



COUNTY OF SAN BENITO  
**PLANNING & BUILDING INSPECTION SERVICES**

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**NOTICE OF DECISION**

TSM NO.:	TSM 12-85
DATE:	April 17, 2013
OWNER/APPLICANT:	Santana Ranch Property Owners Group
LOCATION:	East of Fairview Road between Sunnyslope Road and Hillcrest Road
APN:	025-100-001 & 025-370-001, 002, 011, & 012
ZONING:	Santana Ranch Specific Plan

IN ACCORDANCE WITH THE PROVISIONS OF COUNTY CODE CHAPTER 7.11.006 OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, A TSM PERMIT IS HEREBY GRANTED SANTA RANCH PROPERTY OWNERS GROUP ON THIS 17th DAY OF APRIL 2013. THIS USE SHALL BE OPERATED ENTIRELY WITHIN THE COUNTY OF SAN BENITO.

IMPORTANT NOTICE: ATTENTION is called to the provisions of Section 25.47.001 of the San Benito County Code, which reads in part: "Any person aggrieved by any decision of the Planning Director or designated appointee made under the provisions of this title may, within ten days from the date of the decision, appeal to the Planning Commission. The appeal shall be in the form of a written notice filed in duplicate with the County's Planning Department and shall set forth specifically the grounds for the appeal. A uniform fee, as established by the Board of Supervisors, shall be paid to the County upon the filing of the appeal"

**REQUIRED FINDINGS:**

**Finding 1:** That the FEIR for the Santana Ranch Specific Plan and the associated amendments to the San Benito County General Plan Land Use Element and Map, amendments to the Zoning Ordinance text and map and other associated amendments to the San Benito County Code, and the Development Agreement with the project proponents was prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

**Evidence:** All provisions including both State and County environmental guidelines and policies for the preparation of an EIR have been followed. The FEIR was certified as adequate on October 5, 2010, and no legal challenge was presented. All required findings pertaining to certification of the FEIR, identification and evaluation of environmental impacts, and the adoption of mitigation measures, the Mitigation Monitoring and Reporting Program and statement of overriding considerations, were previously reviewed by the Planning Commission and are set forth in Board Resolution 2010-114 and reaffirmed in Resolution Nos. 2010-128 and 2010-129. Accordingly, the certified FEIR is presumed to be in compliance with CEQA. The documents comprising the FEIR are filed in the project record located at the San Benito County Planning Department in file "Santana Ranch Specific Plan".

**Finding 2:** That TSM 85-12 is in substantial compliance with the Santana Ranch Specific Plan and associated project entitlements, the impacts of which were fully and adequately evaluated in the FEIR.

**Evidence:** The Planning Department evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12 and determined that TSM 85-12 is in substantial compliance with all applicable aspects of the Santana Ranch Specific Plan and other prior project

entitlements, including, without limitation, Article 2, Land Use Map Figure 2-1 and Table 2-1 of the Specific Plan, which identify the proposed location and acreage of all residential and non-residential uses, as well as the anticipated density within each neighborhood, pursuant to section 8.1.5 of the Specific Plan. All required findings pertaining to certification of the FEIR, identification and evaluation of environmental impacts, and the adoption of mitigation measures, the Mitigation Monitoring and Reporting Program and statement of overriding considerations, were previously reviewed by the Planning Commission and are set forth in Board Resolution 2010-114 and reaffirmed in Resolution Nos. 2010-128 and 2010-129, and are hereby reaffirmed and incorporated herein by reference. All required mitigation measures have been incorporated as conditions of approval.

**Finding 3:** That there are no substantial changes proposed in TSM 85-12 that would require major revisions of the previous FEIR due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that TSM 85-12 is consistent with the Santana Ranch Specific Plan and other prior project entitlements, and does not propose substantial changes that would require revision of the certified FEIR due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

**Finding 4:** That there are no substantial changes in the circumstances under which the Project is proposed to be undertaken that would require major revisions of the previous FEIR due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that TSM 85-12 is consistent with the Santana Ranch Specific Plan and other prior project entitlements, and there are no substantial changes in circumstances under which TSM 85-12 is proposed to be undertaken that would require revision of the certified FEIR due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

**Finding 5:** That there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing TSM 85-12 would have one or more significant effects not discussed in the FEIR.

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing TSM 85-12 would have one or more significant effects not discussed in the FEIR.*

**Finding 6:** That there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing significant effects previously examined in the FEIR will be substantially more severe than shown in the FEIR.

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of*

*Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing significant effects previously examined in the FEIR will be substantially more severe than shown in the FEIR.*

**Finding 7:** That there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure or alternative.

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure or alternative.*

**Finding 8:** That there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative.

**Evidence:** *The Planning Department and the Planning Commission evaluated the Project in light of the criteria set forth in Public Resources Code Section 21166 and CEQA Guidelines (14 California Code of Regulations) Section 15162, evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and have determined that there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, showing mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative.*

**Finding 9:** That the Planning Commission has considered the certified FEIR for the Santana Ranch Specific Plan and associated project entitlements, together with all comments received during the public review process.

**Evidence:** *The Santana Ranch Specific Plan FEIR, staff report, and verbal testimony was presented to the Planning Commission in preparation for, and during, the April 17, 2013 Planning Commission meeting.*

**Finding 10:** The certified Santana Ranch Specific Plan FEIR reflects the independent judgment of the Planning Commission and County Board of Supervisors.

**Evidence:** *The Planning Department incorporated the certified Santana Ranch Specific Plan FEIR Mitigation Measures as conditions of approval of TSM 85-12 and prepared the staff report for the proposed project. Both the FEIR and staff report were reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects its independent evaluation and judgment of the Project.*

#### **Subdivision Findings:**

**Finding 1:** That the proposed map is consistent with the General Plan and an applicable specific plan.



**Evidence:** *The project site is located within the Santana Ranch Specific Plan land use designation under the County's General Plan Land Use Element. The Planning Commission previously reviewed extensive General Plan consistency findings pertaining to the Santana Ranch project, which were subsequently adopted by the Board of Supervisors, as Exhibit D to Board Resolution No. 2010-128 and as Exhibit C to Board Resolution No. 2010-129. The General Plan consistency findings are hereby reaffirmed and incorporated herein by reference. The Planning Department evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12 and determined that TSM 85-12 is in substantial compliance with all applicable aspects of the Santana Ranch Specific Plan and other prior project entitlements, including, without limitation, Article 2, Land Use Map Figure 2-1 and Table 2-1 of the Specific Plan, which identify the proposed location and acreage of all residential and non-residential uses, as well as the anticipated density within each neighborhood, pursuant to section 8.1.5 of the Specific Plan. The proposed map creates approximately 1000 new lots along with related infrastructure, pursuant to the approved Santana Ranch Specific Plan and consistent with applicable regulations set forth in the Specific Plan. Therefore, the proposed map is consistent with the General Plan designation for which it is located and with the Santana Ranch Specific Plan.*

**Finding 2:** That the design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

**Evidence:** *The Planning Department evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12 and determined that TSM 85-12 is in substantial compliance with all applicable aspects of the Santana Ranch Specific Plan and other prior project entitlements, including, without limitation, Article 2, Land Use Map Figure 2-1 and Table 2-1 of the Specific Plan, which identify the proposed location and acreage of all residential and non-residential uses, as well as the anticipated density within each neighborhood, pursuant to section 8.1.5 of the Specific Plan. The design and improvements of the proposed subdivision map are consistent with the Santana Ranch Specific Plan General Plan designation. The project proposes road right-of-way, waste disposal systems, water piping, and other infrastructure to serve the project. These have been reviewed by the appropriate County departments and determined to be consistent with the design standards set forth in the approved Santana Ranch Specific Plan.*

*The Planning Commission previously reviewed extensive General Plan consistency findings pertaining to approval of the Santana Ranch project, which findings were subsequently adopted by the Board of Supervisors, as Exhibit D to Board Resolution No. 2010-128 and as Exhibit C to Board Resolution No. 2010-129. The General Plan consistency findings are hereby reaffirmed and incorporated herein by reference. In particular, the General Plan's Land Use Element, Policies 10 & 11 describe improvement design standards for sewer and waste disposal; staff has determined the subdivision design and improvements described in TSM 85-12 are consistent with the above mentioned policies. The General Plan's Transportation Element, Policies 3, 4, 5, 6, 7, 8, 10, 11, & 12 describe improvement design standards for road improvements and requirements for new development within the County; the improvements set forth in the proposed map have been determined to be consistent with all of the above mentioned policies.*

**Finding 3:** That the site is physically suitable for the type of development.

**Evidence:** *The San Benito County Board of Supervisors certified the FEIR, adopted the Santana Ranch Specific Plan and associated project entitlements, and thus determined that the site is physically suitable for the type of development proposed in the Specific Plan. Staff has evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and determined that the type of development described in the map is consistent with that described in the Specific Plan and associated project entitlements.*

