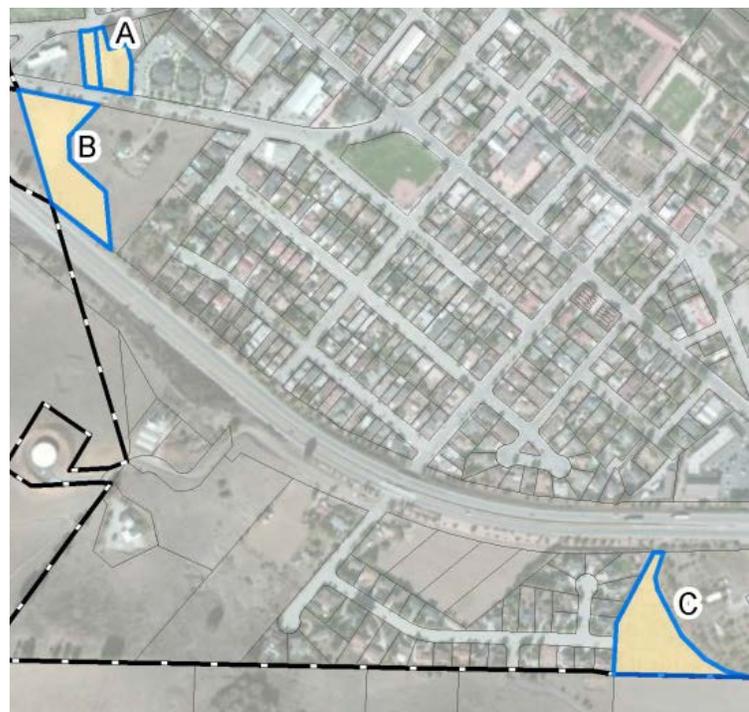
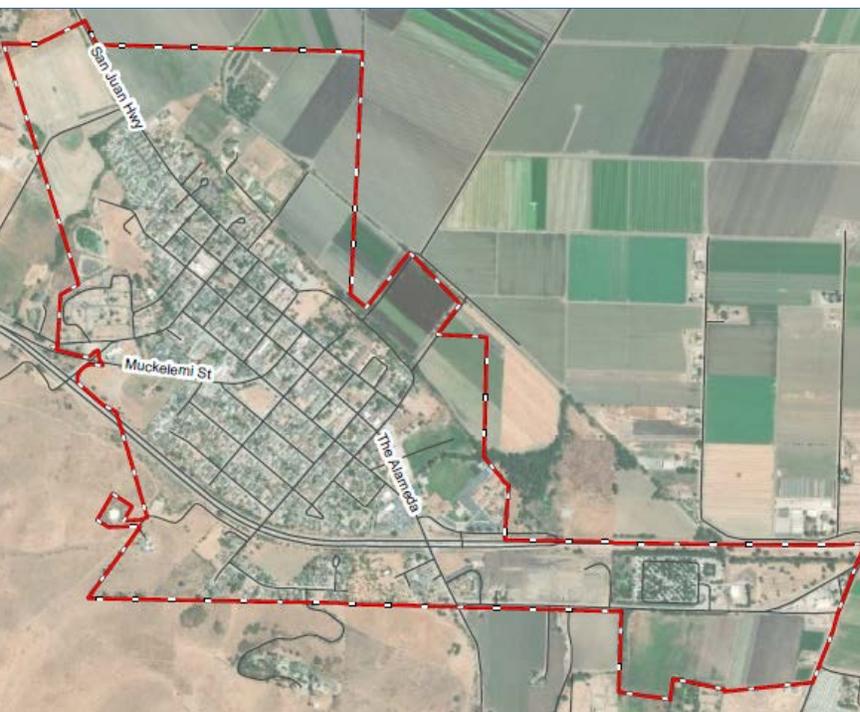


Proposed Mitigated Negative Declaration

# San Juan Bautista 2015-2019 Housing Element

July 30, 2019



Prepared by  
EMC Planning Group





# City of San Juan Bautista

*The "City of History"*

## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

P.O. Box 1420  
311 Second Street  
San Juan Bautista  
California 95045  
(831) 623-4661  
Fax (831)623-4093

**City Council  
Mayor**

César E. Flores

**Vice V. Mayor**  
Mary Edge

**Councilmember**  
John Freeman

**Councilmember**  
Dan DeVries

**Councilmember**  
Leslie Jordan

**City Manager**  
Don Reynolds

**City Clerk**  
Laura Cent

**City Treasurer**  
Chuck Geiger

In compliance with the California Environmental Quality Act (CEQA), City of San Juan Bautista has undertaken environmental review for the proposed Housing Element Update and adoption of various ordinances, and intends to adopt a Mitigated Negative Declaration. The City of San Juan Bautista invites all interested persons and agencies to comment on the proposed San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration.

**Lead Agency:** City of San Juan Bautista

**Project Location:** San Juan Bautista

**Project Description:** The proposed project is an update to the previously certified San Juan Bautista 2009-2014 Housing Element, plus adoption of various ordinances to implement past and current Housing Element programs. Each of the following are components of the proposed project:

- Housing Element Update;
- Re-Designation and Rezoning for Adequate Sites;
- Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site;
- Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters;
- Municipal Code Amendment – Reasonable Accommodations;
- Municipal Code Amendment – Sewer and Water Service Priority; and
- Zoning Ordinance Text Amendment – Accessory Dwelling Units.

**Public Review Period:** Begins– August 1, 2019  
Ends – August 30, 2019

**Proposed Mitigated  
Negative Declaration  
is Available for Public  
Review at these  
Locations:** San Juan Bautista Planning Department  
311 2nd Street  
San Juan Bautista, CA 95045

<https://www.san-juan-bautista.ca.us/>

**Address Where  
Written Comments  
May be Sent:** Todd Kennedy, Associate Planner  
San Juan Bautista Planning Department  
311 2nd Street  
San Juan Bautista, CA 95045

**Public Hearing:** Date: October 15, 2019  
Time: 6:00PM  
Location: San Juan Bautista City Hall  
311 2nd Street  
San Juan Bautista, CA 95045



PROPOSED MITIGATED NEGATIVE DECLARATION

**SAN JUAN BAUTISTA  
2015-2019 HOUSING ELEMENT**

PREPARED FOR

**City of San Juan Bautista**

Todd Kennedy, Associate Planner

311 2nd Street

San Juan Bautista, CA 95045

Tel 831.623.4661

PREPARED BY

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July 30, 2019

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# PROPOSED MITIGATED NEGATIVE DECLARATION

## In Compliance with the California Environmental Quality Act (CEQA)

Project Name	San Juan Bautista 2015-2019 Housing Element
Lead Agency	City of San Juan Bautista
Project Proponent	City of San Juan Bautista
Project Location	San Juan Bautista
Project Description	<p>The proposed project is an update to the previously certified San Juan Bautista 2009-2014 Housing Element, plus adoption of various ordinances to implement past and current Housing Element programs. Each of the following are components of the proposed project:</p> <ul style="list-style-type: none"><li>▪ Housing Element Update;</li><li>▪ Re-Designation and Rezoning for Adequate Sites;</li><li>▪ Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site;</li><li>▪ Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters;</li><li>▪ Municipal Code Amendment – Reasonable Accommodations;</li><li>▪ Municipal Code Amendment – Sewer and Water Service Priority; and</li><li>▪ Zoning Ordinance Text Amendment – Accessory Dwelling Units.</li></ul>
Public Review Period	Begins– August 1, 2019 Ends – August 30, 2019
Written Comments To	Todd Kennedy, Associate Planner San Juan Bautista Planning Department 311 2nd Street San Juan Bautista, CA 95045

Proposed Findings

The City of San Juan Bautista is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (City of San Juan Bautista) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

*Mitigation Measures*

The following is a list of applicable mitigation measures to reduce impacts to a less than significant level. Many of the following mitigation measures are extracted from the *Draft (sic) City of San Juan Bautista 2035 General Plan Final Environmental Impact Report*, and in some cases these mitigation measures from the *Draft (sic) City of San Juan Bautista 2035 General Plan Final Environmental Impact Report* have been edited to bring them up to date. In addition to these edited mitigation measures, there are new mitigation measures proposed as a result of this initial study.

