

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN
BENITO COUNTY PLANNING
COMMISSION CERTIFYING THE
ENVIRONMENTAL IMPACT REPORT
PREPARED FOR THE BLUFFS AT
RIDGEMARK SUBDIVISION
PROPOSAL TSM-15-94.**

Resolution No. 2018-2

WHEREAS, Frederick Bates & Scott Stringer (Bates Stringer Hollister LLC) filed an application to subdivide properties under the ownership of Roy and Rita Lompa on August 18, 2015 (File Number TSM 15-94) and

WHEREAS, the project site is located in unincorporated San Benito County, California, approximately 0.7 mile south of the City of Hollister (outside the City's sphere of influence) and approximately 0.4 mile south of State Route (SR) 25 ("project site"). The project site is generally bordered on the west by Southside Road, on the south by agriculture, and on the north and east by the Ridgemark community; Assessor's Parcel Numbers: 025-420-005, 025-420-006, 025-420-019) and

WHEREAS, the proposed project involves a vesting tentative subdivision map and other discretionary approvals that would allow for the development of 90 single-family residences, three parks, and on- and off-site improvements necessary to serve the residential uses. It is anticipated that the lots would range in size between approximately 8,464 square feet to 28,869 square feet and

WHEREAS, approximately 12.1 acres on the western and southern edges of the blufftop site are comprised of steep slopes and would not be developed as part of the proposed project; and

WHEREAS, the subject parcels have a General Plan Designation of RM Residential Mixed and a Zoning Designation of R-1 Single Family Residential; and

WHEREAS, the County prepared an Environmental Impact Report (EIR) for the project consistent with the requirements of the California Environmental Quality Act (CEQA) and

WHEREAS, on October 7, 2016, the County of San Benito circulated a Notice of Preparation (NOP) for a 30-day period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy; and

WHEREAS, the NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts; and

WHEREAS, comments received by the County of San Benito on the NOP are summarized in Table 2 of the Draft EIR and were taken into account during the preparation of the Draft EIR; and

WHEREAS, the Draft EIR was made available for public review on September 15, 2017, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of neighboring and nearby properties; and

WHEREAS, the Draft EIR (including all appendices) and an announcement of its availability were posted electronically on the County's website, and a paper copy was available for public review at the County's Resource Management Agency, Planning Division; and

WHEREAS, the 45-day CEQA public comment period began on September 15, 2017, and formally ended on October 30, 2017. However, the County extended the public review period by 15 days to November 14, 2017, for a total of 60 days; and

WHEREAS, the County of San Benito received 18 comment letters on the Draft EIR. Copies of all written comments on the Draft EIR received during the comment period are included in Section 3 of the Final Environmental Impact Report (FEIR), also known as the *Response to Comments* document; and

WHEREAS, the FEIR was made available for public review prior to the Planning Commission's action on the matter and possible certification of the EIR, March 21, 2018. The FEIR was available for public review Friday, March 9, 2018 through Wednesday, March 21, 2018. Additionally, a link to the Draft and Final EIR documents was made available for viewing on the County of San Benito Website: www.cosb.us under *Recent News*. Hard copies of the Draft and Final environmental documents (including all appendices thereto) were also made available at the Resource Management Agency public counter at 2301 Technology Parkway, Hollister and the San Benito County Free Library at 470 5th Street, Hollister, CA 95023 (<http://sbcfl.org/>); and

WHEREAS, The Bluffs at Ridgemark application (TSM-15-94) came on for public hearing before the San Benito County Planning Commission on March 21, 2018, and was continued to April 2, 2018; and

WHEREAS, the Final EIR (which consists of the Draft EIR, the Responses to Comments and all appendices thereto) was presented to the Planning Commission which reviewed and considered the information contained in the EIR prior to taking action on the project; and

WHEREAS, the Final EIR reflects the County of San Benito's independent judgment and analysis.

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

FINDINGS FOR CERTIFICATION OF THE EIR

Finding 1: The County of San Benito completed an Environmental Impact Report (EIR) in compliance with CEQA, and the Final EIR was presented to the Planning Commission which reviewed and considered the information contained in the EIR prior to taking action on the project, and the Final EIR reflects the County of San Benito's independent judgment and analysis.

Evidence: The California Environmental Quality Act (CEQA) requires preparation of an Environmental Impact Report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.

Evidence: On October 7, 2016, the County of San Benito circulated a Notice of Preparation (NOP) for a 30-day period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy.