**Finding 4:** That the site is physically suitable for the density of development.



**Evidence:** *The San Benito County Board of Supervisors certified the FEIR, adopted the Santana Ranch Specific Plan and associated project entitlements, and thus determined that the site is suitable for the density of development proposed in the Specific Plan. Staff has evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and determined that the density of development described in the map is consistent with that described in the Specific Plan and associated project entitlements.*

**Finding 5:** That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Evidence:** *The FEIR evaluated potentially significant impacts to biological resources and proposed mitigation measures designed to reduce the potential impacts to a less than significant level. The project incorporates the mitigation measures from the approved Santana Ranch Specific Plan EIR, including those pertaining to biological impacts. Therefore, the Board of Supervisors previously determined, as set forth in Board Resolution 2010-114 and reaffirmed in Resolution Nos. 2010-128 and 2010-129, that the proposed improvements, with mitigation measures incorporated, will not have a significant impact on either fish or wildlife or their habitats. Staff has evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and determined that the design of the subdivision and proposed improvements are consistent with that described in the Specific Plan and associated project entitlements. The findings and determinations regarding potential impacts to biological resources and mitigation of those impacts are set forth in Board Resolution Nos. 2010-114, 2010-128 and 2010-129, and are reaffirmed and incorporated herein by reference.*

**Finding 6:** That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

**Evidence:** *The FEIR evaluated potentially significant impacts pertaining to public health and proposed mitigation measures designed to reduce the potential impacts to a less than significant level. The project incorporates the mitigation measures from the approved Santana Ranch Specific Plan EIR, including those affecting public health. Therefore, the Board of Supervisors previously determined, as set forth in Board Resolution 2010-114 and reaffirmed in Resolution Nos. 2010-128 and 2010-129, that the proposed improvements, with mitigation measures incorporated, will not cause serious public health problems. Staff has evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and determined that the design of the subdivision and type of improvements are consistent with that described in the Specific Plan and associated project entitlements. The findings and determinations regarding potential impacts to public health and mitigation of those impacts are set forth in Board Resolution Nos. 2010-114, 2010-128 and 2010-129, and are reaffirmed and incorporated herein by reference.*

**Finding 7:** That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Evidence:** *Staff has evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12, and determined that any easements for public access or use have been identified on the tentative map and shall be maintained.*

**Finding 8:** Subject to Section 66474.4 of the Government Code, that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

**Evidence:** *The property is not subject to a Land Conservation Act (Williamson Act) contract. The use of the parcel has historically been residential and agricultural, with accessory buildings located on the property. The approved Santana Ranch Specific Plan allows for the proposed development of the property.*

**Finding 9:** Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

**Evidence:** *The proposed parcel(s) will connect to the Sunnyslope County Water District. As part of the approval process for the Santana Ranch Specific Plan, the San Benito County Board of Supervisors determined that the Sunnyslope County Water District had the capacity to serve the project. This determination was reviewed and approved by the Central Coast Regional Water Quality Control Board.*

**Finding 10:** Subject to Section 8.1.5 of the Santana Ranch Specific Plan, the applicant did not fail to demonstrate that the infrastructure, services, facilities and amenities required to serve the land uses within the requested map will be completed prior to occupancy of those uses.

**Evidence:** *The Planning Department evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12 and determined that TSM 85-12 is in substantial compliance with the FEIR and all applicable aspects of the Santana Ranch Specific Plan and other prior project entitlements. Staff did not find any indication that the infrastructure, services, facilities and amenities required to serve the land uses within the requested map will not be completed prior to occupancy of those uses. Conditions of approval have been incorporated to ensure completion prior to occupancy.*

**Finding 11:** Subject to Section 8.1.5 of the Santana Ranch Specific Plan, the applicant did not fail to demonstrate that TSM 85-12 complies with the applicable zoning.

**Evidence:** *The Planning Department evaluated the proposed tentative subdivision map and all associated materials provided in connection with the application for TSM 85-12 and determined that TSM 85-12 is in substantial compliance with the FEIR and all applicable aspects of the Santana Ranch Specific Plan and other prior project entitlements, including the Santana Ranch Specific Plan (SR-SP) zoning designation. Staff did not find any indication that the land uses within the requested map would be inconsistent with the applicable zoning.*

**Finding 12:** Subject to Section 8.1.5 of the Santana Ranch Specific Plan, the applicant did not fail to demonstrate that approval of TSM 85-12 will not result in new significant, unmitigated environmental impacts or a significant increase in previously identified impacts.

**Evidence:** *The evidence in support of CEQA Finding Nos. 2 through 8 is incorporated herein by reference.*

**Finding 13:** Subject to Section 8.1.5 of the Santana Ranch Specific Plan, the applicant did not fail to demonstrate that approval of TSM 85-12 will not result in conditions that would jeopardize the public health, safety and general welfare.

**Evidence:** *The evidence in support of Subdivision Finding No. 6 is incorporated herein by reference.*

#### CONDITIONS OF APPROVAL:

1. **Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of the Government Code. [Planning]

2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Commission and by the Board of Supervisors in their approval of the Santana Ranch Specific Plan. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Compliance Documentation:** Prior to recordation of the Final Map(s), the applicant shall submit to the County Planning Department a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
4. **Assessment:** Prior to recordation of the Final Map(s), the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the Final Map is recorded. [Planning, Assessor]
5. **Recordation:** The applicant shall submit a Final Map or multiple final maps to the County and the Final Map(s) shall be approved by the San Benito County Board of Supervisors, following review and approval by the County Planning Department and the County Public Works Department and recorded with the County Recorder. The Tentative Map shall expire as specified by the Development Agreement approval date, unless extended as provided by the Subdivision Map Act and the County's Subdivision Ordinance. Failure to record a Final Map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
6. **Easements:** The Final Map(s) shall show all easements for access, utilities, and drainage. [Public Works, Planning]
7. **Notice of Determination (California Fish & Wildlife Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the tentative map. California Department of Fish and Wildlife fee (\$2,043 - Fish & Wildlife Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
8. **Conditions of Approval, Easements, and Restrictions:** Prior to recordation of the Final Map(s) all unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the Final Map(s). [Planning]
9. **Community Financing District:** Prior to recordation of the first Final Map, the applicant shall cooperate and diligently work with the County to form a CFD or other mutually acceptable financing district or mechanism to enable the Project to remain revenue neutral as specified in Section 4.3 and Exhibit 11 to the Development Agreement. The applicant shall cover any and all actual County costs associated with said formation proceedings. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the Final Map. [LAFCO, Planning]
10. **Master Plans and Improvement Plans:** Prior to recordation of the first Final Map, the applicant shall submit for approval by the County Public Works Department, the following Master Plans, which shall govern subsequent development of the Santana Ranch project: 1) Infrastructure Master Plan; 2) Master Phasing Plan; 3) Potable Water Master Plan; 4) Reclaimed/Recycled Water Master Plan; 5) Wastewater



Master Plan; 6) Storm Drainage Master Plan, including detention facilities; 7) Park and Recreational Master Plan; 8) Landscape Master Plan for parks, recreational facilities, detention facilities, streets, and other open space areas, including walls, fences, berms, street lighting, street furniture, hardscape, and planting plans; and 9) Collector Street Improvement Plan, including designation of proposed transit (bus) stop locations. The project site shall be developed consistent with these Master Plans and also with the Master Phase Grading and Drainage Plan for the overall project site, which was submitted in connection with TSM 85-12, meeting the criteria specified in the Santana Ranch Specific Plan and Engineering Report for Development of Santana Ranch (RJA, October 2008). Prior to the recordation of each Final Map, the applicant shall submit for approval by the County Public Works Department, improvement plans for the proposed subdivision, consistent with the Master Plans. [Public Works]

11. **Construction Hours:** A note shall be placed on an additional sheet to the Final Map(s) that states: "As required by County Ordinance, Construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday."
12. **Development Impact Fees:** The applicant shall pay all Development Impact Fees as specified in Section 3.2 and Exhibit 9 to the Development Agreement, upon issuance of Certificates of Occupancy or final inspection, whichever comes first, and calculated at the date of issuance of each Certificate of Occupancy, except for Traffic Impact Mitigation Fees (TIMF), which shall be calculated as of the date of issuance of each building permit.
13. **Mitigation Monitoring:** Prior to the recordation of the Final Map(s), the applicant/owner, County Counsel and the Planning Director shall agree to and sign the Mitigation Monitoring Program form(s). The Owner shall comply with all the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP), which was previously adopted by the Board of Supervisors for the Santana Ranch project on October 5, 2010, as Exhibit C to Board Resolution No. 2010-114, and which is incorporated herein by reference, to reduce or avoid, to the extent feasible, the potentially significant and significant impacts of the Santana Ranch project. In adopting these mitigation measures, the Planning Commission intends to adopt each of the mitigation measures identified by the FEIR and applicable to the project. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted from the MMRP, such mitigation measure as set forth in the FEIR is hereby adopted and incorporated by reference. In addition, in the event the language describing a mitigation measure set forth in the MMRP fails to accurately reflect the mitigation measure in the FEIR due to a clerical error, the language of the mitigation measure as set forth in the FEIR shall control, unless the language of the mitigation measure has been specifically and expressly modified. [Planning, County Counsel]
14. **Exterior Lighting:** Prior to recordation of the first Final Map, the applicant shall submit an exterior lighting plan, demonstrating conformance with the Specific Plan design guidelines with regard to exterior lighting as stated within Section 7.4, Neighborhood Commercial and Other Non-Residential Design Guidelines, Lighting (Specific Plan, p. 7-32), as well as with Title 19, Chapter 19.31 of the San Benito County Code. A note shall be placed on the Final Map(s) stating: "All exterior lighting shall be reviewed to insure that fixtures are shielded to reduce this impact to an insignificant level. New lighting for additional residential buildings would add nighttime glare to the project site and surrounding properties. As a condition of approval, a note shall be placed on the Final Map which states that all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Additionally, all fixtures shall comply with County Ordinance 748." [Mitigation Measure 3.1-3] [Planning and Building]
15. **Air Quality:** A note shall be included in the improvement plans to minimize particulate emissions and shall state: "The contractor shall require water trucks to operate in conjunction with grading equipment and