*Air Quality*

AIR-2g To reduce dust emissions from demolition, grading, and construction activities on sites greater than 2.2 acres, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;

- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
- d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
- e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
- f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
- g. Stop grading, and earth moving if winds exceed 15 miles per hour;
- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
- i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
- j. Limit the area under construction at any one time.

AIR-4a ~~Avoid or prohibit the siting of new sensitive land uses~~ Prior to approval of development projects that include sensitive land uses including high density residential projects, applicants will be required to prepare a health risk assessment for projects located within 500 feet of a freeway, within 300 feet of a dry cleaning operation, and 300 feet of a large gas station. The health risk assessment should identify mitigation measures that would reduce health impacts to sensitive receptors to a less-than-significant level. Measures may include, but are not limited to, installation of air filtration devices in the buildings; installation of a vegetative barrier between the buildings and freeway; and cleaning, maintenance, and monitoring of buildings for air flow leaks.

*Biological Resources*

BIO-1e: Avoid effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species. a) Prior to commencing any ground-disturbing activities, the work area will be assessed by ~~CDFW~~ or a qualified biologist for potential California tiger salamander (CTS), California red-legged frog (CRLF), and western pond turtle (WPT) habitat. All potential CTS breeding ponds and upland habitat with 1.34 miles of a potential breeding pond will be considered suitable habitat. All potential CRLF breeding ponds and upland habitat with 1.0 miles of a potential breeding pond will be considered suitable habitat. All potential WPT breeding ponds and upland habitat with 0.2 miles of a potential breeding pond will be considered suitable habitat. Ground-disturbing activities will avoid areas that contain suitable breeding and upland habitat for CTS, CRLF, and WPT whenever possible.

BIO-1f: Minimize effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species.

- a. ~~Prior to conducting ground-disturbing activities in suitable~~ To determine if CTS, CRLF, and WPT are present in potential habitat, the applicant will conduct a minimum of 2 years of surveys to determine the presence/absence of special-status amphibian and reptile species in accordance with the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003) and the Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005). There are no formal protocols for surveys for WPT, however protocol surveys for CTS and CRLF have a high likelihood of also detecting WPT. In consultation with the USFWS, and CDFW, the applicant may modify survey protocols to reflect site conditions and known utilization of habitat by CTS, CRLF, and WPT. In the absence of protocol surveys, ~~CDFW~~ the applicant will assume presence of CTS, CRLF, and WPT in all potential breeding and upland refugia habitats.
- b. To the extent feasible, all ground-disturbing activities will be designed to avoid impacts to suitable CTS, CRLF, and WPT upland habitat. Such avoidance measures may include adjusting access routes or choosing alternate locations.
- c. In the absence of conducting 2 years of protocol surveys or in the event protocol surveys detect CTS, CRLF, and WPT CDFW the applicant will consult with the CDFW and USFWS and obtain the necessary Incidental

Take Authorization permits. Permit requirements may include (but not be limited to), after consultation will implement the following minimization measures during construction in suitable CTS habitat:

- Prior to commencing ground disturbing activities, construction workers will be educated regarding CTS, CRLF, and WPT and the measures intended to protect ~~this~~ these species. ~~When feasible, there will be a 50 foot no disturbance buffer around burrows that provide suitable upland habitat for CTS.~~
- Burrows considered suitable for CTS will be determined by a qualified biologist, approved by CDFW and USFWS. All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist.
- If CTS, CRLF, or WPT are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.
- All ground-disturbing work will occur during daylight hours in coordination with CDFW and USFWS, and depending on the level of rainfall and site conditions. ~~CDFW~~ The applicant's qualified biologist will monitor the National Weather Service (NWS) 72-hour forecast for the work area. If a 70% or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known CTS, CRLF, or WPT breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the Project site before construction begins each day rain is forecast. If rain exceeds 0.25 inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known ~~CTS~~ breeding sites once they have been encircled with ~~CTS~~ exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving through areas within 1.3 miles of potential or known ~~CTS~~ breeding sites but outside of the ~~salamander~~ exclusion fencing (e.g. on roads).
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of

burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the CDFW and USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.

- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no CTS, CRLF, or WPT are in the work area. Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for CTS, CRLF, and WPT. If any are found they will be allowed to move out of the construction area under their own accord.
- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
- A speed limit of 15 mph will be maintained on dirt roads.
- All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because ~~CTS animals~~ may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from ponds, wetlands, or ~~and~~ the San Joaquin River channel. If it is not

feasible to store hazardous materials 100 feet from ponds, wetlands ~~and or~~ the river channel, then spill containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.

BIO-3a: ~~Wetland~~ A wetland delineation shall be prepared by the applicant to document the extent of jurisdictional features on or adjacent to potential rezone site C. if any construction activity could result in impacts to wetlands/waters that may be potentially considered jurisdictional. If the wetlands/waters are deemed jurisdictional and construction activities are proposed that could impact these features, permits from the USACE, CDFW and/or RWOCB shall be obtained prior to construction, as needed. Setbacks from the wetlands/water features may be required to protect habitat and water quality.

BIO-2a: A 100-foot setback area shall be established along all rivers, streams, and creeks within the planning area. The setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. A 100-foot setback area shall be established along wetlands not associated with creeks (i.e., seasonal wetland swales or ponds within the planning area. The riparian setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. The wetland setback shall be measured from the outside edge of the wetland.

For man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation, a reduced setback distance may be appropriate. Modifications to the 100-foot buffer requirement may be considered when recommended by a qualified biologist and approved by the City of San Juan Bautista.

Development activities would be prohibited in the setback area; the City shall consider exceptions for open space recreational uses (i.e., trails, playfields, and picnic areas). No building or structures shall be developed in the setback area. The existing riparian woodland or wetland shall be protected from construction disturbance. Fencing shall be temporarily placed at the outside edge of the setback area. This fencing shall remain in-place until construction is complete. If recreational trails are placed within the buffer area, implement a revegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian woodland.

Project developers shall be required to retain creeks and wetlands in their natural channels rather than placing them in culverts or underground pipes, where feasible. Where stream banks must be deepened, widened or straightened, they

should be landscaped and revegetated afterward. Where wetlands are impacted, they should be re-created afterwards. If impacts are incurred to creeks and/or riparian woodlands as part of development within the planning area, the project applicant shall develop and implement a riparian/wetland habitat mitigation and management plan. The plan shall specify the replacement ratio for impacts to riparian resources and to wetland resources, pursuant to current state and federal policies. The project applicant shall receive authorization to fill wetlands and "other" waters from the US Army Corps of Engineers, pursuant to the requirements of the Clean Water Act. The project applicant shall also obtain a water quality certification (or waiver) from the Regional Water Quality Control Board, consistent with requirements of this State agency. The project applicant shall also obtain a 1601/1603 Streambed Alteration Agreement from the California Department of Fish and Game, pursuant to Fish and Game Code. These permits shall be received prior to any site grading that may occur in or immediately adjacent to creeks or wetlands.

The project applicant shall also receive authorization from the National Marine Fisheries Service for "take" of steelhead and from the U. S. Fish and Wildlife Service for "take" of California red-legged frog, if work cannot avoid impacts to creek resources and/or these species. Pursuant to provisions of the Section 404 permit, 1601/1603 Streambed Alteration Agreement and State water quality certification (or waiver), the project applicant shall implement a riparian/wetland mitigation plan, and any other measures so identified by regulatory agencies. This plan shall identify measures for the applicant to compensate for unavoidable impacts to riparian or wetland resources. A minimum 1:1 replacement ratio is typically recommended for impacted wetland resources to satisfy requirements of the U.S. Army Corps of Engineers and the Regional Water Quality Control Board (RWQCB). A minimum 3:1 replacement ratio is typically recommended for impacted riparian resources to satisfy requirements of the CDFG. The applicant shall also identify and implement a 5-year maintenance and monitoring program.

