



**DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

**Dassel Tentative Map
333 Mission Vineyard Road**

Prepared for the County of San Benito, California
Resource Management Agency
Revised November 2020

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**SAN BENITO COUNTY
NOTICE OF PROPOSED
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

TO: Responsible agencies, Trustee agencies, other County Departments, and interested parties

FROM: San Benito County Planning Department

This notice is to inform you that an Initial Study and proposed Mitigated Negative Declaration have been prepared by Metropolitan Planning Group with oversight and review by the San Benito County Planning Department (Lead Agency). The Planning Department intends to recommend filing a Mitigated Negative Declaration for the project identified below. The public review period for the Initial Study is from June 30, 2020 to July 20, 2020. The document is available for review at the address listed below. Comments may be addressed to Assistant Planner, Arielle Goodspeed. Written comments are preferred. Please use the project file number in all communication.

- 1. Project title and file numbers:** **Dassel Tentative Subdivision Map and Zone Change
PLN190035 and Zone Change File No. PLN190035**
- 2. Lead agency name and address:** **San Benito County Planning Department
2301 Technology Parkway, Hollister, CA 95023**
- 3. Contact Person and phone number:** **Arielle Goodspeed
831-902-2547**
- 4. Project Location:** **333 Mission Vineyard Road, San Juan Bautista, CA
95045 San Benito County, California**
- 5. Project Sponsor's Name and Address:** **James P. Dassel
451 Mission Vineyard Road
San Juan Bautista, CA 95045**
- 6. General Plan Designation:** **Agriculture (A)**
- 7. Zoning:** **Agricultural Productive (AP)**

CHAPTER 1: INTRODUCTION AND PROJECT DESCRIPTION

The proposed project is located at 333 Mission Vineyard Road and would include the subdivision of Assessor Parcel Numbers (APNs) 012-190-041 & 012-190-042 consisting of 30.656 acres in total in unincorporated San Benito County. The site approximately 1,700 feet south of the City of San Juan Bautista and 2,200 feet south of State Route 156. The development of the property will include the creation of five (5) one-acre single-family residential lots, and one (1) twenty-five (25) acre lot with a 24-acre open space easement to preserve the hillside. The five (5) one-acre lots will be clustered in the flat areas adjacent to Mission Vineyard Road and each will include a building site for a 2,000 to 4,000 square foot single family residence. The twenty-five-acre lot will encompass the remainder of the project area. The approximate 24-acre open space easement will allow for the construction of a single-family residence and accessory structures over a portion of the property not to exceed one acre. See Figures 1-3 for location of the project site.

Driveways to the residences will be from Mission Vineyard Road and grouped so that there are three driveways total (one shared by Lots 1 & 2; one shared by Lots 3 & 4; and one shared by Lots 5 & 6). The driveways will be constructed as required by County Code. The project will also include the widening of the southerly half of Mission Vineyard Road to the width required by County Code together with the re-grading of the existing roadside ditch and storm water runoff mitigation according to the requirements of County Code and the Central Coast Regional Water Quality Control Board.

Water service to the new lots will be provided by the City of San Juan Bautista which currently serves the site and new services will be provided as required by the City as defined in the August 23, 2018 and June 24, 2020 letter provided by the City. Each Lot will have an on-site septic system and will also be conditioned to connect to the City of San Juan Bautista sewer system within six months of the City's completion of a sewer main in front of these properties to meet General Plan policy. Electric and Communication service to the new lots will be underground from the existing overhead lines that run along the north side of Mission Vineyard Road.

1. Regional Setting:

The project site is located in unincorporated San Benito County, California. San Benito County is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The county is surrounded by the counties of Santa Cruz and Monterey to the west, Santa Clara County to the north, and the counties of Merced and Fresno to the east and south. The county is served by SR 25, which runs north/south through the middle of the county; SR 152 and SR 156, which run east west through the northern portion of the county; and U.S. Highway 101, which runs north/south through the northwest corner of the county. U.S. Highway 101 provides a major connection between the San Francisco Bay Area and the coastal communities within the Monterey Peninsula. San Benito County occupies over 890,000 acres or approximately 1,391 square miles. According to the California Department of Conservation (DOC), approximately 672,370 acres of land in San Benito County were classified as "agricultural land" in 2012, accounting for approximately 76 percent of land in the county (DOC 2015).

The climate of the region varies by season, with rainfall concentrated in the winter months. Summer conditions in San Benito County are typically characterized by warm temperatures and low humidity, with temperatures averaging in the low 80s°F during the day and in the 50s°F at night. During the summer months, the prevailing winds are typically from the south and/or west. Winter conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. The daytime average temperature is in the low 60s°F and nighttime temperatures average in the upper 40s°F. During winter, winds predominate from the south, but north winds frequently occur. Rainfall occurs mainly from late October to early May, with an average of approximately 13 inches per year. This amount can vary significantly from year to year.

2. Surrounding Land Uses and Setting:

The surrounding area is primarily agricultural and rural residential in character. Properties to the east of the project site are four (4), one-acre residential lots in the flat area, and a 37-acre agricultural facility west of the hillside area. To the north of the project are agricultural lots used for residences and uses consistent with the Agricultural Productive (AP) zoning. West of the project the parcels are used for row-crop in the flat area and grazing on the hillsides and the property to the south is used for hillside grazing.

The project property consists of six acres of level pasture area adjacent to Mission Vineyard Road, and 25 acres of hillside/hilltop area south of the pasture area. The proposed development includes the preservation of the hillside/hilltop areas with a 24-acre open space easement on a single parcel to promote its continued use for grazing, minimize the disturbance of the hillsides, and preserve the view shed.

The development of the level pasture area with residences has been designed to be similar in nature to the parcels to the east and provide a transition from the rural residential areas to the rural areas in the vicinity.

There is a single valley oak that is 16 inches in diameter located near the east side of the Lot 3 building envelope. This tree is shown on the tentative map to be preserved. There are no other trees in the recommended building envelopes on the six lots. There are approximately 50 trees on hillside areas of Lot 6 consisting of a mix of mature valley oak, coast live oak, and California buckeye, all of which are to remain undisturbed and within the proposed open space easement.

3. Site Characteristics

Seismic Zone: No portion of this project property lies within a seismic special studies zone. The San Andreas Fault is 1,000 feet northeast of the project according to the State of California Special Studies Zone Map, San Juan Bautista Quadrangle dated 7/1/1974.

Fire Hazard: Located within a Local Responsibility Area, within a “very high” fire hazard severity zone according to the San Benito County Fire Severity Zone Map

Floodplain: No portion of this project property lies within a floodplain.

Archaeological Sensitivity: Extremely High Sensitivity.

Habitat Conservation Area: Within Habitat Conservation Plan Fee area.

Landslide: Lower level areas classified as least susceptible area (all proposed development on this project) [+/-6 acres]. Hillside areas is classified as marginally susceptible area (no development proposed in this area) [+/-20 acres]. Hilltop area is classified as generally susceptible area (no development proposed in this area) [+/-4 acres]

Soils: HaH – Hanford coarse sandy loam (29% of site) SbE2– San Benito clay loam (71 % of site)

4. Planning and Zoning:

The project site and surrounding lands have Zoning and General Plan designations of Agricultural Productive (AP). The AP zoning district is intended to provide for areas within the County to be used for agricultural production of any kind (25.07.020). The proposed project would change the zoning from the existing AP Agricultural Productive zoning, to AP-PUD (Agricultural Productive - Planned Unit Development). The

purposes of the PUD District are as follows (25.19.001):

1. To further the public health, safety, and general welfare in a time of increasing urbanization and of growing demand for housing of a variety of types and design.
2. To encourage innovations in residential development and renewals so that the growing demands for housing may be met by a greater variety in type, design and layout of dwellings and by the more efficient use of open space ancillary to said dwellings.
3. To create greater opportunities for better housing and recreation.
4. To encourage more efficient use of land, public services, and to safeguard open space.
5. To provide an alternative procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of property values within established residential areas.
6. To provide an alternative procedure under which a developer of real property may elect to proceed to develop property by transfer of permitted dwelling units to contiguous or non-contiguous locations which are appropriate to carry out the purposes of this section.

The underlying Zoning District (AP - Agricultural Productive) and General Plan designation Agriculture (A) required a minimum building site area of 5 acres. The existing 30.656 acre project property could support a density of six dwellings. By including 24 acres of open space easement on Lot 6, the project qualifies as a PUD, which allows the cluster of development on small parcel sizes, while maintaining the density allowed by the General Plan. Other applicable General Plan and Zoning policies are discussed in the relevant sections throughout this initial study.

5. Required Permits:

This Initial Study/Mitigated Negative Declaration (IS/MND) is an informational document for both agency decision-makers and the public. The County Resource Management Agency (RMA) is the Lead Agency responsible for adoption of this IS/MND. It is anticipated that the proposed project would require permits and approvals from the following agencies.

6. Local Agencies

The following is a list of the anticipated discretionary permits, approvals and ministerial actions required by the County of San Benito:

- Adoption of IS/MND and Mitigation Monitoring and Reporting Program (“MMRP”)
- Approval of Proposed Project
- Building Permit
- Grading Permit
- Sewage Disposal Permit from San Benito County Department of Environmental Health
- City of San Juan Bautista Utility Extension Agreement with LAFCO approval

7. Regional and State Agencies

- Regional Water Quality Control Board (“RWQCB”) – National Pollutant Discharge Elimination System (“NPDES”)
- General Storm Water Permit and Storm Water Pollution Protection Plan (“SWPPP”)
- California Department of Fish and Wildlife (CDFW)

CHAPTER 2: ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation," as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture/Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire
- Mandatory Findings of Significance

CHAPTER 3: ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project qualifies for an exemption to CEQA pursuant to Section 15061(b)(3).
- 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.

Arielle Goodspeed
Signature

June 29, 2020
Date

Arielle Goodspeed, Assistant Planner, San Benito County Department of Planning and Building Inspection Services