application of water shall be made as frequently as is necessary to control dust at a minimum of three times a day. If the dust is not adequately controlled through the application of water, grading activities will be suspended and an hourly watering schedule and/or maximum limit on the daily number of cubic yards to be graded will be imposed prior to the resumption of grading. In addition, all grading activities during periods of high winds (over 15 mph) are prohibited." [Planning]

Prior to the issuance of the first building permit for each phase of the project, the developer shall comply with the Specific Plan policies referenced in the FEIR Section 3.3, Air Quality, under the analysis of Impact 3.3-2 and, in addition, shall comply with the following mitigation measures set forth in the FEIR:

- a. Proposed commercial uses shall provide preferential carpool/vanpool parking spaces.
- b. Proposed commercial uses shall provide bicycle parking facilities.
- c. Transit-stop improvements (i.e., benches, lighting) shall be provided at transit stop locations. An information board in the Commercial center or at the bus stop will be provided to distribute information on ride sharing and other public transit services that may be offered by the San Benito County Local Transportation Authority (LTA).
- d. Non-wood-burning fireplaces shall be a standard feature throughout the project.
- e. Roof systems shall include radiant barrier sheathing to reflect radiant heat from the sun. This system lowers attic temperatures, improves energy efficiency, and reduces cooling energy costs. More roof vents than required by Title 24 will be installed to allow for natural air flow to keep the roof deck cool and dry without using the energy needed to run an attic vent fan.
- f. The project will meet or exceed California's Title 24 requirements.
- g. Orient homes to allow for passive solar design to the extent feasible.
- h. Provide a minimum of one exterior electrical outlet at rear, side, and front yard locations to promote/allow the use of electric landscape maintenance equipment. [Mitigation Measure 3.3-2]

Odor impacts from proposed Commercial Land Uses to sensitive receptors shall be minimized as follows:

- a. As part of the tentative map application process or the process that covers any commercial uses, the applicant in consultation with the County Planning and Public Works Departments shall demonstrate that any proposed commercial/convenience land uses that have the potential to emit objectionable odorous emissions are located as far away as feasible from existing and proposed receptors.
- b. If an odor-emitting facility is to occupy space in the project, odor control devices shall be installed, in accordance with Monterey Bay Unified Air Pollution Control District recommendations, to reduce the exposure of receptors to objectionable odorous emissions. [Mitigation Measure 3.3-4]

**16. Dedication:** The applicant shall make the following irrevocable offers of dedication with each final map.

- a. All streets shown on the tentative map not marked as "Private" as defined in the Specific Plan

**17. Improvements:**

- a. The applicant shall install the improvements as shown on the tentative map and applicable conditions of approval, and in all applicable Master Plans, improvement plans, the Santana Ranch Specific Plan, and the Development Agreement, in accordance with the applicable design standards.
- b. Prior to recording the first Final Map, the applicant shall bond for or make the following roadway improvements:
  - (1) all street improvements to be located within or around the Property, including those portions of Fairview, Sunnyslope and Hillcrest Roads and related improvements as set forth in the Specific Plan and Exhibit 7 to the Development Agreement.
  - (2) All streets shown on the tentative map that are not marked as "Private" as defined in the Specific Plan and the Master Plans

**18. Easements:** The Final Map(s) shall show easements for access, utilities, and drainage.

19. **Street Names:** Prior to recordation of the first Final Map and pursuant to Section 23.07.003(A) of the San Benito County Code, the applicant must submit a list of proposed street names for the unnamed common driveway to the County communication department for road name approval.
20. **Drainage Standards:** The project site shall be developed consistent with the Master Phase Grading and Drainage Plan for the overall project site, submitted in connection with TSM 85-12, meeting the criteria specified in the Santana Ranch Specific Plan and Engineering Report for Development of Santana Ranch (RJA, October 2008), as well as applicable Specific Plan policies. Site-specific grading and drainage plans shall be prepared for each phase of the project, and shall conform to the Master Phase Grading and Drainage Plan for the overall site, subject to review and approval by the County. Said plans shall include the following provisions: (a) all site drainage facilities shall conform to County design standards, and shall be designed to detain the difference between a pre-development 10-year and 100-year storm event on the project site; (b) impervious surfaces in the residential areas shall be minimized where possible to reduce runoff; and (c) the existing roadside swale along Fairview Road and outfall to Santa Ana Creek shall be assessed by the project engineer to ensure there is adequate capacity to accommodate 10-year storm flows from the project, in combination with existing stormwater flows from all other tributary properties. The assessment shall include any required measures to ensure adequate stormwater capacity to accommodate 120-year stormwater flows from the project, and be included with the project drainage plans submitted for review and approval by the San Benito County Public Works Department. The swale and outfall shall be improved in accordance with any requirements of the Public Works Department to ensure adequate capacity. *[Mitigation Measure 3.8-1]* As per County Code Chapter 19.17, as part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide drainage and erosion control details for the project, including drainage calculations and construction details for either a retention or detention pond for impermeable surfaces created as part of this project. Details and directions of flows of drainage swales and grades shall also be included. All drainage improvement must be installed or bonded for prior to recordation of the first Final Map.
21. **Encroachment Permit:** Pursuant to Section 19.27.004 of the San Benito County Code, prior to commencement of any work being performed within the County right-of-way, the applicant shall obtain a Public Works Encroachment Permit.
22. **As Built Plans:** Prior to the recordation of the first Final Map or before release of alternate Bond, one set of "As Built" Improvement Plans shall be prepared by the applicant's engineer and delivered to the Public Works Department.
23. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 2010 California Fire Code, or if subsequently amended, the standards set forth in the latest editions of the California Fire Code, Public Resources Code 4290 and 4291, Sections 21.01.020 through 21.01.024 of the San Benito County Code and other related codes as they apply to a project of this type and size. A note shall be placed on an additional sheet to the Final Map(s) that states: "Prior to the issuance of any permits for new development, the applicant shall comply with all requirements of the 2010 California Fire Code."
24. **Water Softeners:** A note shall be placed on the subdivision improvement plans and on an additional sheet to the Final Map(s) that states: "The use of on site-regenerating water softeners is prohibited. Off site regeneration softening systems may be used subject to the approval of the San Benito County Water District". [Planning]



