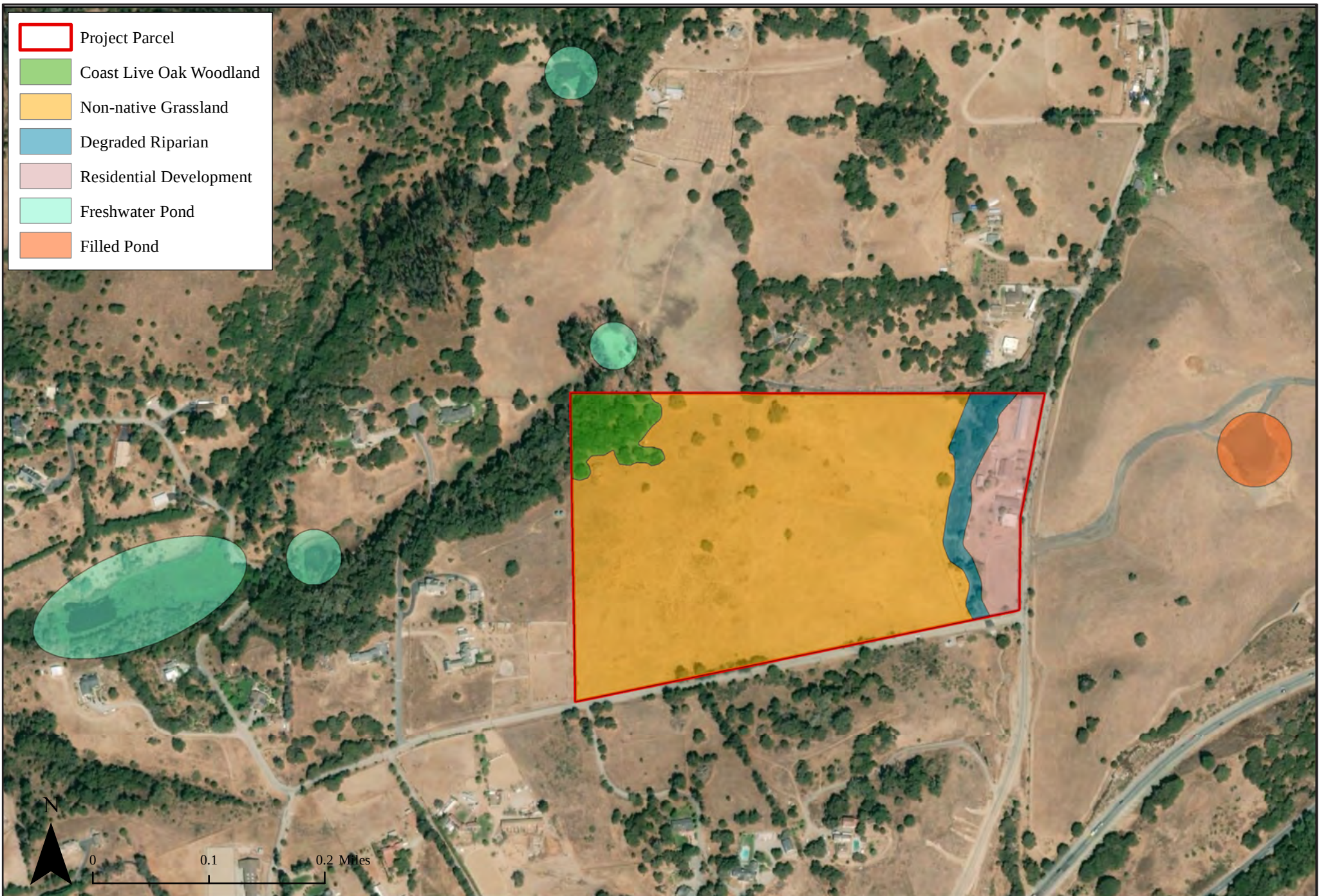
Coast Horned Lizard. The coast horned lizard (*Phrynosoma blainvillii*) is a CDFW species of special concern. It is associated with open patches of sandy soils in washes, chaparral, scrub, and grasslands. Suitable habitat is present within the project site for the coast horned lizard, and the CNDDB reports five occurrences of the species within the twelve quadrangles reviewed, the nearest occurrence approximately 17.6 miles southwest of the project site. This species has a moderate potential to occur within the project site.

Coast Range Newt. The Coast Range newt (*Taricha torosa*) is a CDFW species of special concern. It occurs commonly in the Coast Ranges from central Mendocino County south to northern San Diego County, primarily in valley-foothill hardwood, valley-foothill hardwood-conifer, coastal scrub, and mixed chaparral, but is also known from annual grassland and mixed conifer habitat types. Terrestrial individuals seek cover under surface objects, such as rocks and logs, or in mammal burrows, rock fissures, or human-made structures, such as wells. Aquatic larvae find cover beneath submerged rocks, logs, debris, and undercut banks. Breeding and egg-laying occur in intermittent streams, rivers, permanent and semi-permanent ponds, lakes, and large reservoirs.

Suitable upland habitat for this species is present within the project site, and potential breeding ponds are present directly adjacent to the site. The CNDDB reports two occurrences of this species within the 12 quadrangles reviewed, the nearest occurrence approximately five miles south of the project site. This species has a moderate potential to occur within the project site.

Raptors and Other Nesting Bird Species. Raptors and other nesting bird species are protected under California Fish and Game Code. While the life histories of these species vary, overlapping nesting season (approximately February through August) and foraging similarities allow for their concurrent discussion. Most raptors are breeding residents throughout most of the wooded portions of the state. Stands of live oak, riparian deciduous, or other forest vegetation types, as well as open grasslands, are used most frequently for nesting. Breeding occurs February through August, with peak activity May through July. Prey for these species includes small birds, small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges.

Suitable nesting or roosting habitat is present within the project site for California horned lark (*Eremophila alpestris actia*) and Cooper's hawk (*Accipiter cooperii*).



Title:

Habitat Map

Date: 11/16/2018

Scale: N/A

Project: 2018-46



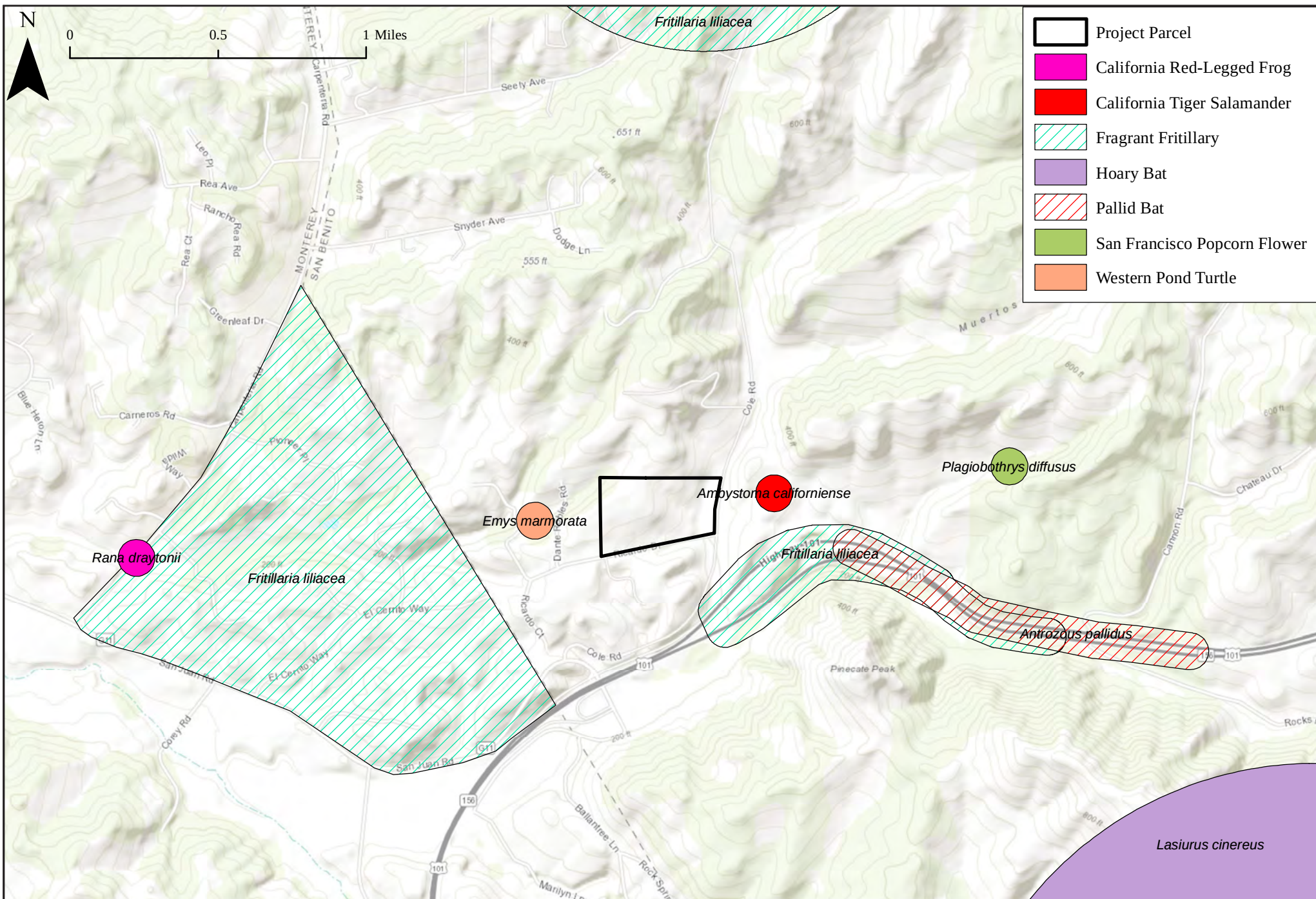
Denise Duffy and Associates, Inc.