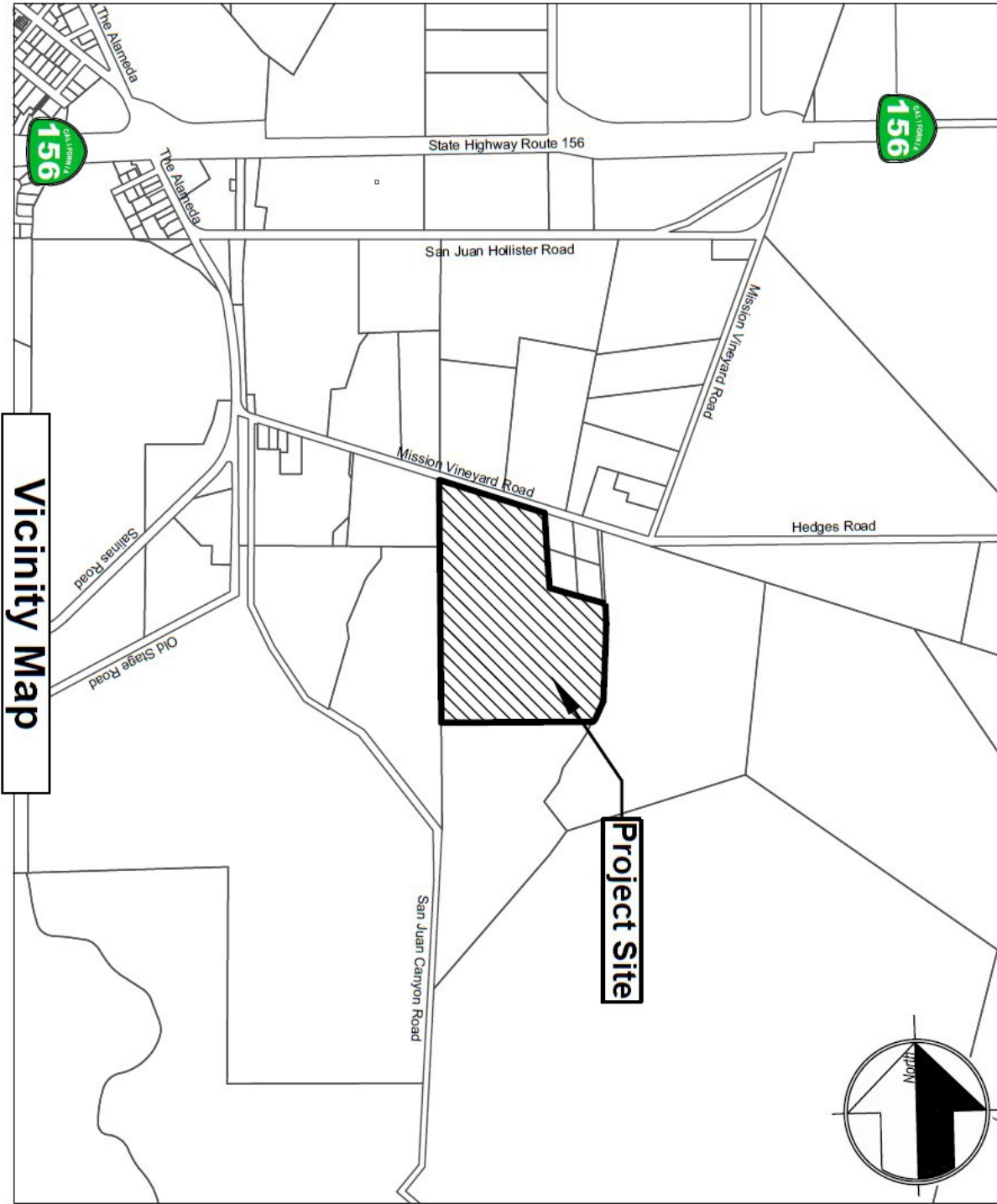


Figure 1 Vicinity Map

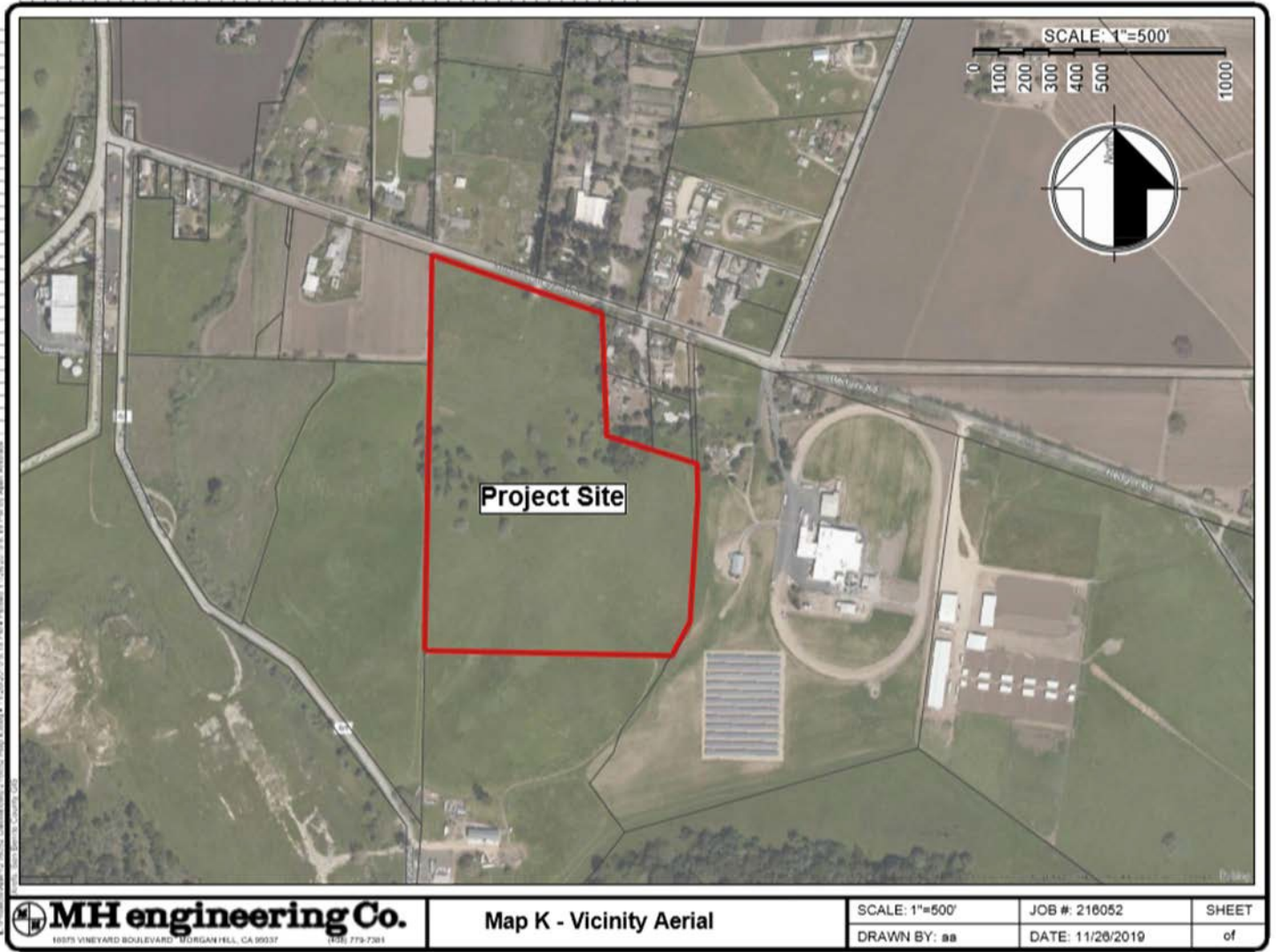


Figure 2 Aerial Map

Figure 3 Site Plan



CHAPTER 4: 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 a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, 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 Impact with mitigation, or Less Than Significant Impact. "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 Impact with Mitigation" 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 Impact level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 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 earlier analyses discussed in Section XVII at the end of the checklist.
- 6) Potential project impacts can be reduced or mitigated in three different ways. The first is to modify the design or character of the project to reduce or eliminate an impact. The second are the provisions of required governmental program that require the implementation of permits or approvals with reduce or eliminate an impact. The third is the crafting of a specific mitigation measure to create a customized provision to mitigate project impacts.

I. AESTHETICS –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Visual Character of the Project Vicinity

The project site and vicinity are characterized primarily by rural development, including rural residential and other low-density single-family residential uses, agricultural activities, and rangeland. The undeveloped land and agricultural countryside form a cohesive rural visual character. The grazing and agricultural lands afford views of landscapes that are representative of San Benito County as a whole. The majority of scenic resources within the county consist of rolling terrain that provides mid- to long-range views of rangeland, cropland, rural residential uses, varying agricultural uses (including orchards), some sparse oak woodland, and historic mining uses and geologic resources in the western part of the county. Views toward rolling hillsides, open spaces, and distant views of the Diablo Range and ridgelines to the east and west are also scenic resources. Most roadways within the county offer some views of rural agricultural landscapes. In San Benito County, agricultural land and rangeland serve as scenic resources.

The natural landscape transitions into higher density urban development near the cities of San Juan Bautista and Hollister. The immediate surrounding of the project site includes mostly agriculture/farming related uses with some single-family residential supporting the primary agricultural uses. The City of San Juan Bautista (approximately 1,700 feet away to the north of the site) includes more dense residential and commercial development.

Visual Character of the Site

The project site consists of a total of 30.5 acres, including 24 acres of open space easement to preserve the hillside. The site is flat at Mission Vineyard Road slopes upward towards the rear to form a hill. The hill includes groves of trees on what is otherwise a vacant site.

View sheds

The best views of the property are from its Mission Vineyard Road frontage.

Scenic Highways

SR 129, SR 146, and U.S. Highway 101 are County-designated scenic highways. The State has also designated SR 25, SR 198 and SR 156 as eligible for State scenic highway designation. The segment of SR 156 that is eligible for designation as a State scenic highway extends from U.S. Highway 101 west of San Juan Bautista to the San Benito and Santa Clara County line. This segment is approximately 2,200 feet north of the project site. Due to the distance of these highways from the project site, views of the site are not available from SR 156.

Light and Glare

The project site currently does not include any sources of light or glare. In the immediate vicinity of the site, there is minimal lighting associated with the existing residential buildings.

Regulatory Setting:

This section describes the existing laws, regulations and policies relevant to a review of aesthetic impacts in San Benito County. For the most part, the aesthetic quality of the project would be subject to State and local laws, regulations and policies. There are no applicable federal statutory framework laws governing the project.

State

California Scenic Highway Program

The project site lies approximately 2,200 feet south of SR 156, which is eligible for designation as a State scenic highway. State scenic highways are designated by Caltrans to promote the protection and enhancement of the natural scenic beauty of California's highways and adjacent corridors. California's Scenic Highway Program was created by the Legislature in 1963. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 *et seq.*

In order to acquire an "officially designated scenic highway" label, the State and Caltrans require local jurisdictions to adopt a scenic corridor protection program to protect and enhance the adjacent scenic resources. In the San Benito

County area, San Benito County is the responsible local agency in this regard.

Local Laws, Regulations and Policies

San Benito County regulates the design of the built environment through its General Plan and Code of Ordinances.

2035 General Plan

The 2035 General Plan Land Use Element, Circulation Element, and Natural and Cultural Resources Element provide the following goals, policies and objectives pertaining to aesthetics applicable to the proposed project. Consistency with specific 2035 General Plan policies that apply to the proposed project is further evaluated in Land Use and Planning.

Land Use Element

- **Goal LU-1.** To maintain San Benito County's rural character and natural beauty while providing areas for needed future growth.
- **Goal LU-4.** To encourage variety in new unincorporated residential development while also providing incentives for clustered residential as a means to protect valuable agricultural and natural resources.
- **LU-4.5 Innovative Site Planning and Residential Design.** The County shall encourage new residential development to use innovative site planning techniques and to incorporate design features that increase the design quality, and energy, efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.
- **LU-4.6 Clustered Residential Program.** The County shall continue to encourage the clustering of residential uses and the use of creative site planning techniques to promote preservation of agricultural land and open space areas.
- **LU-4.7 Clustered Residential Site Layout.** The County shall encourage clustered residential development be designed to respect existing natural features (e.g., rivers and streams, hills and ridgelines, and substantial tree stands) as appropriate to the density and character of the development, and if applicable to use such features to separate clustered parcels from farming areas.
- **LU-4.8 Conservation Easements Related to Clustered Residential Development.** The County shall encourage new clustered residential development to provide agricultural and/or other appropriate open space easements on farming or open space parcel(s) at the time that the development occurs, or if a multi-phased Planned Development, according to an adopted specific plan.
- **Goal LU-7.** To preserve San Benito County's historic identity and rural community character.

Natural and Cultural Resources Element

- **Goal NCR-9.** The County shall promote the preservation of dark skies necessary for nighttime astronomical viewing at local observatories.

San Benito County Code Of Ordinances

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

- Chapter 19.31: Development Lighting "Dark Skies" Ordinance
- Chapter 25.29, Article II. Hillside Development Regulations

Response:

- a) Less Than Significant Impact with Mitigation - The proposed project is designed so that hillsides within the public view shed are not developed and those hillsides are protected with an open space easement. Mitigation Measure MM AES-1 below shall ensure the preservation of the hillside as a scenic vista.
- b) Less Than Significant Impact with Mitigation - The proposed project is not located along a state designated scenic highway corridor specifically State Highways 101, 129 and 146 and does not contain any special scenic resources. It is understood that the forested northern slope of the hillside on the property may be considered a scenic view shed and Mitigation Measure MM AES-1 below shall ensure the preservation of these wooded slopes.
- c) Less Than Significant Impact – The visual makeup of the surrounding area consists of grazing lands on the hillsides and residential uses in the flat areas adjacent to the County Road. The proposed project includes clustering of the smaller parcels adjacent to the County Road similar to the other parcels in the neighborhood and includes the larger parcel to facilitate the preservation of the hillsides.
- d) Less Than Significant Impact - The proposed project increases the number of residences along Mission Vineyard Road which will introduce new sources of light. The project is required to develop in conformance with Chapter 19.31 Development Lighting of the San Benito County Code and, therefore, impacts to the nighttime skies from light pollution and glare will be Less Than Significant Impact.

Mitigation

MM AES-1: The Parcel Map shall include an agricultural open space easement over 24 acres of Lot 6 that ensures only 1 acre of this parcel is developed for residential use. This easement shall specifically prohibit structures of type or use on areas of this lot with slopes in excess of 20%.

II. AGRICULTURE AND FORESTRY RESOURCES –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which due to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Environmental Setting:

Regional Agricultural Resources

The San Benito River Valley supports some of the most productive farmland in the State. Agriculture makes a substantial contribution to the San Benito County economy and accounts for an overwhelming amount of the privately-owned land in the county. The primary crops are fruits and nuts, vegetables and other row crops, and small grains. The county lands also support the livestock industry, namely beef cattle and sheep.

Agricultural/Urban Interface Issues; Agricultural Resources in the Project Vicinity

Existing agricultural operations are located to the west and north of the project site. Urban development, as proposed by the project, which is adjacent to agricultural areas, has the potential to create a variety of conflicts for both growers and urban uses. Potential agricultural/urban land use conflicts are commonly associated with the following activities.

Potential Concerns for Urban Neighbors

- Use of pesticides/dust problems in vicinity of residential neighborhoods
- Odors and health concerns associated with fertilizer/pesticide application
- Noise related to farming equipment or farm worker activities
- Farm worker parking

Potential Concerns for Agricultural Interests

- Restrictions on activity arising from neighbor concerns/complaints
- Loss of revenue and competitiveness
- Competition for water and land
- Pilferage, trespassing, and littering
- Dust from adjacent construction activity

Regulatory Setting:

State

Farmland Mapping and Monitoring Program

Within the California Natural Resources Agency, the DOC provides services and information that promote informed land-use decisions and sound management of the State's natural resources. As noted above, the DOC manages the FMMP, which supports agriculture throughout California by developing maps and statistical data for analyzing land use impacts to farmland.

The developed maps are called the Important Farmlands Inventory (IFI). The IFI categorizes land based on the productive capabilities of the land. There are many factors that determine the agricultural value of land, including the suitability of soils for agricultural use, whether soils are irrigated, the depth of soil, water-holding capacity, and physical and chemical characteristics. To categorize soil capabilities under the FMMP, two soil classification systems are used: the Capability Classification System and the Storie Index (which takes into account other factors as well, such as slope and texture). The FMMP data is updated every two years.

California Government Code Section 56064

This section of the Government Code (LAFCO law) defines “Prime Agricultural Land” in a different way, as follows:

“Prime Agricultural Land means an area of land, whether a single parcel or contiguous parcels, which has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- Land that qualifies, if irrigated, for rating as class I or class II in the USDA NRCS land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible
- Land that qualifies for rating 80 through 100 on the Storie Index
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA in the National Range and Pasture Handbook, Revision 1, December 2003
- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant products not less than four hundred dollars (\$400) per acre
- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years

FMMP Important Farmland on the Project Site

The DOC’s FMMP maps were reviewed to identify Important Farmland (comprising of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) on the project site. To classify land as Prime Farmland under the DOC’s definition, the FMMP must determine that it has the best combination of physical and chemical features able to sustain long term agricultural production, with the soil quality, growing season, and moisture supply needed to produce sustained high yields. The FMMP designates Farmland of Statewide Importance as land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. In order to be classified as Prime Farmland or Farmland of Statewide Importance by FMMP, land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. The FMMP also classifies land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but which has been used for the production of specific high economic value crops at some time in the last four years, as Unique Farmland. Examples of crops on Unique Farmland are oranges, olives, avocados, rice, grapes, and cut flowers.

Williamson Act Land

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal

because they are based upon farming and open space uses as opposed to full market value.

Local

San Benito County Local Agency Formation Commission

The San Benito County LAFCO is responsible for coordinating orderly growth via jurisdictional boundaries, including annexations, sphere of influence amendments, and approval of out of area service agreements. State law requires LAFCOs to consider agricultural land and open space preservation, among other factors, in all decisions related to boundary changes and related actions. LAFCO's definition of Prime Agricultural Land refers to California Government Code section 56064, which is described previously in this section.

2035 General Plan

The 2035 General Plan Land Use Element and Natural and Cultural Resources Element provide the following goals, policies, and objectives pertaining to agricultural resources that are relevant to this analysis. Consistency with specific 2035 General Plan policies that apply to the project is further evaluated in the Land Use and Planning Section.

Land Use

- **Goal LU-1.** To maintain San Benito County's rural character and natural beauty while providing areas for needed future growth.
- **Goal LU-3.** To ensure the long-term preservation of the agricultural industry, agricultural support services, and rangeland resources by protecting these areas from incompatible urban uses and allowing farmers to manage their land and operations in an efficient, economically viable manner.
- **Goal LU-4.** To encourage variety in new unincorporated residential development while also providing incentives for clustered residential as a means to protect valuable agricultural and natural resources.
- **Goal LU-9.** To ensure that planning and development approvals within city fringe areas are coordinated between the County and the Cities in order to ensure future growth in these areas is orderly, efficient, and has sufficient and necessary public facilities and infrastructure.

Natural and Cultural Resources

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

San Benito County Code Of Ordinances

The County's Code of Ordinances contains several regulations and standards implementing the General Plan Policies identified above that are relevant to an evaluation of agricultural resources.

- Chapter 19.01, Article 1. Agricultural Community Disclosure (Right-To-Farm)
- Chapter 19.01, Article 2. Agricultural Preserves (Williamson Act)
- Chapter 25.07: Agricultural Districts

Response:

- a) No Impact - The Farmland Mapping & Monitoring Program (FMMP) of the California Department of Conservation classifies the project site as grazing land or urban and built up land. See Map J – Farmland in Resource Maps, below. The project site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. As such, the project would not convert land in these farmland designations to non-agricultural use.
- b) No Impact - The project site is not within a Williamson Act contract.
- c) No Impact - 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.
- d) No Impact - County Code 19.33 establishes regulations for the conservation and protection of woodlands in unincorporated San Benito County, 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 use would not convert these lands to a non-agricultural or non- forest use.
- e) No Impact - The proposed residential and agriculture uses of the project are consistent with the existing AP Agricultural Productive general plan and zoning designations of the site. The proposed zone change to AP – PUD (Planned Unit Development) will allow the cluster of residential development on small parcel sizes, while maintaining the density allowed by the General Plan and preserving 24 acres in an open space easement for future agricultural use.

III. AIR QUALITY –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Climate and Topography

The project site is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County, and Santa Cruz County. The project site is located in the northeastern corner of the NCCAB, which covers an area of approximately 5,159 square miles along the central California coast. The Monterey Bay Air Resources District (MBARD) is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

Winds originating in the San Francisco Bay Area Air Basin often transport pollutants into the NCCAB, where surface winds move the pollutants to the eastern part of the NCCAB. For instance, the transport of ozone precursor emissions from San Francisco Bay Area Air Basin through the Santa Clara Valley/San Benito River Valley plays a dominant role in ozone concentrations measured in San Benito County. The transport of pollutants can often cause exceedances of air quality standards in the NCCAB. The regional temperature averages highs in the low 70s°F and lows in the mid-40s°F. Precipitation averages approximately 13.5 inches per year (1935 to 1974).