- 25. Affordable Housing:** The applicant shall provide for affordable housing as specified in Section 2.7 of the Development Agreement.
- 26. Domestic Water:** The applicant shall provide domestic water system improvements as shown on the tentative map and in all applicable Master Plans, including but not limited to the Potable Water Master Plan, improvement plans, and the Santana Ranch Specific Plan, pursuant to Sunnyslope County Water District Standards.
- 27. Sanitary Sewer Improvements:** The applicant shall install sanitary sewer improvements as shown on the tentative map and in all applicable Master Plans, including but not limited to the Wastewater Master Plan, improvement plans, and the Santana Ranch Specific Plan, pursuant to San Benito County Standards.
- 28. Roadway Landscaping Improvements:** The applicants shall install roadway landscape improvements as shown on the tentative map and in all applicable Master Plans, including but not limited to the Landscape Master Plan, and improvement plans, pursuant to San Benito County Standards.
- 29. Park Improvements:** The applicant shall install approximately eighteen (18) acres of parks and recreational space and related improvements, which shall consist of an approximate six (6) acres Community Park, an approximate ten (10) acre Linear Park, and approximately two (2) acres of Neighborhood Parks (Formal Parks), and additional park and recreational space and all related improvements including, without limitation, a public trail system to provide pedestrian and bicycle access throughout the Santana Ranch project, landscaped parkways, naturally designed detention basins, and various "tot lots" throughout the Santana Ranch Specific Plan (Additional Park and Recreational Space), as shown on the tentative map, and in all applicable Master Plans, including but not limited to the Park and Recreational Master Plan, improvement plans, the Santana Ranch Specific Plan and Development Agreement, pursuant to San Benito County Standards. The applicant shall meet the following conditions required as mitigation measures set forth in the Santana Ranch Specific Plan:
- a. Final certificates of occupancy shall not be issued for greater than 50 percent of the dwelling units for each Neighborhood of the project until the neighborhood and pocket park facilities associated with the specific Neighborhood are fully developed and available for use. *[Mitigation Measure 3.12-1a]*
  - b. Final certificates of occupancy shall not be issued for more than 300 of the overall maximum number of dwelling units within the Santana Ranch project until the Community Park is fully developed and available for use. The Linear Park, including all improvements, shall be constructed prior to the completion of Phase IV infrastructure. *[Mitigation Measure 3.4-1b]*
  - c. The project's pedestrian and bicycle circulation network shall be developed in accordance with the project's phasing plan as approved by the Public Works Department. *[Mitigation Measure 3.4-1c]*
- 30. Reclaimed Irrigation Water Improvements:** The applicant shall install the reclaimed irrigation water improvements as shown on the tentative map, and in all applicable Master Plans, including but not limited to the Reclaimed/Recycled Water Master Plan, improvement plans, and the Santana Ranch Specific Plan, pursuant to San Benito County and SBCWD Standards.
- 31. Traffic:** The applicant shall pay the 2012 Transportation Mitigation Impact Fee (TMIF). As discussed in the Santana Ranch Specific Plan FEIR, the TMIF fee will mitigate, to the extent feasible, traffic impacts for the following intersections/roads: Airline Highway and Union Road, Union Road/Mitchell Road and Highway 156, Cienega Road and Union Road, Highway 25 (US 101 to SR 156), Highway 156 (Union Road to The Alameda) Fairview Road/Ridgemark Drive and Airline Highway, Fairview Road and Meridian Street, Memorial Drive and Hillcrest Road, Highway 25 Bypass and Hillcrest Road, East Street and Fourth Street, Fairview Road and Fallon Road, Highway 156 and Fairview Road, San Felipe Road and McCloskey Road, Westside Road, Westside Boulevard and Nash Road. In addition to payment of the TMIF, the applicant

shall meet the following traffic conditions required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR, and/or as required under Section 2.5 of the Development Agreement.

- a. Fairview Road: The applicant shall make the improvements to Fairview Road and project entrances at Hillcrest Road and Sunnyslope Road, as set forth in 2.5 and Exhibit 7 to the Development Agreement.
- b. Highway 25 and Wright Road: if the improvements to Wright Road at the intersection with Highway 25 (improvements on Wright Road associated with signaling the intersection) are covered in the TIMF at the time of payment, then the developer shall pay the applicable TIMF fee as a fair share contribution toward improvements to Wright Road at this intersection. If the improvements are not covered in the TIMF at the time of payment, then developer shall pay its fair share contribution (based on its pro rata contribution of trips) to the Benefit Area toward improvements to Wright Road at this intersection. *[Mitigation Measure 3.13-1b]*
- c. Fairview Road and McCloskey Road: Prior to issuance of the 501<sup>st</sup> residential building permit and building permit(s) for commercial uses in excess of 50,000 square feet the developer shall construct the required signal improvements, subject to any fee credits and/or reimbursement for which the developer may be eligible. The County, in its discretion, may modify the timing of construction of the identified improvements to a later date, based on a supplemental traffic analysis provided by the developer that demonstrates, based on substantial evidence, that the need for the identified improvement will not be triggered until such later date. *[Mitigation Measure 3.13-1e]*
- d. Valley View Road and Sunnyslope Road: Prior to issuance of the 145<sup>th</sup> residential building permit for the project, the developer shall construct the required signal and turn pocket (westbound left-turn pocket and separate northbound left-turn pocket) improvements, subject to any fee credits and/or reimbursement for which the developer may be eligible. The County, in its discretion, may modify the timing of construction of the identified improvements to a later date, based on a supplemental traffic analysis provided by the developer that demonstrates, based on substantial evidence, that the need for the identified improvement will not be triggered until such later date. *[Mitigation Measures 3.13-1g and 3.13-4]*
- e. McCray Street and Hillcrest Road: if the improvements to McCray Street and Hillcrest Road (improvements on McCray Street and Hillcrest Road associated with modifying the traffic signal to include protected left-turn phasing on the east and west approaches and adding a dedicated right-turn lane on both Hillcrest Road approaches) are covered in the TIMF at the time of payment, then the developer shall pay the applicable TIMF fee as a fair share contribution toward improvements to at this intersection. If the improvements are not covered in the TIMF at the time of payment, then developer shall pay its fair share contribution (based on its pro rata contribution of trips) to the Benefit Area toward improvements at this intersection. *[Mitigation Measure 3.13-7]*
- f. San Benito Street and South Street: if the improvements to San Benito Street and South Street (improvements on San Benito Street and South Street associated with conversion of all approaches at the intersection to have one left-turn lane, one through lane, and one right-turn lane, and conversion of the existing traffic signal to operate with protected left-turn phasing on all approaches) are covered in the TIMF at the time of payment, then the developer shall pay the applicable TIMF fee as a fair share contribution toward improvements to at this intersection. If the improvements are not covered in the TIMF at the time of payment, then developer shall pay its fair share contribution (based on its pro rata contribution of trips) to the Benefit Area toward improvements at this intersection. *[Mitigation Measure 3.13-8]*

**32. Biotic Conditions:** The applicant shall meet the following biotic conditions required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. Prior to any vegetation removal or ground disturbing activities on the project site, focused surveys shall be conducted by a qualified biologist retained by the developer and approved by the County to determine the presence of special-status plant species with potential to occur in the impact areas. The



costs associated with retention of the biologist and completion of the surveys shall be paid for by the project developer. Surveys shall be conducted in accordance with CDFG's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG 2009). These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known blooming periods, and/or during periods of physiological development that are necessary to identify the plant species of concern. If no special-status plant species are found, the project will have no impacts to rare plants, and no further rare plant mitigation measures are required. [Mitigation Measure 3.4-1a]

- b. If any rare plants are found on-site, the developer shall consult with the USFWS, CDFG and/or CNPS, as applicable, to determine appropriate minimization and mitigation for special-status plants, which shall include, but is not limited to the following measures: The developer shall use diligent, good faith efforts to salvage portions of the habitat or plant populations that will be lost as a result of implementation of the project by transplanting the plants that would be adversely affected by the proposed project for either re-establishment after construction is complete or for planting in a preserve with appropriate habitat. The developer, in consultation with the biologist, shall develop and fund a propagation program for the salvage and transfer of rare, threatened, or endangered plant populations from the site before the initiation of construction activities. Said plan shall include the following criteria, as approved by the appropriate consulting agency: The location for propagating or transplanting plants, and a mechanism for the conservation and management of this land; the success criteria associated with the mitigation program, and triggers for remedial measures if success criteria are not achieved; the means for assessing and preventing genetic contamination at the translocation site; and the monitoring that will be conducted to evaluate success of the proposed mitigation. Permits may be required from the CDFG or USFWS, which would ensure that certified biologists are involved in the propagation and transport of rare, threatened or endangered plant species. (Note: Propagation methods for the salvaged plant population may be developed on a case-by-case basis and must include the involvement of local conservation easements/preserves/open space, where applicable.) The propagation and transfer of individual plant species must be performed at the correct time of year and successfully completed before the project's construction activities eliminate or disturb the plants and habitats of concern. [Mitigation Measure 3.4-1b]
- c. Prior to any ground disturbance within the project site, replacement aestivation and dispersal habitat for California tiger salamander shall be required at a 1:1 ratio of project site impact area to compensation habitat area. Providing aquatic breeding habitat (i.e., ponds) on the mitigation lands could, at the County's discretion, reduce the amount of upland mitigation required by up to 50% of the total upland habitat requirement so that the upland habitat requirement may be reduced to 0.5:1 (compensation area to impacted area). This would allow a landscape-based mitigation strategy that provides a greater benefit to the species by creating more breeding ponds in relatively dry San Benito County as opposed to preserving more upland areas. This mitigation requirement may be satisfied by the purchase of credits in a conservation bank and/or project-specific off-site mitigation. Prior to the issuance of grading permit(s), the project applicant shall provide the County with either: (1) proof of purchase of the required number of credits in an approved conservation bank, or (2) a Habitat Management Plan to fix the details of the implementation of the proposed habitat mitigation. This Plan, which must be approved by the County, shall at a minimum include the following information: (a) a summary of habitat impacts and mitigation ratios, and shall demonstrate that the required mitigation ratios are satisfied; (b) a description of the location and boundaries of the mitigation site and description of existing site conditions; (c) a description of measures to be undertaken to enhance the property for use by California tiger salamanders and to protect particularly sensitive resources (e.g., breeding ponds); (d) a description of site management (e.g., grazing) and maintenance measures, including regular maintenance (e.g., of fencing) and less frequent, longer-term maintenance (e.g., maintenance of ponds and berms to ensure long-term functionality as tiger salamander breeding habitat); and (e) a description of habitat and species



monitoring measures on the mitigation site; (f) a description of the process by which remediation of problems with the mitigation site (e.g., presence of non-native predators and competitors) will occur; and (g) an endowment fund shall be established and funded by the project applicant for the monitoring and perpetual management and maintenance of the mitigation site. The principal in the endowment will be calculated so that it will generate sufficient revenue to cover the costs of maintenance, monitoring, and management of the mitigation site as outlined in the Habitat Management Plan. The endowment will be made to the benefit of a third-party management entity approved by the County, the USFWS, and the CDFG. Additionally, if the accepted mitigation lands are located within the range of the California red-legged frog, western spadefoot, and San Joaquin kit fox and support suitable habitat for those species as well, these same mitigation sites may be utilized to meet the mitigation requirements for those three species, which are also identified as potentially adversely impacted by project development.