Evidence: The NOP was mailed to public agencies (including the State Clearinghouse {SCH}), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts (SCH# 2016101022).

Evidence: Comments received by the County of San Benito on the NOP are summarized in Table 2 of the Draft EIR and were taken into account during the preparation of the Draft EIR.

Evidence: The Draft EIR was made available for public review on September 15, 2017, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of neighboring and nearby properties.

Evidence: The Draft EIR (including all appendices) and an announcement of its availability were posted electronically on the County's website, and a paper copy was available for public review at the County's Resource Management Agency, Planning Division.

Evidence: The 45-day CEQA public comment period began on September 15, 2017, and formally ended on October 30, 2017. However, the County extended the public review period by 15 days to November 14, 2017, for a total of 60 days.

Evidence: The County of San Benito received 18 comment letters on the Draft EIR. Copies of all written comments on the Draft EIR received during the comment period are included in Section 3 of the Final Environmental Impact Report (FEIR), also known as the Response to Comments document.

Evidence: The FEIR (which consists of the Draft EIR, the Responses to Comments, and all appendices thereto) was made available for public review prior to the Planning Commission's action on the matter on March 21, 2018. The FEIR was available for public review Friday, March 9, 2018 through Wednesday, March 21, 2018. Additionally, a link to the Draft and Final EIR documents was made available for viewing on the County of San Benito Website: www.cosb.us under Recent News. Hard copies of the Draft and Final environmental documents

were also made available at the Resource Management Agency public counter at 2301 Technology Parkway, Hollister and the San Benito County Free Library at 470 5th Street, Hollister, CA 95023 (<http://sbcfl.org/>).

Evidence: Issues that were analyzed by the County's consultants in the Draft EIR include aesthetics and visual sensitivity, air quality, biological resources, cultural resources, geology/soils, groundwater resources and hydrogeology, surface water hydrology and water quality, hazards/hazardous materials, land use, population and housing, public services and utilities, noise, transportation and circulation, greenhouse gas emissions, tribal and cultural resources, alternatives to the project and cumulative impacts.

Evidence: Project changes which avoid or lessen significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible (see findings below). There are no significant and unavoidable impacts. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with CEQA and San Benito County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" (MMRP) as a condition of project approval. The description of mitigation measures below is a summary of same for purposes of these findings; full the full text of each mitigation measure as well as the impact analysis related thereto see the Draft EIR and MMRP.

Evidence: The County prepared a Final EIR for the Bluffs at Ridgemark Subdivision. The FEIR was released to the public on March 9, 2018 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR.

Evidence: No new information was added to the FEIR that requires recirculation, with the information that was included being for the purpose of merely amplifying and clarifying the analysis.

Evidence: The County has considered the comments received during the public review period for the DEIR, and in the FEIR the County has provided responses to the comments received to the extent those comments raised significant concerns about impacts to the environment covered under CEQA. Together, the DEIR and Responses to Comments (and appendices thereto) constitute the Final EIR on the project.

Evidence: San Benito County RMA-Planning Division, located at 2301 Technology Parkway, 1st Floor, Hollister, California, 95023, is the custodian of all documents and other materials (including, without limitation, documents, information, testimony, reports, studies, analyses, both oral and written) that constitute the record of proceedings upon which the decision to certify the EIR is based.

Finding 2: EIR - ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT (Per Section 15091 of the CEQA Guidelines). The EIR identified potentially significant impacts to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation and Tribal and Cultural Resources which could result from the project as originally submitted. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR.

Evidence: Aesthetic Resources. (MM AES-1(a))

Impact: The proposed project would have a substantial effect on scenic vistas and would alter the visual character of the project site. However, the development would be similar to surrounding residential development, and mitigation would ensure that the design is cohesive and screened to the extent feasible from public view. With these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

Mitigation Measure: Potentially significant impacts to Visual and Aesthetic Resources are mitigated to less than significant levels by the requirement of the following in the architectural plans: building materials and colors compatible with surrounding terrain, an avoidance of high contrast color combinations on individual home roofs, walls, and fascia, roof vents with same earth tone shade as the surrounding roof surface, usage of minimally reflective glass on exterior of buildings and colors selected for minimizing reflective glare, building windows shall be tinted with an antireflective material. Mitigation Measure AES-1(a) would help to ensure that the proposed project is designed to be cohesive, visually appealing and attractive, compatible with surrounding development.