Air Pollutants of Primary Concern

The State and federal Clean Air Acts mandate the control and reduction of certain air pollutants. Under these Acts, the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established ambient air quality standards for certain “criteria” pollutants. Ambient air pollutant concentrations are affected by the rates and distributions of corresponding air pollutant emissions, as well as by the influences of climate and topography, as discussed above. The primary determinant of concentrations of non-reactive pollutants (such as carbon monoxide [CO] and particulate matter) is proximity to major sources. Ambient CO levels in particular usually closely follow the spatial and temporal distributions of vehicular traffic. A discussion of primary criteria

pollutants is provided below.

Ozone

Ozone is a colorless gas with a pungent odor. Most ozone in the atmosphere is formed as a result of the interaction of ultraviolet light, reactive organic gases (ROG), and oxides of nitrogen (NOX). ROG, which is the organic compound fraction relevant to ozone formation and sufficiently equivalent to volatile organic compounds (VOCs) for the purposes of this analysis, is composed of non-methane hydrocarbons (with some specific exclusions). NOX is made of different chemical combinations of nitrogen and oxygen, mainly nitric oxide (NO) and nitrogen dioxide (NO₂). A highly reactive molecule, ozone readily combines with many different components of the atmosphere.

Consequently, high levels of ozone tend to exist only while high ROG and NOX levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Because these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant.

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless, gas. CO causes a number of health problems including fatigue, headache, confusion, and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles and at power plants is a major cause of CO. CO is also produced during the winter from wood stoves and fireplaces. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the State CO standard are generally associated with major roadway intersections during peak hour traffic conditions.

Localized carbon monoxide “hotspots” can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the National Ambient Air Quality Standards (NAAQS) of 35.0 parts per million (ppm) or the California Ambient Air Quality Standards (CAAQS) of 20.0 ppm.

Nitrogen Dioxide

Nitrogen dioxide (NO₂) is a by-product of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts rapidly to form NO₂, creating the mixture of NO and NO₂ commonly called NOX. Nitrogen dioxide is an acute irritant. A relationship between NO₂ and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 parts per million (ppm) may occur. Nitrogen dioxide absorbs blue light and causes a reddish brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM₁₀ (particulate matter 10 microns or less in size) and acid rain.

Particulate Matter

Suspended particulate matter (airborne dust) consists of particles small enough to remain suspended in the air for long periods. Fine particulate matter includes particles small enough to be inhaled, pass through the respiratory system, and lodge in the lungs, with resultant health effects.

Particulate matter can include materials such as sulfates and nitrates, which are particularly damaging to the lungs. These include particulates that are small enough to be considered “inhalable,” i.e. 10 microns or less in size (PM₁₀) and PM_{2.5}.

CARB and USEPA establish ambient air quality standards for major pollutants at thresholds intended to protect public health. Federal and State standards have been established for ozone, CO, NO₂, sulfur dioxide (SO₂), lead, and fine particulates (PM₁₀ and PM_{2.5}). Table 8 summarizes the CAAQS and the NAAQS for each of these pollutants. Standards have been set at levels intended to be protective of public health. California standards are more restrictive than federal standards for each of these pollutants except for lead and the eight-hour average for CO.

Current Ambient Air Quality

Local air districts and CARB monitor ambient air quality to assure that air quality standards are met, and if they are not met, to also develop strategies to meet the standards. Air quality monitoring

stations measure pollutant ground-level concentrations (typically, ten feet aboveground level). Depending on whether the standards are met or exceeded, the local air basin is classified as in “attainment” or “non-attainment.” Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment.

Regulatory Setting

This analysis has been prepared pursuant to CEQA and its associated Guidelines (Public Resources Code 21000 et seq. and California Code of Regulations, Title 14, Chapter 3 Sections 15000 – 15387) and in accordance with local, State, and federal laws, including those administered by MBARD, CARB, and USEPA. The principal air quality regulatory mechanisms include the following:

- Federal Clean Air Act (FCAA), in particular, the 1990 amendments
- California Clean Air Act (CCAA)
- California Health and Safety Code, in particular, Chapter 3.5 (Toxic Air Contaminants) (section 39650 et. seq.) and Part 6 (Air Toxics “Hot Spots” Information and Assessment) (section 44300 et. seq.)
- MBARD’s Rules and Regulations and air quality planning documents

Federal and State

As discussed more fully below, the federal and State governments have been empowered by the federal and State Clean Air Acts to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. USEPA is the federal agency designated to administer air quality regulation, while CARB is the State equivalent in California.

Local control in air quality management is provided by CARB through county-level or regional (multicounty) air pollution control districts (APCDs). CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 14 air basins statewide.

Federal Clean Air Act

USEPA is charged with implementing national air quality programs. USEPA’s air quality mandates are drawn primarily from the federal CAA. The CAA was passed in 1963 by the U.S. Congress and has been amended several times. The 1970 CAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 CAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the U.S. The CAA allows states to adopt more stringent standards or to include other additional pollution species.

National Ambient Air Quality Standards

As discussed above, the federal CAA requires USEPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: ozone, CO, SO₂, PM₁₀, PM_{2.5}, and lead.

California Clean Air Act

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the State to achieve and maintain the CAAQS by the earliest practical date. CARB is the State air pollution control agency and is a part of the California Environmental Protection Agency (CalEPA). CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California, and for implementing the requirements of the CCAA. CARB oversees local district compliance with California and federal laws, approves local air quality plans, submits the State Implementation Plans to the USEPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Ambient Air Quality Standards

The CCAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for the following pollutants: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, lead, vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. In most cases, the CAAQS are more stringent than the NAAQS pollutants. The CCAA requires that all local air districts in the State endeavor to achieve and maintain the CAAQS by the earliest practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources, and provides districts with the authority to regulate indirect sources.

California Air Resources Board Air Quality And Land Use Handbook

In April 2005, CARB released the final version of its Air Quality and Land Use Handbook: A Community Health Perspective. This guidance document is intended to encourage local land use agencies to consider the risks from air pollution before they approve the siting of sensitive land uses (e.g., residences) near sources of TACs (e.g., freeway and high traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations and industrial facilities). These advisory recommendations include general setbacks or buffers from air pollution sources. However, unlike industrial or stationary sources of air pollution, the siting of new sensitive land uses does not require air quality permits or approval by air districts and, as noted above, the CARB handbook provides guidance rather than binding regulations.

California Air Pollution Control Officer's Association Health Risk Assessments For Proposed Land Use Projects

The California Air Pollution Control Officer's Association (CAPCOA) is a consortium of air district managers throughout California, which provide guidance material to addressing air quality issues in the State. As a follow up to CARB's 2005 Air Quality and Land Use Handbook, CAPCOA prepared the document Health Risk Assessments for Proposed Land Use Projects in 2009. This guidance document was released to ensure that the health risk of projects be identified, assessed, and avoided or mitigated, if feasible, through the CEQA process. The 2009 CAPCOA guidance document provides recommended methodologies for evaluating health risk impacts for development projects.

Regional

MBARD regulates air quality in the NCCAB. MBARD is responsible for attainment planning related to criteria air pollutants as well as district rule development and enforcement. To assist agencies with air quality analyses prepared for CEQA assessments, MBARD published the CEQA Air Quality Guidelines document in 2008. The purpose of the Guidelines is to assist in the review and evaluation of air quality impacts from projects that are subject to CEQA. The Guidelines are an advisory document intended to provide lead agencies, consultants, and project proponents with uniform procedures for assessing potential air quality impacts and preparing the air quality section of environmental documents. The Guidelines are also intended to help these entities anticipate areas of concern from the MBARD in its role as a lead and/or responsible agency for air quality.

Air Quality Management Plan

In accordance with the CCAA, the MBARD developed the 2017 Air Quality Management Plan (AQMP) for the Monterey Bay Region. The 2017 AQMP discusses MBARD's efforts for achieving the 8-hour ozone requirement as the region has already attained the 1-hour standard. The plan includes an updated air quality trends analysis, which reflects the 8-hour standard, as well as an updated emission inventory, which includes the latest information on stationary, area, and mobile emission sources.

Local

2035 General Plan

The 2035 General Plan Health and Safety Element provide the following goals, policies, and objectives pertaining to air quality that are relevant to this analysis:

Health and Safety Element

- **Goal HS-5.** To improve local and regional air quality to protect residents from the adverse effects of poor air quality

Sensitive Receptors

Certain population groups are more sensitive to air pollution than the general population; in particular, sensitive receptors include children, the elderly, and acutely ill and chronically ill persons, especially those with cardio-respiratory diseases. Sensitive receptors that are in proximity to localized sources of particulate matter, toxics, and CO are of particular concern. As described in the MBARD’s 2008 CEQA Guidelines, a sensitive receptor is defined as: any residence including private homes, condominiums, apartments, and 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.

Response:

- a) Less Than Significant Impact - CEQA Guidelines §15125(b) requires an evaluation of project consistency with applicable regional plans. The Monterey Bay Air Resources District (MBARD) 2017 Air Quality Management Plan (AQMP). addresses attainment of the State ozone standards and federal air quality standards. The AQMP projects 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 an increase in population beyond that proposed in the San Benito County General Plan. The proposed project would be consistent with the MBARD 2017 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 Impact.
- 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 contain 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 pounds per day (“lbs./day”) or more of volatile organic compounds (“VOC”) or NOx;
 - 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 (“SOx”).

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 30,000 square feet of the project site would be graded, which is approximately 3/4 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 Impact.

Operational. Based on preliminary modeling, the MBARD establishes screening criteria for development

projects which provide an 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 NOx. 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 50 daily trips. 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.

- 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.
- 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 existing single-family residences within the vicinity of the proposed project. The closest residence is located approximately 60 feet west of property line to Lot 1. 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 sensitivereceptor.

As stated above, the project would implement standard air quality Best Management Practices (BMP). Emissions of CO resulting from construction of the proposed project are below applicable MBARD thresholds of significance. 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 and proposed zoning of the property.

IV. BIOLOGICAL RESOURCES –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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, by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The site is approximately 30 acres with relatively flat elevation near Mission Vineyard Road and sloping upwards in the rear of the property. Access to the property is via Mission Vineyard Road with a single driveway. There are several large pine trees adjacent to the driveway. Other trees are located on the eastern property line and on the hill at the rear of the property. Approximately 25 acres of the site will remain within an open-space easement, which includes the hill and the portions of the foot of the hill. The flat area of the property, where the development is proposed includes ruderal grasses.

Federal Requirements

Federal Endangered Species Acts

The United States Fish and Wildlife Service (USFWS) enforce the provisions stipulated in the Federal Endangered Species Act of 1973 (FESA, 16 USC Section 1531 et seq.). Species identified as threatened or endangered (50 CFR Section 17.11, and 17.12) are protected from take, which is defined as direct or indirect harm, unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Pursuant to the requirements of the FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally-listed species may be present on the project site and determine whether the proposed project will have a potentially significant impact on them. Under the FESA, habitat loss is considered to be an impact to a species. In addition, the USFWS is required to determine whether the project is likely to jeopardize the continued existence of any species that is proposed for listing under the FESA or to result in the destruction or adverse modification of critical habitat proposed to be designated for such

species (16 USC 1536[3], [4]). Therefore, project related impacts to those species or their habitats would be

considered significant and would require mitigation.

Other federal agencies designate species of concern (species that have the potential to become listed), that are evaluated during environmental review although they are not otherwise protected under the FESA. Impacts to those species or their habitats would likewise be considered significant and would require mitigation.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 established federal responsibilities for the protection of nearly all species of birds, their eggs, and nests. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. Section 16 U.S.C. 703–712 of the Act states “unless and except as permitted by regulations, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill” a migratory bird. A migratory bird is any species or family of birds that live, reproduce or migrate within or across international borders at some point during their annual life cycle. Currently, there are 836 migratory birds protected nationwide by the MBTA, of which 58 are legal to hunt. The U.S. Court of Appeals for the 9th Circuit (with jurisdiction over California) has ruled that the MBTA does not prohibit incidental take (952 F 2d 297 – Court of Appeals, 9th Circuit 1991).

State Requirements

California Endangered Species Act

The California Endangered Species Act (CESA; California Fish and Game Code Section 2050 to 2097) is similar to the FESA. The California Fish and Game Commission is responsible for maintaining lists of threatened and endangered species under the CESA. CESA prohibits the take of listed and candidate (petitioned to be listed) species. “Take” under California law means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch capture, or kill (California Fish and Game Code Section 86). The California Department of Fish and Wildlife (CDFW) can authorize take of a state-listed species under Section 2081 of the California Fish and Game Code if the take is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, funding is ensured to implement and monitor mitigation measures, and CDFW determines that issuance would not jeopardize the continued existence of the species. A CESA permit must be obtained if a project will result in the take of listed species, either during construction or over the life of the project. For species listed under both the FESA and the CESA requiring a Biological Opinion under Section 7 of the FESA, CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

California Code of Regulations and California Fish and Game Code

The official listing of endangered and threatened animals and plants is contained in the California Code of Regulations Title 14 Section 670.5. A state candidate species is one that the California Fish and Game Code has formally noticed as being under review by CDFW for inclusion on the state list pursuant to Sections 2074.2 and 2075.5 of the California Fish and Game Code.

Legal protection is also provided for wildlife species in California that are identified as “fully protected animals.” These species are protected under Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fishes) of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species at any time. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by these species. The CDFW has informed non-federal agencies and private parties that they must avoid take of any fully protected species. However, Senate Bill 618 (2011) allows the CDFW to issue permits authorizing the incidental take of fully protected species under the CESA, so long as any such take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan that covers the fully protected species (California Fish and Game Code Section 2835).

California Environmental Quality Act (CEQA)

Under CEQA (Public Resources Code Section 21000 et seq.), lead agencies analyze whether projects would have a substantial adverse effect on a candidate, sensitive, or special-status species (Public Resources Code Section 21001(c)). These “special-status” species generally include those listed under the FESA and the CESA, and species that are not currently protected by statute or regulation, but would be considered rare, threatened, or endangered under the criteria included in the State CEQA Guidelines Section 15380. Therefore, species that are considered rare are addressed in this study regardless of whether they are afforded special protection through any other statute or regulation. The CDFW, in consultation with the California Native Plant Society (CNPS) assigns a California Rare

Plant Rank (CRPR) to native species according to rarity; plants with a CRPR of 1A, 1B, 2A, 2B, or 3 are generally considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, State CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare if it can be shown to meet certain specified criteria. Those criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or the CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code Section 1900-1913) empowers the Fish and Game Commission to list native plant species, subspecies, or varieties as endangered or rare following a public hearing. To the extent that the location of such plants is known, CDFW must notify property owners that a listed plant is known to occur on their property. Where a property owner has been so notified by CDFW, the owner must notify CDFW at least 10 days in advance of any change in land use (other than changing from one agricultural use to another), in order that CDFW may salvage listed plants that would otherwise be destroyed. Currently, 64 taxa of native plants have been listed as rare under the act.

Nesting and Migratory Birds

California Fish and Game Code Subsections 3503 and 3800 prohibit the possession, take, or needless destruction of birds, their nests, and eggs, and the salvage of dead nongame birds. California Fish and Game Code Subsection 3503.5 protect all birds in the orders of Falconiformes and Strigiformes (birds of prey). Fish and Game Code Subsection 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. The Attorney General of California has released an opinion that the Fish and Game Code prohibits incidental take.