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Figure
4.4-1



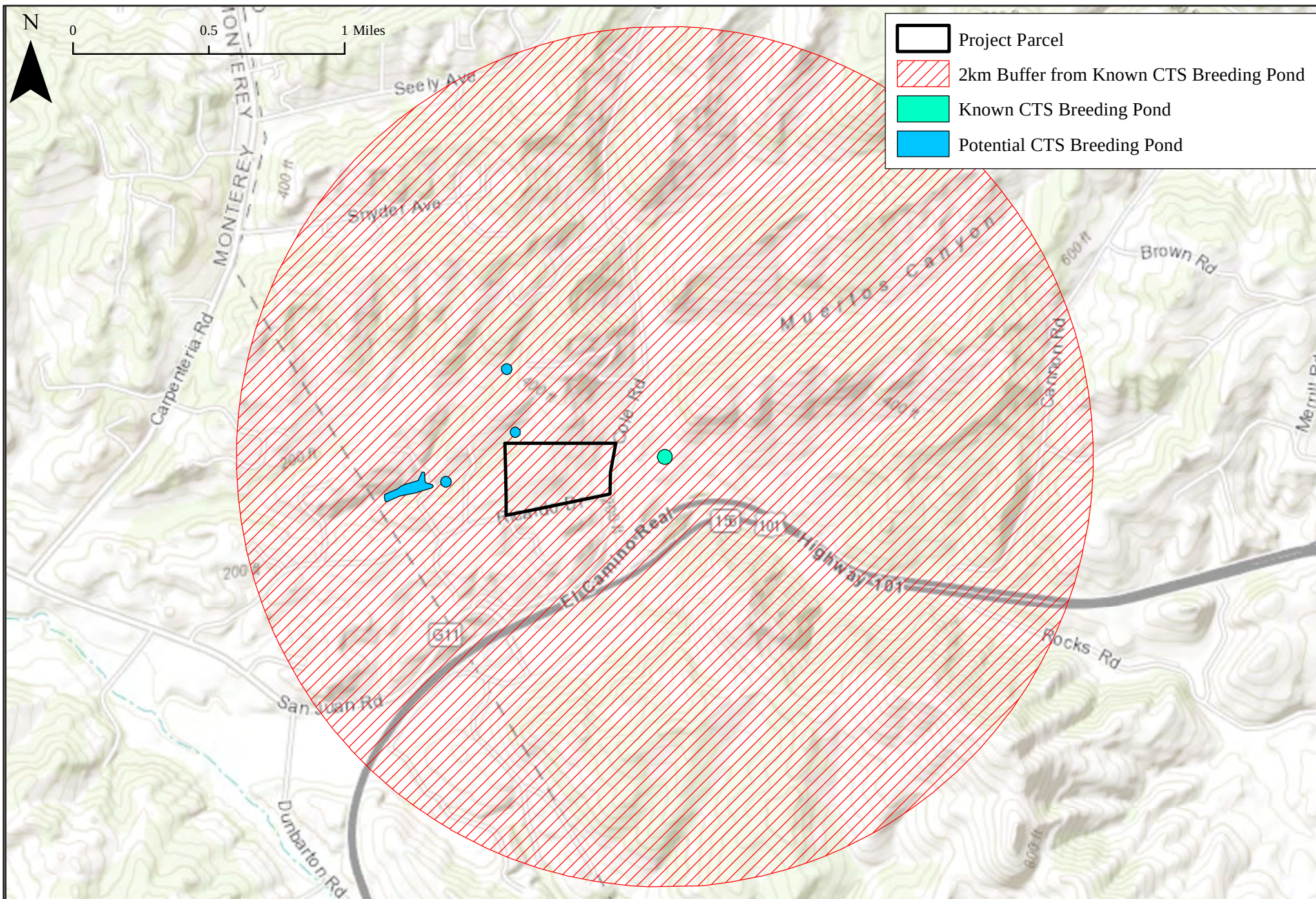
Title:
CNDDDB Map

Date: 11/16/2018
Scale: N/A
Project: 2018-46



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Figure
4.4-2



Title:

CTS Occurrence Map

Date: 11/16/2018

Scale: N/A

Project: 2018-46



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Figure

4.4-3

4.4.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

4.4.3 Explanation

- a) **Less than Significant Impact with Mitigation Incorporated.** Several special-status species, including fragrant fritillary, CRLF, CTS, coast horned lizard, coast range newt, and raptors and other nesting bird species, have the potential to occur within or immediately adjacent to the project site. The project could result in potentially significant impacts to these species either directly or through habitat modification, as described below.

Project construction would be limited to non-native grassland areas, which provide appropriate dispersal habitat for fragrant fritillary and appropriate foraging, upland, nesting, or dispersal habitat for CRLF, CTS, coast horned lizard, coast range newt, and raptors and other nesting bird species. Project developments would include access roads, private driveways, parking spaces, and a septic system. Grading and vegetation removal would be required over 90,000 square feet of the property to facilitate construction of these structures. These activities would result in loss of habitat for special-status species through conversion of grassland to developed areas, which provide no habitat

for plants or wildlife. Construction of access roads would also result in partitioning of remaining grassland areas, thereby impeding movement and dispersal of special-status species. In addition, grading and vegetation removal may result in mortality of special-status species, if present at the time of construction, and construction-related noise and traffic may result in disturbance of wildlife movement, foraging, or breeding activities. Raptors and other nesting birds may nest in trees within and immediately adjacent to the project site. Construction and construction-related disturbance during the avian nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the site and immediately adjacent areas.

In order to minimize potential impacts, mitigation is necessary. The implementation of the following mitigation measures would avoid or reduce impacts to special-status species, ensuring that potential impacts would be less than significant. (1, 2, 13, 14, 15)

Mitigation

BIO 4.4-1 Prior to ground disturbing activities the project applicant shall retain a qualified biologist, defined as a professional biologist with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more. Biologist duties shall include pre-construction surveys as follows which shall be provided in a scope of work submitted to the County RMA. Applicant shall be responsible for retaining the Biologist.

The qualified biologist shall conduct a focused botanical survey for fragrant fritillary during its blooming period (February through April) to determine presence or absence of the species on the project site. The survey area shall include construction areas, staging areas, and access routes. If the species is not identified on the site, no additional mitigation would be required. If the species is identified on the site, the following mitigation would be required:

- Fragrant fritillary shall be avoided to the greatest extent possible during project construction.
- If the species cannot be avoided, the species shall be replanted on the site at a 3:1 ratio for the number of individuals removed to ensure successful replacement. Fragrant fritillary planted shall be from native seed stock collected within the project site or from local commercial nurseries using seeds or bulbs collected and grown within the vicinity of the project site.

A note shall be placed on Final Grading and Landscaping Plans that the project shall adhere to the above requirements.

BIO 4.4-2 The project applicant shall comply with the ESA and CESA and consult with the USFWS and CDFW to determine whether authorization for the incidental take of CRLF and/or CTS is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of CRLF and/or CTS is required from USFWS and/or CDFW, the project applicant shall comply with the ESA and/or CESA to obtain an incidental take permit for the impacted species at the project-level prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The project applicant would be required to retain a qualified biologist to prepare a

mitigation plan, which would include, but is not limited to identifying: avoidance and minimization measures; mitigation strategy, including a take assessment, avoidance and minimization measures, compensatory mitigation lands, and success criteria; and funding assurances. The qualified biologist shall be a professional biologist with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more. The project applicant would be required to implement the approved plan and any additional permit requirements.

BIO 4.4-3

Activities that may directly affect (e.g. vegetation removal) or indirectly affect (e.g. noise/ground disturbance) raptors or other nesting birds shall be timed to avoid the breeding and nesting seasons. Specifically, grading with heavy machinery and vegetation removal shall be scheduled after September 16 and before January 31.

Prior to issuance of permits for grading or prior to ground disturbing activities, the project applicant shall retain a qualified biologist defined as professional biologists with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more. Biologist duties shall include pre-construction surveys as follows which shall be provided in a scope of work submitted to the County RMA. The project applicant shall be responsible for retaining the qualified biologist.

Pre-Construction Surveys: If activities must occur during the breeding and nesting season (February 1 through September 15), a qualified biologist shall conduct pre-construction surveys for nesting raptors and other protected nesting bird species within 300 feet of the proposed construction activities. Pre-construction surveys should be conducted no more than seven days prior to the start of the construction activities during the early part of the breeding season (February through April) and no more than 14 days prior to the initiation of these activities during the late part of the breeding season (May through August).

If raptor or other bird nests are identified within or immediately adjacent to the project site during the pre-construction surveys, the qualified biologist shall notify the proponent and an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

A note shall be placed on Final Grading and Landscaping Plans that the Project shall adhere to the above requirements and a copy of said standards, components, and materials shall be submitted with grading and building plans prior to issuance of building permit(s) for project development.

BIO 4.4-4

A note shall be placed on the project improvement plans as follows: A qualified biologist, retained by the project applicant and defined as a professional biologist with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more, shall conduct an Employee Education Program for the construction crew prior to any construction activities. A qualified biologist shall meet with the construction crew at the onset of construction at the project site

to educate the construction crew on the following: 1) the appropriate access route(s) in and out of the construction area and review project boundaries; 2) how a biological monitor shall examine the area and agree upon a method which would ensure the safety of the monitor during such activities, 3) the special-status species that may be present; 4) the specific mitigation measures that would be incorporated into the construction effort; 5) the general provisions and protections afforded by the USFWS and CDFW; and 6) the proper procedures if a special-status species is encountered within the project site.

BIO 4.4-5 A note shall be placed on the project improvement plans as follows: Grading, excavating, and other activities that involve substantial soil disturbance, defined as 100 cubic yard or more, shall be planned and implemented in consultation with a qualified hydrologist, engineer, or erosion control specialist. The qualified hydrologist, engineer, or erosion control specialist shall have either 3 years demonstrated experience in said field or a bachelor's degree in said field, and be approved by the County RMA. In addition, the consultation process shall be provided in a scope of work submitted to the County RMA and shall utilize standard erosion control techniques to minimize erosion and sedimentation to native vegetation (pre-, during, and post-construction).

BIO 4.4-6 A note shall be placed on the project improvement plans as follows: All food-related and other trash shall be disposed of in closed containers and removed from the project area at least once a week during the construction period, or more often if trash is attracting avian or mammalian predators. Construction personnel shall not feed or otherwise attract wildlife to the area.

BIO 4.4-7 A note shall be placed on the project improvement plans as follows: Following construction, disturbed areas shall be restored to pre-project contours to the maximum extent possible and revegetated using locally-occurring native species and native erosion control seed mix. Restoration shall be planned and implemented in consultation with a qualified biologist defined as professional biologists with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more. A scope of work for restoration activities shall be submitted and approved by the County RMA. The project applicant shall be responsible for retaining the qualified biologist.

- b) **Less than Significant Impact.** The project site consists mostly of previously disturbed non-native plant species. Highly degraded riparian habitat occurs within the project site as depicted in **Figure 4.4-1**, but the project avoids the riparian corridor by design (the corridor is entirely contained within the remainder section of the parcel which would not be developed), and would therefore not directly impact riparian habitat. Indirect impacts, such as erosion and runoff, would be less than significant pursuant to adherence to applicable County regulations, such as wet-weather grading restrictions. The project would therefore not result in a substantial adverse effect to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or the USFWS; this is considered a less than significant impact. (1, 2, 16)

- c) **Less than Significant Impact.** Wetlands and other waters of the U.S. potentially under the jurisdiction of the USACE and RWQCB have the potential to occur in some portions of the riparian corridor within the project site. The project avoids the riparian corridor by design, however, and would therefore not impact wetlands. Therefore, the project would not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act; this is considered a less than significant impact. (1, 2, 16)
- d) **Less than Significant Impact with Mitigation Incorporated.** A seasonal creek which may provide a movement corridor for fish and/or wildlife runs through the eastern portion of the project site, but the project would not impact the creek or the associated riparian habitat. CRLF, CTS, coast horned lizard, and coast range newt may use non-native grassland areas within the project site as dispersal habitat, however. Grading and vegetation removal would result in the loss of dispersal habitat for these species, and construction of access roads would result in partitioning of remaining grassland areas, thereby impeding movement for these species. In addition, raptors and other nesting birds may nest in trees within and immediately adjacent to the project site. Construction and construction-related disturbance during the avian nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the site and immediately adjacent areas. In order to minimize potential impacts, mitigation is necessary. The implementation of the **Mitigation Measures BIO 4.4.2, BIO 4.4-4, BIO 4.4-5, and BIO 4.4-7** would avoid or reduce impacts to these resources, ensuring that potential impacts would be less than significant. (1, 2, 16)
- e) **Less than Significant Impact with Mitigation Incorporated.** San Benito County's Code 19.33 provides for the preservation of woodlands within the unincorporated areas of the County. Trees are not present throughout most of the project site, and no trees are proposed for removal during construction of the project. A small concentration of coast live oak trees is present within the northwest corner of the project site, however, and some additional coast live oaks are scattered throughout the middle of the site. Although they are not planned for removal, these trees occur within areas to be disturbed by the project (**Figure 1.5 Vesting Tentative Map**). Grading and construction activities could therefore result in disturbance of their roots or canopies. In order to minimize potential impacts, mitigation is necessary. The implementation of the following mitigation measure would avoid or reduce impacts to trees, ensuring that potential impacts would be less than significant. (1, 2, 17)

Mitigation

- BIO 4.4-8** Prior to the commencement of any construction activity, the project applicant shall retain a qualified arborist or forester, defined as professional arborist or forester with a bachelor's degree or above in a biological science field and demonstrated field experience of three years or more to approve the following tree protection measures as implemented by the project applicant:
- Trees located adjacent to the construction area shall be protected from damage by construction equipment by the use of temporary fencing and when necessary through wrapping of trunks with protective materials.
 - Fencing shall consist of chain link, snowdrift, plastic mesh, hay bales, or field fence. Existing fencing can also be used.