*[Mitigation Measure 3.4-1c]*

- d. Prior to initiation of grading and other ground-disturbing activities at the project site, exclusion fencing with one-way ramps, one-way doors, or similar USFWS-approved exclusion devices shall be installed around the project area to passively exclude amphibians (such as California tiger salamander and red legged frog) from accessing the project impact area, while still allowing amphibians to leave the project impact area in accordance to the guidance set forth by USFWS and CDFG. The barrier shall consist of three-foot-tall silt fencing with the bottom edge buried to a depth of at least six (6) inches below the soil surface, held in place by rigid stakes or other stable means. Silt fence fabric shall also be installed on any swinging gates or other movable sections of temporary construction fencing. Fence fabric installed on gates and moveable sections of fence shall drape onto the ground surface to form a continuous barrier to California red-legged frog and California tiger salamander access. Installation of silt fencing and fence fabric shall be supervised by a qualified biologist, who shall be retained by the developer and approved by the County. Said barriers shall remain in place until all development activities within the disturbance area have been completed. Said barriers shall be inspected, maintained and repaired as necessary to ensure continuous functionality. *[Mitigation Measure 3.4-1d]*
- e. Any netting used for erosion control or other purposes during the construction phase of the project shall be of tightly woven fiber or similar material or products approved by USFWS and CDFG to ensure that California red-legged frogs and California tiger salamanders do not get trapped within the netting. Plastic monofilament netting (erosion control matting) or similar material shall not be used. This netting specification shall be incorporated within the bid and construction documents for the project. *[Mitigation Measure 3.4-1e]*
- f. All vegetation within the affected areas containing or immediately adjacent to aquatic habitats shall be removed by hand just prior to the initiation of construction in these areas to remove cover that might be used by California tiger salamanders or California red-legged frogs, thus facilitating the detection of individual of these species. *[Mitigation Measure 3.4-1f]*
- g. Mitigation lands providing similar or better habitat for California red-legged frogs relative to that being impacted shall be provided at a minimum 1:1 ratio of project site impact area to compensation habitat area, and preserved and managed in perpetuity. Providing aquatic breeding habitat (i.e., ponds) on the mitigation lands could, at the County's discretion, reduce the amount of upland mitigation required by up to 50% of the total upland habitat requirement (so that the upland habitat requirement may be reduced to 0.5:1 (compensation area to impacted area). The creation of breeding ponds to serve as partial upland impacts mitigation could provide a greater benefit to the local California red-legged frog populations, because the relative lack of breeding habitat in dry San Benito County is the limiting factor for the local California red-legged frog population. This mitigation requirement may be satisfied by the purchase of credits in a conservation bank and/or project-specific off-site mitigation. Prior to the issuance of grading permit(s), the project applicant shall provide the County with either: (1) proof of purchase of the required number of credits in an approved conservation bank, or (2) a Habitat Management Plan to fix the details of the implementation of the proposed habitat mitigation. This Plan, which must be approved by the County, shall at a minimum include the following information: (a) a

summary of habitat impacts and mitigation ratios; (b) a description of the location and boundaries of the mitigation site and description of existing site conditions, and shall demonstrate that the required mitigation ratios are satisfied; (c) a description of measures to be undertaken to enhance the property for use by California red-legged frogs and to protect particularly sensitive resources (e.g., breeding ponds or non-breeding aquatic habitat); (d) a description of site management (e.g., grazing) and maintenance measures, including regular maintenance (e.g., of fencing) and less frequent, longer-term maintenance (e.g., maintenance of ponds and berms to ensure long-term functionality as red-legged frog breeding habitat); (e) a description of habitat and species monitoring measures on the mitigation site; (f) a description of the process by which remediation of problems with the mitigation site (e.g., presence of non-native predators and competitors) will occur; and (g) an endowment fund shall be established and funded by the project applicant for the monitoring and perpetual management and maintenance of the mitigation site. The principal in the endowment will be calculated so that it will generate sufficient revenue to cover the costs of maintenance, monitoring, and management of the mitigation site as outlined in the Habitat Management Plan. The endowment will be made to the benefit of a third-party management entity approved by the County, the USFWS, and the CDFG. [Mitigation Measure 3.41-g]

- h. A preconstruction survey for California red-legged frogs following the survey methodology outlined in Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005) or as determined during consultation with USFWS shall be undertaken no more than two months prior to commencement of any construction or mitigation implementation activities. Surveys shall be conducted by a qualified biologist retained by the developer and approved by the USFWS. The costs associated with retention of the biologist and completion of the surveys shall be paid for by the project developer. Surveys shall be conducted for two (2) days and two (2) nights within the 14-day period. The final nighttime survey shall occur the evening preceding the commencement of construction or mitigation implementation activities. If California red-legged frogs are found during preconstruction surveys, nighttime surveys shall continue, and no construction or mitigation implementation activities shall be commenced, until California red-legged frogs are no longer found during a survey. Alternatively, relocation of any California red-legged frogs from the impact areas may be undertaken, with approval of the USFWS, and under the supervision of the biologist, immediately after the frogs are relocated, a temporary exclusion barrier shall be constructed around the aquatic habitat to be impacted, under the supervision of a qualified biologist, to prevent frogs that are relocated from moving back onto the area of impact. Nighttime surveys shall then continue inside the barrier until frogs are no longer detected during a survey. [Mitigation Measure 3.41-h]
- i. All vegetation within affected areas containing or immediately adjacent to aquatic habitats shall be removed by hand just prior to the initiation of construction in these areas to remove cover that might be used by California red-legged frogs or California tiger salamanders, thus facilitating the detection of individuals of these species. [Mitigation Measure 3.41-i]
- j. During all construction and mitigation implementation, Best Management Practices (BMPs) shall be used to minimize erosion and impacts to water quality to protect water quality in downstream areas. The erosion control and landscaping specifications shall allow only natural fiber, biodegradable meshes and coir rolls, or other products as approved by USFWS and CDFG. [Mitigation Measure 3.41-j]
- k. The USFWS *Standardized Recommendations for protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 1999b) shall be implemented prior to initiation of any construction activity on the project site to avoid take of individual San Joaquin kit foxes. As part of the implementation of these guidelines, transect surveys to detect potential kit fox dens shall be performed by a qualified biologist approved by the USFWS and retained by the developer, within 15 days prior to any habitat modification. Walking transects shall be conducted such that 100% visual coverage of the area of the project site planned to be under disturbance is achieved. The costs of retaining the biologist and performance of the survey shall be paid for by the project developer. If potential kit fox dens are identified that will be impacted by construction, the occupancy status of the den shall be determined by



the biologist. If the den is determined to be unoccupied, it shall be destroyed immediately to preclude subsequent occupation by kit foxes. *[Mitigation Measure 3.4-1k]*

- l. Any occupied den located within the construction area may only be excavated during the non-reproductive season (August 1 to October 31). Prior to excavation, the entrance to the den shall be progressively plugged with loose dirt for at least five (5) days to discourage the use of the den while still allowing resident foxes to escape. The den shall be monitored daily during this time by the biologist. When there is no sign of activity at the den and it is deemed safe to do so by the biologist, the den shall be dug out with hand tools to a point where it is certain that no kit foxes are present. The den shall then be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot re-enter the den during the construction period. Protective exclusion zones and fencing shall be established around dens that are determined to be occupied by kit foxes during the reproductive season (November 1 to July 31). Non-natal dens shall be protected by a 300-foot exclusion zone and natal/pupping den shall be protected by a 500-foot exclusion zone. Exclusion zones around the dens shall not prevent access to the dens by kit foxes, and shall be maintained until all construction-related or operational disturbances have been terminated. Construction and other project activities shall be prohibited or restricted within these exclusion zones as determined necessary by the biologist. Only essential vehicle operation on existing roads and foot traffic in the exclusions zones will be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity shall be prohibited within the exclusion zones. All fencing shall be removed immediately after construction to avoid attracting subsequent attention to dens. *[Mitigation Measure 3.4-1l]*
- m. A worker's environmental awareness program (WEAP) shall be conducted by a qualified biologist before the initiation of any construction activity for all contractors and their employees involved in the project. The program shall consist of a brief presentation by the USFWS-approved biologist to explain (1) compliance provisions and restrictions of all project permits; (2) how to recognize listed and special-status species that could occur onsite; and (3) how best to avoid the accidental take of listed and special-status species. The program shall include the following: a description of the species and their habitat needs; photographs of these species; an explanation of the legal status of these species and their protection under the Endangered Species Act; and a list of measures being taken to reduce effects to these species during project construction. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned personnel and all others who may enter the project site. Upon completion of training, construction personnel shall sign a form stating that they attended the training and understand all the conservation and protection measures. The original form(s) shall be submitted to the USFWS. *[Mitigation Measure 3.4-1m]*
- n. Prior to project groundbreaking, the developer shall submit the qualifications of its proposed biologist(s) to the USFWS for its review. The USFWS-approved biologist shall be onsite during all construction-related activities, including groundbreaking, earth-moving, and other construction activities, which could result in the take of the California tiger salamander, California red-legged frog, and/or San Joaquin kit fox; the need for the biologist's presence shall be determined by the recommendation of the qualified biologist or the USFWS. The biologist(s) shall have the authority to stop any work that may result in the take of listed species. Any employee or contractor who might inadvertently kill or injure a California tiger salamander, California red-legged frog or San Joaquin kit fox, or anyone who finds a dead, injured, or entrapped individual of these species shall report the occurrence to the onsite biologist. The onsite biologist shall possess a working cell phone whose number shall be provided to the USFWS. In addition, the developer shall ensure that a readily available copy of the Biological Opinion associated with the proposed project is maintained by the construction foreman/manager on the project site whenever earthmoving and/or construction is taking place. The name and telephone number of the construction foreman/manager shall be provided to the USFWS prior to project groundbreaking. *[Mitigation Measure 3.4-1n]*
- o. If a California tiger salamander, California red-legged frog, or any amphibian that construction personnel believes may be one of these species, or San Joaquin Kit Fox, is encountered during project