Local

General Plans are created by cities and counties to guide the growth and land development of their communities. As such, General Plans typically contain elements which address protection of biological resources. Typically these elements are comprised of goals, policies and actions which protect natural resources such as environmentally sensitive habitats, special status species, native trees, creeks, wetland, and riparian habitats, while balancing other factors relating to growth and other land use considerations.

2035 General Plan

The 2035 General Plan Land Use Element and Natural and Cultural Resources Element provide the following goals, policies, and objectives pertaining to biological resources that are relevant to this analysis. Further evaluation of the project's consistency with specific 2035 General Plan policies is set forth in Land Use and Planning section.

Land Use Element

- **LU-1.8 Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage development sites to avoid natural and manmade hazards, including but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious surfaces, high percolation or high ground water areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and

animal communities).

Natural and Cultural Resources Element

- **Goal NCR-1.** To preserve and enhance valuable open-space lands that provide wildlife habitat and conserve natural, historical, archaeological, paleontological, tribal, and visual resources of San Benito County.
- **Goal NCR-2** To protect and enhance wildlife communities through a comprehensive approach that conserves, maintains, and restores important habitat areas.

SAN BENITO COUNTY CODE OF ORDINANCES

Some resources are afforded protection through local ordinances such as those that protect trees, riparian corridors, and environmentally sensitive habitats. San Benito County has County code provisions which protect natural resources and addresses compliance with environmental regulations.

Response:

a) , d) Less than Significant Impact With Mitigation The project site has suitable habitat or is within the range of the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened tricolored blackbird (*Agelaius tricolor*), the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*), and State species of special concern burrowing owl (*Athene cunicularia*) and American badger (*Taxidea taxus*).

The hillside areas of the site will be preserved in an open space easement. However, there are large trees within the proposed development area that may be removed or disturbed upon construction. These trees could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Construction of the project during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities, such as site grading, that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Mitigation measures described below will reduce the potential impacts to less than significant.

- b) , c) No Impact – There are no mapped riparian areas on the site. There is a seasonal stock pond located within the area of the proposed open space easement. This pond will be retained as part of the agricultural use within the open space easement area.
- e) Less Than Significant Impact - The proposed development includes the establishment of an open space easement across the wooded hillside areas on the site; preventing construction and preserving the existing trees. As a result, the impact will be Less Than Significant Impact.
- f) Less Than Significant Impact - The proposed project is not located in an area covered by a Habitat Conservation Plan HCP). However, all of unincorporated San Benito County is within the future HCP study area as described in San Benito County Code Chapter 19.19 (Habitat Conservation Plan Study Area). Payment of the Habitat Conservation Mitigation Fee is required. The purpose of the fee is to finance the development and implementation of a habitat conservation plan. Fees are collected prior to the issuance of a building permit and, if applicable, prior to the recordation of a final map. Conformance with County Code Chapter 19.19 will result in the project having a Less Than Significant Impact regarding conformance with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation

MM BIO-1: Impacts to special-status species & habitat: 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. The project applicant shall conduct focused surveys and habitat assessment for California Tiger Salamander (CTS), Tri-Colored Blackbird (TRBL), California Red Legged Frog (CRLF), Burrowing Owl (BUOW), American Badger (AMBA), and Nesting Birds in order to determine presence or absence of these species at the project site. The following mitigation measures included are broken up by special-status species per California Department of Fish and Wildlife (CDFW) recommendations on focused surveys and habitat assessments needed, proper avoidance procedures to take, and when project site take cannot be avoided proper take authorization required.

California Tiger Salamander (CTS)

MM BIO-2: Focused CTS Protocol-level Surveys. CTS are known to occur adjacent to the Project site (CDFW 2020). Therefore, a protocol-level survey shall be conducted in accordance with the USFWS' Interim Guidance document (USFWS 2003). The survey shall include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. The survey findings shall be submitted to CDFW for review. Acceptance of a negative finding for CTS requires protocol-level surveys to be conducted for two consecutive annual wet seasons, prior to any site disturbance.

MM BIO-3: CTS Avoidance. A minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows within and/or adjacent to the Project construction footprint and occupied breeding pools within and/or adjacent to the Project site footprint. Any impacts that could alter the hydrology or result in sedimentation of breeding pools shall be avoided. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

MM BIO-4: CTS Take Authorization. If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site and take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

Tri-Colored Blackbird (TRBL)

MM BIO-5: TRBL Habitat Assessment. A qualified biologist shall conduct a habitat assessment adjacent to the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for TRBL.

MM BIO-6: TRBL Surveys. Project activities shall be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, a qualified wildlife biologist shall conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

MM BIO-7: TRBL Avoidance. If an active TRBL nesting colony is found during pre-activity surveys, implementation of a minimum 300-foot no-disturbance buffer shall be implemented in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015b). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

MM BIO-8: TRBL Take Authorization. In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.

California Red-Legged Frog (CRLF)

MM BIO-9: CRLF Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for CRLF.

MM BIO-10: CRLF Surveys. If suitable habitat is present, a qualified wildlife biologist shall conduct surveys for CRLF within 48 hours prior to commencing work (i.e., two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS's "Revised Guidance on Site Assessment and Field surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF are within or adjacent to individual Project sites.

MM BIO-11: CRLF Avoidance. If any CRLF are found during preconstruction surveys or at any time during construction, construction shall cease and CDFW shall be contacted to discuss a relocation plan for CRLF by a qualified biologist. Initial ground-disturbing activities shall be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). If ground-disturbing activities take place between November 1 and March 31, a qualified biologist shall monitor construction activities daily for CRLF.

Burrowing Owl (BUOW)

MM BIO-12: BUOW Surveys. A qualified biologist shall conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

MM BIO-13: BUOW Avoidance. No-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

MM BIO-14: BUOW Passive Relocation and Mitigation. If BUOW are found within the recommended buffers and avoidance is not possible, according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, burrow exclusion shall be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, ongoing surveillance shall be conducted, at a rate that is sufficient to detect BUOW if they return.

American Badger (AMBA)

MM BIO-15: AMBA Surveys. If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badger and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.

MM BIO-16: AMBA Avoidance. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around occupied dens and a 250-foot no-disturbance buffer around natal dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

Nesting Birds

MM BIO-17: Nesting Bird Surveys. To evaluate Project-related impacts on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of Project activities, a qualified biologist

shall conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the Project.

MM BIO-18: Nesting Bird Avoidance. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. A qualified wildlife biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. If behavioral changes to nests occur, work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures.

V. CULTURAL RESOURCES–

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The proposed project would divide the existing property (APN 012-190-012) into six properties, as shown on the Tentative Subdivision Map. The resulting property will consist of four parcels of 1.098 acres each (parcels 1 through 4), one parcel of 1.107 acres (Parcel 5) and one parcel of 25 acres (Parcel 6). 0.158 acres will be dedicated to road access. Parcel 6 is left as a large lot to promote agriculture on the property.

Regulatory Setting:

Cultural resources, including built environment and archaeological resources, may be designated as historic by National, State or local authorities. In order for a resource to qualify for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR) or as a locally significant resource, it must meet one or more identified criteria of significance. The resource must also retain sufficient historic integrity, which is defined in *National Register Bulletin 15* as the “ability of a property to convey its significance” (National Park Service 1990). An explanation of these designations follows.

Federal Regulations

Cultural resources are considered during federal undertakings chiefly under section 106 of the National Historic Preservation Act (NHPA) through one of its implementing regulations, 36 Code of Federal Regulations (CFR) 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA). Properties of traditional religious and cultural importance to Native Americans are considered under section 101(d)(6)(A) of the NHPA. Other relevant federal laws include the Archaeological Data Preservation Act of 1974, American Indian Religious Freedom Act of 1978, Archaeological Resources Protection Act of 1979, and Native American Graves Protection and Repatriation Act of 1989.

National Historic Preservation Act Of 1966 (16 U.S.C. §§ 470 Et Seq.)

NHPA is a federal law created to avoid unnecessary harm to historic properties. The NHPA includes regulations that apply specifically to federal land-holding agencies, but also includes regulations (section 106) that pertain to all projects funded, permitted, or approved by any federal agency that have the potential to affect cultural resources. Provisions of NHPA establish a National Register of Historic Places (the NRHP is maintained by the National Park Service), the Advisory Council on Historic Preservation, State Historic Preservation Office (SHPO), and federal grants-in-aid programs.

National Register of Historic Places

The National Register of Historic Places (NRHP) was established by the NHPA of 1966 as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (CFR 36 CFR 60.2). The NRHP recognizes properties that are significant at the national, State, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology,

engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association.

American Indian Religious Freedom Act Of 1978 (42 U.S.C. §§ 1996 And 1996a)

The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation Act of 1990 (25 U.S.C. §§ 3001 *et seq.*) establishes that traditional religious practices and beliefs, sacred sites, and the use of sacred objects shall be protected and preserved.

Secretary Of The Interior's Standards

The Secretary of the Interior is responsible for establishing professional standards and providing guidance related to the preservation and protection of all cultural resources listed in or eligible for listing in the NRHP.

State Regulations

California Environmental Quality Act

CEQA requires a lead agency to analyze whether historic and/or archaeological resources may be adversely impacted by a proposed project. Under CEQA, a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment” (California Public Resources Code, section 21084.1). Answering this question is a two-part process: first, the determination must be made as to whether the proposed project involves cultural resources; second, if cultural resources are present, the proposed project must be analyzed for a potential “substantial adverse change in the significance” of the resource.

California Register of Historical Resources

The California Register of Historical Resources (California Register) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The California Register helps government agencies identify, evaluate, and protect California’s historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, section 5024.1(a)). The California Register is administered through the State Office of Historic Preservation (SHPO) that is part of the California State Parks system. A cultural resource is evaluated under four California Register criteria to determine its historical significance. A resource must be significant at the local, State, or national level in accordance with one or more of the following criteria set forth in the State CEQA Guidelines, section 15064.5(a)(3).

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time must have passed to allow a “scholarly perspective on the events or individuals associated with the resource.” Fifty years is used as a general estimate of the time needed to understand the historical importance of a resource according to SHPO publications. The California Register also requires a resource to possess integrity, which is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.” Archaeological resources can sometimes qualify as “historical resources” [State CEQA Guidelines, section 15064.5(c)(1)].

According to CEQA, all buildings constructed over 50 years ago and that possess architectural or historical significance may be considered potential historic resources. Most resources must meet the 50-year threshold for historic significance; however, resources less than 50 years in age may be eligible for listing on the CRHR if it can be demonstrated that sufficient time has passed to understand their historical importance.

In addition, if a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code, section 21083.2[a], [b], and [c]). Public Resources Code, section 21083.2(g) defines a *unique archaeological resource* as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge.

Regulations Pertaining to Human Remains

Section 15064.5 of the State CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by Health and Safety Code, section 7050.5 and Public Resources Code, sections 5097.94 and 5097.98, and, when the remains are of Native American origin, falls within the jurisdiction of the Native American Heritage Commission (NAHC). Section 7050.5 of the Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the County Coroner must be notified within 48 hours and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification. The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The State CEQA Guidelines section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Public Resources Code Section 5097.5

Public Resources Code section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Local Regulations:

2035 General Plan

The 2035 General Plan Natural and Cultural Resources Element provides the following goals, policies and objectives pertaining to archaeological, paleontological, Native American, tribal, cultural, and historic resources and unique geological formations that are relevant to this analysis. As noted above, a full discussion of the project's potential impacts to tribal resources is set forth in the Tribal Cultural Resources section.

Natural and Cultural Resources Element

- **Goal NCR-7.** To protect, preserve, and enhance the unique cultural and historic resources in the county.

San Benito County Code Of Ordinances

The following section of the San Benito County Code pertain to cultural resources:

- Chapter 19.05: Archaeological Site Review

Response:

- a) **Less Than Significant Impact.** CEQA Guidelines §15064.5 describes a historical resource 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)). A report entitled "Phase I Cultural Resource Inventory for the 333 Mission Vineyard Road Project, San Juan Bautista, California, October 20, 2020 was prepared by ALBION. The report confirmed that the project area is within a known Historic District, the San Juan District (P-35-000575), but does not contain any historic resources listed in

the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. The historic resource is part of the cultural historic resources and is further described and apart of mitigation within section b). Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Therefore, the impact would be Less Than Significant Impact.

- b) Less Than Significant Impact with Mitigation - 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. Based on the results of the study by Albion, the project site area does contain evidence of archaeological resources. A search of records at the NWIC indicated that four studies have been conducted within the Project Area and seventeen studies have been conducted within a 1/2-mile of the Project Area. Two cultural resources have been recorded within the Project Area and ten cultural resources have been recorded within a 1/2-mile radius of the Project Area. There is one recorded archaeological site within the Project Area (CA-SBN-035/H) and one recorded Historic District (P-35-000575). The project could impact potentially unknown or buried resources during ground disturbance or construction. Mitigation measures MM CUL-1 through CUL-7, below are established to reduce potential impacts to archaeological resources to Less Than Significant Impact with mitigation.

- c) Less Than Significant Impact with Mitigation - The sacred lands search conducted by the Native American Heritage Commission (NAHC) yielded positive results. Tribal outreach confirmed the tribal resources listed in the NAHC sacred lands file are likely located inside the Project Area; both Tribes viewed the Project Area and the surrounding region as a very sensitive area known to contain human remains. Moreover, tribal outreach documented the sensitivity of the Project Area and immediate vicinity to the local tribal community. In order to minimize potential impacts to Less Than Significant Impact, mitigation is necessary. The implementation of mitigation measure MM CUL-1-MM CUL-7, below, would ensure that potential adverse impacts would be reduced to a Less Than Significant Impact level.

Mitigation

MM CUL-1:

A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing activities on the project site. 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 archeologist. 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) If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must 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 Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered. 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 Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, 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 the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d) 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. The statement above shall be included in the grading permit and construction plans for the proposed project. The statement above shall be included in the grading permit and construction plans for the proposed project.

MM CUL-2: If the Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:

- i. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- ii. Field strategy used to record, recover, or avoid the finds and address research goals.
- iii. Analytical methods.
- iv. Report structure and outline of document contents.
- v. Disposition of the artifacts.
- vi. Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.

MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.

MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.

MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.

MM CUL-7: If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) and the Amah Mutsun Tribal Band within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.

VI. ENERGY –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-b) No Impact - The project proposes housing consistent with the current general plan and zoning and as required by the housing element. While the project may result in an incremental increase in energy use, the construction of six houses will not result in a significant impact. The issuance of building permits associated with the construction of the new units will include conformance with current energy requirements that are a component of statewide and local building codes.

VII. GEOLOGY AND SOIL –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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 the Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regional Setting:

The project site is located in the Coast Range geomorphic province in the Hollister Valley, on the south end of the Santa Clara Valley with the San Juan Valley and Gabilan Range situated to the west and the Diablo Range to the east. Tectonic processes formed the Hollister Valley during Pleistocene time.

The predominant structural feature in the California Coast Ranges is the San Andreas Fault, which is the structural boundary between two tectonic plates: the Pacific Plate to the southwest of the fault and the North American Plate northeast of the fault.

Seismic Hazards

The project site is located within a seismically active region. Significant earthquakes have occurred in this area and are believed to be associated with crustal movements along a system of sub-parallel fault zones that generally trend in a northwesterly direction. According to the Alquist-Priolo Earthquake Fault Zone Map, the project site is within the Earthquake Fault Zone. The San Andreas Fault Zone, an active fault identified by the Alquist-Priolo Earthquake Fault Zoning Act, is located approximately 1,000 feet southwest of the fault.