- Fencing is not to be attached to the tree but free standing or self-supporting so as not to damage trees. Fencing shall be rigidly supported and shall stand a minimum of height of four feet above grade and should be placed to the farthest extent possible from the trees base to protect the area within the trees drip line (typically 10-12 feet away from the base of a tree).
- In cases where access or space is limited for tree protection it is permissible to protect the tree within the 10-12 feet distance after determination and approval by a qualified forester or arborist.
- Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials should not be allowed adjacent to trees on the property especially within fenced areas.
- Fenced areas and the trunk protection materials should remain in place during the entire construction period.

During grading and excavation activities:

- All trenching, grading or any other digging or soil removal that is expected to encounter tree roots should be monitored by a qualified arborist or forester to ensure against drilling or cutting into or through major roots.
- The project architect and qualified arborist should be on site during excavation activities to direct any minor field adjustments that may be needed.
- Trenching for retaining walls or footings located adjacent to any tree should be done by hand where practical and any roots greater than 3-inches diameter should be bridged or pruned appropriately.
- Any roots that must be cut should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.
- Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly with a saw.

A note shall be placed on Final Grading and Landscaping Plans that the Project shall adhere to the above requirements.

- f) **No Impact.** There are no adopted habitat conservation plans associated with the project site. San Benito County is currently developing a Habitat Conservation Plan (“HCP”) for the unincorporated areas of the County, however, and requires a fee for any project within the HCP study area. This impact is addressed in **Section 4.10 Land Use and Planning.** (1, 2, 17)

4.5 Cultural Resources

4.5.1 Environmental Setting

An Archaeological Resources Assessment was prepared by Basin Research Associates (September 20, 2018)³. This study included the following tasks:

- A search of relevant records and maps maintained by the Northwest Information Center (“NWIC”) of the California Historical Resources Information System (“CHRIS”) at Sonoma State University as well as reference material from the Bancroft Library, University of California at Berkeley and Basin Research Associates, San Leandro was also consulted;
- An archaeological field inventory of the project parcel was completed on August 10, 2018 by Mr. Christopher Canzonieri (M.A.), an archaeologist meeting the Standards of the Secretary of the Interior;
- A sacred lands search and consultation with Native American contacts with local knowledge through the Native American Heritage Commission (“NAHC”) under AB 52 Amendment to CEQA (see **Section 4.13 Tribal Cultural Resources** for more information); and,
- Complete Archaeological Resources Assessment and recommendations regarding the project’s potential impact to significant cultural resources⁴.

San Benito County, Resource Management Agency, Planning and Building Inspection Services noted a “High archaeological sensitivity on a portion of the site, with a known archaeological resource off-site in the vicinity.” In addition, there are known cultural resources within the proximity of the site. One combined prehistoric/historic site has been recorded within 0.25 miles of the site. P-35-000005 (CASBN- 4/H), a site known as “Rock Haven” or “The Rocks,” is located between the north and south bound lane separation of State Highway 101/SR 156. In addition, one historic site has been recorded within 0.25 mile, a segment of a modern highway alignment associated with Highway 101 (P-35-000327 [CA-SBN-226H]; MB-101 that extends into Monterey County as P-27-002322). Also, the NAHC Sacred Lands File review for the project found that “results indicate Native American cultural sites are present.” Ms. Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan noted that she and another Native American had monitored Caltrans construction along Highway 101 at the location of P-35-000005 (CA-SBN-4/H). Both sites are within 0.25 mile of the project’s south boundary. The sites are not anticipated to be affected by the proposed development. No other resources are within 0.25 mile of the project and no resource were noted during the archaeological inventory within the project parcel suggesting a low to low-moderate sensitivity for the development footprint.

No local, state and/or federal historically or architecturally significant structures, landmarks or points of interest are located in or adjacent to the proposed project. In addition, no prehistoric or significant historic cultural materials or culturally modified sediments were observed during the field inventory within the project parcel.

³ For a copy of the Cultural Resources Report please contact the Lead Agency, the Cultural Resources Report is not attached to the document for privacy.

⁴ Based on the recommendations provided in the Archaeological Resources Assessment, no subsurface testing for buried archaeological resources appears necessary at this time.

4.5.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

4.5.3 Explanation

- a) **No Impact.** CEQA Guidelines §15064.5 describes a historical resources as: 1) any resource that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; 2) a resource included in a local register of historical resources; and, 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant based on substantial evidence in light of the whole record. A substantial change includes the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance would be materially impaired (CEQA Guidelines §15064.5(b)).

The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. Implementation of the project would not have an impact on a historical resource as defined in accordance with the requirements of CEQA. There would be no impact in connection with the proposed project. (1, 2, 3, 6)

- b) **Less than Significant Impact with Mitigation Incorporated.** Public Resources Code §21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. The Archaeological Resources Assessment (Basin Research Associates, 2018) determined that the project site does not contain evidence of an archaeological resource. Accordingly, the project would not significantly impact a known archaeological resource. While no archaeological resources have been documented on-site, previously unknown or buried archaeological resources could, nevertheless, be present. The project could impact potentially unknown or buried resources during construction. In order to minimize potential impacts, mitigation is necessary. The implementation of the following mitigation measure would ensure that potential impacts would be less than significant. (1, 2, 3, 6)

Mitigation

- CUL 4.5-1** If archaeological resources or human remains are accidentally discovered on the project site during construction, work shall be halted by the construction manager

within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Materials of particular concern would be concentrations of marine shell, burned animal bones, charcoal, and flaked or ground stone fragments. (Ref: Health and Safety Code 7050.5)

- c) **No Impact.** There are no known paleontological resources or unique geologic features on the project site. The project site is not listed within an area identified as containing paleontological resources nor is it located in close proximity to any known paleontological resources. The project would not impact any paleontological resources, since none are known in the project area. (1, 2, 3, 6)
- d) **Less than Significant Impact with Mitigation Incorporated.** No known human remains, including those interred outside of formal cemeteries, are known to occur within the project site. In addition, Native Americans were consulted during the course of the preparation of the Archaeological Resources Assessment (Basin Research Associates, 2018). The project site is not a Sacred Lands site and the presence of known Native American remains was not identified during the course of consultation. While the likelihood of human remains, including those interred outside of a formal cemetery, with the project site is low, it is possible that previously unknown human remains may be present. Previously unknown human remains could be impacted during construction. In order to minimize potential impacts to less than significant, mitigation is necessary. The implementation of the following mitigation measure identified below would ensure that potential adverse impacts would be reduced to a less than significant level. (1, 2, 3, 6)

Mitigation

CUL 4.5-2 If human remains are found at any time on the project site, work shall be stopped by the construction manager, and the County Coroner shall be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)

Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:

If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:

- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the

owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.

Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

4.6 Geology and Soils

4.6.1 Environmental Setting

A Geotechnical Feasibility Report was prepared for the proposed project by Earth Systems Pacific (August 2007) (**Appendix B**). The purpose of this report is to assess geologic and geotechnical issues that could affect the future development of the property. The investigation contained in the Geotechnical Feasibility Report was conducted by Earth Systems Pacific and is based on site reconnaissance, a review of the subsurface conditions revealed in the profile test pits excavated in conjunction with soil percolations test performed at the site, a review of available geologic and geotechnical literature pertaining to the site, and Earth Systems Pacific experience with soil and geologic conditions in the site vicinity.

General Subsurface Conditions

The slope inclination at the proposed building sites generally range from less than 10 to about 20 percent. The maximum slope inclinations beyond the building sites are in excess of 30 percent in some areas. The soils encountered in the test pits excavated in conjunction with the percolation testing program were predominantly silty sands/sand-silt mixtures (“SM”), with lesser amounts of clayey sands/sand-clay mixtures (“SC”). Occasional layers of inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, and lean clays (“CL”), silty gravels/gravel-sand-silt mixtures (“GM”), and inorganic silts and very fine sands, rock flour, silty of clayey fine sands or clayey silts with slight plasticity (“ML”) were also encountered in the test pits. The predominantly granular soils generally had a medium dense consistency, although some dense to very dense zones were present. The predominantly fine grained soils were typically stiff to very stiff. The surface soils were slightly moist, and the underlying materials were generally moist at the time of investigation. Free subsurface water was not encountered in the 15-foot depths of the test pits. The approximate locations of the test pits are indicated in the Test Pit Percolation Test Location Map contained in **Appendix B**.

Geologic and Geotechnical Feasibility

Based on the Geotechnical Feasibility Report the proposed project should be feasible from a geologic and geotechnical engineering standpoint. Some of the anticipated geologic and geotechnical issues include:

Faulting and Ground Shaking: No active faults are known to cross the site or to be immediately adjacent to the site. Therefore, the potential for surface rapture should be low. The site is located within a seismically active area near the San Andreas fault but is outside Alquist-Priolo Earthquake Zones. However, strong ground shaking should be expected during the design life of the planned structures.

Liquefaction Potential: The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subject to cyclic strains, such as those generated during a seismic event. Studies of area where liquefaction has occurred have led to the conclusions that saturated soil conditions, low soil density, grain sizes within a certain range, and a sufficiently strong earthquake, in combination, create a potential for liquefaction. The effects of liquefaction can include ground settlement, lateral soil spreading, and localized loss of foundation support. Previous studies of the site vicinity indicated that the liquefaction potential of the soil should be low.

Slope Stability: According to the Landslide Identification Map, the site is in an area deemed to be susceptible to landsliding. Specifically, the western ridge areas of the site are susceptible to landsliding. The southwest facing slopes are deemed to be most susceptible to landsliding. Therefore, Earth Systems Pacific determined that the potential for landsliding is considered to be moderate. However, there are no landslides mapped on or adjacent to the site. Moreover, Earth Systems Pacific did not observe evidence of landsliding on the site during their reconnaissance. The Vesting Tentative Map shows that 30% slopes are avoided for building envelopes, see **Figure 5**.

Soil Expansion Potential: Expansive soils tend to swell with increases in soil moisture and shrink as the soil moisture decreases. The volume changes that the soils undergo in this cyclical pattern can stress and damage slabs and foundations if precautionary measures are not incorporated into the construction procedure. The soils encountered in the test pits were predominantly low-plasticity sandy materials that should have a low expansion potential. However, some potentially expansive clayey materials are present.

4.6.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☒	☐	☐

4.6.3 Explanation

- a.i) **Less than Significant Impact.** As stated in the Geotechnical Feasibility the potential for surface rupture is low as no active faults cross the region and the project site is located outside Alquist-Priolo Earthquake Zones. Potential effects associated with the rupture of known faults are discussed separately below; please refer to Response a.ii for more information. This represents a less than significant impact. (1, 2, 7)
- a.ii) **Less than Significant Impact with Mitigation.** Although the site is located outside Alquist-Priolo Earthquake Zones, the site is located approximately 2.3 miles from the San Andres fault. As a result, the project site is located in a seismically active area. Due to the site's location in a seismically active region, the proposed project could be subject to strong seismic ground shaking during its design life. In order to ensure that potential impacts are less than significant, mitigation is necessary. The implementation of the following mitigation measure identified below, as well as compliance with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code would ensure that potential adverse impacts would be reduced to a less than significant level. (1, 2, 7)

Mitigation

GEO 4.6-1 Prior to the recordation of the final map, the Applicant shall submit a design-level geotechnical engineering report to the Public Works Department for review and approval. The recommendations of the design-level report shall be incorporated into the design of the Subdivision Improvement Plans which shall incorporate the recommendations (or similar measures) of the Geotechnical Feasibility Report prepared by Earth Systems Pacific (File No. SH-10844-SA). Upon completion of subdivision improvements, the Applicant shall submit a letter prepared by a Soils Engineer, along with a complete compilation of test reports, demonstrating compliance with the recommendations of the design-level geotechnical evaluation, subject to the review and approval of the County. No building permits for residential dwellings shall be issued until such time that the County has verified that all subdivision improvements have been designed and constructed in accordance with the requirements of the design-level geotechnical analysis. A note shall be placed on the final map referencing the aforementioned reports for future reference by potential property owners.