INITIAL STUDY

**SAN JUAN BAUTISTA  
2015-2019 HOUSING ELEMENT**

PREPARED FOR

**City of San Juan Bautista**

Todd Kennedy, Associate Planner

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PREPARED BY

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July 30, 2019

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## A. BACKGROUND

Project Title	San Juan Bautista 2015-2019 Housing Element
Lead Agency Contact Person and Phone Number	Todd Kennedy, Associate Planner 831-623-4661, ext. 20
Date Prepared	July 30, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Teri Wissler Adam, Senior Principal Martin Carver, AICP, Principal Shoshana Wangerin, Assistant Planner Janet Walther, MS, Principal Biologist Tanya Kalaskar, MS, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	City of San Juan Bautista
Project Sponsor Name and Address	San Juan Bautista Planning Department 311 2 <sup>nd</sup> Street San Juan Bautista, CA 95045
General Plan Designation	Citywide (various designations)
Zoning	Citywide (various districts)

### Setting

The City of San Juan Bautista is located in the northwest portion of San Benito County, near the Monterey County and Santa Clara County borders. The city is one of two incorporated cities in San Benito County and is situated 2.5 miles east of U.S. Highway 101 with State Route 156 passing through the southern half of the City boundary. The San Andreas Fault zone, Santa Cruz Mountains section, also bisects San Juan Bautista from northwest to southeast. [Figure 1, Location Map](#), shows the city's regional and vicinity location. [Figure 2, Aerial Photograph](#), presents the approximately 455-acre city boundary on an aerial photograph.

## Description of Project

The proposed project is an update to the previously certified *San Juan Bautista 2009-2014 Housing Element*, plus adoption of various ordinances to implement past and current Housing Element programs (“proposed project”). Each component of the proposed project is described below in more detail.

## Housing Element Update

The housing element is a required element in a general plan. In accordance with state law, the City of San Juan Bautista has prepared a draft update to its *San Juan Bautista 2009-2014 Housing Element* for the 2015-2019 planning period. The update includes updated information on housing stock characteristics, updated information on governmental and non-governmental constraints, updated information on special housing needs, updated information on housing resources, and new and revised housing programs.

Specific recommendations for the updates to the City’s goals, policies, and programs are provided within the draft *San Juan Bautista 2015-2019 Housing Element*. The core goals and policies have not changed from the previously certified *San Juan Bautista 2009-2014 Housing Element*.

## Re-Designation and Rezoning for Adequate Sites (High Density) (Housing Program 3.1)

In addition to revisions and update of the City’s Housing Element, the proposed project also includes the adoption of a resolution to amend the San Juan Bautista Land Use Diagram located within the City’s *2035 General Plan* (“general plan”) and an ordinance to amend the San Juan Bautista Zoning Map. These actions are necessary to provide one additional site to accommodate high density housing for affordable housing development. The three potential sites are listed and described below and their locations are presented in [Figure 3, Potential R-3 Rezone Sites](#). The City Council will choose one site when adopting this ordinance.

- A. Potential Rezone Site A, 0.88 acres (APN: 002-320-007 and 002-320-080);
- B. Potential Rezone Site B, 2.30 acres (APN: 002-350-030); and
- C. Potential Rezone Site C, 2.30 acres (portion of APN: 002-510-001).

Each of the three potential re-designation/rezone sites are adjacent to existing residential neighborhoods, and, therefore, would have access to utilities such as electricity and gas.

### *Potential R-3 Rezone Site A*

Potential R-3 Rezone Site A (“Site A”) is 0.88 acres and consists of two parcels, APNs 002-320-007 and 002-320-008. Site A is currently designated Commercial on the General Plan Land Use Diagram and zoned “C” Commercial on the Zoning Map. The site is located

between Monterey Street and Muckelemi Street and includes one structure and one trailer that are both dilapidated. Surrounding uses consist of commercial, residences and vacant land.

### ***Potential R-3 Rezone Site B***

Potential R-3 Rezone Site B (“Site B”) is 2.30 acres and consists of APN 002-350-030. Site B is currently designated Commercial on the General Plan Land Use Diagram and zoned “C” Commercial on the Zoning Map. The site is vacant and is located near the corner of Monterey Street, Muckelemi Street, and State Route 156. Surrounding uses include vacant land and commercial.

### ***Potential R-3 Rezone Site C***

Potential R-3 Rezone Site C (“Site C”) is approximately 2.30 acres and consists of a portion of APN 002-520-001. Site C is currently an orchard. It is designated Low Density Residential on the General Plan Land Use Diagram and is zoned “R-1” Low Density Residential on the Zoning Map. Site C is located on the southern border of the city limit line with the surrounding uses including residential, orchard, and vacant land in unincorporated San Benito County. A creek runs along the eastern border of Site C.

Table 1, [Potential Rezone Sites and Existing Development Potential](#), presents the existing and proposed development potential for each site. Table 2, [Potential Rezone Sites and Population Projections](#), presents the population projections for each site.

**Table 1 Potential Rezone Sites and Development Potential<sup>1</sup>**

Potential Rezone Site	Size (Acres)	Existing General Plan Designation	Existing Zoning	Existing Zoning Development Potential <sup>2</sup>	Proposed R-3 Zoning Development Potential <sup>3</sup>	Change in Development Potential <sup>4</sup>
Site A	0.88	Commercial	Commercial (C)	28,750 sf	21 units	<28,750 sf Commercial> +21 HDR units
Site B	2.30	Commercial	Commercial (C)	75,141 sf	55 units	<75,141 sf Commercial> +55 HDR units
Site C	2.30	Low Density Residential (LDR)	Low Density (R-1)	16 units LDR	55 units	<16 LDR units> +55 HDR units

SOURCE: EMC Planning Group 2019

NOTE:

(1) Values may vary due to rounding.

(2) The City’s Municipal Code states that the maximum density allowed for the Low Density (R-1) Zoning District is up to 7 units per acre. For the Commercial (C) Zoning District, the floor area ratio is 0.75.

(3) Assuming a maximum of 24 units per acre as required by special standards and conditions that will apply to the chosen rezoned site. See 2015-2019 Housing Element update Table 4-5.

(4) LDR = Low Density Residential; HDR = High Density Residential; sf = square feet

**Table 2 Potential Rezone Sites and Population Projections**

Potential Rezone Site	Size (Acres)	Existing General Plan Designation	Existing Zoning <sup>1</sup>	Existing Zoning Population Projection <sup>2</sup>	Proposed R-3 Zoning Population Projection <sup>2,3</sup>	Population Projection Difference <sup>4</sup>
Site A	0.88	Commercial	Commercial (C)	0	56	56
Site B	2.30	Commercial	Commercial (C)	0	146	146
Site C	2.30	Low Density Residential	Low Density (R-1)	43	146	103

SOURCE: EMC Planning Group 2019, California Department of Finance 2018

NOTE:

(1) The City's Municipal Code states that the maximum density allowed for the Low Density (R-1) Zoning District is up to 7 units per acre. For the Commercial (C) Zoning District, density range is not applicable.

(2) According to the California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/2018, the City of San Juan Bautista is comprised of 2.64 persons per household.

(3) Assuming a maximum of 24 units per acre as required by special standards and conditions that will apply to the chosen rezoned site. See 2015-2019 Housing Element update Table 4-5.

(4) Values may vary due to rounding.

### **Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site (Housing Program 3.1)**

The proposed project includes the implementation of special development standards for a new affordable housing site. Whichever site is chosen by the City for re-designation and rezoning to provide adequate affordable housing opportunities, recent changes in State housing law require special development conditions apply to the site. These changes include:

- Special standards and conditions apply only to the chosen site and only through the year 2024;
- The allowable density for the chosen site is a minimum of 20 units per acre and a maximum of 24 units per acre;
- 20 percent of the development on the chosen site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
- All development on the chosen site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval), although development on the chosen site is subject to applicable general plan policies, applicable general plan EIR mitigation measures, and the mitigation measures presented in this initial study and included in the mitigated negative declaration.

### **Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters (Housing Program 3.6)**

The proposed project includes an amendment to the San Juan Bautista Zoning Ordinance to permit supportive and transitional housing and emergency shelters in all districts where residential uses are allowed, without discretionary action.

### **Municipal Code Amendment – Reasonable Accommodations (Housing Program 5.2)**

The proposed project includes an amendment to the San Juan Bautista Municipal Code to create a procedure wherein persons with physical and developmental disabilities seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures.

### **Municipal Code Amendment – Sewer and Water Service Priority (Housing Program 5.3)**

The proposed project includes an amendment to the San Juan Bautista Municipal Code to grant a priority for sewer and water service hook-ups to developments that help meet the City's share of the regional need for lower-income housing.

### **Zoning Ordinance Text Amendment – Accessory Dwelling Units (Housing Program 4.4)**

The proposed project includes an amendment to the San Juan Bautista Zoning Ordinance to update the City's existing Second Unit Ordinance to better facilitate the development of accessory dwelling units, including additional approaches to encourage accessory unit development (e.g., establishing pre-approved design prototypes) to encourage and stimulate the development of accessory units. This also includes an action to rename the code section to refer to "accessory dwelling units" (instead of "second dwelling units").