construction, the following protocol shall be followed: (1) all work that could result in direct injury, disturbance, or harassment of the individual animal shall immediately cease; (2) the foreman and onsite biologist shall be immediately notified; (3) the onsite biologist shall notify the USFWS via telephone or electronic mail within one (1) working day; and (4) if at any time a California tiger salamander and/or California red-legged frog is discovered in the construction area by the onsite biologist or any other person, the onsite biologist shall move the animal to a safe USFWS-approved offsite location. This location will be determined by the developer, but must be approved by the USFWS prior to the initiation of preconstruction surveys. If a San Joaquin kit fox is found in construction areas, the onsite biologist shall halt construction and allow the animal to disperse on its own. The individual shall be monitored until it is determined that the animal is not imperiled by predators or other dangers. [Mitigation Measure 3.4-1o]

- p. During construction activities, the following measures shall be implemented to ensure no direct take or harm to special-status species: (1) Because California tiger salamanders, California red-legged frogs, and San Joaquin kit foxes are attracted to cavities such as pipes and may enter stored pipes and become trapped, all construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods shall be either securely capped prior to storage or thoroughly inspected by the onsite biologist and/or the construction foreman/manager before the pipe is subsequently buried, capped, or otherwise used or moved in any way. In addition, the onsite biologist and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than one foot deep are completely covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks and inspected by the onsite biologist. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by the onsite biologist and/or construction foreman/manager. (2) To avoid attracting predators of special-status species that may occur within or surrounding the project site, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in solid, closed containers (trash cans) and removed at the end of each working day from the entire construction site. (3) Construction vehicles shall observe a 15 mph speed limit within the project site. (4) Nighttime construction shall be minimized to the maximum extent feasible. (5) Pesticides and herbicides shall be utilized in such a manner to prevent primary or secondary poisoning of the California tiger salamander, California red-legged frog, and San Joaquin kit fox and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other appropriate State and Federal regulations, as well as additional project-related restrictions deemed necessary by the USFWS. [Mitigation Measure 3.4-1p]
- q. The lead agency for this project is required, in accordance with applicable laws and regulations, to consult with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) concerning effects to listed species. The project applicant shall obtain an Incidental Take Permit for these species before proceeding with any construction activities to the extent required under applicable laws and regulations. Conditions of any Incidental Take Permit which may include additional avoidance measures shall be adhered to for the length of the permit. [Mitigation Measure 3.4-1q]
- r. The developer will compensate for the direct impacts to annual grasslands and agricultural lands that may be used as foraging habitat by San Joaquin kit fox at a 1:1 ratio (one acre of habitat preserved for every acre removed) by either preserving foraging habitat offsite, purchasing mitigation credits at a USFWS/CDFG-approved mitigation bank, or paying an in-lieu fee. [Mitigation Measure 3.4-1r]
- s. During preconstruction surveys and construction monitoring for California tiger salamanders and California red-legged frogs, the biologist will also survey for individuals of the western spadefoot, western pond turtle, and San Joaquin whipsnake. If juvenile or adult individuals are found within the survey area, they should be moved to suitable habitat at least 150 meters (500 feet) outside of the affected area. If a pond turtle or whipsnake is found within the survey area, construction activities

should not take place within 30 meters (100 feet) of the nest until the eggs have hatched, or the eggs have been moved to an appropriate location. [Mitigation Measure 3.4-2a]

- t. Within project work areas and within 250 feet of work areas, surveys for occupied owl burrows shall be performed within 30 days prior to site disturbance, using CDFG and California Burrowing Owl Consortium guidelines (CBOC 1993). All occupied burrows shall be mapped on an aerial photo. At least 15 days prior to the expected start of any project-related ground disturbance activities, or restart of activities, the developer shall provide the burrowing owl survey report and mapping to the CDFG. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. If no burrowing owls are detected during the pre-construction survey, no further action is necessary. Based on the burrowing owl survey results, the following actions shall be taken by the developer to avoid impacts during construction in accordance with CDFG guidance. (1) During the non-breeding season (September 1 through January 31), no disturbance shall occur within a 160-foot radius of an occupied burrow if feasible. If disturbance must occur within this buffer during the non-breeding season, the applicant shall ensure that a buffer sufficient to avoid direct, physical disturbance of the occupied burrow is maintained, or shall have a qualified biologist passively relocate the owl to prevent injury or mortality of individuals. During the nesting season (February 1<sup>st</sup> through August 31<sup>st</sup>), occupied burrows shall not be disturbed within a 250-foot radius unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either (a) the birds have not begun egg-laying and incubation; or (b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. (2) If owls must be moved away from the disturbance area, passive relocation techniques (as outlined by the CDFG [i.e., use of one-way doors]) shall be used rather than trapping. (3) If owls are present in or within 160 feet of areas scheduled for disturbance or degradation (e.g., grading) and nesting is not occurring, owls shall be removed per CDFG-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which shall remain in place at least 48 hours prior to site disturbance to ensure owls have left the burrow prior to construction. (4) If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided by a minimum 250-foot buffer from February 1 through August 31 or until fledging has occurred. Following fledging, owls may be passively relocated. [Mitigation Measure 3.4-2b]
- u. For trees/shrubs that must be removed to construct the proposed project, the project developer shall target the removal of trees and other vegetation to occur outside the nesting season between September 1<sup>st</sup> and February 28<sup>th</sup>. If trees/shrubs cannot be removed outside the nesting season, pre-construction surveys will be conducted prior to vegetation removal to verify the absence of active raptor nests within 250 feet of construction activities and active loggerhead shrike nests within 100 feet of construction activities. If construction or tree/shrub removal is proposed during the breeding/nesting season for local avian species (typically March 1<sup>st</sup> through August 31<sup>st</sup>), a focused survey for active nests of raptors and other migratory birds within and in the vicinity of (no less than 250 feet outside project boundaries, where possible, for raptors and 100 feet for loggerhead shrikes and other migratory birds) the project construction activities shall be conducted by a qualified biologist. Surveys shall include searches of all potential nest sites, including snags, shrubs, ground, buildings and other structures. The survey would detect the presence of uncommon species such as loggerhead shrike and common species such as red-tailed hawk, mourning dove, and western scrub-jay. Two surveys shall be conducted, at least one week apart, with the second survey occurring no more than two days prior to vegetation removal. If no active nests are found, vegetation removal or construction activities may proceed. If an active nest is located during pre-construction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 250 feet around an active raptor nest and 100 feet around an active non-raptor migratory bird nest) or alteration of the construction schedule. No action is



necessary if no active nests are found or if construction will occur during the non-breeding season (generally September 1<sup>st</sup> through February 28<sup>th</sup>). [Mitigation Measure 3.4-2c]