GEO 4.6-2 Prior to the issuance of any grading or building permit for proposed residences, the Applicant shall submit a detailed design-level geotechnical analysis to the County for review and approval. The design-level geotechnical analysis shall incorporate the recommendations of Geotechnical Feasibility Report prepared by Earth Systems

Pacific. The design-level geotechnical analysis shall identify recommendations for the design and construction of project improvements.

- a.iii) **Less than Significant Impact with Mitigation.** Based on the results of the Geotechnical Feasibility Report liquefaction potential of the soil should be low. As a result, the proposed project is not expected to result in any adverse environmental effects due to liquefaction hazards. However, if building envelopes are sited within areas containing site soils that have the potential for liquefaction this could be a potentially significant impact. As a result, mitigation is necessary. The implementation of **Mitigation Measure GEO 4.6-1** and **Mitigation Measure GEO 4.6-2** identified above would ensure that potential adverse impacts would be reduced to a less than significant level. Final design of the project would be required to be in conformance with a design-level geotechnical analysis. As part of that analysis, liquefaction potential of site soils should be mapped to ensure building envelopes are not cited within these areas; if development is proposed within areas of liquefaction potential the design-level geotechnical analysis shall incorporate recommendations to reduce adverse impacts. Compliance with the above mitigation measures would ensure that all potential adverse impacts would be reduced to a less than significant level. (1, 2, 7)
- a.iv) **Less than Significant Impact with Mitigation.** According to the Geotechnical Feasibility Report the potential for landsliding is moderate. As a result, the project could be exposed to potential landslide related hazards, this represents a potentially significant impact which would be reduced to a less than significant level with implementation of **Mitigation Measure GEO 4.6-1** and **Mitigation Measure GEO 4.6-2** identified above. Final design of the project would be required to be in conformance with a design-level geotechnical analysis. As part of that analysis, slope stability would be evaluated to confirm that the proposed residences would not be subject to potential landslide hazards. Moreover, the design-level analysis shall also identify appropriate grading methods for construction, including requirements that fill should be placed on existing slopes and that slopes should be keyed and benched in accordance with common hillside grading practices. In summary, the final design of the project would be required to comply with the requirements of a design-level geotechnical analysis as outlined above, and applicable seismic design requirements (e.g., California Building Code, Title 24 of California Administrative Code, etc.). Compliance with **Mitigation Measure GEO 4.6-1** and applicable State regulations would ensure that all potential adverse impacts would be reduced to a less than significant level. (1, 2, 7)
- b) **Less than Significant Impact with Mitigation.** Grading associated with preparation and construction activities on the project site would disturb soil and increase its susceptibility to erosion. Grading would occur throughout the site and would involve approximately 9,000 cubic yards cut and 1,500 cubic yards filled over 90,000 square feet. On-site soils are primarily classified as having a moderate to severe erosive potential with some areas having very severe erosion potential. As a result, the project has the potential to result in substantial erosion or the loss of topsoil. In order to ensure that potential impacts are less than significant, the final design and construction of the project would be required to comply with the requirements of a design-level geotechnical analysis (see **Mitigation Measure GEO 4.6-1** and **GEO 4.6-2**).

In addition to the recommendations of the Geotechnical Reports, all ground disturbing activities would be subject to the requirements of Chapter 19.17 of the San Benito County Code which regulates excavation, grading, drainage and erosion control measures and activities. The purpose of these regulations is to minimize erosion, protect fish and wildlife, and to otherwise protect public health, property, and the environment. A grading permit is required for all activities that would exceed 50 cubic yards of grading. Grading activity is prohibited within 50 feet from the top of the bank of a stream, creek, or river, or within 50 feet of a wetland or body of water in order to protect

riparian areas. Additionally, development is limited in areas of high landslide potential and slopes greater than 30 percent, unless approved under special conditions. All proposed developments are required to submit an erosion control plan and drainage plan prior to issuance of a grading permit.

Furthermore, the proposed project will also be subject to the requirements of the National Pollution Discharge Elimination System (“NPDES”) Program General Storm Water Permit, which includes the preparation of a Stormwater Pollution Prevention Plan (“SWPPP”), as outlined in **Mitigation Measure HYD 4.9-1**, for construction activities disturbing one acre or more. Any temporary erosion related to construction would be minimized through the implementation of standard construction phase BMPs related to erosion. Erosion control measures and associated BMPs would be consistent with the recommended measures contained in the California Stormwater Best Management Practices Handbooks. Applicable measures may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil.
- Protecting existing storm drain inlets and stabilizing disturbed areas.
- Hydroseeding/re-vegetating disturbed areas.
- Minimizing areas of impervious surfaces.
- Implementing runoff controls (e.g., percolation basins and drainage facilities).
- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.
- Limiting grading to the minimum area necessary for construction and operation of the project.

Compliance with **Mitigation Measure GEO 4.6-1, GEO 4.6-2, and HYD 4.9-1**, County and State requirements, and the above BMPs would ensure that construction activities associated with the project would not cause substantial soil erosion under CEQA and potential erosion related impacts would be reduced to a less than significant level. (1, 2, 7)

- c) **Less than Significant Impact with Mitigation.** As stated above, the results of the Geotechnical Feasibility Report indicated site soils as being susceptible to landsliding. Potential hazards due to landslides, however, would be addressed through implementation of **Mitigation Measure GEO 4.6-1 and GEO 4.6-2**, outlined above. As stated in the Geotechnical Feasibility Report, drilled, cast-in-place concrete piers interconnected by grade beams may be the appropriate foundation system for residences. Due to the potential for excessive differential settlement between the cut and fill portions of the building pads, pads may be constructed using a combination of cuts and fills. Conventional spread footings may be appropriate where residences would be located on relatively flat natural ground, such as on proposed Lots 2 and 3. However, overexcavation and recompaction of the soil may be recommended as part of the design-level geotechnical engineering report to reduce the potential for excessive footing settlement. Potential adverse effects would be minimized to a less than significant level by adhering to the requirements of a design-level geotechnical analysis. (1, 2, 7)
- d) **Less than Significant Impact with Mitigation.** Per the Geotechnical Feasibility Report, site soils have low expansion potential, and some potentially expansive clayey material are present on the site and within proposed building envelopes. Potential impacts associated with expansive soils would be addressed through the compliance with **Mitigation Measure GEO 4.6-1 and GEO 4.6-2**. With implementation of **Mitigation Measure GEO 4.6-1 and GEO 4.6-2** impacts would be reduced to a less-than-significant level. (1, 2, 7)

- e) **Less than Significant Impact with Mitigation.** The proposed project includes a new 2,000 gallon septic tank with leach field sewer system for each lot. A sewage disposal permit would be required from San Benito County Health Department. During the geotechnical feasibility investigation, a soil profile test pit was excavated in the vicinity of each of the designated septic system leach field areas, additionally percolation test holes were drilled adjacent to each profile test pit (approximate locations of the test pits and percolation test holes are indicated on the Percolation Test Location Map contained in **Appendix B**. Testing did not reveal any issues related to site soils being incapable of supporting on-site septic disposal. Potential effects would be minimized by adhering to **Mitigation Measure GEO 4.6-1** and **GEO 4.6-2**. Compliance with the requirements of a design-level geotechnical analysis would ensure that impacts would be reduced to a less than significant level. (1, 2, 7)

4.7 Greenhouse Gas Emissions

4.7.1 Environmental Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases ("GHGs"), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide ("CO₂"), methane ("CH₄"), O₃, water vapor, nitrous oxide ("N₂O"), and chlorofluorocarbons ("CFCs"). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

4.7.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

4.7.3 Explanation

- a) **Less than Significant Impact.** The project is located in the NCCAB, where air quality is regulated by MBARD. Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. However, it is important to note, that other air districts within the State of California have recently adopted recommended CEQA significance thresholds for GHG emissions. For instance, on March 28, 2012 the San Luis Obispo Air Pollution Control District ("SLOAPCD") approved thresholds of

significance for the evaluation of project-related increases of GHG emissions. The SLOAPCD's significance thresholds include both qualitative and quantitative threshold options, which include a qualitative threshold that is consistent with the AB 32 scoping plan measures and goals and a quantitative bright-line threshold of 1,150 metric tons of carbon dioxide equivalent ("MTCO_{2e}")/year. The GHG significance thresholds are based on AB 32 GHG emission reduction goals, which take into consideration the emission reduction strategies outlined in the CARB's Scoping Plan. Development projects located within these jurisdictions that would exceed these thresholds would be considered to have a potentially significant impact on the environment which could conflict with applicable GHG-reduction plans, policies and regulations. Projects with GHG emissions that do not exceed the applicable threshold would be considered to have a less than significant impact on the environment and would not be anticipated to conflict with AB 32 GHG emission reduction goals. Given that the MBARD has not yet adopted recommended GHG significance thresholds, the above thresholds were relied upon for evaluation of the proposed project.

Implementation of the proposed project, would contribute GHG emissions that are associated with global climate change. GHG emissions attributable to future development would be primarily associated with increases of CO₂ and, to a lesser extent, other GHG pollutants, such as CH₄ and N₂O. Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste.

The project would generate temporary construction-related GHG emissions, with most of the emissions generated during the grading phase of construction, which would be minimal and is not anticipated to generate GHG emissions in excess of the above thresholds. Mobile sources are anticipated to generate the majority of GHG emissions during project operation. However, since the project is estimated to only generate 53 daily trips (see **Section 4.15 Traffic/Transportation**) this is not considered a significant impact. As such, the project would not generate substantial new or altered sources of GHGs emissions. Any potential impacts from GHG generation during construction would be short-term and temporary. The proposed subdivision would be consistent with the surrounding land use as well as current zoning for the property. As a result, the project is not anticipated to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (1, 2, 11, 12)

- b) **Less than Significant Impact.** Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. But as shown above, the project would not exceed acceptable thresholds. Also, consistent with the General Plan Goals and Policies, the project would be required to include energy and water-efficient appliances, fixtures, lighting, and windows that meet applicable State energy performance standards. The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases as described above. This represents a less than significant impact. (1, 2, 11, 12)

4.8 Hazards and Hazardous Materials

4.8.1 Environmental Setting

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health

hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The State of California uses databases such as EnviroStor, GeoTracker, and Cortese to map the location of hazardous waste sites including sites that have been remediated, sites currently undergoing remediation, and sites that require cleanup. Based on a search of the above databases, no hazardous materials contamination has been documented within the project site.

To address airport safety hazards, San Benito County created an Airport Land Use Commission to provide orderly growth of San Benito's two public airports. The Commission ensures compatible land uses around the Hollister Municipal Airport and the Frazier Lake Airpark through the implementation of their respective Comprehensive Land Use Plan. The project site is not in the immediate vicinity of any airport (i.e., two miles) and is not located within an airport land use plan. The nearest airport to the project site is the Frazier Lake Airpark, located just over 10 miles northeast of the project site.

The California Department of Forestry and Fire Protection ("CalFire") prepares maps of Very High Fire Hazard Severity Zones ("VHFHS"), which are used to develop recommendations for local land use agencies and for general planning purposes. CalFire categorizes parcels into VHFHS and Non-VHFHS zones. A majority of the project site is located in a high fire hazard severity zones as delineated by CalFire.

4.8.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

4.8.3 Explanation

- a-b) **Less than Significant Impact.** Construction and operation of the project would not create a significant impact due to routine transport, use, or disposal of hazardous materials. Construction activities would, however, require the temporary use of hazardous substances, such as fuel for construction equipment, oil, solvents, or paints. Removal and disposal of hazardous materials from the project site would be conducted by an appropriately licensed contractor. Any handling, transporting, use, or disposal would comply with applicable laws, regulations, policies, and programs set forth by various federal, state, and local agencies. Required compliance with applicable hazardous material laws and regulations would ensure that construction-related hazardous material use would not result in significant impacts. These impacts would be temporary in nature and would be considered a less than significant impact.