Liquefaction

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

Landslides

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

Soil Characteristics

The surface soil of the site has been mapped as HaA (Hanford Coarse sandy loam, zero to 2 percent slope) and SbE2 (San Benito Clay Loam (15-30% slopes, eroded)).

Soil Erosion

Soil erosion is the removal of soil by water and wind. The rate of erosion is estimated from four soil properties: texture, organic matter content, soil structure, and permeability. Other factors that influence erosion potential include the amount of rainfall and wind, the length and steepness of the slope, and the amount and type of vegetative cover. Relatively shallow slope movements commonly occur within the soils located on the existing slopes. These movements include downslope creep, erosion, slumping, and toppling. The existing eroded gullies have resulted from surface water from the site flowing over the crest of the slopes and ponding of water at or near the top of slopes. The resulting erosion has caused slumping, undermining of slopes, toppling, and the formation of tension cracks at the crest of the slopes.

Regulatory Setting

Federal

National Pollutant Discharge Elimination System

Stormwater-related erosion is one major source of soil-related impacts. Stormwater discharges from construction

activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit. In California, the General Permit for Discharges of Stormwater Associated with Construction Activity are regulated by the SWRCB and administered through the local RWQCB.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. The SWPPP must list Best Management Practices the discharger would use to protect storm water runoff and the placement of those Best Management Practices. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "nonvisible" pollutants to be implemented if there is a failure of Best Management Practices; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was signed into California law on December 22, 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Act provides for special seismic design considerations if developments are planned in areas adjacent to active or potentially active faults.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards of liquefaction, earthquake-induced landslides and amplified ground shaking. The purpose of the SHMA is to reduce the threat to public safety and to minimize the loss of life and property by identifying and mitigating these seismic hazards. The SHMA was passed by the legislature following the 1989 Loma Prieta earthquake. The Seismic Hazards Mapping Act addresses geo-seismic hazards, other than surface faulting, and applies to public buildings and most private buildings intended for human occupancy.

California Building Code

The 2019 California Building Code (CBC) incorporates by reference and amends requirements in the 2018 International Building Code pertaining to geologic hazards, including seismically resistant construction and foundation and soil investigations prior to construction. The CBC also establishes grading requirements that apply to excavation and fill activities, and requires the implementation of erosion control measures. The County is responsible for enforcing the 2019 CBC.

Local

2035 General Plan

The 2035 General Plan Land Use Element, and Health and Safety Element provide the following goals, policies and objectives pertaining to geology and soils that are relevant to this analysis. Consistency with specific 2035 General Plan policies that apply to the project is further evaluated in Land Use and Planning Section.

Land Use Element

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

Healthy and Safety Element

- **Goal HS-1.** To maintain the necessary level of fire, EMS, law enforcement, and disaster preparedness for the protection of the health, safety, and welfare of people living, working, and residing in San Benito County.

San Benito County Code Of Ordinances

The County's Code contains several regulation and standards implementing the General Plan Policies identified above that address geology and soils. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

- Chapter 19.17: Grading, Drainage and Erosion Control
- Chapter 21.01: Building Regulations Ordinance
- Chapter 23.25: Design Requirements
- Chapter 23.31, Article III. Storm Drainage Design Standards
- Chapter 25.14, Article V. Seismic Safety Division

Response:

- a.i) Less Than Significant Impact - 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.
- a.ii) Less Than Significant Impact with Mitigation - The site is located within the Alquist-Priolo Earthquake Zones, the site is located approximately 1,000 feet southwest of the San Andres fault and identified as a parcel that is within the Earthquake Zone. Due to the site's location in a seismically active region and within the Earthquake Zone, 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 Impact, mitigation is necessary. The implementation of Mitigation Measure GEO-1 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 Impact level.
- a.iii) Less Than Significant Impact with Mitigation. Based on the results of the Preliminary Soil 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 site 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-1 identified below would ensure that potential adverse impacts would be reduced to a Less Than Significant Impact 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 Impact level.
- a.iv) Less Than Significant with Mitigation. Based on the San Benito County GIS Open Data Portal, the proposed developed portion of the site is in Landslide Susceptibility Zone 1, comprised primarily of low lying valley bottoms and alluvial floodplains where landslides and other features related to slope instability are very rare to non-existent. Part of the area may be underlain by material that lacks the strength to support steep slopes (such as unconsolidated alluvium) but occupies a relatively stable position due to the flatness of the slope (lacks potential energy). While the hillside and hilltop areas of the project are in zones more susceptible to landslides, the project does not propose any disturbance to those areas. The

implementation of Mitigation Measure GEO-1 would ensure that all potential adverse impacts would be reduced to a Less Than Significant Impact level.

- b) Less Than Significant Impact – Grading proposed for the project will be limited to the level areas adjacent to Mission Vineyard Road, in a setting where top soil erosion is not expected to be a concern. 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. All proposed developments are required to submit an erosion control plan and drainage plan and demonstrate compliance with the National Pollution Discharge Elimination System (NPDES) prior to issuance of a grading permit. Compliance with the above regulations would ensure that all potential adverse impacts would be reduced to a Less Than Significant Impact level.
- c), d) Less Than Significant Impact with Mitigation - The site is located in a relatively flat valley floor area which does not contain a geological unit or soil that is unstable or would potentially become unstable, or highly expansive soils. Design of the proposed house would be required to comply with the recommendations contained with mitigation measure GEO-1, below. Therefore, impacts relating to substantial soil erosion, on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse are expected to be Less Than Significant Impact.
- e) Less Than Significant Impact - The proposed project has been evaluated by the County Environmental Health Department and has been determined suitable for the proposed on-site septic for the proposed units for wastewater disposal. Furthermore, the project is required to connect to the City of San Juan Bautista sewer system when it becomes available thus the septic systems would be considered and interim means of wastewater disposal. Therefore, the impacts will be Less Than Significant Impact.
- f) No Impact - The site is underlain by alluvial soils and does not contain a paleontological resource or site or any unique geological features. The inadvertent discovery of any paleontological resources would be addressed through the provisions of County Ordinance 610.

Mitigation

MM GEO-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. 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.

VIII. GREENHOUSE GAS EMISSIONS –

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a) Less Than Significant Impact - The project is located in the North Central Coast Air Basin (NCCAB), where air quality is regulated by MBARD. Neither MBARD nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. However, 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 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 SLOAPCD 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 are 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 64 daily trips 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 uses 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.

b) Less Than Significant Impact - Neither 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 in adjacent San Luis Obispo County. 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.

IX. HAZARDS AND HAZARDOUS MATERIALS–

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The following databases were searched in June 2020 for records relating to any known hazardous materials contamination at the project site:

- SWRCB GeoTracker database
- The Department of Toxic Substances Control (DTSC) EnviroStor database
- The Cortese List

Based on a search of the above databases, no hazardous materials contamination has been documented within the project site. According to the EnviroStor database, no contamination site has been listed within one-half mile of the project site.

Other Potential Hazards:

Other hazards that are relevant to this analysis are wildland fire hazards and hazardous materials transported on nearby roadways. These potential hazards are discussed more fully below.

Wildland Fire Hazards

According to the San Benito County Community Wildfire Protection Plan, wildfires are any fire on undeveloped land. Wildfires are often caused by human activities such as unattended campfires and smoking (U.S. Department of the Interior), and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property.

The level of wildland fire risk for an area is determined by a number of factors, including:

- Climate conditions or changes in weather
- Terrain factors, including aspect and slope
- Fuel and vegetation characteristics
- Property boundary and outlying high-risk area
- Historical propensity of wildfire activity (CoreLogic 2013)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative fire threat for San Benito County. The Fire and Resource Assessment Program (FRAP) fire threat analysis rates areas of the county into five separate categories, including little/none, moderate, high, very high, or extreme. The FRAP also assesses the wildland urban interface, an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan.

Regulatory Setting:

The management of hazardous materials and hazardous wastes is regulated at federal, State, and local levels, including, among others, through programs administered by the USEPA; agencies within the CalEPA, such as the DTSC; federal and State occupational safety agencies; and the San Benito County Environmental Health Division. Regulations pertaining to flood hazards are further discussed in Hydrology and Water Quality, and regulations for geologic and soil-related hazards are discussed in Geology and Soils.

Definition of Hazardous Materials

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, State, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22, section 66261.10 of the California Code of Regulations. Chemical and physical properties can cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosivity, and reactivity. California Code of Regulations,

Title 22, Sections 66261.20 through 66261.24 define the aforementioned properties. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies.

Federal

The Federal Toxic Substances Control Act And The Resource Conservation And Recovery Act

These Acts, signed in 1976, established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The Resource Conservation and Recovery Act (RCRA) was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by HSWA.

The Comprehensive Environmental Response, Compensation And Liability Act

This Act was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan (NCP), which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List (NPL).

The Secretary of the U.S. Department of Transportation (DOT) receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA). This Act administers container design, labelling, shipper and carrier responsibilities, training requirements, and incident reporting requirements. These regulations are contained in Title 49 – Transportation, Code of Federal Regulations, Parts 100 to 180 and include all modes of transportation – air, highway, rail, and water (Federal Motor Carrier Safety Administration [FMCSA]).

State

The Department Of Toxic Substances Control

This department of the CalEPA is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; proscribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the State. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed; it may also be required if certain other activities are proposed. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking lead jurisdiction.

California Department Of Forestry And Fire Protection

Public Resources Code section 4291 requires that owners of property located within the responsibility area of CAL FIRE create defensible spaces around structures where firefighters can provide protections during a wildfire. CAL FIRE guidelines for compliance with section 4291 have been incorporated into the *San Benito County Community Wildfire Protection Plan*, which the County Board of Supervisors adopted in May 2010. According to these guidelines, a firebreak should be maintained by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure. Single specimens of trees or other vegetation may be retained if they are well-spaced, well-pruned, and not conducive to the spread of fire. At a distance of 30 to 100 feet from a structure, section 4291 requires maintenance of a Reduced Fuel Zone with clearing treatments.

California Department Of Food And Agriculture

The State of California Food and Agricultural Code regulates the use of pesticides. Section 12972 requires that the use of pesticides not result in substantial drift to non-target areas. Section 12977 empowers the Agricultural Commissioner to enforce this provision. In addition, section 12982 states that the local health officer shall investigate any health hazard from pesticide use and take necessary action, in cooperation with the Agricultural Commissioner, to abate the hazard. California Code of Regulations, Title 3, section 6614 restricts pesticide application when there is a reasonable possibility of: substantial drift to non-target areas; contamination of the bodies or clothing of persons not involved in the application process; damage to non-target crops, animals or other public or private property; or contamination of public or private property, including the creation of a health hazard that prevents normal usage of that property.

Local

2035 General Plan

The 2035 General Plan Land Use Element, Natural and Cultural Resources Element, and Health and Safety Element provide the following goals, policies and objectives pertaining to hazards and hazardous materials that are relevant to this analysis:

Land Use Element

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

Natural and Cultural Resources Element

- **NCR-8.3 Grading within Scenic Corridors.** The County shall review all projects involving grading within Scenic Corridors to protect valuable soil resources, preserve the natural environment, and avoid significant adverse impacts within scenic areas.

Healthy and Safety Element

- **Goal HS-1** To maintain the necessary level of fire, EMS, law enforcement, and disaster preparedness for the protection of the health, safety, and welfare of people living, working, and residing in San Benito County.
- **Goal HS-4** To minimize the risk of wildland and urban fire hazards.

San Benito County Code Of Ordinances

The County's Code contains several regulations and standards implementing the General Plan Goals and Policies identified above that address hazards and hazardous materials. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

- Chapter 11.07: Hazardous Substances
- Chapter 21.01 Building Regulations, Article II California Building Standards Code
- Title 23: Subdivisions

Response:

- 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 of hazardous materials 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. Hazardous materials used during the future operation of the project 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. Typically, 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. Therefore, long-term operational impacts associated with hazardous materials would be Less Than Significant Impact.

- c) No Impact - There are no schools located within one quarter mile of the proposed projectsite.
- 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.
- e) 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 twomiles 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.
- f) 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 Mission Vineyard 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.

Less Than Significant Impact - The CalFire prepares maps of Fire Hazards Safety Zones, 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. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, and the San Benito County Code and other related codes as they apply to a project of this type and size. The impact is less than significant.

X. HYDROLOGY AND WATER QUALITY –

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect floodflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regional Setting:

San Benito County is located in the Coast Ranges of central California and covers 1,391 square miles. The valley covers a portion of the Pajaro River watershed and is drained by tributaries of the Pajaro River. The project site is located within the San Juan Bautista urban area.

State

The USEPA has delegated direct authority for implementation and oversight of federal water quality laws within California to the SWRCB and the nine RWQCBs. At the State level San Benito County falls under the jurisdiction of the Central Coast RWQCB.

Water Board

The California SWRCB and the nine RWQCBs have the responsibility in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the section 319 non-point source program of the federal CWA, and through the State’s primary water pollution control legislation, the Porter-Cologne Water Quality Control Act (Water Code, § 13000 *et seq.*). The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement Water Quality Control Plans (Basin Plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. All projects resulting in discharges, whether to land or water, are subject to California Water Code section 13263 and are

required to obtain approval of Waste Discharge Requirements (WDRs) by the RWQCBs. Land and groundwater-related WDRs (i.e., non-NPDES WDRs) regulate discharges of privately or publicly treated domestic wastewater and process and wash-down wastewater. WDRs for discharges to surface waters also serve as NPDES permits, which are further described below. The Central Coast (Region 3) office of the RWQCB guides and regulates water quality in streams and aquifers throughout the central coast of California and the Monterey Bay region, including San Benito County, through designation of beneficial uses, establishment of water quality objectives, and administration of the NPDES permit program for stormwater and construction site runoff. The Central Coast RWQCB is also responsible for providing permits and water quality certifications in the above-referenced areas (section 401) pursuant to the CWA.

All dischargers of waste to waters of the State are subject to regulation under the Porter-Cologne Act and the requirement for WDRs is incorporated into the California Water Code. This includes both point and non-point source dischargers. All current and proposed non-point source discharges to land must be regulated under WDRs, waivers of WDRs, a basin plan prohibition, or some combination of these administrative tools. Discharges of waste directly to State waters would be subject to an individual or general NPDES permit, which also serve as WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to protect those uses and prevent the creation of nuisance conditions. Violations of WDRs may be addressed by issuing Cleanup and Abatement Orders or Cease and Desist Orders, assessing administrative civil liability, or seeking imposition of judicial civil liability or judicial injunctive relief.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Program (SWPPP). The SWPPP should identify stormwater collection and discharge points, drainage patterns across the project site, and Best Management Practices that the discharger would use to protect stormwater runoff and the placement of those Best Management Practices.

As mandated by section 303(d) of the federal CWA, the SWRCB maintains and updates a list of “impaired water bodies” (i.e., water bodies that do not meet State and federal water quality standards). This list is known as the section 303(d) list of impaired waters. The State is then required to prioritize waters/watersheds for development of Total Maximum Daily Load (TMDL) regulations. This information is compiled in a list and submitted to the USEPA for review and approval. The SWRCB and RWQCBs monitor and assess water quality on an ongoing basis.