- v. A bat survey shall be performed by a wildlife biologist or other qualified professional between March 1 and July 31 in the year prior to the removal of any oak trees or buildings. If special-status bat roosts are identified onsite, the County shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed prior to roosting season (typically May to August, though possibly as early as April) of each construction phase and prior to the onset of construction activities. If maternity roosts are identified during the maternity roosting season, they shall remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If a maternity roost is found to occur onsite, replacement roost habitat (e.g., bat boxes) shall be provided onsite for roosting sites removed. If no bat roosts are detected, then no further action is required, provided that trees and buildings are removed prior to the next breeding season, and within 30 days of the original survey. If removal is delayed, then an additional pre-demolition survey shall be conducted within 30 days prior to removal to ensure that a new bat colony has not been established. The project may be constructed without the elimination or disturbance of a roosting colony, provided that a wildlife biologist shall identify activity buffer zones and construction timing limits to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1), based on direction from the California Department of Fish and Game. If an active nursery roost is known to occur onsite and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a bat specialist. [Mitigation Measure 3.4-2d]
- w. Preconstruction surveys for badger dens and burrows shall occur concurrently with burrowing owl and kit fox surveys to ensure that no occupied dens or burrows are present within or surrounding project construction activities. If active dens/burrows are present on or immediately adjacent to (i.e., within 300 feet of) the project site, a buffer, within which no new activity will be permissible, will be maintained between the den and construction activities during the pupping season (i.e., February 15 through July 1, or as otherwise determined through surveys and monitoring of the den). The size of the buffer will be determined by a qualified biologist in consultation with the CDFG. Any dens determined to be occupied, but which cannot be avoided through construction timing or activity buffers, may be vacated during the non-pupping season by a qualified biologist using the procedures identified in Mitigation Measure 3.4-1k (condition 32(k) above). If no active dens/burrows are found, then no further mitigation is necessary. [Mitigation Measure 3.4-2e]

### 33. Wetlands:

- a. The developer shall comply with USACE "no net loss" policy for mitigation of wetlands under the jurisdiction of the USACE. The developer shall apply for a Section 404 permit, a Section 401 permit, and a 1602 Streambed Alteration Agreement (if applicable). If wetland resources are proposed to be taken, the project developer shall do all of the following: (1) If required, apply for a Section 404 permit from the USACE after verification of the wetland delineation by the U.S. Army Corps of Engineers (USACE). Any waters of the U.S. that would be lost or disturbed shall be replaced or rehabilitated on a "no net loss" basis in accordance with the USACE mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the USACE. (2) Obtain a Section 401 water quality certification from the RWQCB. (3) A mitigation plan shall be implemented that includes one of the following: (a) completion of a Mitigation and Monitoring Plan that includes on- or off-site creation/preservation of the wetlands; or (b) credits may be obtained at an approved mitigation bank. The project developer shall provide written evidence to the County from the USACE and the RWQCB that this measure has been complied with prior to project approval. [Mitigation Measure 3.4-3a]



- b. A 1602 Streambed Alteration Agreement for removal of or disturbance to riparian habitat and waters of the U.S. (i.e., stream, lake, or river) from CDFG may be required for the proposed project, depending on the final design of the outfall area. This agreement would include measures to minimize and restore riparian habitat. The 1602 Streambed Alteration Agreement would require the project developer to prepare and implement riparian vegetation mitigation and monitoring plan for disturbed riparian vegetation. If impacts to riparian and other sensitive natural communities are not avoidable, and on-site preservation is not possible, habitat compensation standards include a 2:1 (two acres of preserved habitat for every acre impacted) impact preservation ratio. *[Mitigation Measure 3.4-3b]*
- c. Prior to working near any wetlands and other waters of the U.S., all heavy equipment shall be closely examined for oil and fuel discharges. All equipment operated adjacent to these areas shall be checked and maintained daily, to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life. Petroleum from project-related activities shall be prevented from contaminating the soil and/or entering the vernal pool areas. Any of these materials placed within or where they may enter the wetland habitats shall be removed immediately. Regulating agencies shall be notified immediately if a spill occurs, and shall provide consultation regarding clean-up procedures. *[Mitigation Measure 3.4-3d]*
- d. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering the wetlands and other waters of the U.S. Any of these materials placed within or where they may enter these areas shall be removed immediately. *[Mitigation Measure 3.4-3e]*
- e. Adequate erosion control and water pollution control measures shall be adopted and maintained for the duration of the project in order to prevent deleterious materials from entering any waterways or other aquatic habitat. The siltation curtain shall be of effective design to limit and abate heavily silted material from impacting the creek. *[Mitigation Measure 3.4-3f]*

**34. Construction and Demolition:** All demolition and construction related activities shall implement best available control measures for the control of construction-related emissions, as recommended by the Monterey Bay Unified Air Pollution Control District at the time of development. *[Mitigation Measure 3.3-1]*

**35. Cultural:** The applicant shall meet the following conditions required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. If, during the course of project development, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered, work shall be halted immediately within 200 feet of the discovery and in any nearby area reasonably suspected to overlie adjacent remains. The area of discovery shall be completely staked by visible stakes no more than ten feet apart, forming a circle having a radius no less than 100 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 staking. Said staking shall not include flags or other devices which may attract vandals. The County Planning Department shall be notified, and a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications standards in archaeology and/or history shall be retained to determine the significance of the discovery, and shall recommend feasible mitigation measures to reduce impacts to less than significant levels. Cessation of work and notification of the County is the responsibility of the developer. The County shall consider mitigation recommendations prepared by a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries, who shall identify feasible and appropriate mitigation measures. Such measures may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2. The project developer shall be required to implement the identified measures for the protection of cultural resources. *[Mitigation Measure 3.5-1a]*

- b. If, during the course of project development, human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning Department shall be notified, and the County Sheriff-Coroner shall be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code. Subject to the legal process, duly authorized representatives of the Coroner and Planning Department Director shall be permitted to enter onto the property and take all actions consistent with Chapter 19.05 of the San Benito County Code, Section 7050.5 of the Health and Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Guidelines Section 15064.5(d) and (e) shall be followed. *[Mitigation Measure 3.5.1b]*
- c. If, during the course of project development, paleontological resources (fossils and fossil formations) are discovered, work shall be halted immediately within 50 feet of discovery, and the County Planning Department shall be immediately notified. At that time, the County shall coordinate any necessary investigation of the discovery with a qualified paleontologist. The County shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources, and identify feasible and appropriate mitigation measures. Such measures may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2. The project applicant shall be required to implement any identified mitigation necessary for the protection of paleontological resources. *[Mitigation Measure 3.5.2]*

**36. Geology and Soils:** The applicant shall meet the following conditions pertaining to geology and soils required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. All proposed improvements on the project site shall be designed and constructed according to recommendations by qualified design professionals and applicable building codes. Design plans shall be subject to review and approval by the appropriate design professional (i.e., geotechnical engineer, structural engineer) and the County as required. *[Mitigation Measure 3.6-1]*
- b. All erosion control policies included within Section 5.3 of the Specific Plan, Resource Management Policies, Soils and Grading Protection Policies, as well as measures required within Mitigation Measure #3.8-2 (condition #38(a)), shall be implemented during the construction and operational phases of the project. *[Mitigation Measure 3.6-2]*
- c. Geotechnical investigations shall be required in conjunction with the grading plans for each development phase of the project, in accordance with the timing for the Master Grading Plan. The geotechnical engineer shall evaluate the proposed grading and drainage improvements, and proposed building foundations. Recommendations shall include specifications for cut and fill slopes, and may include localized replacement of native soil with engineered fill, and specification of minimum setbacks from ravine areas. The developer shall implement all recommended mitigation measures, as required by County Public Works. *[Mitigation Measure 3.6-3]*
- d. Engineered fills for construction of the project shall be placed and compacted in accordance with the recommendations of the design-level geotechnical reports and as approved by County Public Works to reduce the potential for seismically-induced settlements. *[Mitigation Measure 3.6.5]*
- e. Prior to issuance of grading permits for each phase of the project and in accordance with the timing required under the Master Grading Plan, site-specific geologic and geotechnical analyses shall be conducted for the project site to determine if expansive soils are present. If required by the geologic and geotechnical analyses, expansive soils shall be removed and replaced with low-expansivity soils, or if removal is infeasible, foundations shall be designed to accommodate movements caused by expansive soil, or expansive soils shall be conditioned and treated to minimize expansivity. *[Mitigation Measure 3.6-6]*

**37. Hazardous Materials:** The applicant shall meet the following conditions pertaining to hazardous materials required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. Prior to issuance of the first grading permit for the project, the developer shall coordinate with PG&E representatives to ensure proper information is exchanged and protocols followed so that the existing pipeline is not disturbed. Digging and earthmoving activities in the immediate vicinity of the pipeline shall be monitored, and the pipeline right-of-way shall be accurately marked prior to construction. *[Mitigation Measure 3.7-2a]*
- b. The gas pipeline right-of-way and linear park shall be indicated on all site plans for project development in the immediate vicinity of the pipeline, consistent with the overall conceptual site plan for the project. *[Mitigation Measure 3.7-2b]*
- c. All project site plans for school facilities shall conform to Title 5 of the California Code of Regulations and California Education Code, and shall be consistent with the overall conceptual site plan for the project. *[Mitigation Measure 3.7-3a]*
- d. Prior to issuance of building and grading permits, the developer shall contract with a licensed professional to collect and properly dispose of all buckets, drums, and stained soils in the vicinity of 2201 Fairview Road, and stained soil within the vicinity of the trailer-mounted storage tank located at 2111 Fairview Road. If soil staining is present anywhere at depths greater than one foot, a licensed professional shall collect soil samples for laboratory testing. Appropriate mitigation, as determined by the licensed professional and the County, based on the results of the laboratory testing, shall be funded and implemented by the developer. *[Mitigation Measure 3.7-3b]*
- e. Prior to demolition, the developer shall contract with a licensed professional to properly remove any septic tanks or pits. If unusual odors or staining are present upon removal of the septic tanks or pits, the developer shall contract with a licensed professional to collect soil samples for laboratory testing from beneath the septic tanks and/or pits. Appropriate mitigation, as determined by the licensed professional and the County, based on the results of the laboratory testing, shall be funded and implemented by the developer. Prior to demolition of the existing on-site structures, the interiors shall be inspected for the presence of asbestos-containing materials, and the exterior paint shall be tested for possible lead content. If asbestos-containing materials or peeling lead-based paint are found, they shall be removed in accordance with the required protocols prior to general demolition. *[Mitigation Measure 3.7-5]*
- f. Prior to issuance of the first grading permit for the project, all existing on-site wells shall be capped and/or filled to the satisfaction of the San Benito County Health Department. *[Mitigation Measure 3.7-6]*