Once operational, limited quantities of hazardous materials such as solvents, fertilizers, pesticides, and other materials used for regular maintenance of buildings and landscaping, as would typically be the case for these types of residential projects. Because of the nature of the project, hazardous materials used on-site may vary, but would likely be limited to fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. The use of common household products represents a low risk to people and the environment when used as intended. Therefore, long-term operational impacts associated with hazardous materials would be less than significant.

Only small quantities of hazardous materials would be used on-site during construction and operation of the project, and not in sufficient quantities to create a significant hazard in the unlikely event of upset or accident. Hazardous materials used during construction would be stored properly, in accordance with BMPs and applicable regulations. Runoff controls would be implemented to prevent water quality impacts, and a spill plan would be developed to address any accidental spills. In addition, any handling of potential hazardous materials would be required to comply with all existing laws pertaining to the transport, use, and disposal of hazardous materials. Any waste products resulting from construction and operations would be stored, handled, and recycled or disposed of in accordance with Federal, State, and local laws. This is considered a less than significant impact. (1, 2)

- c) **No Impact.** There are no schools within one-quarter mile radius of the project boundaries. As a result, the project would not result in the generation of a hazardous emission within a one-quarter mile radius of a school. There would be no impact in connection with the proposed project. (1, 2, 4)
- d) **No Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project. (1, 2, 8)
- e-f) **No Impact.** There are no airports within the project vicinity. The Hollister Municipal Airport and Frazier Lake Airpark are located more than 10 miles from the site. The closest private airstrip is the Christensen Ranch Airport, which is located 16 miles from the project site. The project site is not located within two (2) miles of any of these airports or private airstrips and would not create a safety hazard for people residing in the project area. There would be no impact in connection with the proposed project. (1, 2, 4)
- g) **No Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (“LHMP”) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. The project site, located on Cole Road, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The project would not interfere with any emergency response or evacuation plans. There would be no impact in connection with the proposed project. (1, 2, 3)
- h) **Less than Significant Impact.** The CalFire prepares maps of VHFHS, which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is located in a high fire hazard severity zone as delineated by CalFire. While the project is located in a semi-rural area, it is not adjacent to wildlands. While wildfire could occur on-site or on adjacent properties, the proposed project would comply with the applicable fire safety provisions of the California Building Code as well as standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. This is a less than significant impact. (1, 2, 4)

4.9 Hydrology and Water Quality

4.9.1 Environmental Setting

San Benito County has a moderate California coastal climate with a hot and dry summer season lasting May through October. Average annual rainfall ranges from seven inches in the drier eastern portion of the County, to 27 inches per year in high elevations to the south. Most of the annual rainfall occurs in the fall, winter, and to a lesser extent, spring, generally between November and April (San Benito County, 2015). Five creeks (Pacheco Creek, Arroyo de las Viboras, Arroyo Dos Picachos, Santa Anna Creek, Tres Pinos Creek) are located in San Benito County. There is a seasonal creek that runs during the rainy season and crosses the property from north to south approximately 200 feet west of Cole Road; there are no other water bodies on the project site.

Groundwater is the major source of water supply in the County. Groundwater is generally available throughout the County. The project is located in the Corralitos - Pajaro Valley Groundwater Basin.

The property is currently and has historically been used for grazing with a ranch house and accessory buildings between the creek and Cole Road on the eastern portion of the property. The Preliminary Drainage Analysis and Storm Water Management Calculations for Roth – Cole Road – Major Subdivision (MH

Engineering 2015) reports that all drainage from the site flows to the seasonal creek as sheet flow. The proposed project does not include any improvements within this creek. Runoff from the new impervious surfaces shall be routed through retention/detention ponds on the site to mitigate the runoff from the proposed project. These ponds shall retain the 95% volume and detain flows in excess of this to release post-development flows at pre-development levels.

Per the Federal Emergency Management (“FEMA”) Flood Insurance Rate Map Community-Panel Number 06069C0150D and 06069C0175D, both dated April 16, 2009, the site is located in Flood Zone X, or an area with minimal flood hazard. Areas within Zone X are considered low risk and are defined as corresponding to areas outside the: 1) 100-year floodplains, 2) areas of 100-year sheet flow flooding where average depths are less than 1 foot, 3) areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile, or 4) areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone.

Tsunamis or “tidal waves” are seismic waves created when displacement of a large volume of seawater occurs as a result of movement on seafloor faults. The project site has an elevation of approximately 217 to 233 feet above mean sea level (“msl”) and would not be affected by a tsunami.

4.9.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

- a) **Less than Significant Impact with Mitigation.** Temporary soil disturbance would occur during construction of the proposed project as a result of earth-moving activities, such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site. Moreover, the project would increase the extent of impervious surfaces on the site thereby potentially generating additional sources of polluted runoff. The types of pollutants contained in runoff would be typical of urban areas, and may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported to downstream drainages and ultimately into collecting waterways, contributing to degradation of water quality.

As stated above in **Section 4.4 Geology and Soils**, the proposed project would potentially disturb more than one acre of soil, as outlined above soil disturbance can result in potentially significant impacts which would be reduced to a less than significant impact with implementation of **Mitigation Measure HYD 4.9-1**.

Mitigation

HYD 4.9-1 Prior to start of grading/construction activities, the applicant shall retain a certified Qualified SWPPP Practitioner (“QSP”) and/or Qualified SWPPP Developer (“QSD”) to prepare a SWPPP. The SWPPP shall be submitted to County Resource Management Agency. A QSD/QSP should be retained for the duration of the construction and should be responsible to coordinate and comply with requirements by the RWQCB and to monitor the project as to compliance with requirements until its completion.

In addition to implementation of **Mitigation Measure HYD 4.9-1** identified above, the project would be required to obtain coverage under the RWQCB NPDES General Storm Water Permit, Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion and contains requirements regarding discharge and construction site stormwater runoff control, and standard BMPs for construction and post construction runoff. BMPs that are typically specified within the SWPPP may include, but would not be limited to the following:

- The use of sandbags, straw bales, and temporary de-silting basins during project grading and construction during the rainy season to prevent discharge of sediment-laden runoff into storm water facilities.
- Revegetation as soon as practicable after completion of grading to reduce sediment transport during storms.
- Installation of straw bales, wattles, or silt fencing at the base of bare slopes before the onset of the rainy season (October 15th through April 15th).
- Installation of straw bales, wattles, or silt fencing at the project perimeter and in front of storm drains before the onset of the rainy season (October 15th through April 15th).

Compliance with **Mitigation Measure HYD 4.9-1** as well as existing laws and regulations would limit erosion, which would reduce temporary impacts to surface water quality. As such, the proposed project is not anticipated to violate water quality standards or contribute additional sources of polluted runoff. Construction impacts to water quality would be less than significant. Please refer to Response c) below for more information. (1, 2, 9, 10)

- b) The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. The project would be served by an existing on-site well that would be improved to address existing water quality concerns. The well's yield of 21 gallons per minute over a 24-hour period would serve the seven connections with the required minimum of three gallons per minute and will comply with current standards (personal communication, Michael Kelly, December 7, 2018). Furthermore, the project would be required to adhere to San Benito County Code Article I. Groundwater Aquifer Protection, which limits extraction of groundwater.

The project would potentially affect groundwater recharge by increasing impervious surface. The site is 37.43-acres and is primarily used for grazing with some rural residential uses. The proposed project would develop six (6) lot with one existing lot and the necessary infrastructure including, among other improvements, internal roadways. Each residence would feature some area of pervious surface (i.e., landscaping), as well as impervious surface, such as rooftops, hardscaping, and roadways (net increase of 1.6 acres impervious surface).

The proposed project would include on-site drainage infrastructure including construction of retention/detention ponds. Retention/detention ponds would be designed to manage on-site drainage and would be sized in accordance with applicable standards and requirements of the County ordinances and permit requirements (further outlined below). Stormwater would be collected in the detention basin which may allow some collected drainage water to infiltrate into the groundwater.

The proposed project would not significantly deplete groundwater and would adhere to San Benito County Code Article I. Groundwater Aquifer Protections, which limits extraction of groundwater. In addition, stormwater runoff from the site would be captured in an on-site detention basin, which would allow for some groundwater recharge. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level at the site. Impacts would be less than significant. (1, 2, 9, 10)

- c-d) **Less than Significant Impact.** The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alternation of a course of a stream or river. As stated above, there is a seasonal creek located on-site that crosses the property from north to south approximately 200 feet west of Cole Road. No construction related activities are proposed within the seasonal creek or in its immediate proximity. Nevertheless, the project would be required to comply with standard BMPs, including standard County requirements related to erosion control. More specifically, the Applicant would be required to submit detailed grading permits to the County prior to the issuance of any grading permit demonstrating compliance with applicable County requirements to manage on-site drainage and erosion. As a result, the project would have a less than significant impact to drainage and erosion potential (1, 2, 9, 10)
- e-f) **Less than Significant Impact.** The proposed project could create or contribute runoff water or substantially degrade water quality during construction and operation of the project. All drainage from the site currently flows to the on-site seasonal creek as sheet flow. The project proposes to route all runoff from the site to on-site retention/detention ponds. These ponds would be designed to retain the 95% volume and detain flows in excess of this to release post-development flows at pre-development levels, satisfying Central Coast Regional Water Quality Control Board's post construction requirements, LID requirements, and County storm water management requirements. The project would include various stormwater management BMPs to control runoff in accordance with applicable standards and requirements including RWQCB's post construction requirements, LID requirements, and County storm water management requirements. Therefore, compliance with applicable regulations and implementation of the proposed project features would reduce impacts to due to runoff and water quality to a less than significant level. (1, 2, 9, 10)
- g-h) **No impact.** The project does not propose any housing or structures to be located within a FEMA designated 100-year flood hazard area. Therefore, no impacts would occur. (1, 2, 4)
- i) **No impact.** The project site is not located near any dam or levee structures. As a result, the project would not be exposed to flooding hazards due to the failure of a levee or dam. There would be no impact in connection with the proposed project. (1, 2, 4)
- j) **No Impact.** The proposed project site is not located in an area subject to significant seiche, tsunami, or mudflow risk. There would be no impact in connection with the proposed project. (1, 2, 4)

4.10 Land Use and Planning

4.10.1 Environmental Setting

The project site is located in a rural area of unincorporated San Benito County, California, near (but outside of the municipal boundaries) in Aromas. The property consists primarily of undeveloped ranchland that has historically been used for grazing purposes. The property includes an existing ranch house, accessory buildings (barn and horse paddocks), and other related improvements which would be retained as part of the proposed subdivision in the remainder lot to the west. Surrounding land uses are primarily rural residential and agricultural uses.

The San Benito County 2035 General Plan is the planning document that guides development within the County. The property is bordered by grazing on the north, rural residential development on the east, rural/vacant land uses on the south, grazing and rural residential on the west, and overall grazing and rural residential land uses surround the site. The proposed project site is within the General Plan Rural ("R") designation and zoning designation for Rural/Open Space ("R/OS") Districts, as shown in **Figure 1.4 Zoning Designations**.

4.10.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

4.10.3 Explanation

- a) **No Impact.** The project would not physically divide an established community. There would be no impact in connection with the proposed project. (1, 2)
- b) **Less than Significant.** A significant impact would occur if the project would conflict with “any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect”. The applicable County’s General Plan and Code provisions, including the Zoning Ordinance, were reviewed to determine if there are any conflicts with any of these measures/plans which were adopted for the purpose of avoiding or mitigating an environmental effect.