Response:

- 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. The proposed project soil disturbance can result in potentially significant impacts which would be reduced to a Less Than Significant Impact with implementation of Mitigation Measure HYD-1 as described below. In addition to implementation of Mitigation Measure HYD-1 the project will be required to comply with the requirements of the Central Coast Regional Water Quality Control Board (CCRWCQB) and San Benito County Code for construction and post construction storm water management. Therefore, impacts to water quality would be Less Than Significant Impact with mitigation.

- b) Less Than Significant Impact - The proposed project will receive water from the City of San Juan Batista water system. As a result, the 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 managed according to CCRWCQB and County regulations, which will require on-site retention, detention and infiltration, as shown on the proposed project grading plan. 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 at the site. Impacts would be Less Than Significant Impact.
- c) Less Than Significant Impact - The proposed project will alter drainage patterns on the portion of the site where the new houses and surrounding grounds will be constructed. 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. There are no streams, creeks or rivers in the project area. The project would have a Less Than Significant Impact to drainage and erosion potential.
- d) No Impact - The project is not in an area that is susceptible to seiche, tsunami, or mudflow.
- e) No Impact - The project will not conflict with, or obstruct, the implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation

MM HYD-1: The improvement plans shall include a construction phase storm water management plan and a post-construction storm water management plan in conjunction with a storm water management report for review and approval of the County Engineer. Said plans and report shall document compliance with all CCRWCQB and County requirements pertaining to drainage, storm water management and erosion control.

XI. LAND USE AND PLANNING–

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting:

Regional Setting

The project site is located in unincorporated San Benito County, which occupies approximately 1,391 square miles of both urban and rural land uses. Approximately 76 percent of the County’s land area is in either agricultural or rangeland use. San Benito County is considered part of the Monterey Bay Area. It is located in the Coast Range Mountains, south of the City of San Jose, and west of the Central Valley. San Benito County is bordered on the north by the counties of Santa Cruz and Santa Clara, on the east by the counties of Merced and Fresno, and on the south and west by Monterey County.

Project Site:

The proposed project is located at 333 Mission Vineyard Road and would include the subdivision of Assessor Parcel Numbers (APNs) 012-190-041 & 012-190-042 consisting of 30.656 acres in total in unincorporated San Benito County. The site is approximately 1,700 feet south of the City of San Juan Bautista and 2,200 feet south of State Route 156. The development of the property will include the creation of five (5) one--acre single-family residential lots, and one (1) twenty-five (25) acre lot with an approximate 24-acre open space easement to preserve the hillside. The five (5) one -acre lots will be clustered in the flat areas adjacent to Mission Vineyard Road and each will include a building site for a 2,000 to 4,000 square foot single family residence. The twenty-five-acre lot will encompass the remainder of the project area. The 24-acre open space easement will allow for the construction of a single-family residence and accessory structures over a portion of the property not to exceed one acre.

The project site is designated under the 2035 General Plan as Agriculture (A) and the current zoning district designation for the 30 acre site is Agricultural Productive (AP). The immediate surrounding properties have the same General Plan and Zoning designations as the project site.

Regulatory Setting

The County’s adopted General Plan, the County’s Zoning Ordinance, and other relevant County Code provisions regulate land use planning in unincorporated San Benito County. The requirements and restrictions of each of these regulatory documents that pertain to land use are set forth below, and the project’s consistency with these and other General Plan goals, objectives, and policies applicable to the project are further described in the analysis.

2035 General Plan

The 2035 General Plan, adopted July 21, 2015, Land Use Element, Economic Development Element, Housing Element, Public Facilities and Services Element, Natural and Cultural Resources Element, Circulation Element, and Health and Safety Element provide the following goals, policies and objectives pertaining to land use that are relevant to this analysis:

Land Use Element

- **LU-1.1 Countywide Development.** The County shall focus future development in areas around cities where

infrastructure and public services are available, within existing unincorporated communities, and within a limited number of new communities, provided they meet the requirements of goal section LU-7.

- **LU-1.2 Sustainable Development Patterns.** The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.
- **LU-1.3 Future Development Timing.** The County shall ensure that future development does not outpace the ability of either the County or other public/private service providers to provide adequate services and infrastructure. The County shall review future development proposals for their potential to reduce the level of services provided to existing communities or place economic hardships on existing communities, and the County may deny proposals that are projected to have these effects.
- **LU-1.4 Identifiable Community Boundaries.** The County shall encourage defined boundaries between communities (e.g., cities and unincorporated communities).
- **LU-1.5 Infill Development.** The County shall encourage infill development on vacant and underutilized parcels to maximize the use of land within existing urban areas, minimize the conversion of productive agricultural land and open spaces, and minimize environmental impacts associated with new development as one way to
 - accommodate growth.
- **LU-1.6 Hillside Development Restrictions.** The County shall prohibit residential and urban development on hillsides with 30 percent or greater slopes.
- **LU-1.8 Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- **LU-2.1 Sustainable Building Practices.** The County shall promote, and where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.
- **LU-2.2 Green Sustainable Building Practices.** The County shall encourage sustainable building practices that go beyond the minimum requirements of the Title 24 CalGreen Code (i.e., Tier 1 or Tier 2 measures) and to design new buildings to achieve a green building standard such as Leadership in Energy and Environmental Design (LEED).
- **LU-2.4 Solar Access.** The County shall encourage new residential sub-divisions and new commercial, office, industrial, and public buildings to be oriented and landscaped to enhance natural lighting and solar access in order to maximize energy efficiency.

- **LU-2.7 Sustainable Location Factor.** The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.
- **LU-3.8 Urban Residential Buffer Requirement.** The County shall encourage the establishment of a buffer, by the residential developer, between new urban density residential development (i.e., greater than two dwelling units per acre) and existing conventional agricultural operations.
- **LU-3.9 Right to Farm and Ranch.** The County shall protect the rights of operators of productive agricultural properties (as defined in the Glossary) and ranching properties to commence and continue their agricultural and ranching practices (a “right to farm and ranch”) even though established urban uses in the general area may foster complaints against those agricultural and ranching practices. The “right to farm and ranch” shall encompass the processing of agricultural and ranching products and other activities inherent in the definition of productive agriculture and in ranching activities. The County shall require all parcel maps approved for locations in or adjacent to productive agricultural areas and ranching areas to indicate the “right to farm and ranch” policy. The County shall require the program to be disclosed to buyers of property in San Benito County.
- **LU-4.1 Housing Stock Diversity.** The County shall encourage a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds.
- **LU-4.2 Urban Residential Development.** The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.
- **LU-4.3 Residential Density Reductions.** The County shall consider reducing the base density of a proposed residential development project if a combination of environmental hazards (e.g., fire, seismic, flooding, greater than 30 percent slope) and/or natural resources (e.g., sensitive habitat, wetlands) existing on the site, after consideration of the mitigations to be implemented to address those hazards, make higher densities less appropriate.
- **LU-4.5 Innovative Site Planning and Residential Design.** The County shall encourage new residential developments to use innovative site planning techniques and to incorporate design features that increase the design quality, and energy efficiency, and water conservation of structures and landscapes while protecting the surrounding environment.
- **LU-4.6 Clustered Residential Program.** The County shall continue to encourage the clustering of residential uses and the use of creative site planning techniques to promote preservation of agricultural land and open space areas.
- **LU-7.10 New Development Design.** The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.
- **LU-9.7 County General Plan Consistency Report.** The County shall monitor and report to the Local Agency Formation Commission (LAFCO) regarding the consistency with the General Plan with any proposed changes in the sphere of influence or other urban boundaries for governmental entities that provide water or sewer services.

Housing Element

- **HOU-1A.** The County shall ensure that housing is affordable to extremely low, very low, low, and moderate-income families and members of the local workforce (e.g. teachers, fire and police, farm workers).

Affordable housing units shall be granted priority for development.

- **HOU-2A.** The County shall encourage and assist the construction of a variety of housing types with varying densities and prices, for both sales and rental that are affordable to all income groups, particularly very low income and special needs groups.
- **HOU-2C.** The County shall assure that new housing efficiently uses land and causes minimum environmental impact.
- **HOU-2L.** The County shall require, through specific plans, neighborhood design standards and development review, a mix of housing types, densities, designs and prices/rents in each planning area where land is available.
- **HOU-2M.** The County shall disperse lower, moderate and higher cost housing throughout the County, each planning area and each subdivision where feasible due to the availability of land and adequate service facilities.
- **HOU-2R.** The County shall use land efficiently to encourage a diversity of housing types and to implement “smart” and sustainable development principles.
- **HOU-5A.** The County shall require energy-conserving construction, as required by State law.
- **HOU-5B.** The County shall encourage innovative site designs and orientation techniques, which incorporate passive and active solar designs and natural cooling techniques.
- **HOU-5E.** The County shall promote energy efficient land use planning by incorporating energy conservation as a major criterion for future decision making.
- **HOU-5G.** The County shall require solar access to be considered in environmental review and/or decision-making for all subdivisions.

Circulation

- **C-1.5 Mitigating Transportation Impacts.** The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.

Public Facilities and Services Element

- **PFS-1.1 Essential Facilities and Services.** The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.
- **PFS-1.11 Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

Natural and Cultural Resource Element

- **NCR-1.1 Maintenance of Open Space.** The County shall support and encourage the maintenance of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.
- **NCR-2.2 Habitat Protection.** The County shall require major subdivisions within potential habitat of federal- or State-listed rare, threatened, or endangered plant or animal species to mitigate the effects of

development. Mitigation for impacts to species may be accomplished on land preserved for open space, agricultural, or natural resource protection purposes.

Health and Safety Element

- **HS-4.4 Development in Fire Hazard Zones.** The County shall require development in high fire-hazard areas to be designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards.

Response:

- a) No Impact - The project would not physically divide an established community. There would be no impact in connection with the proposed project.
- b) Less Than Significant Impact - The project is consistent with the site's existing General Plan designation of Agriculture (A) and zoning designation of Agricultural Productive (AP) . The AP zoning district is intended to provide for areas within the County to be used for agricultural production of any kind (25.07.020). The proposed project would change the zoning from AP Agricultural Productive zoning, to AP-PUD (Agricultural Productive - Planned Unit Development) to facilitate clustering of the six proposed houses on one acre lots on the lower portion of the site and preservation of the hillside areas with an open space easement. Other applicable General Plan and Zoning policies are discussed in the relevant sections throughout this Initial Study. The project would not conflict with applicable land use plans and regulations, and associated impacts would be Less Than Significant Impact.

XII. MINERAL RESOURCES –

Less Than Significant

Would the project:	Potentially Significant Impact	Impact with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a-b) No Impact - the site has not been mapped for mineral resources and current agricultural and residential 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.

XIII. NOISE –

Less Than Significant

Would the project:	Potentially Significant Impact	Impact with Mitigation	Less Than Significant Impact	No Impact
a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Regulatory Setting:

Local

Consistent with State law, the San Benito County adopted noise policies in its General Plan Noise Element, as well as in the San Benito County Code.

2035 General Plan

The 2035 General Plan Health and Safety Element includes noise standards, as shown in the tables below. These standards are applicable to new development proposed under the project and to the existing uses in the surrounding area. Consistency with specific 2035 General Plan policies that apply to the project is evaluated in Land Use and Planning.

Land Use Compatibility Guidelines for Community Noise Environments

Land Use Category	Community Noise Exposure Ldn/CNEL, dB					
	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes						
Residential – Multi. Family						
Transient Lodging – Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arenas, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Course, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Business Commercial and Professional						
Industrial, Manufacturing Utilities, Agriculture						

- CLEARLY ACCEPTABLE**
 The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)
- NORMALLY ACCEPTABLE**
 The noise exposure is great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.
- NORMALLY UNACCEPTABLE**
 The noise exposure is significantly more severe so that unusual and costly building construction is necessary to insure adequate performance of activities. (Residential areas: barriers must be created between the site and prominent noise sources to make the outdoor environment tolerable.)
- CLEARLY UNACCEPTABLE**
 The noise exposure is so severe that construction costs to make the indoor environment acceptable for performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

Non-Transportation Noise Level Performance Standards for Noise-Sensitive Uses

Noise Level Descriptor	Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
Hourly L_{eq} dB	55	45
Maximum Level, dB	70	65

Notes: These standards apply to new or existing residential areas affected by new or existing non-transportation sources.

In addition, the 2035 General Plan Health and Safety Element provides the following goals, policies and objectives pertaining to noise that are relevant to this analysis:

Health and Safety Element

- HS-8.** To protect the health, safety, and welfare of County residents through the elimination of annoying or harmful noise levels.
- HS-8.1 Project Design.** The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms), and building construction practices. The County shall only consider the use of sound walls after all design-related noise mitigation measures have been evaluated or integrated into the proposed project or found infeasible.
- HS-8.2 Acoustical Analysis.** The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be exposed to noise levels exceeding the “normally acceptable” criteria (e.g. “conditionally acceptable”, “normally unacceptable”) shown in Table 9-2. Land uses should be prohibited from locating, or₅₉required to mitigate, in areas with a noise environment

within the “unacceptable” range.

- **HS-8.3 Construction Noise.** The County shall control the operation of construction equipment at specific sound intensities and frequencies during day time hours between 7:00 am and 6:00 pm on weekdays and 8:00 am and 5:00 pm on Saturdays. No construction shall be allowed on Sundays or federal holidays.
- **HS-8.7 Acceptable Vibration Levels.** The County shall require construction projects anticipated to generate a significant amount of vibration to ensure acceptable interior vibration levels at nearby noise-sensitive uses based [on] FTA criteria.
- **HS-8.8 Noise Exemptions.** The County shall support the exemption of the following noise sources from the standards in this element: a) Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and generators which are activated during power outages. The routine testing of such warning devices and equipment shall also be exempt provided such testing occurs during the hours of 7:00 am to 10:00 pm.; b) Activities at schools, parks, or playgrounds, provided such activities occur during daytime hours. c. Activities associated with County permitted temporary events and festivals.
- **HS-8.9 Interior Noise Standards.** Adopt the State of California Code of regulations’ (Title 24) minimum noise insulation interior performance standard of 45 dBA Ldn for all new residential construction including hotels, motels, dormitories, apartment houses, and single-family dwellings.
- **HS-8.10 Reduction in Noise Levels at Existing Land Uses.** Reduce traffic noise levels where expected to significantly impact sensitive receptors through the installation of noise control measures such as quiet pavement surfaces, noise barriers, traffic calming measures, and interior sound insulation treatments.
- **HS-8.12 Construction Noise Control Plans.** Require all construction projects to be constructed within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical:
 - Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
 - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
 - Locate staging areas and construction material areas as far away as possible from adjacent land uses;
 - Prohibit all unnecessary idling of internal combustion engines;
 - Notify all abutting land uses of the construction schedule in writing; and
 - Designate a “Disturbance coordinator” (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

The 2035 General Plan also states that the County shall control the operation of construction equipment at specific sound intensities and frequencies during day time hours between 7:00 am and 6:00 pm on weekdays and 8:00 am and 5:00 pm on Saturdays. No construction is allowed on Sundays or federal holidays (Policy HS-8.3). However, the County Code (Chapter 19.39.051 (H)) specifies that temporary construction between the hours of 7:00 am and 7:00 pm, except Sundays and federal holidays, are exempted from the noise standards (as described below).

San Benito County Code Of Ordinances

The County’s Code contains several regulations and standards implementing the General Plan Policies identified above.

- Chapter 19.39.002(B): Noise Control Regulations
- Chapter 25.37, Article III: Noise Level Standards

Sensitive Receptors

Noise exposure standards for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are most sensitive to noise intrusion and therefore have more stringent noise exposure standards than manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. The project is near residences.