Evidence: Aesthetic Resources. (MM AES-1(b))

Impact: Impact: The proposed project would have a substantial effect on scenic vistas and would alter the visual character of the project site. However, the development would be similar to surrounding residential development, and mitigation would ensure that the design is cohesive and screened from public view. With these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

Mitigation Measure: Potentially significant impacts on Aesthetics and Visual Resources are mitigated to less than significant levels through a tract-wide landscaping plan including fencing along the north and east side of the project, usage of drought-tolerant native species, and natural fiber-biodegradable materials. Measure AES-1(b) would visually soften views of the site from Southside Road through visual screening.

Evidence: Agricultural Resources. (MM AG-1)

Impact: The proposed project would permanently convert Important Farmland to non-agricultural use. Mitigation would require the provision of replacement farmland or payment of an in-lieu fee, consistent with General Plan Policy LU-3.10.

Mitigation Measure: Potentially significant impacts on agricultural resources are mitigated to less than significant levels through preservation of one (1) acre of FMMP Important Farmland impacted on the project site that is permanently converted to non-agricultural use as a result of project development.

Evidence: Biological Resources. (MM BIO-1(a))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened California Tiger Salamander (CTS). Impacts would likely only occur if CTS are found within the construction footprint when dispersing between aquatic and upland habitats, which would only occur during the wet season. If present, individuals could be significantly impacted during construction activities including but not limited to grading.

Mitigation Measure: Potentially significant impacts on biological resources, specifically the listed California Tiger Salamander have been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. In addition, if avoidance is not feasible, then at a minimum, mitigation measures shall include purchase of credits at an approved conservation bank or purchase and management of offsite suitable upland habitat for CTS to offset loss suitable upland habitat for this species (i.e., area[s] containing small mammal burrows) at a ratio of 2:1 (two acres preserved for every one acre of impact), or as otherwise required by USFWS and CDFW in accordance with applicable laws and regulations.

Evidence: Biological Resources. (MM BIO-1(b))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened California red-legged frog (CRLF). Direct impacts to adult and juvenile frogs dispersing in upland areas could include stress, injury, or mortality resulting from construction activities. Impacts of this nature are unlikely if construction occurs during the time of year when adults or juveniles are not prone to overland dispersal through upland areas. Development of the proposed project would result in the loss of approximately 49.6 acres of CRLF potential dispersal habitat. If present, individuals could be significantly impacted during construction and grading within or in the vicinity of suitable aquatic habitats or adjacent terrestrial upland refuge. However, based on the project site conditions and the facts described above, the potential for impacts is low.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed California red-legged frog has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance.

Evidence: Biological Resources. (MM BIO-1(c))

Impact: Implementation of the proposed project would potentially impact the Western spadefoot toad, a State Species of Special Concern. The nearest documented occurrence of western spadefoot toad is approximately 0.3 mile from the project site located to the northeast in a series of ponds west of SR 25 and within the Ridgemark Country Club golf course. No suitable aquatic breeding habitat occurs within the project site. Furthermore, based on the project site conditions and the facts described above, the potential for impacts is low.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Western spadefoot toad has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. If this species is observed by construction personnel within or adjacent to the project site, all work within the vicinity of the observation shall be halted and the qualified biologist shall be notified immediately to evaluate the occurrence and relocate the animal as necessary.

Evidence: Biological Resources. (MM BIO-1(d))

Impact: Implementation of the proposed project would potentially impact the Burrowing Owl, a State Species of Special Concern. This species could potentially nest in any of the grassland and scrub habitats that are found within the project site containing suitable nesting burrows. If present, individuals could be impacted from construction of the proposed project in or adjacent to nesting or overwintering habitat; however, the potential for impacts would be limited to the nesting season.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Burrowing Owl has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible. If avoidance of burrowing owls is not feasible, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed for the relocation of burrowing owls to a suitable offsite location.

Evidence: Biological Resources. (MM BIO-1(e))

Impact: Implementation of the proposed project would potentially impact the American Badger, a State Species of Special Concern. It is an uncommon, permanent resident found throughout most of the State, except in the northern North Coast area, and is most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. If present, impacts to American Badger would be potentially significant unless mitigation is incorporated.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed American Badger has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(f))

Impact: Implementation of the proposed project would impact special status animal species, specifically the federal and State Threatened San Joaquin Kit Fox. The species' range currently includes much of the San Joaquin Valley and adjacent foothills, and interior valleys in San Luis Obispo, Monterey, and San Benito Counties, as well as the hills east of the Livermore Valley.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed San Joaquin Kit Fox has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(g))

Impact: Implementation of the proposed project would potentially impact the Western Red Bat, a State Species of Special Concern. The species has the potential to roost in on-site and off-site oak, walnut and olive trees, and within any large cottonwood or eucalyptus trees adjacent to the project site. It is unlikely construction of the proposed project would impact foraging bats since construction hours would most likely occur outside of this species' nocturnal feeding period.