The project is consistent with the site’s existing General Plan policies and also consistent with the Rural land use designation. Pursuant to Article II of the County’s Code of Ordinances, the proposed project’s use is consistent with the County’s Rural/Open Space zoning designation which allows lots to be developed with single-family residences on a minimum of (5) acres. The project would not conflict with applicable land use plans and regulations, and associated impacts would be less than significant (1, 2, 3)

- c) **Less than Significant.** San Benito County has not adopted a habitat conservation plan, and the proposed project would not be within the boundaries of a Natural Community Conservation Plan, or other approved local, regional, or State HCP or conservation agreement; accordingly, the project would not conflict with any such plan. However, San Benito County adopted Ordinance 541 in 1988 to set and collect fees for financing the HCP and for San Joaquin kit fox protection measures. These fees are to be paid by the applicant as a condition of the issuance of a building permit. As a result, prior to issuance of building permit, in accordance with County Ordinance 541, the project applicant shall contribute a habitat conservation plan mitigation fee in the amount required by the County Planning Department. Potential effects would be minimized with payment of the HCP fee, this represents a less than significant impact. (1, 2)

4.11 Mineral Resources

4.11.1 Environmental Impacts

The Surface Mining and Reclamation Act of 1975 (“SMARA”) is the primary state law concerning mineral resources. Mineral resources including sand, gravel, and building stone are important for commercial purposes. Because of the economic importance of mineral resources, SMARA limits new development in areas with significant mineral deposits. SMARA also requires state geologists to classify specified areas into Mineral Resource Zones (“MRZs”).

The project site is located within an unincorporated area of the County south of Aromas, this area has not been designated by the California Department of Conservation, Division of Mines and Geology. Furthermore, the project site is not within an area designated by the County General Plan as a mineral resource.

4.11.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

4.11.3 Explanation

- a,b) **No Impact.** As stated above, the site has not been mapped for mineral resources and current agricultural uses at and around the project site do not support mineral extraction operations. Furthermore, the project site and adjoining lands have been designated by the County 2035 General Plan for rural use and would not therefore involve mineral extraction operations. There are no locally important mineral resource recovery sites described in the County 2035 General Plan. The General Plan does not include the project site as a zone for mineral extraction. As a result, there would be no impact. (1, 2, 3)

4.12 Noise

4.12.1 Environmental Setting

The policies in the County 2035 General Plan identify noise standards to avoid conflicts between noise-sensitive uses and noise source contributors. The project site is located in an agricultural area with rural residences surrounding the site. The primary source of noise in the project vicinity is traffic noise associated with Highway 101. Sensitive noise receptors in the vicinity of the project consist of existing residences located bordering the project site to the north, south, and east, the closest of which being approximately 200 feet west of property line to Lot 5.

Health and Safety Policy #8.11 of the San Benito County 2035 General Plan identifies noise and land use compatibility guidelines. The non-transportation interior performance standards listed in the County 2035 General Plan require that noise at residential uses not exceed 45 dBA interior during the nighttime hours and 55 dBA interior during the daytime hours. The standards also require that noise at residential uses not exceed 65 dBA Ldn (day/night level)⁵ exterior. Existing noise levels on the site were not measured, but given the site's location in a rural area, they are expected to be low, in the range of 45 – 55 Ldn.

4.12.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE. Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

4.12.3 Explanation

- a) **Less than Significant Impact with Mitigation.** The proposed development is located in a rural agricultural setting and is consistent with the surrounding rural residential uses surrounding the project site. Rural residential uses associated with the project would not expose people to noise in excess of established levels. Therefore, long term operational impacts would be less than significant.

Construction of the project would result in short-term noise increases in the project vicinity. Noise impacts from construction activities depend on the type of construction equipment used, the timing and length of activities, the distance between the noise generating construction activities and receptors and shielding. Construction activities would include site preparation, grading, construction, paving, and architectural coating. Construction equipment would include, but would not be limited

⁵ The Ldn represents the average sound level over a 24-hour period, accounting for greater noise sensitivity during night hours by adding five (5) decibels to noise between 7-10 p.m., and 10 decibels to noise between 10 p.m.-7 a.m.

to, graders, tractors/loaders/backhoes, cement and mortar mixers, pavers, rollers, saws, dozers, cranes, forklifts, and air compressors. Typical hourly average construction noise levels could be as loud as 75 - 80 decibels at a distance of ± 100 feet from the construction area during active construction periods. Sensitive receptors in the vicinity of the project consist of existing residences adjacent the project site to the north, south, and east, the closest of which being approximately 200 feet west of property line to Lot 5. Although the nearest residence is located 200 feet away from the western boundary of Lot 5, construction activities would occur further away. Noise levels from point sources such as construction sites typically attenuate at a rate of about 6 dBA per doubling of distance. At 200 feet, the noise levels from construction could be as high as 74 dBA at the sensitive receptor from the project site. Based on the County noise level standard of 55 dBA Leq exterior for residential receptors, the existing residences nearest to the project site could experience unacceptable noise levels during construction. Construction noise would also result in maximum noise levels exceeding 65 dBA Ldn exterior, which is the County's standard for maximum daytime noise levels at residences. Noise-generating construction activities would be restricted by the 2035 General Plan to weekdays between 7:00 am and 6:00 pm, and on Saturday between 8:00 am and 5:00 pm, no night-time construction is required. Compliance with these requirements would partially limit impacts to sensitive receptors. However, the following **Mitigation Measure NOISE 4.12-1** is required to reduce construction noise to a less than significant level.

Mitigation

NOISE 4.12-1 Prior to the issuance of any grading or building permit, the Applicant shall submit a Construction Noise Control Plan to address temporary noise generated in connection with construction-related activities. The Applicant shall prepare and implement a Construction Noise Control Plan consistent with the County's Health and Safety Policy #8.12 Construction Noise Control Plan (County of San Benito 2015). This policy requires all construction projects within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider available abatement measures to reduce construction noise levels as low as practical. Applicable measures to be considered would include (at a minimum) the following:

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Notify all abutting land uses of the construction schedule in writing; and
- Designate a "disturbance coordinator" (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the

disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

In summary, with implementation of **Mitigation Measure NOISE 4.12-1**, the proposed project would not result in exposure of persons to, or generate noise levels in excess of standards established in the local general plan or noise ordinance. This represents a less than significant impact. (1, 2)

- b) **Less than Significant Impact.** Construction of the project would generate temporary groundborne vibration. A vibration impact could occur where noise-sensitive land uses are exposed to excessive vibration levels. Residences, which are considered sensitive receptors, are located adjacent to the project site, the closest of which being approximately 200 feet west of property line to Lot 5. People residing in these areas could potentially be exposed to temporary groundborne vibration or groundborne noise levels.

Vibratory compactors or rollers and pavement breakers can generate perceptible vibration. Heavy trucks can also generate groundborne vibration, which varies depending on vehicle type, weight, and pavement conditions. The Federal Transit Authority has published standard vibration levels and peak particle velocities for construction equipment. Construction vibration impacts on building structure are generally assessed in terms of peak particle velocity (“PPV”) or root mean square (“RMS”) velocity. The RMS velocity level and PPV for typical construction equipment at a distance of 25 feet⁶ are listed in **Table 4.12-1** below.

Table 4.12-1 Vibration Source Amplitudes for Construction Equipment		
Equipment	Approximate Peak Particle Velocity at 25 Feet (inches/second)	RMS Velocity in Decibels (VdB) at 25 Feet
Vibratory roller	0.210	94
Large Bulldozers	0.089	87
Small Bulldozer	0.003	58
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, September 2013.		

Of the variety of equipment used during construction, the vibratory rollers that are anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this project. Large vibratory rollers produce groundborne vibration levels ranging up to 0.210 inch per second (in/sec) PPV at 25 feet from the operating equipment. Vibration levels from construction equipment attenuate as they radiate from the source. Sensitive receptors in the area could be exposed to groundborne vibrations of varying magnitudes depending on the type of equipment and proximity to construction activities, as shown in **Table 4.12-1**. Ground disturbing activities associated with project grading could also involve the operation of large and small bulldozers and loaded trucks. However, typical construction activities would be restricted to daytime hours with the least potential to affect nearby properties. At the closest sensitive receptor located approximately 200 feet from the project site property line (Lot 5), typical vibration levels would not exceed 80 VdB, which is the Federal Transit Authority (“FTA”) threshold for residences and buildings where people normally

⁶ Vibration amplitudes are usually expressed as peak particle velocity or the velocity of a parcel (real or imaged) in a medium as it transmits a wave.

sleep. Therefore, project-related groundborne vibration during construction would be less than significant. (1, 2)

- c) **Less than Significant Impact.** The proposed project would result in an incremental increase in ambient noise levels in the project vicinity due to the introduction of new residential uses on the site. Potential noise impacts associated with the proposed project would primarily be from project generated vehicular traffic. However, the proposed project is anticipated to generate only 53 daily trips (see **Section 4.15 Traffic/Transportation**). The incremental increase in project traffic would not result in a significant increase in ambient noise levels. In addition, residential noise associated with the project is not anticipated to create a significant source of permanent noise as they are consistent with the existing noise environment in the project vicinity. Furthermore, the proposed project is consistent with the surrounding land uses and the zoning of the property. This represents a less than significant impact. (1, 2)
- d) **Less than Significant Impact with Mitigation.** Noise would be generated on the site during construction. This would temporarily elevate noise levels in the immediate project area from use of various construction equipment. This issue is addressed under Response a) above. With implementation of **Mitigation Measure NOISE 4.12-1**, this represents a less than significant impact. (1, 2)
- e) **No Impact.** The project is not located within an airport land use plan or near any public airports. There would be no impact in connection with the proposed project. (1)
- f) **No Impact.** The project is not located near any private airstrips. There would be no impact in connection with the proposed project. (1)

4.13 Population and Housing

4.13.1 Environmental Setting

The most recent census for the County was in 2017, with an estimated 60,310 residents living in the County. The 2012 to 2016 5-year average total amount of housing units was 18,876 homes in the County⁷.

The County 2035 General Plan REIR notes that employment for 2010 in unincorporated areas of the County was approximately 4,530 jobs. The County 2035 General Plan REIR notes that there will be an increase at an estimated 6.44 percentage per year, and an estimated 94,731 total residents living in the County between 2010 and 2035. Concerning employment, a large number of San Benito County residents commute to other counties for work. Employment in the unincorporated areas of the County are projected to increase approximately 10 percent per year to an estimated 12,030 and 13,130 total jobs between 2010 and 2035. It is anticipated that there will be approximately 14,844 dwelling units located in unincorporated areas of the County, and 5,425 located within the City of Hollister's sphere of influence, for a total of 20,269 homes. There is an estimated ratio of 2.85 persons per household in the unincorporated County, reflecting the past 50 years of declining persons per dwelling with a 2-percent decline from the 2010 ratio of persons per dwelling.

The County anticipates in the 2035 General Plan REIR that it would provide 182 new residential units for very low-income households, 282 residential units for low-income households, 331 new residential units for

⁷ United States Census Bureau Website:

<https://www.census.gov/quickfacts/fact/table/sanbenitocountycalifornia#viewtop>. Accessed September 6, 2018.

moderate income households, and 678 new residential units for above moderate households for a total of 1,655 new residential units located in the unincorporated County by the year 2035. Various General Plan goals and policies and the County Code reflect the County's planning vision to accommodate the future growth projections.

4.13.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

4.13.3 Explanation

- a) **Less than Significant.** The proposed project would add 14 residents, based on a factor of 2.85 residents per unit. This increase in population represents a negligible amount in comparison with the 94,731 total residents accounted for by the General Plan between 2010 and 2035 (0.00015%). As such, the population increase resulting from the project would not constitute substantial unplanned growth. Impacts would be less than significant. (1, 2)
- b, c) **No Impact.** As stated above, the anticipated population growth associated for the proposed project is already accounted for in the County General Plan. The proposed use is rural residential, consistent with the current R/OS zoning. The project does not include displacement of housing, and thus would not necessitate the construction of replacement housing elsewhere. In addition, the current project site does not include housing and, thus, would not displace a substantial number of people, necessitating construction of housing elsewhere. As such, there would not be an impact associated with displacing housing or people, necessitating the construction of replacement housing elsewhere. (1, 2)

4.14 Public Services

4.14.1 Environmental Setting

Fire protection services would be provided by the Aromas Tri County Fire Protection District ("ATCFPD"). The closest station to the proposed project site is located at 492 Carpenteria Rd, Aromas, which is located 1.15 miles from the proposed project. The ATCFPD provides fire protection services within its service area in San Benito, Santa Cruz, and Monterey Counties, and operates under a Cooperative Fire Protection Agreement with CalFire.