Response:

- 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 Impact. 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 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 150 feet east of the future residence on Lot 1. Noise levels from point sources such as construction sites typically attenuate at a rate of about 6 dBA per doubling of distance. At 150 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.

Compliance with these requirements would partially limit impacts to sensitive receptors. However, the following **Mitigation Measure NOISE-1** is required to reduce construction noise to a Less Than Significant level.

- b) Less Than Significant Impact – Construction of the proposed project will not require significant soil compaction efforts in the vicinity of the adjacent homes thus the proposed project will not generate excessive ground-borne vibration or ground Bourne noise levels, the vibrations would not be a significant impact.
- c) 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.

Mitigation

MM Noise-1: A note shall be placed on the project improvement plan to state that construction on the project site, in accordance with County Code §25.37.035 and County Code Chapter 19.39, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, with no construction activities allowed on Sundays and holidays.

XIV. POPULATION AND HOUSING–

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

- a) Less Than Significant Impact - The proposed project would add 17 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. As such, the population increase resulting from the project would not constitute substantial unplanned growth. Impacts would be Less Than Significant Impact.
- b) No Impact - The proposed project will be constructed on a vacant site and will not displace any existing housing or people.

XV. PUBLIC SERVICES –

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
f) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Regional and Project Site Setting

Police Protection

The San Benito County Sheriff’s Department (Department) provides police protection services to an approximately 1,391 square mile area including unincorporated San Benito County (including the project site), as well as the Cities of Hollister and San Juan Bautista.

Fire Protection and Ambulance Services

Fire protection services in unincorporated San Benito County (including the project site), as well as the Cities of Hollister and San Juan Bautista, are provided primarily by the City of Hollister Fire Department, which absorbed the San Benito County Fire Department in 2013.

Schools

Aromas-San Juan Unified School District is the local school district that would serve students generated by the proposed project. The closest school is San Juan School within one mile of the project site. Operating revenue provided to school districts is funded by local property tax revenue accrued at the State level and then allocated to each school district based on the average daily student attendance. However, physical improvements to accommodate new students come primarily from assessed fees on development projects since State funding for capital improvements typically lags behind enrollment growth.

Regulatory Setting

State

Senate Bill (Sb) 50 (1998)

SB 50, which is funded by Proposition 1A, limits the power of cities and counties to require school impact mitigation from developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 State and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available; whether the school district is eligible for State funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with section 65995(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code section 65995(i), “A State or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to section 65995.5 or 65995.7, as applicable.”

California Education Code section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

Quimby Act

Since the passage of the 1975 Quimby Act (Government Code § 66477 *et seq.*), cities and counties have been authorized to adopt ordinances requiring that developers set aside land, donate conservation easements, or pay fees that can be used for purposes of acquiring parkland. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities. A 1982 amendment (AB 1600) requires agencies to clearly show a reasonable relationship between the public need for the recreation facility or parkland and the type of development project upon which the fee is imposed.

Local

2035 General Plan

The 2035 General Plan Economic Development Element, Health and Safety Element, and Public Facilities and Services Element provides the following goals and policies pertaining to police services that are relevant to this analysis:

Economic Development Element

- **Goal ED-8.** To improve access for all residents to a variety of high-quality, well-activated parks, green space, and recreational opportunities that enhance quality of life and connect to surrounding neighborhoods and businesses.

Health and Safety Element

- **Goal HS-4.** To minimize the risk of wildland and urban fire hazards.
- **HS-4.2 Fire Protection Water Standard.** The County shall develop, maintain, and implement an appropriate fire protection water standard to be applied to all urban and rural development.

Public Facilities and Services Element

- **Goal PFS-1.** To provide residents and businesses quality, cost-effective, and sustainable public facilities and services.
- **PFS-1.11 Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

The County's Code contains several regulations and standards implementing the General Plan Policies identified above.

- Chapter 5.01, Article III. Fees for County Services
- Chapter 05.01, Article VI. School Facilities Fees and Dedications
- Chapter 5.01, Article VIII. Fire Mitigation Fees
- Chapter 5.01, Article IX. Capital Improvements Impact Fees
- Chapter 23.15: Dedications, Reservations, and Development Fees
- Chapter 23.27: Fire Design Standards
- Chapter 23.25: Design Requirements

Response:

- 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 17 residents. This increase in residents is accounted for in the County General Plan and does not represent a significant increase in service population. The County of San Benito Fire Department as currently operated through the City of Hollister Fire Department in conjunction with the City of San Juan Fire Department and CalFire and San Benito County Sheriff 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.
- c) - e) Less Than Significant Impact -The proposed project would not require new schools, parks or other facilities, as the population increase associated with the proposed project is consistent with the existing zoning General Plan 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.

XVI. RECREATION –

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require the construction or expansion of recreational facilities, or include recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a) , b) Less Than Significant Impact - The project will increase the population by approximately 17 residents, an insignificant increase in the need for and use of existing recreational facilities. In conformance with County Code section 5.01 Park and Recreation Impact fees and in-lieu fees for parkland dedication per County Code Section 23.15.008 will be required with any residential dwelling unit. Payment of these fees reduce the impact to Less Than Significant Impact.

XVII. TRANSPORTATION/TRAFFIC –

Would the project	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
k) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is within the vicinity of the City of San Juan Bautista and approximately ten miles northeast of Salinas. Regional access to the site is provided by Highway 156. State Route 156 (SR 156) is generally a two-lane highway that carries regional traffic between U.S. Highway 101 and State Route 152 (SR 152). SR 156 is a major roadway for trucks.

Response:

- a) Less Than Significant Impact - The proposed project of six new residential parcels is consistent with the surrounding land uses and General Plan and zoning of the project site. Based on ITE Trip Generation rates, the proposed project is anticipated to generate approximately 60 vehicle trips per day. Due to the relative isolation of the project site from population centers, and the small number of trips, the project would not represent a significant impact to pedestrian or bicycle circulation or represent a significant demand for, or impact to transit service. 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 Mission Vineyard Road (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 Mission Vineyard Road (pursuant to San Benito County Code Section 23.15 Dedication of Streets, Alleys and other Public Right-of-Way or easement). As described above the project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including public transit, roadway, bicycle and pedestrian facilities, This impact is Less Than Significant Impact.
- b) Less Than Significant Impact – CEQA Guidelines § 15064.3, b) Criteria for Analyzing Transportation Impacts changes the methodology in the CEQA Guidelines to establish vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts. With these changes, automobile delay, as measured by “level of service” and other similar metrics, no longer constitutes a significant environmental effect under CEQA. The California Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA. The advisory states that “projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. As noted above, the proposed project will generate approximately 60 vehicle trips per day. As a result, the project will not conflict with CEQA Guidelines section 15063.4 (b). This will result in a Less Than Significant Impact.

- c) No Impact - The proposed project will not involve changes to any transportation facility other than the project site frontage improvements. As a result, the project would not increase hazards due to a geometric design feature or incompatible use.
- d) No Impact. The proposed project would not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES –

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impact No Impact
a) Cause substantial damage to a resource 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause substantial damage to 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A significant 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.

Environmental Setting:

The proposed project would divide the existing property (APN 012-190-012) into six properties, as shown on the Tentative Subdivision Map. The resulting property will consist of four parcels of 1.098 acres each (parcels 1 through 4), one parcel of 1.107 acres (Parcel 5) and one parcel of 25 acres (Parcel 6). 0.158 acres will be dedicated to road access. Parcel 6 is left as a large lot to promote agriculture on the property.

Regulatory Setting:

Federal

American Indian Religious Freedom Act Of 1978 (42 U.S.C. §§ 1996 And 1996a)

The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation Act of 1990 (25 U.S.C. §§ 3001 *et seq.*) establishes that traditional religious practices and beliefs, sacred sites, and the use of sacred objects shall be protected and preserved.

State

Regulations Pertaining to Human Remains

Section 15064.5 of the State CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by Health and Safety Code, section 7050.5 and Public Resources Code, sections 5097.94 and 5097.98, and, when the remains are of Native American origin, falls within the jurisdiction of the Native American Heritage Commission (NAHC). Section 7050.5 of the Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the County Coroner must be notified within 48 hours and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification. The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The State CEQA Guidelines section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an

agreement with the Native Americans for the treatment and disposition of the remains.

Sacred Lands Inventory / Native American Consultation

The California Native American Heritage Commission (NAHC) works to identify, catalogue, and protect places of special religious or social significance, graves, and cemeteries of Native Americans per the authority given the Commission in Public Resources Code 5097.9. A check with the NAHC was done to determine if there are sites listed in the Sacred Lands file located within or near to the current project area.

The NAHC responded with an indication that the project area positive for the presence of a Native American Sacred Site and providing a list of appropriate contacts. It was indicated that the Indian Canyon Mutsun Band of Costanoan might have additional information regarding the sacred listing. The following individuals were contacted by email on January 27:

- Valentin Lopez, Amah Mutsun Tribal Band
- Irene Zwierlein, Amah Mutsun Tribal Band of Mission San Juan Bautista
- Ann Marie Sayers, Indian Canyon Mutsun Band of Costanoan

Response has been received by the Amah Mutsun Tribal Band and mitigation measures included were approved through AB 52 consultation with the tribe.

Response:

- a) Less Than Significant Impact. A report entitled “Phase I Cultural Resource Inventory for the 333 Mission Vineyard Road Project, San Juan Bautista, California, October 20, 2020 was prepared by ALBION. The report confirmed that the project area is within a known Historic District, the San Juan District (P-35-000575) but does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. The historic resource is part of the cultural historic resources and is further described and apart of mitigation within section b). Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Therefore, the impact would be Less Than Significant Impact.
- b) Less Than Significant Impact with Mitigation - The sacred lands search conducted by the Native American Heritage Commission (NAHC) yielded positive results. Tribal outreach confirmed the tribal resources listed in the NAHC sacred lands file are likely located inside the Project Area; both Tribes viewed the Project Area and the surrounding region as a very sensitive area known to contain human remains. Moreover, tribal outreach documented the sensitivity of the Project Area and immediate vicinity to the local tribal community. In order to minimize potential impacts to Less Than Significant Impact, mitigation is necessary. The implementation of mitigation measures MM CUL-1-MM CUL-7, below, would ensure that potential adverse impacts would be reduced to a Less Than Significant Impact level.

MM CUL-1: A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing activities on the project site. 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 archeologist. 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) If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must 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 Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered.

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 Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, 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 the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d) 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. The statement above shall be included in the grading permit and construction plans for the proposed project. The statement above shall be included in the grading permit and construction plans for the proposed project.

MM CUL-2: If the Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:

- vii. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- viii. Field strategy used to record, recover, or avoid the finds and address research goals.
- ix. Analytical methods.
- x. Report structure and outline of document contents.
- xi. Disposition of the artifacts.
- xii. Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.

MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.

MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.

MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2)

provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.

MM CUL-7:

If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) and the Amah Mutsun Tribal Band within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.

XIX. UTILITIES AND SERVICE SYSTEMS-

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Water services are provided to the subject site and through an extension agreement, the City of San Juan Bautista will continue to serve the site after the subdivision of the property being within the City’s Sphere of Influence. The owner of the property will agree to connect to the waste water system within six months of the City’s completion of a sewer man in front of the property. There is no current funding to complete the sewer improvement project and therefore, the City will allow in the interim an exception to allow the use of a septic system. The imposition of a condition of approval for the Utility Extension Agreement does not constitute a CEQA impact.

Regulations:

State

The USEPA has delegated direct authority for implementation and oversight of federal water quality laws within California to the SWRCB and the nine RWQCBs. At the State level San Benito County falls under the jurisdiction of the Central Coast RWQCB.

Water Board

The California SWRCB and the nine RWQCBs have the responsibility in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the section 319 non-point source program of the federal CWA, and through the State’s primary water pollution control legislation, the Porter-Cologne Water Quality Control Act (Water Code, § 13000 *et seq.*). The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by federal and State water quality statutes and regulations. The RWQCBs develop and implement Water Quality Control

Plans (Basin Plans) that consider regional

beneficial uses, water quality characteristics, and water quality problems. All projects resulting in discharges, whether to land or water, are subject to California Water Code section 13263 and are required to obtain approval of Waste Discharge Requirements (WDRs) by the RWQCBs. Land and groundwater-related WDRs (i.e., non-NPDES WDRs) regulate discharges of privately or publicly treated domestic wastewater and process and wash-down wastewater. WDRs for discharges to surface waters also serve as NPDES permits, which are further described below. The Central Coast (Region 3) office of the RWQCB guides and regulates water quality in streams and aquifers throughout the central coast of California and the Monterey Bay region, including San Benito County, through designation of beneficial uses, establishment of water quality objectives, and administration of the NPDES permit program for stormwater and construction site runoff. The Central Coast RWQCB is also responsible for providing permits and water quality certifications in the above-referenced areas (section 401) pursuant to the CWA.

All dischargers of waste to waters of the State are subject to regulation under the Porter-Cologne Act and the requirement for WDRs is incorporated into the California Water Code. This includes both point and non-point source dischargers. All current and proposed non-point source discharges to land must be regulated under WDRs, waivers of WDRs, a basin plan prohibition, or some combination of these administrative tools. Discharges of waste directly to State waters would be subject to an individual or general NPDES permit, which also serve as WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to protect those uses and prevent the creation of nuisance conditions. Violations of WDRs may be addressed by issuing Cleanup and Abatement Orders or Cease and Desist Orders, assessing administrative civil liability, or seeking imposition of judicial civil liability or judicial injunctive relief.

Construction activity on projects that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Program (SWPPP). The SWPPP should identify stormwater collection and discharge points, drainage patterns across the project site, and Best Management Practices that the discharger would use to protect stormwater runoff and the placement of those Best Management Practices.

As mandated by section 303(d) of the federal CWA, the SWRCB maintains and updates a list of “impaired water bodies” (i.e., water bodies that do not meet State and federal water quality standards). This list is known as the section 303(d) list of impaired waters. The State is then required to prioritize waters/watersheds for development of Total Maximum Daily Load (TMDL) regulations. This information is compiled in a list and submitted to the USEPA for review and approval. The SWRCB and RWQCBs monitor and assess water quality on an ongoing basis.

Local

San Benito County Ordinance

Pursuant to Chapter 23.07 for Tentative Maps, the project conducted both soil profiles and soil percolation tests and confirmed that the configuration of lots are suitable for on-site septic systems. The future residences within the proposed subdivision are currently not designed. The actual system design is dependent on knowing the size of the residences so that the loading to the soil can be determined.

Response:

a , b) Less Than Significant Impact - The construction and operation of the proposed project would not require construction of new or expanded wastewater treatment facilities that would exceed the wastewater treatment

requirements of the CCRWQCB or cause significant environmental effects. Each of the six lots will have a septic tank and drainfield along with a deed restriction or similar mechanism committing the lots to connect to City sewer when it is available in the future. Percolation testing performed for the project site 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.