## **Methodology**

This initial study tiers from the *City of San Juan Bautista 2035 General Plan Final Environmental Impact Report* ("general plan EIR"). Of all the proposed changes, only one new housing program has the potential to result in a substantial change to the environment – a revised adequate sites program. The revised adequate sites program identifies three new potential housing sites. The City Council will be asked to choose one of these sites for high-density housing. It also sets forth special development standards for the site that is ultimately rezoned, consistent with changes in California housing law (see Program 3.1). Where new information is available, as is the case with biological resources, the new information is discussed and a revised analysis is provided. In some cases, modifications to general plan EIR mitigation measures are proposed. Otherwise, urbanization of land within the planning area, including these three sites, was adequately evaluated in the general plan EIR.

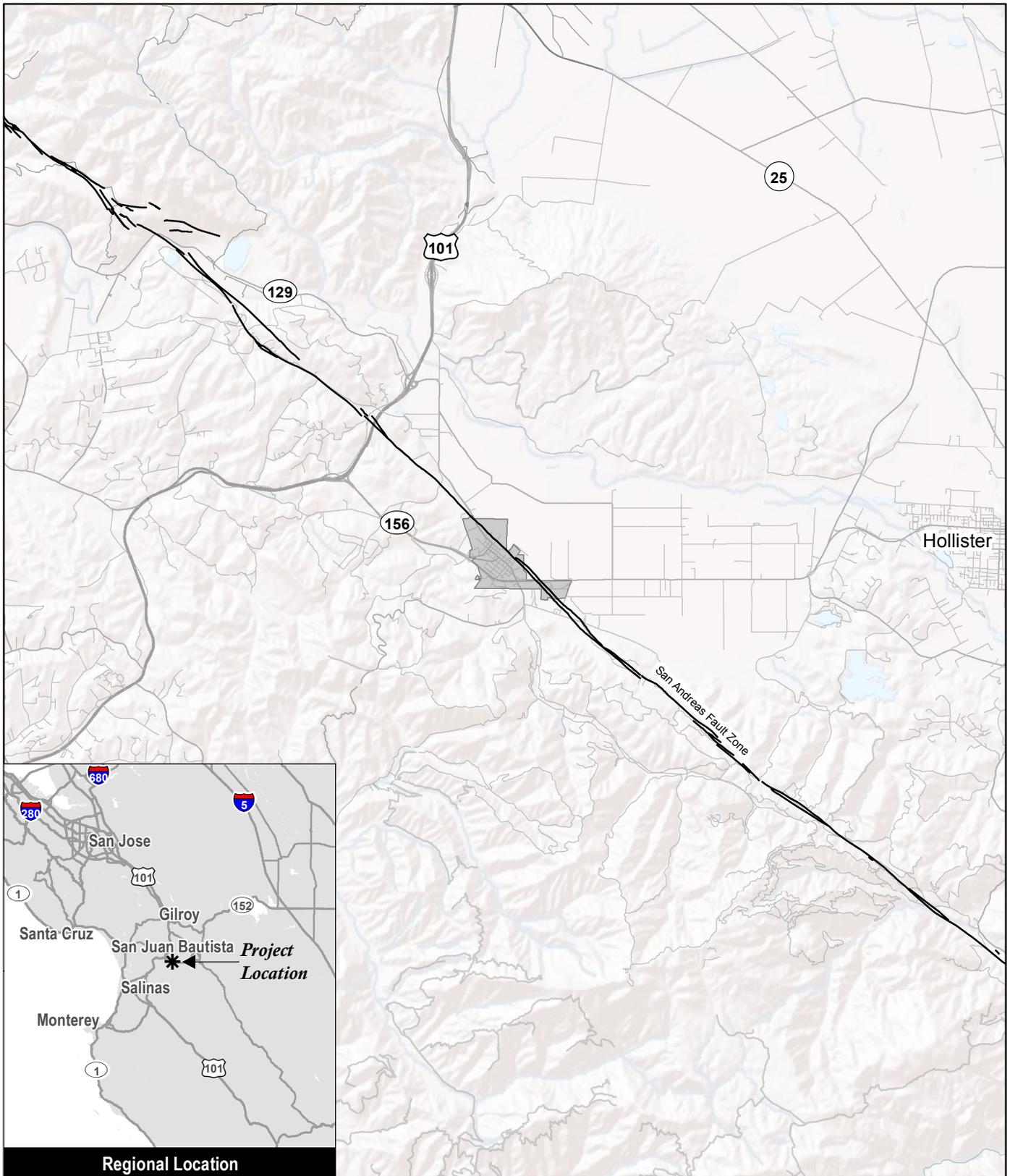
## **Other Public Agencies Whose Approval is Required**

Pursuant to state law, the California Department of Housing and Community Development (“HCD”) must certify any housing element update prepared by the City in order for it to become effective. The draft mitigated negative declaration will be circulated for a public review period through the State Clearinghouse for a period of at least 30 days. After the public review period is complete, the City will respond to the comments and prepare a final mitigated negative declaration for City Council review and potential adoption prior to the approval of the *San Juan Bautista 2015-2019 Housing Element*.

### **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Letters were sent to four tribes traditionally or culturally affiliated with the project area on May 20, 2019. No California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