Mitigation Measure: Potentially significant impacts on biological resources specifically the listed Western Red Bat has been mitigated to a less than significant level through mitigation measures which require a pre-construction survey and impact avoidance to the extent feasible.

Evidence: Biological Resources. (MM BIO-1(h))

Impact: Implementation of the proposed project would impact special status animal species. Many of these species would not be expected to inhabit the agricultural portions of the project site (given the substantial amount of disturbance as a result of annual discing and other agricultural-related activities), and are unlikely to occur within the orchard between the blufftop site and the adjacent area because of a lack of natural habitat within these portions of the project site. The agricultural areas do however offer potential foraging habitat and migration habitat for several species. The non-native annual grassland, coast live oak woodland and California sagebrush communities offer the greatest potential for harboring sensitive species.

The County shall review and approve, as determined appropriate by the County, the proposed primary biologist, project plans (including impact areas and mitigation measures), and conduct site inspections during construction to ensure compliance.

Evidence: Biological Resources. (MM BIO-1(i))

Impact: Implementation of the proposed project would impact special status animal species. Many of these species would not be expected to inhabit the agricultural portions of the project

site (given the substantial amount of disturbance as a result of annual discing and other agricultural-related activities), and are unlikely to occur within the orchard between the blufftop site and the adjacent area because of a lack of natural habitat within these portions of the project site. The agricultural areas do however offer potential foraging habitat and migration habitat for several species. The non-native annual grassland, coast live oak woodland and California sagebrush communities offer the greatest potential for harboring sensitive species.

Mitigation Measure: To avoid impacts to aquatic and terrestrial habitats, a Construction Best Management Practices shall be incorporated into all grading and construction plans.

Evidence: Biological Resources. (MM BIO-2)

Impact: Implementation of the proposed project could directly impact nesting raptors and other avian species protected under existing laws and regulations by causing injury, death, or nest failure. Nesting birds may potentially occur within vegetation on and adjacent to the project site in trees and shrubs. The riparian community located north and adjacent to the project site may provide nesting habitat for a variety of birds including owls, raptors, and songbirds that may be located within the disturbance buffers (typically 500 feet for raptors, 300 feet for other species) recommended by CDFW. If land clearing, construction, and grading of the project site occurs within the nesting bird season (February 1 through August 31), the proposed project could potentially impact nesting birds protected under MBTA and CFGC. Nesting birds present within the grading footprint during grading activities would be directly and indirectly impacted by the proposed project. These species, as well as many non-special-status species that may nest on or near the project site, may potentially be disturbed by noise, human presence, lighting, or grading activities associated with the proposed project, which could cause nesting failure and the loss of eggs or nestlings.

Mitigation Measure: Potentially significant impacts on nesting birds and raptors have been mitigated to a less than significant level through mitigation measures requiring a pre-construction survey and creation of buffers around active nesting sites.

Evidence: Biological Resources. (MM BIO-3(a))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies. A riparian community is located north and adjacent to the project site that may provide nesting habitat for a variety of birds including owls, raptors, and songbirds. Additionally, eight drainages were identified along the western margin of the project site from the blufftop site extending down to Southside Road. No hydrological connections in the form of culverts or canals were identified beyond Southside Road that would lead to the San Benito River to the west. However, a formal jurisdictional delineation has not been conducted at the project site and the jurisdictional status of these drainage features has not been confirmed.

Mitigation Measure: Prior to the start of construction, a qualified biologist would conduct a formal aquatic resources delineation throughout the project site. The aquatic resources delineation shall confirm whether any identified features are under the jurisdiction of the USACE, RWQCB, and/or CDFW. The result shall be a preliminary jurisdictional delineation report that shall be submitted to San Benito County, USACE, RWQCB and CDFW, as appropriate, for review and approval. Permits shall be obtained from each agency where applicable.

Evidence: Biological Resources. (MM BIO-3(b))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies.