- c) Less Than Significant Impact - The proposed project would include a retention/detention basin to retain stormwater. Construction of this facilities would not result in any additional environmental effects beyond those previously evaluated elsewhere in this IS/MND. The retention/detention basin 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 CCRWQCB's post construction requirements, LID requirements, and County storm water management requirements. Compliance with these requirements as well as standard BMPs addresses potential impacts during construction of new stormwater facilities. This impact is considered a Less Than Significant Impact.
- d) No Impact – Water supply will be provided by the City of San Juan Bautista which has confirmed they have adequate water available to supply the project.
- e) No Impact - Wastewater treatment will be provided by on-site septic systems, therefore, the project would not affect existing treatment capacity. The site soils are suitable and do not inhibit the ability of the septic systems operations. Table 2 of the Central Coast RWQB OWTS Manual calls for minimum depth to groundwater from the bottom of the dispersal system of eight feet for the percolation rates at the site so soil profiles were taken at every recommended septic drainfield location to a depth of 15 feet to verify that ground water was not present (well logs in the area indicate that groundwater is at 40'+) and the project is in compliance with Table 2. Pursuant to the Utility Extension Agreement with the City of San Juan Bautista, the project site will have an interim use of septic systems until the City provide a sewer main front of the properties. There would be no impact in connection with the proposed project.
- f) Less Than Significant Impact - The estimated volume of waste to be generated by the project was determined based on the CalRecycle solid waste generation rate for single-family residential uses. The proposed project would generate a total of approximately 106.2 pounds per day of solid waste. 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 54 pounds of solid waste per day (0.027 tons per day).The maximum permitted throughput at John Smith Road Landfill (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 minimal percentage (much less than one percent) of the remaining daily capacity. Therefore, adequate landfill throughput capacity would be available to accommodate the proposed project, resulting in a Less Than Significant Impact.
- g) Less Than Significant Impact - 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.

XX. WILDFIRE –

If located in/near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a)-d) Less Than Significant Impact – The site is located within an area classified as high fire hazard severity zone according to San Benito County Open GIS Portal mapping. The project will be required to meet all requirements of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they may apply to the project. Water service to the project site will be provided by the city of San Juan Bautista. This will include provision of fire flow for fire suppression purposes. The new houses will include fire sprinklers, consistent with Building Code requirements. These provisions will reduce the wildfire hazards of the proposed project to a less than significant level.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE–

Does the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- o) 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 Impact 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 Impact. 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.

- p) 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 reduced to a Less Than Significant Impact 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 population growth beyond that incorporated in the San Benito County General Plan; 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 Impact cumulative impact on the air quality and GHG. This project is consistent with the General Plan land use designation; thus, the potential effects of the project were already considered programmatically as part of the General Plan REIR. Overall, the project would not result in impacts that are individually limited, but cumulatively considerable.

- q) Less Than Significant Impact - The proposed project would not cause any adverse effects on human beings. Construction impacts, including impacts to sensitive receptors, would be temporary in nature and mitigated to a Less Than Significant Impact extent. The project would not have a substantial adverse effect on human beings, either directly or indirectly. This is considered a Less Than Significant Impact

XXII. MITIGATION MEASURES SUMMARY TABLE

Dassel Property TSM Summary Mitigation Measures		
Environmental Factor	Impact	Mitigation
Aesthetics	a) Have a substantial adverse effect on a scenic vista?	<p>MM AES-1: The Parcel Map shall include an agricultural open space easement over 24 acres of Lot 6 that ensures only 1 acre of this parcel is developed for residential use. This easement shall specifically prohibit structures of type or use on areas of this lot with slopes in excess of 20%.</p>
Biological Resources	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, by the California Department of Fish and Game or US Fish and Wildlife Service?	<p>MM BIO-1: Impacts to special-status species & habitat: 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. The project applicant shall conduct focused surveys and habitat assessment for California Tiger Salamander (CTS), Tri-Colored Blackbird (TRBL), California Red Legged Frog (CRLF), Burrowing Owl (BUOW), American Badger (AMBA), and Nesting Birds in order to determine presence or absence of these species at the project site. The following mitigation measures included are broken up by special-status species per California Department of Fish and Wildlife (CDFW) recommendations on focused surveys and habitat assessments needed, proper avoidance procedures to take, and when project site take cannot be avoided proper take authorization required.</p> <p>California Tiger Salamander (CTS) MM BIO-2: Focused CTS Protocol-level Surveys. CTS are known to occur adjacent to the Project site (CDFW 2020). Therefore, a protocol-level survey shall be conducted in accordance with the USFWS’ Interim Guidance document (USFWS 2003). The survey shall include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. The survey findings shall be submitted to CDFW for review. Acceptance of a negative finding for CTS requires protocol-level surveys to be conducted for two consecutive annual wet seasons, prior to any site disturbance.</p> <p>MM BIO-3: CTS Avoidance. A minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows within and/or adjacent to the Project construction footprint and occupied breeding pools within and/or adjacent to the Project site footprint. Any impacts that could alter the hydrology or result in sedimentation of breeding pools shall be avoided. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.</p> <p>MM BIO-4: CTS Take Authorization. If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site and take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing</p>

		<p>activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.</p> <p>Tri-Colored Blackbird (TRBL)</p> <p>MM BIO-5: TRBL Habitat Assessment. A qualified biologist shall conduct a habitat assessment adjacent to the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for TRBL.</p> <p>MM BIO-6: TRBL Surveys. Project activities shall be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, a qualified wildlife biologist shall conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.</p> <p>MM BIO-7: TRBL Avoidance. If an active TRBL nesting colony is found during pre-activity surveys, implementation of a minimum 300-foot no-disturbance buffer shall be implemented in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (CDFW 2015b). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.</p> <p>MM BIO-8: TRBL Take Authorization. In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.</p> <p>California Red-Legged Frog (CRLF)</p> <p>MM BIO-9: CRLF Habitat Assessment. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if Project sites or their immediate vicinities contain suitable habitat for CRLF.</p> <p>MM BIO-10: CRLF Surveys. If suitable habitat is present, a qualified wildlife biologist shall conduct surveys for CRLF within 48 hours prior to commencing work (i.e., two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS’s “Revised Guidance on Site Assessment and Field surveys for the California Red-legged Frog” (USFWS 2005) to determine if CRLF are within or adjacent to individual Project sites.</p> <p>MM BIO-11: CRLF Avoidance. If any CRLF are found during preconstruction surveys</p>
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or at any time during construction, construction shall cease and CDFW shall be contacted to discuss a relocation plan for CRLF by a qualified biologist. Initial ground-disturbing activities shall be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). If ground-disturbing activities take place between November 1 and March 31, a qualified biologist shall monitor construction activities daily for CRLF.

Burrowing Owl (BUOW)

MM BIO-12: BUOW Surveys. A qualified biologist shall conduct surveys following the California Burrowing Owl Consortium’s (CBOC) “Burrowing Owl Survey Protocol and Mitigation Guidelines” (CBOC 1993) and CDFW’s “Staff Report on Burrowing Owl Mitigation” (CDFG 2012). Specifically, CBOC and CDFW’s Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

MM BIO-13: BUOW Avoidance. No-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

MM BIO-14: BUOW Passive Relocation and Mitigation. If BUOW are found within the recommended buffers and avoidance is not possible, according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, burrow exclusion shall be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, ongoing surveillance shall be conducted, at a rate that is sufficient to detect BUOW if they return.

American Badger (AMBA)

MM BIO-15: AMBA Surveys. If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badger and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.

MM BIO-16: AMBA Avoidance. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around occupied dens and a 250-foot no-disturbance buffer around natal dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

		<p>Nesting Birds</p> <p>MM BIO-17: Nesting Bird Surveys. To evaluate Project-related impacts on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of Project activities, a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the Project.</p> <p>MM BIO-18: Nesting Bird Avoidance. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. A qualified wildlife biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. If behavioral changes to nests occur, work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures.</p>
Cultural Resources	<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</p> <p>c) Disturb any human remains, including those interred outside</p>	<p>MM CUL-1: A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing construction activities on the project site. 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 archeologist. 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) If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must 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 Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered. 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 Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, the applicant or builder</p>

		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
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	<p>of formal cemeteries?</p>	<p>adjacent remains.</p> <ul style="list-style-type: none"> 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 the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified. d) 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. The statement above shall be included in the grading permit and construction plans for the proposed project. <p>MM CUL-2: Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:</p> <ul style="list-style-type: none"> a) Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. b) Field strategy used to record, recover, or avoid the finds and address research goals. c) Analytical methods. d) Report structure and outline of document contents. e) Disposition of the artifacts. f) Appendices: all site records, correspondence, and consultation with Native Americans, etc. <p>MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.</p> <p>MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction</p>
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	<p>activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.</p> <p>MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.</p> <p>MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.</p> <p>MM CUL-7: If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) and the Amah Mutsun Tribal Band within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.</p>
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<p>Geology and Soil</p>	<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving :</p> <ul style="list-style-type: none"> ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? <p>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?</p> <p>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?</p>	<p>MM GEO-1:</p> <p>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. 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.</p>
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Hydrology and Water Quality	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<p>MM HYD-1: The improvement plans shall include a construction phase storm water management plan and a post-construction storm water management plan in conjunction with a storm water management report for review and approval of the County Engineer. Said plans and report shall document compliance with all CCRWQCB and County requirements pertaining to drainage, storm water management and erosion control.</p>
Noise	a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<p>MM Noise-1: A note shall be placed on the project improvement plan to state that construction on the project site, in accordance with County Code §25.37.035 and County Code Chapter 19.39, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, with no construction activities allowed on Sundays and holidays.</p>
Tribal Cultural Resources	b) Cause substantial damage to 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?	<p>MM CUL-1: A Tribal monitor from the Amah Mutsun Tribal Band shall be present during all ground disturbing construction activities on the project site. 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 archeologist. 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) If human remains are found at any time on the project site, work must be stopped by the construction manager, and the County Coroner must 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 Amah Mutsun Tribal Band shall also be notified, if for any reason a Tribal monitor is not present when remains are discovered. 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 Resource Code Section 5097.398; and Health and Safety Code Section 7050.5) If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archeological site are discovered, the applicant or builder shall:</p> <ul style="list-style-type: none"> 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 the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d) 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.

The statement above shall be included in the grading permit and construction plans for the proposed project.
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 the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d) 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.

The statement above shall be included in the grading permit and construction plans for the proposed project.

MM CUL-2: Phase II study determines CA-SBN-35/H (P-35-00036) and P-35-0000575 to be a location of significance, a qualified archaeologist shall prepare an Cultural Resources Treatment Plan (CRTP) for the project site prior to issuance of any permits for ground disturbance activities. The project applicant shall ensure implementation of the CRTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the designee of the County of San Benito, Resource Management Agency. The CRTP shall contain, at a minimum:

- vii. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- viii. Field strategy used to record, recover, or avoid the finds and address research goals.
- ix. Analytical methods.
- x. Report structure and outline of document contents.

		<p>xi. Disposition of the artifacts.</p> <p>xii. Appendices: all site records, correspondence, and consultation with Native Americans, etc.</p> <p>MM CUL-3: Archeological on-site Tribal monitoring from the Amah Mutsun Tribal Band during Phase II site work, ground disturbance, and construction activities shall be required.</p> <p>MM CUL-4: CA-SBN-35/H (P-35-00036) and P-35-0000575 will be fenced off to separate construction activities if determined, pursuant to Section 1(a) above, to be culturally significant and present for artifacts and all ground disturbance and construction activities shall be redirected away from CA-SNB-35/H (P-35-00035) and P-35-0000575 so as to protect and preserve in place, the cultural resources therein.</p> <p>MM CUL-5: All artifacts identified during exploration shall be evaluated by an archaeologist for significant determination. After completion of the field work, all artifacts shall be catalogued, and the appropriate forms shall be completed and filed with the appropriate reporting agency/entity.</p> <p>MM CUL-6: If buried cultural deposits are encountered during ground disturbance activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC. If the find meets the definition of a significant historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping. If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.</p> <p>MM CUL-7: If human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Benito County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The</p>
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		<p>archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Resource Management Agency Director of the County of San Benito and the appropriate reporting agency/entity.</p>
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CHAPTER 5: LIST OF REFERENCES

- 1 San Benito County General Plan <http://cosb.us/wp-content/uploads/Adopted-2035-GPU.pdf>
 - a Land Use Element
 - b Transportation Element
 - c Noise Element
 - d Open Space and Conservation Element
 - e Scenic Roads and Highways Element
 - f Seismic Safety/Safety Element
 - g Housing Element http://www.cosb.us/wp-content/uploads/2014-2023_Sec5_San_Benito_County_Housing_Element_2016-04-12_BoS_adopted.pdf
 - h Environmental Resources and Constraints Inventory <http://cosb.us/wp-content/uploads/SBC-ExistingGP-EnvConst.pdf>
- 2 San Benito County Ordinances
[http://library.amlegal.com/nxt/gateway.dll/California/sanbenitocounty_ca/sanbenitocountycaliforniacodeofordinance?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanbenitocounty_ca](http://library.amlegal.com/nxt/gateway.dll/California/sanbenitocounty_ca/sanbenitocountycaliforniacodeofordinance?f=templates$fn=default.htm$3.0$vid=amlegal:sanbenitocounty_ca)
 - a Zoning Ordinance (Chapter 25)
 - b Grading Ordinance (Chapter 19)
- 3 Soil Survey for San Benito County, 021-000-009, 1969, US Dept. of Agriculture, SCS_
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanbenitoCA1969/sanbenitoC_A1969.pdf
- 4 Air Quality Management Plan, Monterey Bay Unified Air Pollution Control District
<https://www.co.monterey.ca.us/home/showdocument?id=62318>
- 5 5 CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District
https://www.mbard.org/files/f665829d1/CEQA_full+%281%29.pdf
- 6 Water Quality Control Plan for the Central Coastal Basin, California Regional Water Quality Control Board, Central Coast Region, September 1994_
https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete.pdf
- 7 A Cultural Resources Evaluation of a Proposed Subdivision Within 333 Mission Vineyard Road, San Juan Bautista, San Benito County, California, prepared by William Roop, M.A., RPA, ARCHAEOLOGICAL RESOURCE SERVICE, February 5, 2020
- 8 City of San Juan Batista Water Service “will serve” letter – Aug. 23, 2018
- 9 Technical Advisory on Evaluating Transportation Impacts In CEQA, California Office of Planning and Research, December 2018

REFERENCE MAPS

- A. San Benito County General Plan
- B. San Benito County Zoning Ordinance
- C. San Benito County – Existing Land Use
- D. Landslide Susceptibility – San Benito County GIS Open Data Portal
- E. Seismic Zones – San Benito County GIS Open Data Portal/State of California Special Studies Zone Official Map for the San Juan Bautista Quadrangle effective 7/1/1974 available at https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/SANJUAN_BAUT.PDF
- F. Fire Hazard Severity Zones the San Benito County GIS Open Data Portal/CalFire FRAP fire hazard severity zones in LRA map dated 11/7/2007 available at https://osfm.fire.ca.gov/media/6771/fhszs_map35.pdf
- G. FEMA Flood Zones - San Benito County GIS Open Data Portal/ FEMA FIRM 06069C159D available at https://map1.msc.fema.gov/idms/IntraView.cgi?ROT=0&O_X=7200&O_Y=5175&O_ZM=0.038647&O_SX=556&O_SY=399&O_DPI=400&O_TH=56283849&O_EN=56283849&O_PG=1&O_MP=1&CT=0&DI=0&WD=14400&HT=10350&JX=1272&JY=625&MPT=0&MPS=0&ACT=0&KEY=56283580&ITEM=1&ZX1=190&ZY1=45.329994201660156&ZX2=316&ZY2=154
- H. Wetlands/Riparian - San Benito County GIS Open Data Portal/
<https://www.fws.gov/wetlands/data/Mapper.html>
- I. Soils Soil Survey for San Benito County, 021-000-009, 1969, US Dept. of Agriculture, SCS_
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanbenitoCA1969/sanbenitoCA1969.pdf
- J. Farmland - Farmland Mapping & Monitoring Program (FMMP) of the California Department of Conservation
- K. Project Vicinity Aerial Map
- L. Project Tentative Map