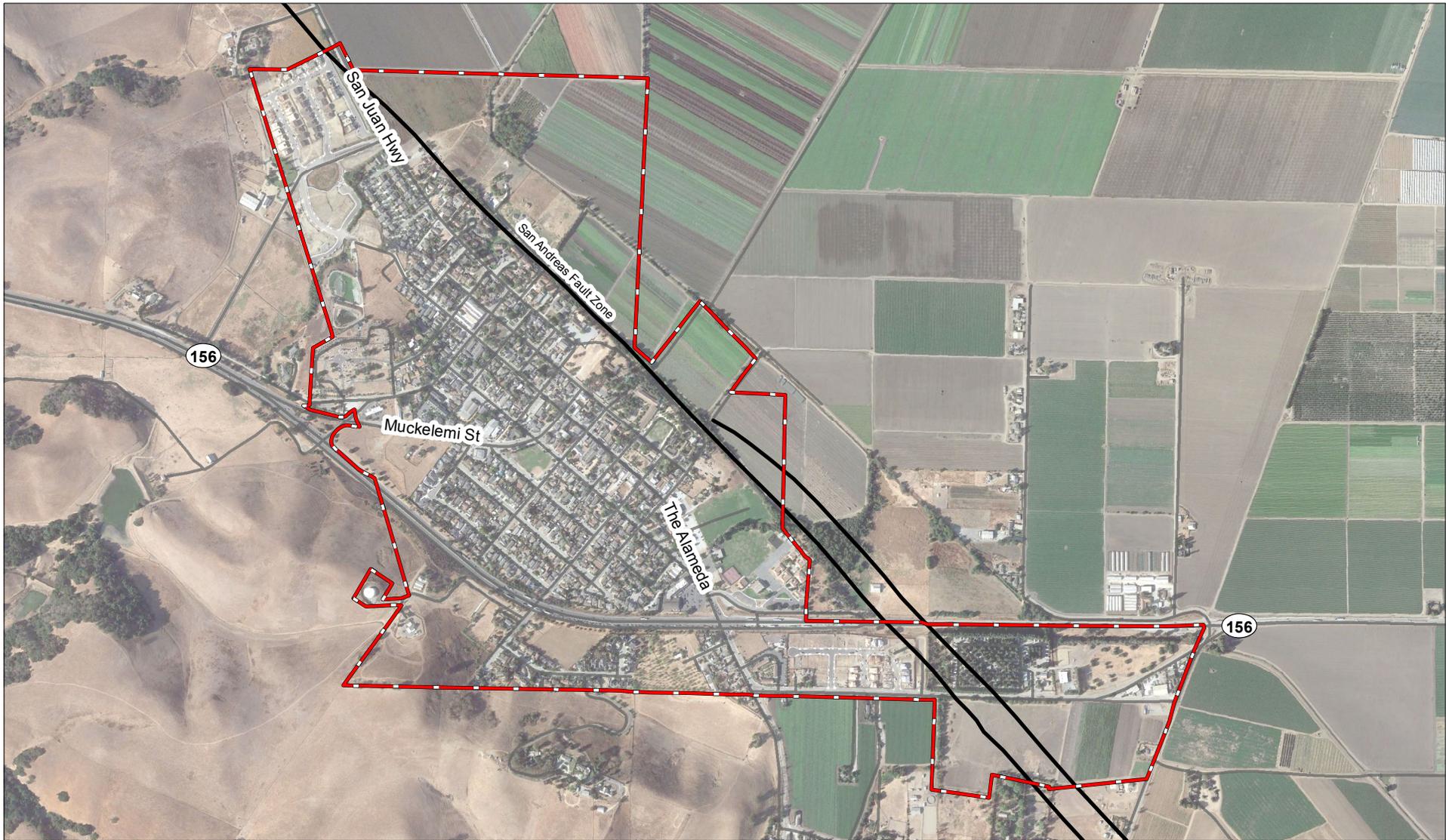


Source: ESRI 2018, San Benito County GIS 2016

Figure 1  
**Location Map**



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0 1250 feet

 City Limit

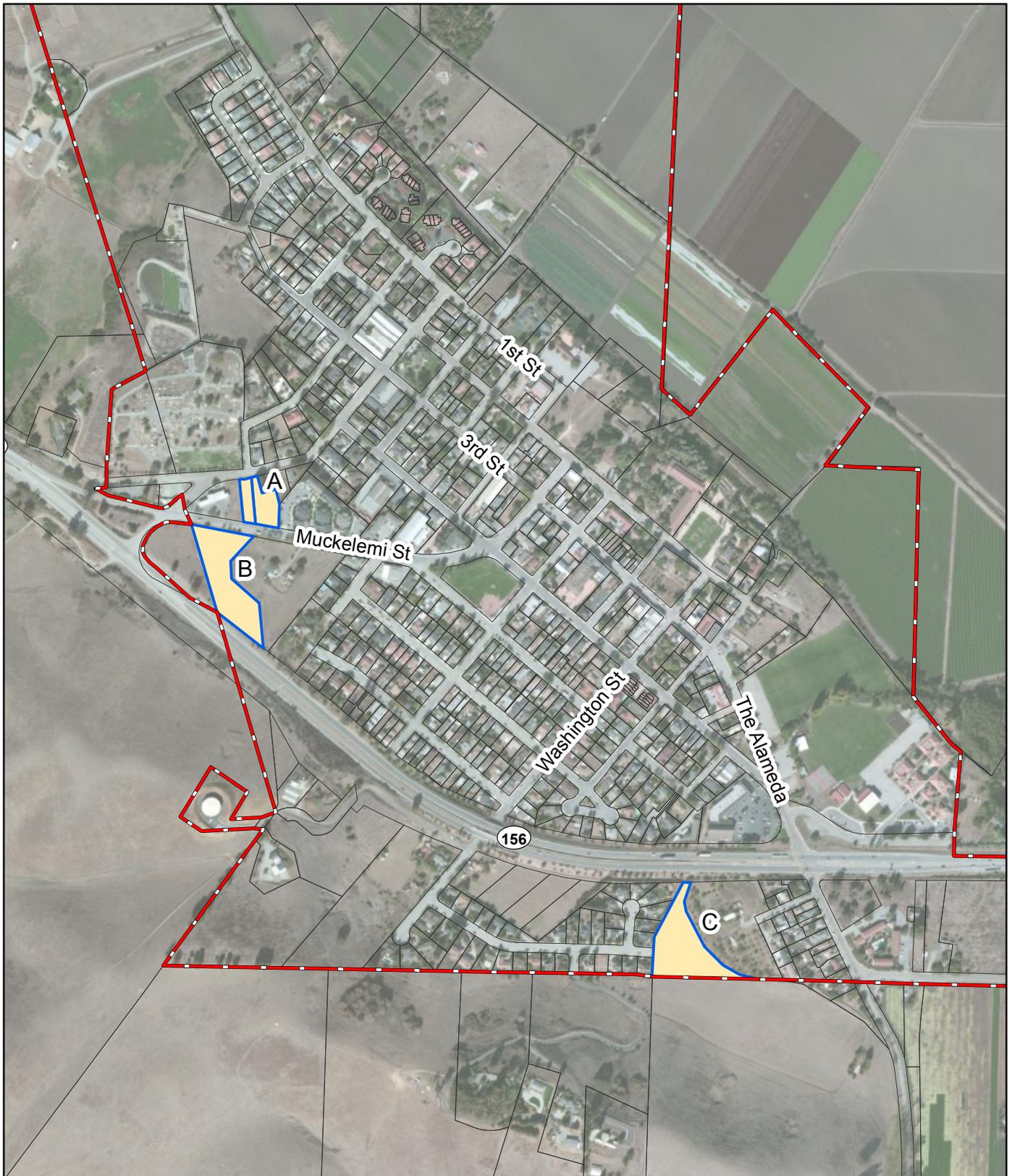
Source: ESRI 2019, San Benito County GIS 2016



Figure 2  
Aerial Photograph

San Juan Bautista 2015-2019 Housing Element Initial Study

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Source: ESRI 2019, San Benticio County GIS 2018

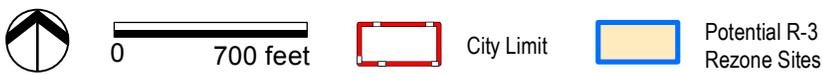


Figure 3

## Potential R-3 Rezone Sites



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## B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

## C. DETERMINATION

On the basis of this initial evaluation:

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

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Todd Kennedy, Associate Planner

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Date

## D. EVALUATION OF ENVIRONMENTAL IMPACTS

### Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
  - a. “Earlier Analysis Used” identifies and states where such document is available for review.
  - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. “Mitigation Measures” – For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. "Supporting Information Sources" — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2018.
9. The explanation of each issue identifies:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any to reduce the impact to less than significant.

# 1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1, 2, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Comments:

- a,b. As presented within the general plan EIR, there are no officially designated scenic vistas or view corridors in the city (p. 71) and there are no designated state scenic highways in or adjacent to the city (p. 73).
- c. The proposed project may result in development of one of the three potential rezone sites with high density housing instead of commercial on Sites A and B or low density residential on Site C. The three potential sites are located in areas that are visible from State Route 156, which is a publicly accessible vantage point. Site B is currently vacant and Site C is currently an orchard. Although Site A is considered developed, it includes a dilapidated structure and trailer.

Site A and B are both currently zoned for commercial uses and are proposed for high density residential uses; the maximum height allowed in the commercial district is 15 feet higher than what is allowed in the high density residential district. Therefore, if Sites A or B are chosen for rezone to high density residential, the allowed height for any future development would be less than what is already anticipated by the general plan.

Site C is currently zoned for low density residential and is proposed for high density residential. The maximum allowed height for low density residential is five (5) feet below what is allowed for high density residential; both zoning districts allow up to two stories. Therefore, if Site C is chosen for rezone to high density residential, future potential development at this site could create a greater change in potential development than what was anticipated by the general plan. However, the general plan EIR indicates that no mitigation measures are needed for aesthetic impacts (p. 78) and the height difference of five (5) feet is inconsequential and would not create a significant adverse impact.

Therefore, the proposed project would not create an adverse impact related to the quality of public views of the site. There would be no increase in visual impacts related to the quality of public views associated with rezoning one of the sites.

- d. Sites B and C are currently undeveloped and anticipated for commercial and low density residential uses, respectively, in the general plan; therefore, the new sources of light and glare from the future development of commercial and low density residential uses have been foreseen by the City. Due to the dilapidated nature of the structure and trailer on Site A, it would be conservative to assume that new and/or additional sources of light or glare would occur with development of the anticipated commercial uses, as designated in the general plan.

However, none of the programs proposed as part of the proposed project would result in substantial levels of nighttime lighting or daytime glare that significantly differs from typical residential development nor would the proposed project result in more intense levels of light and glare than what is already anticipated from the current uses designated for each site in the general plan. Nevertheless, any development that would occur on any one of the rezone sites would result in some light and glare impacts compared to existing conditions.

The City has a lighting standards (Chapter 11-13 of the Municipal Code), which controls and minimizes light pollution. Future residential development projects within the City would be required to be designed and constructed in accordance with Chapter 11-13. The general plan EIR states that no mitigation measures are needed for aesthetic impacts (p. 78), resulting in a less than significant impacts related to light and glare as a result of the proposed project.