In addition, the proposed project area is served by the San Benito County Sheriff's Office. The San Benito County Sheriff's Department coverage area encompasses the entire unincorporated areas of the County (including the project site). The San Benito County Sheriff's Department is located at 2301 Technology Pkwy in the City of Hollister, which is located approximately 12.5 miles from the project site.

4.14.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

4.14.3 Explanation

- a-b) **Less than Significant Impact.** Construction and implementation of the proposed project would require fire and police protection services. This increase in service population would not require additional police staff and vehicles such that new or expanded fire or police facilities would need to be constructed. Construction of the proposed project would result in 14 residents. This increase in residents is accounted for in the County General Plan and does not represent a significant increase in service population. The ATCFPD and San Benito County Sheriff already serve adjacent properties, including the project site. Based on distance between the project site and existing stations the proposed project would not trigger the need to construct new stations or expand existing services. As a condition of approval, the project applicant would also be required to pay the applicable public services fee to support emergency services (pursuant Chapter 5.01, Article III of the County Code of Ordinances), as well as fire protection facilities fees (pursuant Chapter 5.01, Article VIII of the County Code of Ordinances). This represents a less than significant impact. (1, 2)
- c-e) **Less than Significant Impact.** The proposed project would not require any additional public services, such as schools, parks, or other public services. The project does not include new or physically altered schools, parks or other public services or facilities. In addition, the proposed project would not require new schools, parks or other facilities, as the population increase associated with the proposed project is less than significant and the proposed uses for the property are consistent with the existing zoning and surrounding uses of the site. In addition, as a condition of approval, the project applicant would also be required to pay the applicable school facilities fees and/or dedications (pursuant Chapter 5.01, Article I of the County Code of Ordinances). This represents a less than significant impact. (1, 2)

4.15 Transportation/Traffic

4.15.1 Environmental Setting

The project is located north of Highway 101, north west of the intersection at Cole Road and Ricardo Drive. Regional access to the project site is provided from Highway 101, this section of Highway. 101 also has an interchange with SR 156 (east) adjacent to the project site. Highway 101 is a major expressway/freeway that extends from southern California to northern California. SR 156 is a major east-west highway that carries traffic between Highway 1 in Castroville and SR 152 in southern Santa Clara County. Cole Road provides local access off Highway 101/SR 156, and is a two-lane arterial roadway. Ricardo Drive runs east-west of the project site and is also a two-lane local roadway. Neither Cole Road nor Ricardo Drive have sidewalks, bike lanes, or space for parking. Bus service is not provided to the project site.

The County maintains Level of Service (“LOS”) standards that define the minimum acceptable operating characteristics for intersections and streets. LOS is a standard measure of traffic service along a roadway or at an intersection. It ranges from A to F, where LOS A is best and LOS F is worst.

The County maintains a target goal of LOS D at all locations. If a transportation facility is already operating at a LOS D or E, the existing LOS should be maintained. General Plan Policy C-1.5 allows the County to assess fees on all new development to ensure new development pays its fair share of costs for new and expanded transportation facilities. Pursuant to this policy, the County requires payment of Transportation Impact Mitigation Fees (“TIMF”) from new development to fund that development project’s fair share of new transportation infrastructure projects if these are included in a capital improvement program and/or the TIMF Program.

The California Department of Transportation (“Caltrans”) establishes LOS goals through its Guide for the Preparation of Traffic Impact Studies. The guide states that Caltrans shall maintain a target LOS at the transition between LOS C and LOS D on State highway facilities.

4.15.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC. Would the project:				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

4.15.3 Explanation

- a) **Less than Significant Impact.** The proposed project is characterized as single-family residential use. The “single-family detached housing” (ITE Code 210) trip generation rate from the Institute of Transportation Engineers (“ITE”) Trip Generation Manual, 9th Edition were used to estimate project generated trips. The daily trip rate per dwelling unit is 10.65. **Table 4.15-1** and **Table 4.15-2** summarizes the trip generation rates and volumes for the proposed project.

Table 4.15-1 Project Trip Generation Rates									
Land Use Category	ITE Code	Rate Unit	Daily Trip Rate/Unit ¹	AM Peak-hour Rate/Unit			PM Peak-hour Rate/Unit		
				Total ¹	In%	Out%	Total	In%	Out%
Single-Family Detached Housing	210	DU	10.65	0.82	25%	75%	1.07	63%	37%
Notes: 1. The trips rates illustrated in this table are based on actual ITE Trip Generation (9th Edition) regression curve equations. Source: ITE Trip Generation (9th Edition)									

Table 4.15-2 Project Trip Generation Volumes										
Land Use Category	Units	Quantity	Daily Trips	Daily Trip Rate/Unit ¹	AM Peak-hour Rate/Unit			PM Peak-hour Rate/Unit		
					Total ¹	In%	Out%	Total	In%	Out%
Single-Family Detached Housing	DU	5	DU	53	5	1	4	5	3	2
Notes: 1. The trips illustrated in this table are based on actual ITE Trip Generation (9th Edition) regression curve equations.										

As illustrated in **Table 4.15-2**, the proposed project is anticipated to generate a total of 53 daily trips, 5 AM peak-hour trips (1 inbound, 4 outbound), and 5 PM peak-hour trips (3 inbound, 2 outbound) under typical “annual average” traffic demand conditions.

The proposed project is consistent with the surrounding land uses and current zoning of the project site, rural residential. Based on ITE Trip Generation rates, the proposed project is not anticipated to generate a substantial number of trips which would change the existing conditions at nearby intersections or roads, therefore it is anticipated that all intersections and roads within the vicinity of the project site would continue to operate at or better than their respective LOS standards.

The project is anticipated to generate little to no pedestrian or bicycle traffic, or transit usage, due to the relative isolation of the project site from population areas and the lack of pedestrian facilities in the area. The project would not represent a significant impact to pedestrian or bicycle circulation or represent a significant demand for, or impact to transit service.

The project would require the development of a 550 foot access road and cul-de-sac off of Ricardo Drive, for access to Lots 1, 2, 3, 4, and 6. The access road would be developed in conformance with County Code Section 23.29 Road Standards and Fire Code Requirement (i.e. full 16 feet paved surface on 18 feet roadbed for the common driveway from Ricardo Drive up to the end of cul-de-sac including a minimum of 80 feet diameter paved surface on 90 feet diameter roadbed within a 100 foot diameter right-of-way for the cul-de-sac). Lot 5 would be accessed directly from Ricardo Drive. Private driveways would be constructed for each individual lot. A total of 20 off-street parking spaces are proposed by the project, 10 parking spaces would be in garages (attached to the home) and up to 10 open spaces are also proposed.

Although the project would not have a significant impact on vehicle, pedestrian & bicycle, and transit circulation the project would still be required to responsible for payment of the San Benito County RTIF administered by the Council of San Benito County Governments. In addition, as a Condition of Approval, the project would be required to provide improvements along the entire property frontage on Ricardo Drive (pursuant to San Benito County Code Section 23.17 Improvements). Additionally, the project would be required to make irrevocable offers to dedicate half of the 60 feet right-of-way along the entire property frontage on Ricardo Drive plus slope easement (see **Figure 1.5**) (pursuant to San Benito County Code Section 23.15 Dedication of Streets, Alleys and Other Public Right-of-Way or easement). An Encroachment Permit would be required for any work performed within the County right-of-way (pursuant to San Benito County Code Section 19.27.004).

As described above the project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. This impact is less than significant. (1, 2, 3)

- b) **Less than Significant Impact.** See Response a, above. With the implementation of standard conditions of approval, as well as payment of the San Benito County RTIF, the project would not conflict with an applicable congestion management program, including but not limited to LOS standards and travel demand measures or other standards established by the County congestions management agency. (1, 2, 3)
- c) **No Impact.** Implementation of the proposed project would not result in any change to air traffic patterns. (1, 2, 3)
- d) **No Impact.** The proposed project would not involve a hazardous design feature or incompatible uses. (1, 2, 3)

- e) **No Impact.** The proposed project would not result in inadequate emergency access. (1, 2, 3)
- f) **No Impact.** As stated above the proposed project is anticipated to generate little to no pedestrian traffic and bicycle traffic, due to the relative isolation of the project site from population areas and the lack of pedestrian facilities in the area. In addition, the project is anticipated to generate no increase in transit usage by employees or visitors to the project site. As a result, the project would not conflict with adopted policies, plans, or programs supporting alternative transportation. (1, 2, 3)

4.16 Tribal Cultural Resources

4.16.1 Environmental Settings

Basin Research Associates contacted the NAHC to request a search of the Sacred Lands File and the current list of Native American contacts for the project location to initiate consultation under California AB 52 Amendment to CEQA. The NAHC Sacred Lands search indicated that “Native American cultural sites are present.” Letters soliciting additional information were sent to the five Native American individuals/groups recommended by the NAHC.⁸ Each of the contacts was contacted in a letter sent August 1, 2018. Information in the letter included the project description, results of the Sacred Lands File search, and contact information. The parties contacted were asked to consider the letter and project information as notification of a proposed project as required under CEQA. Basin Research Associates also contacted non-responding parties to solicit their input. Basin Research Associates sent the following contacts consultation letters:

- Valentin Lopez, Chairperson, Amah Mutsun Tribal Band,
- Irenne Zwierlein, Chairperson, Amah Mutsun Tribal Band of Mission San Juan Bautista,
- Karen White, Council Chairperson, Xolon-Salinan Tribe,
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan, and
- Donna Haro, Tribal Headwoman, Xolon-Salinan Tribe

Three Native American representatives responded during the consultation process. Ms. Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan noted that she and another Native American had monitored Caltrans construction along Highway 101, a site known as “Rock Haven” or “The Rocks.” Basin Research Associations indicated that this site is probably the Native American cultural site(s) identified during the Sacred Lands search since Native American representatives indicated that they were not aware of any other resources in the project vicinity. The site is within 0.25 mile of the project south boundary. It would not be affected by the proposed development. No other resources are within 0.25 mile of the project and no resource were noted during the archaeological inventory within the project parcel.

A record of the consultation process is attached to the Archaeological Resources Assessment, prepared by Basin Research Associates (September 20, 2018)⁹. There has been no formal request for consultation under AB 52 to this point in the consultation process.

⁸ None of the tribes of the individuals contacted are listed in Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs [federally recognized].

⁹ For a copy of the Cultural Resources Report please contact the Lead Agency, the Cultural Resources Report is not attached to the document for privacy.

4.16.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☒	☐	☐

4.16.3 Explanation

- a) **No Impact.** As described above in **Section 4.5 Cultural Resources**, the project site does not contain any resources that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There are no historical resources within the project area, as a result there is no impact. (1, 2, 6)
- b) **Less than Significant Impact with Mitigation Incorporated.** The Archaeological Resources Assessment (Basin Research Associates, 2018) determined that the project site does not contain evidence of an archaeological resource. The consultation process resulted in direct contact with three of the five Native American contacts on the list provided by NAHC. Results of the NAHC SFL records search and tribal consultation indicate that there is a Native American cultural site(s) approximately 0.25 miles from the proposed project, no other resource were noted during the archaeological inventory within the project parcel suggesting a low to low-moderate sensitivity for the development footprint. This is considered a potentially significant impact that can be mitigated to less than significant with incorporating of **Mitigation Measures 4.5-1** outlined above in **Section 4.5 Cultural Resources** above. (1, 2, 6)

4.17 Utilities and Service Systems

4.17.1 Environmental Setting

Water Supply and Delivery

The three primary sources of water supply in the County include water purchased and imported from the Central Valley Project (“CVP”) by the San Benito County Water District (“SBCWD”), local surface water stored in and released from SBCWD owned and operated Hernandez and Paicines reservoirs, and local

groundwater pumped from wells. While the SBCWD is the CVP wholesaler for municipal and industrial use and has jurisdiction over water management throughout the County, much of the population is served by other water purveyors, including the City of Hollister, Sunnyslope County Water District (“SSCWD”), and other small local purveyors. Some communities within the County are not served by water districts or do not have water systems that provide water service. These communities and rural residents rely on private wells and groundwater. For the last decade (2000-2010) total water use, including CVP water and groundwater, has ranged from between 35,000 and 47,000-acre feet per year (“AFY”) in the CVP delivery area (termed Zone 6), depending on weather conditions, the economy, and water conservation measures. Total water use in Zone 6 generally declined over the period from 2000 to 2010, with year-to-year fluctuations most likely caused by variable weather conditions. Long term trends may be due to the economy and water conservation. Agricultural, municipal, and industrial use has generally declined during this same time frame, mostly due to conservation and the economic downturn.