**38. Stormwater:** The applicant shall meet the following conditions pertaining to stormwater required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. In accordance with RWQCB regulations, the developer shall prepare a Stormwater Pollution Prevention Plan (SWPPP) addressing stormwater management during the construction phase(s) of the project. The SWPPP shall be consistent with RWQCB standards, and shall list Best Management Practices (BMPs), which specify how the discharger will protect water quality during the course of construction. Said BMPs shall include, but not be limited to, the following: (1) schedule earthwork to occur primarily during the dry season to prevent most runoff erosion; (2) protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles; (3) divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site; (4) install gravel construction entrances to reduce tracking of sediment onto adjoining streets; (5) sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or channels; (6) after construction is completed, clean all drainage culverts of accumulated sediment and debris; (7) stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents; (8) store all construction equipment and material in designated areas away from waterways and storm drain inlets, and surround construction staging areas with earthen berms; (9) wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention



basin; (10) collect construction waste daily and deposit in covered dumpsters; (11) all policies in Section 5.3 of the Santana Ranch Specific Plan (Water Quality During Construction section) shall be implemented. All required water quality and soil erosion protection measures shall be implemented during the construction of the required stormwater drainage facilities for the project *[Mitigation Measures 3.8-2 and 3.14-3]*

- b. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) for each phase of construction. The project's SWPPP(s) shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. The best available technology in BMPs to reduce sedimentation, erosion, water pollution, and dust to the greatest extent practicable shall be employed on all work sites during construction. A Grading and Erosion Control Plan shall be prepared by the contractor and submitted to the Public Works and Planning Departments for approval prior to the start of project construction, including clearing and grubbing. In areas where wetlands are within 250 feet of the project footprint, erosion control measures and construction fencing shall be emplaced, monitored for effectiveness, and maintained throughout the construction operations around all wetlands. These controls shall include methods to minimize the contact of construction materials, equipment, and maintenance supplies with stormwater. BMPs intended to reduce erosion of exposed soil may include, but are not limited to, soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales and sediment basins. If grading is to occur during the rainy season, the primary BMPs selected shall focus on erosion control. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. *[Mitigation Measure 3.4-3c]*
- c. The applicant shall incorporate erosion and sedimentation control measures to minimize potential soil erosion associated with the temporary overland stormwater flow from Phases I and II of the project, to the satisfaction of the San Benito County Public Works Department. Measures may include, but are not limited to, the following: (1) stabilization of the outfall area using rock channels or other energy-dissipating measures; (2) installation of check dams at appropriate intervals within the overland channel to reduce water velocity and allow sediment to settle prior to reaching the detention basin. All required water quality and soil erosion protection measures shall be implemented during the construction of the required stormwater drainage facilities for the project *[Mitigation Measures 3.8-3 and 3.14-3]*
- d. All policies in Section 5.3 of the Santana Ranch Specific Plan (Water Quality Post Construction section) shall be implemented throughout the life of the project. *[Mitigation Measure 3.8-4]*

**39. Acoustical:** The applicant shall meet the following conditions pertaining to noise required as mitigation measures set forth in the Santana Ranch Specific Plan FEIR.

- a. During all phases of construction, the project developer shall adhere to the following requirements for construction activities with respect to hours of operation and idling and muffling of internal combustion engines: (1) Noise-generating construction activities shall be limited to the hours between 7 am and 7 pm, and shall be prohibited on Sundays and federally-recognized holidays; (2) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation; (3) Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. *[Mitigation Measure 3.10-1]*
- b. In conjunction with the submittal of an application for further subdivision of the proposed commercial area or conditional use permits and associated plans pertaining to the development of proposed commercial land uses, the developer shall prepare and submit an acoustical study to the County Planning Department for review. For any potential noise impact, mitigation measures shall be identified and implemented by the developer to reduce operational noise levels, sufficient to achieve applicable county noise standards. Measures may include, but are not limited to, the use of sound barriers, setbacks, equipment enclosures, and incorporation of noise-reduction site/facility design features. The developer shall be responsible for implementing these measures during all phases of construction and operation of the project, as applicable. *[Mitigation Measure 3.10-2a]*

- c. Noise-generating landscape and facility maintenance activities shall be prohibited on the premises of the school/community park site between 7 pm and 7 am as an ongoing operational requirement within the project site. *[Mitigation Measure 3.10-2b]*
- d. The recreational use of the Community Park shall be limited to between 7 am and 7 pm, and between 7 a.m. and 10 p.m. during the summer months; limiting noise-generating landscape and facility maintenance activities to between 7 a.m. and 7 p.m.; and prohibiting the use of amplified sound systems. *[Mitigation Measure 3.10-2c]*
- e. Prior to issuance of final occupancy for any residences within the area bounded by Sunnyslope Road and Park Center Drive, the developer shall construct a six foot (6') tall sound barrier along the eastern and southern property lines of the Lessalt Treatment Plant site. The sound barrier shall adjoin and be of consistent construction (height, materials, etc.) as the sound barrier identified in Mitigation Measure 3.10-4 (condition #39(f) below). *[Mitigation Measure 3.10-2e]*
- f. A sound wall shall be constructed adjacent to that phase along the western property line of the project site to shield proposed residential land uses from traffic noise on Fairview Road. The wall shall be of masonry construction, or material(s) of equivalent density, and constructed to a minimum height of six feet above the adjacent roadway grade. Sound barriers shall be of continuous construction with no visible gaps between construction materials or at the base of the barrier. In the event that openings along the barrier are required, such as for providing pedestrian or bicycle access, an acoustician shall be consulted to ensure that adequate noise shielding is maintained for proposed residential land uses. *[Mitigation Measure 3.10-4a]*
- i. If multi-story residences are proposed adjacent to Fairview Road, the developer shall prepare an acoustical study to be reviewed and approved by the County, including mitigation measures to ensure that interior noise levels within upper floor areas of the dwelling units will maintain an acceptable noise level of 45dBA CNEL/Ldn or less. The study shall be submitted to the County Planning Department in conjunction with the first associated building permit application for the multi-story residence at issue. The developer shall implement all recommended mitigation measures in the study prior to issuance of any certificates of occupancy for the multi-story residences. *[Mitigation Measure 3.10-4b]*

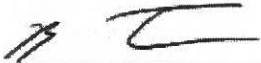
**40. Design Review: Conformity with the Specific Plan, Development Agreement, Master Plans, Infrastructure Plans and Phasing Exhibit:** Prior to recording each Final Map, the applicant shall demonstrate to the satisfaction of the Planning and Public Works Departments that said Final Map complies with all requirements of the Santana Ranch Specific Plan, Development Agreement, Master Plans, Infrastructure Plans, and Phasing Exhibit. Prior to the issuance of building permits, all proposals for residential and commercial development shall be submitted to the County Planning and Building Department for review, as set forth in Section 8.1.6 of the Specific Plan, for a determination of consistency with the Specific Plan Design Guidelines.

**41. Model Homes:** Prior to issuance of a building permit for model homes, the applicant shall provide an exhibit depicting model home location, construction traffic routing, and general traffic circulation, for approval by the Planning and Public Works Departments.

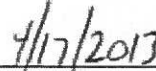
**42. Variation of Units:** Prior to the issuance of building permits for production homes, the applicant shall submit an exhibit to the Planning Department demonstrating compliance with the Santana Ranch Specific Plan residential guidelines. The exhibit shall show a visual variety of appearances of the units so that identical units are not placed next to each other. Some of the items that would assure visual variety would be differences in floor plans, elevation treatment, color, and building orientation.

**43. Offer for Sale of Lots to Local, Small Builders:** The applicant shall offer for sale a total of ten percent (10%) of the Project's single-family lots to Local Builders for the purpose of promoting additional variety in housing types and benefiting the local economy, as specified in Section 2.8 of the Development Agreement.

**44. Reservation of School Site:** The applicant shall reserve an approximately 8- to 12-acre site for purposes of an elementary school designed to house approximately 700 students, as specified in Section 2.8 and Exhibit 5 of the Development Agreement.



Byron Turner, Interim Director  
San Benito County  
Planning & Building Inspection Services



Date