## 2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**

- a-e. Sites A is currently developed with a dilapidated structure and trailer, Site B is currently vacant, and Site C is currently an orchard. According to the California Department of Conservation’s Important Farmland, Site A is designated as “Urban and Built-up Land” and Site B and Site C are designated “Grazing Land” (California Department of Conservation 2018).

The proposed project does not identify additional lands for potential conversion to urban uses and therefore results in no new or more severe impacts than those already analyzed in the general plan EIR. According to the general plan EIR’s Map 4.2-6, there are no Williamson Act lands within the City and, therefore, the proposed project would not conflict with a Williamson Act contract. The City does not include lands zoned as forested land or Timberland Production.

There would be no increase in agricultural impacts associated with rezoning one of the sites.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1, 3, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1, 3, 17, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1, 3, 6, 17, 19)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Comments:

- a. The City of San Juan Bautista is located within the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The general plan EIR concluded that impacts related to conflicts with the applicable air quality management plan would be less than significant with no mitigation required.

The air district’s most recent adopted plan is *2012-2015 Air Quality Management Plan for the Monterey Bay Region* (hereinafter “air quality management plan”). The air district specifies air quality management plan consistency for population-related projects only. Population-related emissions have been estimated in the air quality management plan using population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). Population-related projects that are consistent with these forecasts are consistent with the air quality management plan. AMBAG recently updated its regional population forecast in June 2018, but the air district has not yet updated the air quality management plan. The air district recommends using the 2018 AMBAG regional population forecast to determine a project’s consistency with the air quality management plan (David Frisbey, email message, September 26, 2018).

The air district consistency determination spreadsheet was used to assess the proposed project's population in comparison to the AMBAG's 2018 population forecasts (using housing units as a proxy for population). The results of the evaluation are included as [Appendix A, Air Quality Management Plan Consistency Determination](#). With the proposed project, the city's cumulative housing stock would be 676 units below AMBAG projections for the year 2025. Since the project is within the population projections, the proposed project would not conflict with or obstruct implementation of the air quality management plan.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM<sub>10</sub>). The general plan EIR found that potentially significant impacts related to air quality standards violation would be reduced to less-than-significant levels with the implementation of Mitigation Measures AIR-2a through AIR-2f.

The air district is responsible for monitoring air quality in the air basin. The air district has developed criteria pollutant emissions thresholds, which are used to determine whether or not a proposed project would result in a cumulatively considerable net increase of criteria pollutants during operations and/or construction. Based on the air district's CEQA Air Quality Guidelines (hereinafter "air district CEQA Guidelines"), a project would have a significant cumulative air quality impact if it would:

- Emit 137 pounds per day or more of direct and indirect volatile organic compounds (VOC);
- Emit 137 pounds per day or more of direct and indirect nitrogen oxides (NO<sub>x</sub>);
- Directly emit 550 pounds per day or more of carbon monoxide (CO);
- Emit 82 pounds per day or more of suspended particulate matter (PM<sub>10</sub>) on-site and from vehicle travel on unpaved roads off-site; or
- Directly emit 150 pounds per day or more of sulfur oxides (SO<sub>x</sub>).

**Operational Impacts.** The operational criteria air pollutant emissions that would be generated by future development on potential rezone Sites A, B, and C under the existing zoning and under the proposed zoning have been estimated using California Emissions Estimator Model (CalEEMod) Version 2016.3.2. Refer to [Appendix B, CalEEMod Results](#), for the emissions modeling results. The results indicate that future development on Sites A, B and C under proposed zoning would result in fewer operational criteria air pollutant emissions than future development under the existing zoning. Further, the results for proposed conditions show that future

development on Sites A, B, and C would not result in operational criteria air pollutant emissions that exceed the air district thresholds, resulting in a cumulatively less-than-significant impact on air quality.

**Construction Impacts.** From the CalEEMod results included as Appendix B, total PM<sub>10</sub> emissions during construction on potential rezone Site A would be the same under existing and proposed conditions. The total PM<sub>10</sub> emissions during construction on potential rezone Sites B and C under proposed zoning are greater than those under existing zoning.

Air district CEQA Guidelines Table 5-2, Construction Activity with Potentially Significant Impacts, identifies the level of construction activity that could result in significant temporary fugitive dust impacts if not mitigated. Construction activities with grading and excavation that disturb more than 2.2 acres per day and construction activities with minimal earthmoving that disturb more than 8.1 acres per day are assumed to be above the 82 pounds of particulate matter per day threshold of significance. Construction activities on the 0.88-acre Site A are not likely to exceed the air district's thresholds, resulting in a less-than-significant impact. Construction activities on the 2.30-acre Site B and 2.30-acre Site C are likely to exceed the air district's threshold of 2.2 acres per day, resulting in a significant impact on air quality. Implementation of the following mitigation measure would reduce this impact to less than significant.

#### *Mitigation Measure*

AIR-2g To reduce dust emissions from demolition, grading, and construction activities on sites greater than 2.2 acres, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;

- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
  - d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
  - e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
  - f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
  - g. Stop grading, and earth moving if winds exceed 15 miles per hour;
  - h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
  - i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
  - j. Limit the area under construction at any one time.
- c. The general plan EIR identified Mitigation Measures AIR-4a and AIR-4b to reduce exposure of sensitive receptors to substantial pollutant concentrations resulting from buildout of the general plan. Mitigation measure AIR-4a prohibits siting new sensitive land uses within 500 feet of a freeway, 300 feet of a dry cleaning operation, and 300 feet of a large gas station; where a large gas station is defined as a facility with throughput of 3.6 million gallons per year or greater (City of San Juan Bautista 2015, p. 121). Site A, a potential rezone site, is adjacent to a gas station, located at 63 Muckelemi Street in the City of San Juan Bautista. The gas station has a throughput of approximately 3 million gallons per year (Amy Clymo, email message, July 15, 2019). Therefore, Site A is not within 300 feet of a large gas station. According to the air district CEQA Guidelines, a sensitive receptor is generally defined as any residence including private homes, condominiums, apartments, and living quarters;

education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. Each of the three potential rezone sites is near sensitive receptors (i.e. residences and the San Juan School) and within 500 feet of State Route 156. [Figure 4, Potential Rezone Sites Proximity to Sources of Toxic Air Contaminants](#). Therefore, future development on any one of the potential rezone sites could result in a significant impact to sensitive receptors. Implementation of the following edits to Mitigation Measure AIR 4a is recommended to reduce this impact to a less-than-significant level.