Mitigation Measure: Confirm that impacts of project on jurisdictional wetlands (if any are identified) and riparian habitat are mitigated at 2:1 ratio through conservation easement(s) as specified in the mitigation measure and as otherwise required by resource agencies. Prepare Aquatic Resource Mitigation and Monitoring Plan or purchase credits at an approved mitigation bank as specified in the mitigation measure.

Evidence: Biological Resources. (MM BIO-3(c))

Impact: Implementation of the proposed project could result in impacts to riparian and other habitats considered sensitive by local, State, and/or federal agencies. The project site may include sensitive aquatic habitats under State and or federal jurisdiction. A riparian community is located north and adjacent to the project site that may provide nesting habitat for a variety of birds including owls, raptors, and songbirds.

Mitigation Measure: Prior to start of construction, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by San Benito County to prevent, to the extent feasible, invasion in areas of by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication.

All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

Evidence: Cultural Resource. (MM CUL-1)

Impact: Implementation of the proposed project could have significant impacts on previously unidentified cultural resources. No cultural resources were identified in the project site during the survey. However, project construction activities, including ground clearing, grading and

excavation, could have significant impacts on previously unidentified cultural resources. Pre-construction reconnaissance can only confidently assess the potential for encountering surficial archaeological materials. Therefore, the possibility remains for encountering subsurface archaeological resources during construction activities.

Mitigation Measure: Potentially significant impacts on cultural resources have been mitigated to a less than significant level through mitigation measures requiring a qualified archaeologist to assess the nature, extent, and potential significance of any unanticipated cultural deposits encountered during any phase of project construction or land disturbance activities and require the applicant to complete any identified measures to address any significant finds.

Evidence: Cultural Resource. (MM CUL-2)

Impact: Implementation of the proposed project specifically through ground clearing, grading and excavation could impact previously unidentified human remains.

Mitigation Measure: If human remains are discovered, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur in the area of the find until the County has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.98. If the remains are determined to be of Native American descent, the coroner would notify the NAHC. The NAHC would determine and notify a MLD. The MLD would complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Evidence: Cultural Resource. (MM CUL-3(a))

Impact: Implementation of the proposed project would involve surface excavation and, although unlikely, these activities have the potential to unearth and/or impact potentially significant paleontological resources.

Mitigation Measure: Prior to initial ground disturbance, the applicant shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources (if any significant finds are made).

Evidence: Cultural Resource. (MM CUL-3(b))

Impact: Implementation of the proposed project would involve surface excavation and, although unlikely, these activities have the potential to unearth and/or impact potentially significant paleontological resources.

Mitigation Measure: Potentially significant impacts on cultural resources have been mitigated to a less than significant level through mitigation measures requiring excavations exceeding two feet in depth anywhere on the project site shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The duration and timing of the monitoring shall be reasonably determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely, which recommendation shall then be adhered to by the project applicant.

Evidence: Geology and Soils. (MM GEO-4)

Impact: An Alquist-Priolo Fault Zone for the Calaveras Fault and trace fault lies approximately 0.25 mile southwest of the project site. Construction in Alquist-Priolo Fault Zones is regulated by the State Geologist and requires special study for structures planned over active faults. Since the proposed residential development is outside of this zone, the project would not conflict with the Alquist-Priolo Act and would not expose future on-site residents to a significant risk of loss, injury, or death involving rupture of the Calaveras Fault/Trace. Seismic activity could result in ground failure at the surface of the project site due to expansive soils.

Mitigation Measure: Potentially significant impacts on geology and soils have been mitigated to a less than significant level through mitigation measures requiring prior to the issuance of the first building permit, the developer(s) of individual lots on the project site shall submit building and improvement plans for review and approval by San Benito County that confirm compliance with the recommendations included in the Geotechnical Investigation prepared by Stevens, Ferrone & Baily in 2015.

Evidence: Greenhouse Gas Emissions. (MM GHG-1)

Impact: Implementation of the proposed project would generate GHG emissions during construction activity and long-term operation. Total estimated GHG emissions as result of area source, energy use, solid waste, water use, and transportation emissions would amount to 2251.1 MT CO₂e per year which exceeds SB 32 compliant thresholds.

Mitigation Measure: Potentially significant impacts on greenhouse gas emissions have been mitigated to a less than significant level through mitigation measures requiring that prior to initial grading permit issuance, the project applicant shall develop and implement a GHG Reduction Plan, approved by the County, which documents a reduction in annual GHG emissions from the project by a minimum of 617 MT CO₂e per year over the operational life of the project.