Water is currently provided to the parcel by one (1) existing well on site.

Wastewater System

Most of the unincorporated areas of San Benito County lack public sewer infrastructure and instead are serviced by either community septic systems or individual septic systems and leachfield disposal. The incorporated areas, including Hollister and San Juan Bautista, are serviced by each city’s wastewater and sewer services. Unincorporated areas in the County that have public wastewater service are served by the SSCWD, the Tres Pinos Water and Sewer District, or by one of the four County Service Areas (“CSAs”). The four CSAs with sewer collection and treatment facilities in the county include: CSA #22 Cielo Vista, CSA #51 Comstock Estates, CSA #54 Pacheco Creek Estates, and CSA #45 Rancho Larios. The majority of the sewer districts that provide wastewater service in the unincorporated County have service areas that also cover the cities of Hollister and San Juan Bautista, and planned developments within several subdivisions outside city limits. Most communities south of Hollister, near Tres Pinos and in the far western and southern portion of the County, are on septic systems.

Wastewater generated in connection with the proposed project would be disposed of via individual septic systems. Each residence would be served by an approximately 2,000 gallon septic tank with leachfield. A sewage disposal permit would be required from San Benito County Health Department.

Storm Drainage

The San Benito River, Pajaro River, and the Santa Ana Creek tributary (north of the project site) are the three natural channels that receive storm water from the County. Stormwater drainage systems serve very few areas of the County. Water and/or wastewater service are provided by five service providers and several CSAs. Most residents and businesses in the unincorporated County rely on individual drainage solutions or small-scale drainage systems. Stormwater quality measures are advocated and required by the County as part of the development review process. Because of the low intensity of development in unincorporated areas, the construction of large stormwater drainage systems is not necessary. A preferred method to decrease stormwater runoff volumes water and quality is the use LID techniques. The purpose of LID is to reduce impervious surfaces and provide more opportunities for runoff to soak into the ground onsite or to unlined ditches and swales or to be used for irrigation and other uses.

The project would include stormwater drainage facilities to detain runoff for new impervious surfaces. Specifically, runoff from the new impervious surfaces would be designed to be routed through retention/detention ponds on the site. These retention/detention ponds shall retain the 95% volume to detain flows in excess of this to release post-development flows at pre-development levels. The project would

be required to comply with the County Drainage Standard as well as **Mitigation Measure HYD 4.9-1**, which requires the preparation of a SWPPP by a certified QSD/QSP (see **Mitigation Measure HYD 4.9-1** for more information). In addition, the project would be required to comply with Central Coast Regional Water Quality Control Board's post construction requirements, LID requirements, and County storm water management requirements to ensure that adequate facilities are provided on-site to detain/retain stormwater runoff generated by the increase in impervious surfaces on the site (for more information see **Section 4.9 Hydrology and Water Quality**).

Solid Waste

The current solid waste disposal and recycling service provider for the City of Hollister, the City of San Juan Bautista, and most parts of unincorporated San Benito County is Recology. Recology transports solid waste to the John Smith Road Landfill ("JSRL"), which is owned by the San Benito County Integrated Waste Management Department ("IWMD") and operated by Waste Connections, Inc. The JSRL is the only operating active solid waste landfill in the County.

The JSRL is located at 2650 John Smith Road, approximately five miles southeast of downtown Hollister, in the unincorporated County. It has a maximum permitted throughput of 1,000 tons per day. As of March 31, 2018 has a remaining capacity of approximately 3,499,000 cubic yards (CalRecycle, 2018). According to available information from the Central Coast RWQCB regarding the JSRL, based on current waste disposal rates, the estimated closure date (when capacity is expected to be reached) is 2032 (CalRecycle, 2018).

Electric and Gas

Gas and electric service for the proposed project would be provided by PG&E. In 2016, PG&E's power mix consists of approximately 33 percent renewable energy sources, with a goal of being 50 percent renewable by the end of 2030 (PG&E, 2017).

4.17.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

4.17.3 Explanation

- a-b) **Less than Significant Impact.** The proposed project would not require construction of new wastewater treatment facilities that would exceed the wastewater treatment requirements of the RWQCB. Moreover, construction and implementation of the project would not or result in the construction of new or expanded wastewater treatment facilities that would cause significant environmental effect. The project would be served by individual septic systems for each lot and includes a new 2,000 gallon septic tank. The proposed septic systems would be required to comply with applicable County requirements, including but not limited to County Code of Ordinances Chapter 15.07 Sewers and Sewage Disposal that sets forth requirements for the construction of individual sewage disposal systems. Further, the percolation testing did not reveal any issues related to site soils being incapable of supporting on-site septic disposal. No existing treatment facilities would be affected by the project. This represents a less than significant impact. (1, 2, 10)
- c) **Less than Significant Impact.** The proposed project would include two retention/detention basins to retain stormwater. Construction of these facilities would not result in any additional environmental effects beyond those previously evaluated elsewhere in this IS/MND (see **Section 4.9 Hydrology and Water Quality** above). These facilities would be designed to retain the 95% volume and detain flows in excess of this to release post-development flows at pre-development levels, satisfying Central Coast RWQCB's post construction requirements, LID requirements, and County storm water management requirements. Compliance with these requirements as well as standard BMPs address potential impacts during construction of new stormwater facilities. This impact is considered a less than significant. (1, 2, 10)
- d) **Less than Significant Impact with Mitigation.** As discussed in **Section 4.9 Hydrology and Water Quality** above, the project would be served by AWD. Water supply would be provided from an existing on-site well. This well would be used for potable demand and on-site irrigation use. Based on information provided by the County, the existing well has sufficient production capacity to serve the residential demands associated with the proposed project. The well's yield of 21 gallons per minute over a 24-hour period would serve the seven connections with the required minimum of 3 gallons per minute and will comply with current standards. As a result, new or expanded entitlements would not be necessary to serve the project. The existing well would, however, warrant improvements to address water quality issues. The water analysis conducted by Bolsa Analytical on Aug 21, 2008 indicated that the level of Manganese exceeded the maximum contamination level

(50ug/L) and was found to be 293 ug/L. This represents a potentially significant impact that would be reduced with implementation of **Mitigation Measure UTIL 4.17-1**.

Mitigation

UTIL 4.17-1 Prior to recordation of the Final Map, the owner/applicant shall complete the following, as required by the County Division of Environmental Health: 1) a deed restriction shall be recorded on each parcel and shall state that the water from the well serving the project site contains manganese exceeding the maximum contaminant level permissible under San Benito County Code and that the property owner shall take measures to reduce these items to acceptable limits meeting Public Health Drinking Water Limits; 2) contact a licensed water well contractor to determine the cause and correct the Coliform presence in the water of this water well; and, 3) complete the application for a small water system with this department as there are more than two connections to the well.

Compliance with **Mitigation Measure UTIL 4.17-1** would ensure that there is an adequate water supply available to serve the needs of the proposed project. (1, 2, 10)

- e) **No Impact.** Wastewater treatment would be on-site, therefore, the project would not affect existing treatment capacity. There would be no impact in connection with the proposed project. (1, 2, 10)
- f) **Less than Significant Impact.** The volume of waste generated by the project was determined based on the CalRecycle solid waste generation rates (see **Table 4.17-1**). The most recently developed CalRecycle waste generation rate for single-family residential uses were selected for the proposed project.

Table 4.17-1 Projected Solid Waste Generation (lbs/day) (Prior to any Waste Reduction Efforts)					
Land Use	Project Size	Generation Rates	Daily Solid Waste (lbs/day)	Landfilled Solid Waste with Diversion (lbs/day)*	Total (lbs/day)
Single Family Residential	5 dwelling units (du)	14.70 lbs/du	73.5	36.75	36.75 lbs/day or 0.018 tons/day
Source: CalRecycle n.d.					
*Assumes a 51 percent diversion rate, consistent with Integrated Waste Management Act requirements.					

Table 4.17-1 shows the estimated amount of solid waste to be generated by buildout of the proposed project. Prior to the consideration of any waste reduction efforts, the proposed project would generate a total of approximately 73.5 pounds of solid waste per day. Assuming a 51 percent reduction in solid waste generation (the most recent reported diversion rate for the County), the proposed project would generate an estimated 36 pounds of solid waste per day, or 0.018 tons per day. As stated above, the maximum permitted throughput at JSRL is 1,000 tons per day and average disposal at the landfill is approximately 675 tons per day, therefore the waste generated by the proposed project would represent a small percentage (much less than one percent) of the remaining daily capacity. Therefore, adequate landfill throughput capacity would currently be available to accommodate the proposed project, this is a less than significant impact (1, 2).

- g) **Less than Significant Impact.** The project would comply with all federal, state, and local statutes and regulations related to solid waste. All waste generated in connection with the project would be handled in accordance with all applicable federal, state, and local statutes and regulations to the extent they are applicable to the project. This represents a less than significant impact. (1, 2)

4.18 Mandatory Findings of Significance

4.18.1 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.18.2 Explanation

- a) **Less than Significant Impact with Mitigation.** The proposed project would not 1) degrade the quality of environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory. The proposed project would result in temporary and permanent impacts that would be mitigated to a less than significant level through the incorporation of mitigation measures identified in this IS/MND. Compliance with the mitigation measures contained in this document would ensure that all impacts are less than significant. Moreover, the proposed project would not adversely impact a cultural or historic resource that is an important example of a major period in California history with mitigation proposed in this IS/MND. Mitigation would reduce potential impacts to cultural resources resulting from ground disturbing construction activity. With implementation of these measures, as described in this IS/MND, the project would not have the potential to degrade the quality of the environment and, overall, impacts would be less than significant impact. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

- b) **Less than Significant Impact.** Under CEQA “cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The proposed project would not result in a cumulatively considerable adverse environmental effect. This IS/MND contains mitigation to ensure that all impacts would be minimized to a less than significant level. The project would have temporary air quality impacts, and GHG emissions that would contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the MBARD’s thresholds of significance. In addition, the proposed project would not induce potential population growth beyond existing levels; therefore, the project would not conflict with and/or obstruct the implementation of the MBARD 2012-2015 AQMP, or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a less than significant cumulative impact on the air quality and GHG. Overall, the project would have a less than significant cumulative impact.

Additionally, the REIR prepared for the County’s 2035 General Plan identified several significant unavoidable impacts that would potentially occur with buildout of the General Plan, including loss of prime farmland, light and glare, effects to sensitive species and habitats, exposure to flood hazards, noise, population growth, and transportation level of service impacts. This project is consistent with the General Plan land use designation; thus, the effects of the project were already considered programmatically as part of the General Plan REIR. As stated above and in topical sections of this IS/MND, in many cases, this project would have no effect on impacts cited. Overall, the project would not result in impacts that are individually limited, but cumulatively considerable.

- c) **Less than Significant Impact.** The proposed project would not cause any adverse effects on human beings. Temporary construction impacts would be temporary in nature and mitigated to a less than significant extent. In addition, temporary construction impacts to sensitive receptors would be limited since potential construction-related air quality impacts and GHG emissions would exceed the MBARD’s significance thresholds and compliance with applicable MBARD regulations, including, but not limited to, Rule 402, would minimize potential nuisance impacts to occupants of nearby land uses. The project would not have a substantial adverse effect on human beings, either directly or indirectly.

Chapter 5. References

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