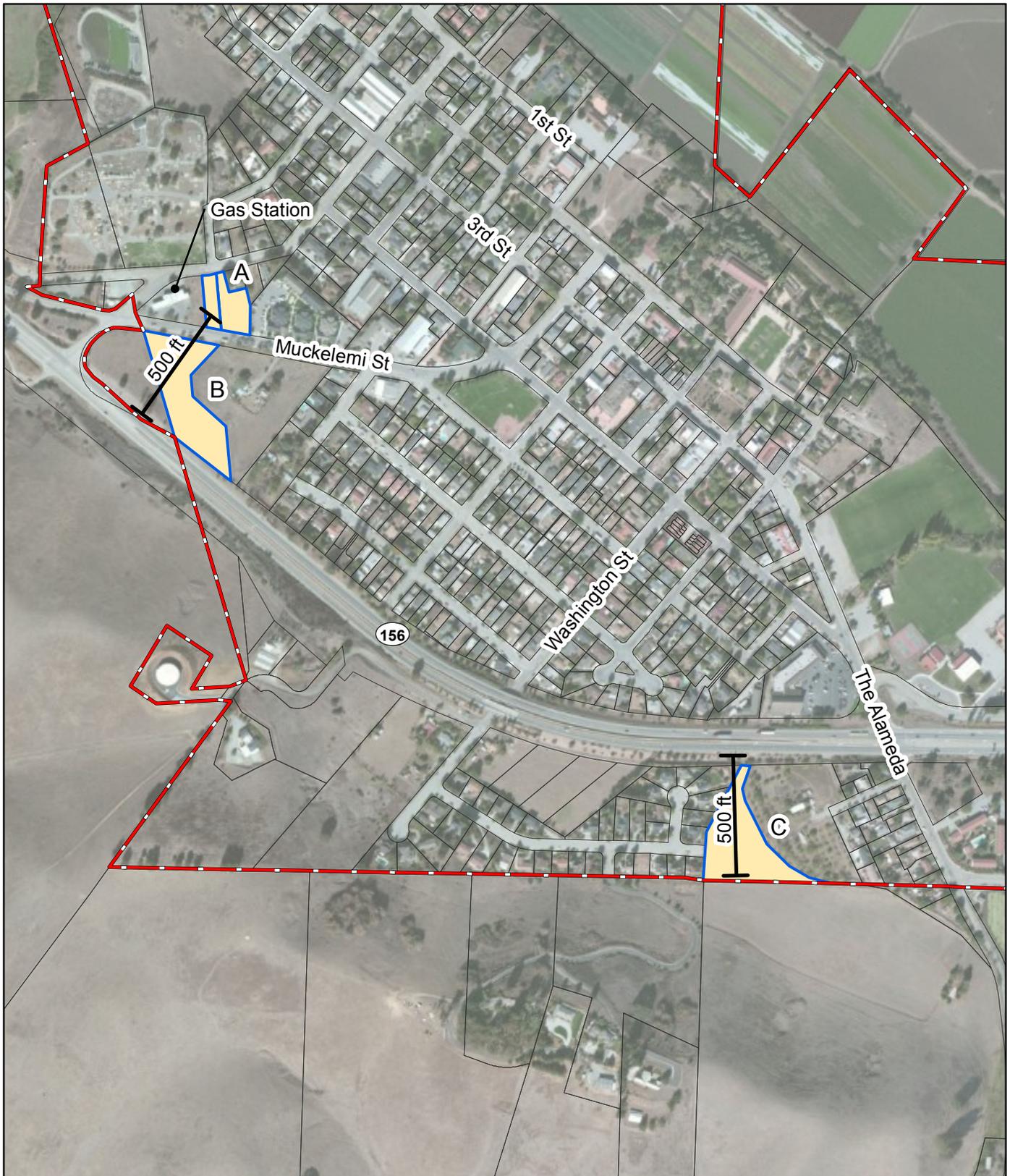
### *Mitigation Measure*

AIR-4a ~~Avoid or prohibit the siting of new sensitive land uses~~ Prior to approval of development projects that include sensitive land uses including high density residential projects, applicants will be required to prepare a health risk assessment for projects located within 500 feet of a freeway, within 300 feet of a dry cleaning operation, and 300 feet of a large gas station. The health risk assessment should identify mitigation measures that would reduce health impacts to sensitive receptors to a less-than-significant level. Measures may include, but are not limited to, installation of air filtration devices in the buildings; installation of a vegetative barrier between the buildings and freeway; and cleaning, maintenance, and monitoring of buildings for air flow leaks.

- d. As indicated within the general plan EIR, the City does not have any existing regulations or policies and programs governing the siting of new sensitive land use near odor sources (p. 135). The general plan EIR concluded that impacts related to odor sources would be less than significant if the following mitigation was implemented: Mitigation Measures AIR-5a, which states that an assessment of the distance between a new sensitive land use and odor emitters would occur, and Mitigation Measure AIR-5b, which states the avoidance or prohibition of new odor sources within the screening distances of existing sensitive receptors.

Potential future development as a result of the proposed project would not produce any objectionable odors during its operation. Potential future construction activities associated with development of one of the three rezone sites, such as demolition and grading, may temporarily generate objectionable odors. However, since odor-generating construction activities would be localized, sporadic, and short-term in nature, this impact would be less than significant.

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Source: ESRI 2019, San Benito County GIS 2018

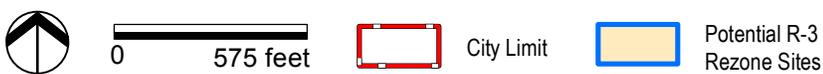


Figure 4

## Potential Rezone Sites Proximity to Sources of Toxic Air Contaminants



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## 4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 3, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

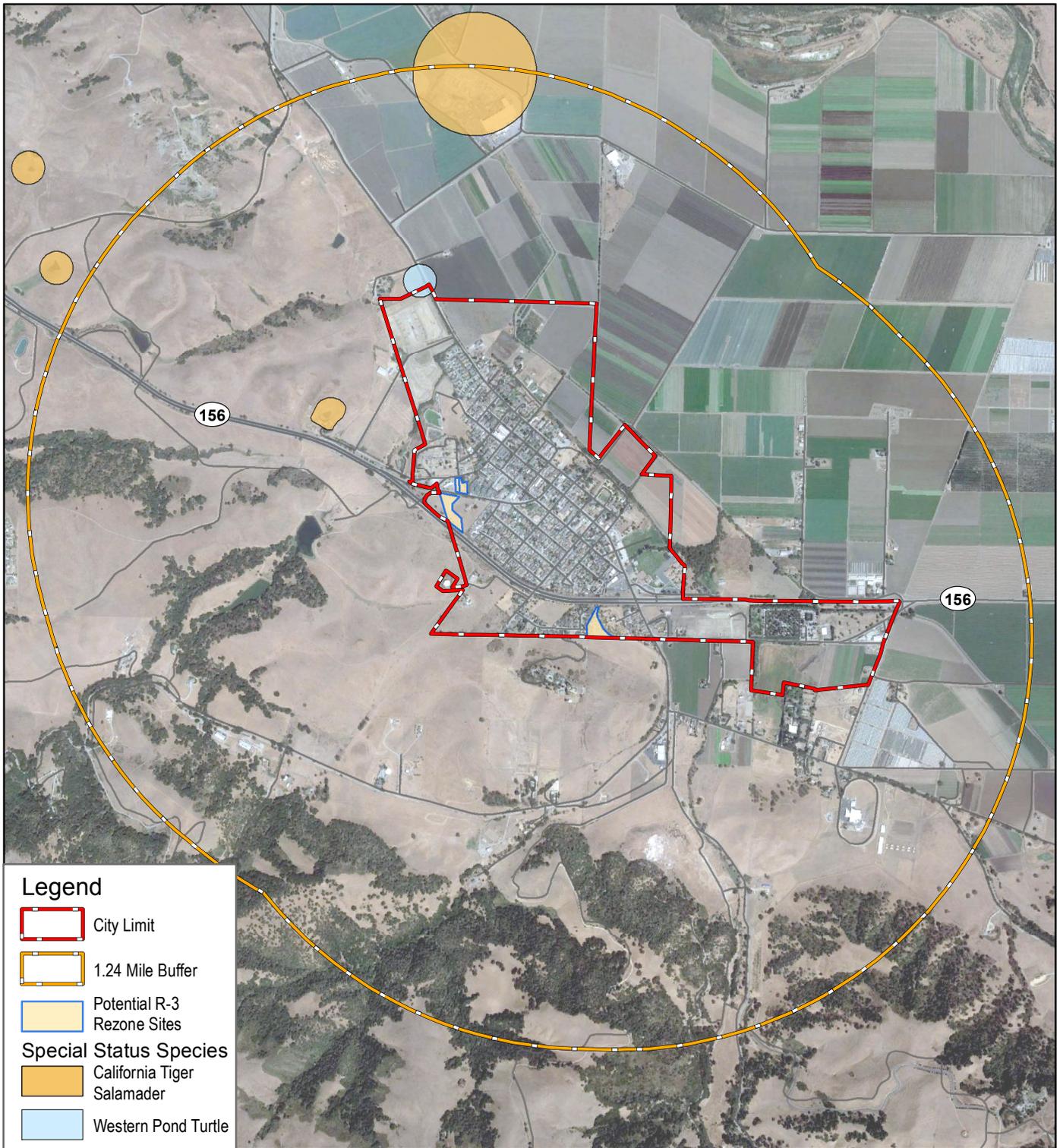
### Comments:

- a. Impacts to biological resources would be no different under the proposed zoning than they would be under the existing zoning. The City's general plan EIR Map 4.4-2 and analysis indicates that no rare plant species are likely to occur within the City

limits (p. 151). The City's general plan EIR Map 4.4-1 indicates that there may be some special-status wildlife species occurring in the area. A recent review of the California Natural Diversity Database ["CNDDDB", California Department of Fish and Wildlife (CDFW) 2019] indicates that special-status species with the potential to occur within or to migrate through Sites A, B, and C, include the federally-listed threatened and state-listed threatened California tiger salamander (*Ambystoma californiense*), federally-listed threatened and state-listed species of special concern California red-legged frog (*Rana draytonii*), and the state-listed species of concern western pond turtle (*Emmys marmorata*). Please refer to [Figure 5, Recorded Observations of Special-Status Species in the Vicinity of the Potential Rezone Sites](#).