Evidence: Noise. (MM N-1(a))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences. It is assumed that all types of construction equipment would be located as near as 30 feet from existing residences at some point during construction; therefore, noise levels generated during on-site construction activities could result in ambient noise levels at nearby residences that would exceed 65 dBA Ldn, increase the ambient noise level by greater than 5 dBA Ldn, and last for greater than 12 months.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring that signs stating the restrictions regarding the hours of construction as regulated by the 2035 General Plan shall be provided by the developer and posted on-site. Signs shall be placed prior to beginning of and throughout grading and construction activities. Prior to issuance of any grading permits, the project proponent shall submit a plan, which shall be reviewed and approved by the County, describing the location and dates on which the signs will be posted to the Planning and Building Inspection Services Department. The project proponent shall allow County Building Inspectors to access the project site to monitor compliance by spot checking these signs and the hours during which construction occurs, and to respond to noise complaints.

Evidence: Noise. (MM N-1(b))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring all contractors, as a condition of contract with the developer, to maintain and tune-up all construction equipment to minimize noise emissions to the extent feasible. Whenever feasible, electrical power shall be used to run air compressors and similar power tools rather than diesel equipment.

Evidence: Noise. (MM N-1(c))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

Evidence: Noise. (MM N-1(d))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring stationary construction equipment that generates noise that exceeds 55 dBA Leq at the boundaries of the nearby residential uses to be shielded. Temporary noise barriers used during construction activity shall be made of noise-resistant material sufficient to achieve a Sound Transmission Class (STC) rating of STC 40 or greater. Prior to issuance of grading permits, the project proponent shall submit building and grading plans that show the appropriate construction equipment noise reduction measures to the Planning and Building Inspection Services Department. Compliance shall be monitored by, as feasible, County Building Inspectors.

Evidence: Noise. (MM N-1(e))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring all noise from workers' radios be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Evidence: Noise. (MM N-1(f))

Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring the contractor to prepare and submit to the County for approval a detailed construction plan identifying the schedule for major noise-generating construction activity prior to issuance of any grading and/or building permits.

Evidence: Noise. (MM N-1(g))

Impact: Impact: Noise from construction of the proposed project has the potential to adversely impact nearby residences and future on-site residences.

Mitigation Measure: Potentially significant impacts on noise have been mitigated to a less than significant level through mitigation measures requiring the contractor to designate a "noise disturbance coordinator". The noise disturbance coordinator shall be responsible for responding promptly to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be

implemented. The applicant shall 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.

Evidence: Transportation. (MM T-1)

Impact: Implementation of the proposed project would cause operations at one study area intersection to exceed applicable Level of Service criteria under the Existing (2013-2016) plus Project Conditions.

Mitigation Measure: Potentially significant impacts on transportation have been mitigated to a less than significant level through mitigation measures requiring the developer to pay the applicable TIMF fee as a fair-share contribution toward Union Road widening, in compliance with General Plan Policy C-1.5. The TIMF is calculated as part of the Transportation Impact Fee Nexus Study completed by the Council of San Benito County Governments (2016).

Evidence: Tribal and Cultural Resources (MM TCR-1)

Impact: Construction of the proposed project would involve surface excavation, which has the potential to impact previously unidentified Tribal Cultural Resources. No tribal cultural resources listed on or eligible for listing on the California Register of Historical Resources (CRHR) or a local register or significant tribal cultural resources were identified within the project site as a result of the cultural resources records search, SLF search, Native American scoping and pedestrian survey. However, there is always potential to uncover buried archaeological resources during ground disturbing activities, which could potentially be considered tribal cultural resources.

Mitigation Measure: In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall be retained who shall consult with the project proponent and San Benito County to begin Native American consultation procedures. As part of this process, it may be determined that archaeological monitoring may be required; a Native American monitor may also be required in addition to the archaeologist.

FINDING 3: EIR - CEQA ALTERNATIVES TO THE PROPOSED PROJECT. The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6; it also considered but rejected an alternative for another location for the reasons specified therein. The EIR considered the following alternatives described below. The primary purpose of an alternatives analysis under CEQA is to provide decision-makers and the general public with a reasonable number of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. However, all impacts of the project can be mitigated to below a level of significance; therefore, the project does not have any significant unavoidable impacts.

Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. Accordingly, the County need not make findings rejecting alternatives described in the EIR where all of the project's significant impacts will be avoided or substantially lessened by mitigation measures. (See *Laurel Hills Homeowners Ass'n v City Council* (1978) 83 Cal.App.3d 515 [if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives]; see also *Stevens v City of Glendale* (1981) 125 Cal.App.3d 986, 996; *No Slo Transit, Inc. v City of Long Beach* (1987) 197 Cal.App.3d 241].) Thus, if the County finds that significant adverse effects will be avoided or substantially lessened by mitigation measures, it need not make findings that environmentally superior alternatives are infeasible. (See *Mira Mar Mobile Community v City of Oceanside* (2004) 119 Cal.App.4th 477; *Protect Our Water v County of Merced* (2003) 110 Cal.App.4th 362, 373; *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692.). Analysis of three alternatives to the project is provided for informational purposes and to allow decision-makers to consider the project in light of hypothetical alternative development scenarios, thereby promoting CEQA's purpose as an information disclosure statute.

Evidence: Alternative 1 No project Alternative. *The No Project Alternative assumes that the proposed project is not implemented, and that the project site remains in its current state of open space and agricultural use. Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the proposed project. However, the No Project Alternative would not meet any of the project objectives since no residential development would be constructed, no enhancements to the Ridgemark community would be made, and no economic benefits for the County would be created.*

Evidence: Alternative 2 Full Secondary Access to Southside Road. *The Full Secondary Access to Southside Road Alternative would have the same project description as the proposed project. However, the emergency vehicle access to Southside Road from the southwest corner of the blufftop site would become a full access road. The road would be built to local road standards and would have a gate at the bottom of the hill only. All residents in the Bluffs at Ridgemark and Ridgemark Community would be able to use this as an exit to Southside Road and destinations to the south/west. Because this alternative would result in the same level and type of development on the same site, it would have all of the same impacts, which could be mitigated to the same extent as those in the project. For this same reason, it would meet all proposed project objectives.*

Evidence: Alternative 3 Clustered Development. *The Clustered Development Alternative would cluster the proposed residential development eastward, towards the existing Ridgemark community, in order to decrease the visual impact of the project from Southside Road. The Clustered Development Alternative would result in the same number of dwelling units as the proposed project within a reduced development footprint. It would result in incrementally reduced impacts when compared to the proposed project for those issue areas related to ground disturbance. Because less ground disturbance would be required, total air quality and GHG emissions would decrease, despite the same amount of operational emissions. Because this alternative would construct the same number of units, population-generated impacts would be similar to the proposed project. This includes: public services and recreation, transportation and*

circulation, and utilities and service systems. Notably, this alternative would reduce the significant but mitigable impact related to aesthetics to a less than significant level, due to the increased setback from the top of the bluff and associated reduced visibility from Southside Road. This alternative would continue to meet the proposed project objectives. Although located on smaller lots, the new units would be anticipated to be high-quality and aesthetically pleasing, and would enhance the Ridgemark Country Club area, similar to the proposed project. In addition, the development of 90 units would create economic benefits for the County and local businesses similar to the proposed project. Given the smaller lots, this alternative may not be considered as "high end" as the proposed project, and thus may not meet the objective of expanding this type of housing in the County. However, denser housing would be more affordable by design, which would serve to provide a different type of housing stock in the County which is equally needed by the community.

Evidence: Environmentally Superior Alternative. As noted above, because there are no significant and unavoidable impacts, the following information about the selection of the environmentally superior alternative is provided for informational purposes only. Each of the alternatives either avoided or minimized to a greater extent some impact(s) associated with the proposed project, although all impacts are ultimately less than significant (with mitigation incorporated) similar to the project. When all the alternatives were considered, the Clustered Development Alternative 3 is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, Section 15126(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, then another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the Clustered Development Alternative is considered to be the Environmentally Superior Alternative for the reasons specified above.

A RESOLUTION TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE BLUFFS AT RIDGEMARK SUBDIVISION PROPOSAL TSM-15-94 IS HEREBY ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 2nd DAY OF APRIL, 2018 BY THE FOLLOWING VOTE:

AYES: Valerie Eglund, Robert Rodriguez, Chair Mark Tognazini

NOES: Ray Pierce, Pat Loe

ABSENT:

ABSTAIN:


Mark Tognazini, Chair
San Benito County Planning Commission

ATTEST:


Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