The California tiger salamander is a large, stocky terrestrial salamander requires two primary habitat components: aquatic breeding sites and upland terrestrial refuge sites. Aquatic habitats include ephemeral water bodies such as vernal pools, ponds, depressional pools, sag ponds, and other wetlands. Suitable upland habitat for California tiger salamander typically includes grazed annual grassland containing concentrations of small mammal burrows or other underground habitat within 1.24 miles of potential aquatic breeding habitat where there are no obvious barriers to dispersal (USFWS 2003). The CNDDDB includes California tiger salamander observation number 258 from 1991, located approximately 0.39 miles from Site A, 0.35 miles from Site B, and approximately 0.92 miles from Site C. Observation number 78 is also found within the 1.24-mile dispersal distance. Please note that the CNDDDB only includes observations of special-status species and does not represent a complete inventory of species present. As shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are a number of additional ponds and aquatic features in the vicinity of the potential rezone sites that could support California tiger salamander and provide a source of individuals that may move through or utilize the potential rezone sites.

Similar to the California tiger salamander, the California red-legged frog may occur in streams, ephemeral ponds, and pools where water remains long enough for breeding. California red-legged frog are almost always found near water, but may disperse up to one mile from their aquatic breeding habitats to upland habitats during the dry season (USFWS 2005). Although there are no records within one mile of the potential rezone sites, as shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are a number of additional ponds and aquatic features in the vicinity of the potential rezone sites that could support California red-legged frog and provide a source of individuals that may move through or utilize the potential rezone sites.



Note: This figure presents California Natural Diversity Database (CNDDDB) occurrence records maintained by the California Department of Fish and Wildlife. Species records indicate positive occurrences only; lack of occurrence data does not indicate species are not present. Some records represent historical and/or extirpated occurrences. There may be additional special-status species occurrences within this area which have not been observed or reported.

Source: ESRI 2019, San Benito County GIS 2018, California Department of Fish and Wildlife 2019



Figure 5

## Recorded Observations of Special Status Species in the Vicinity of the Potential Rezone Sites



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Western pond turtle occurs in permanent or nearly permanent aquatic features with basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks. The home range of western pond turtles is typically quite restricted; however, ongoing research indicates that in many areas, turtles may leave the watercourse in late fall and move up to approximately 0.2 miles into upland habitats where they burrow into duff and/or soil and overwinter (Pilliod et. al. 2013). Although there are no records within 0.2 miles of the potential rezone sites, as shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are aquatic features that could support western pond turtle and provide a source of individuals that may move through or utilize potential rezone site C.

The general plan EIR identified the potential presence of special-status species in San Juan Bautista and Mitigation Measure BIO-1a through BIO-1h and BIO-2d are applicable to all three rezone sites. In addition, the following edits to Mitigation Measures BIO-1e and BIO-1f are recommended:

### *Mitigation Measures*

- BIO-1e: Avoid effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species. a) Prior to commencing any ground-disturbing activities, the work area will be assessed by ~~CDFW~~ or a qualified biologist for potential California tiger salamander (CTS), California red-legged frog (CRLF), and western pond turtle (WPT) habitat. All potential CTS breeding ponds and upland habitat with 1.34 miles of a potential breeding pond will be considered suitable habitat. All potential CRLF breeding ponds and upland habitat with 1.0 miles of a potential breeding pond will be considered suitable habitat. All potential WPT breeding ponds and upland habitat with 0.2 miles of a potential breeding pond will be considered suitable habitat. Ground-disturbing activities will avoid areas that contain suitable breeding and upland habitat for CTS, CRLF, and WPT whenever possible.
- BIO-1f: Minimize effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species.
- a. ~~Prior to conducting ground disturbing activities in suitable~~ To determine if CTS, CRLF, and WPT are present in potential habitat, the applicant will conduct a minimum of 2 years of surveys to determine the presence/absence of special-status amphibian and reptile species in accordance with the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS 2003) and the

Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005). There are no formal protocols for surveys for WPT, however protocol surveys for CTS and CRLF have a high likelihood of also detecting WPT. In consultation with the USFWS, and CDFW, the applicant may modify survey protocols to reflect site conditions and known utilization of habitat by CTS, CRLF, and WPT. In the absence of protocol surveys, ~~CDFW~~ the applicant will assume presence of CTS, CRLF, and WPT in all potential breeding and upland refugia habitats.

- b. To the extent feasible, all ground-disturbing activities will be designed to avoid impacts to suitable CTS, CRLF, and WPT upland habitat. Such avoidance measures may include adjusting access routes or choosing alternate locations.
- c. In the absence of conducting 2 years of protocol surveys or in the event protocol surveys detect CTS, CRLF, and WPT CDFW the applicant will consult with the CDFW and USFWS and obtain the necessary Incidental Take Authorization permits. Permit requirements may include (but not be limited to), after consultation will implement the following minimization measures during construction in suitable CTS habitat:
  - Prior to commencing ground disturbing activities, construction workers will be educated regarding CTS, CRLF, and WPT and the measures intended to protect ~~this~~ these species. ~~When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for CTS.~~
  - Burrows considered suitable for CTS will be determined by a qualified biologist, approved by CDFW and USFWS. All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist.
  - If CTS, CRLF, or WPT are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.

- All ground-disturbing work will occur during daylight hours in coordination with CDFW and USFWS, and depending on the level of rainfall and site conditions. ~~CDFW~~ The applicant's qualified biologist will monitor the National Weather Service (NWS) 72-hour forecast for the work area. If a 70% or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known CTS, ~~CRLF~~, or WPT breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the Project site before construction begins each day rain is forecast. If rain exceeds 0.25 inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known ~~CTS~~ breeding sites once they have been encircled with ~~CTS~~ exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving through areas within 1.3 miles of potential or known ~~CTS~~ breeding sites but outside of the ~~salamander~~ exclusion fencing (e.g. on roads).
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the CDFW and USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no

CTS, CRLF, or WPT are in the work area. Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for CTS, CRLF, and WPT. If any are found they will be allowed to move out of the construction area under their own accord.

- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
- A speed limit of 15 mph will be maintained on dirt roads.
- All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because CTS-animals may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from ponds, wetlands, or ~~and~~ the San Joaquin River channel. If it is not feasible to store hazardous materials 100 feet from ponds, wetlands ~~and~~ or the river channel, then spill containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.

With implementation of these mitigation measures, impacts to CTS, CRLF, and WPT as a result of potential future development on Sites A, B, or C would be reduced to a less-than-significant level.

- b,c. Sites A and B do not involve wetlands or potentially jurisdictional waters, but Site C includes a creek mapped in the National Wetlands Inventory along the eastern border of the site. Potentially jurisdictional features (drainage ditches) may also be present along the northern and western site boundaries. The general plan EIR identified the potential presence of jurisdictional aquatic features in San Juan Bautista and mitigation measure BIO-3a, which requires an analysis of potentially jurisdictional features, is applicable to rezone site C. The following edits to Mitigation Measure BIO-3a are recommended:

***Mitigation Measure***

BIO-3a: ~~Wetland A wetland~~ delineation shall be prepared by the applicant to document the extent of jurisdictional features on or adjacent to potential rezone site C. if any construction activity could result in impacts to wetlands/waters that may be potentially considered jurisdictional. If the wetlands/waters are deemed jurisdictional and construction activities are proposed that could impact these features, permits from the USACE, CDFW and/or RWQCB shall be obtained prior to construction, as needed. Setbacks from the wetlands/water features may be required to protect habitat and water quality.

The protection of linear aquatic features such as ditches, canals, creeks, streams, and rivers is typically accomplished through maintaining a buffer along both sides of the feature. The width and possible compatible uses within the buffer are typically dependent on a number of factors, including the:

- Extent and composition of vegetation present;
- Level of disturbance at the feature;
- Potential presence of special-status species; and
- Hydrologic connection and value of the feature.

The general plan EIR includes Mitigation Measure BIO-2a, which requires a 100-foot setback from all rivers, streams, creeks and wetlands, and is applicable to potential rezone site C. However, this measure does not include setback recommendations for jurisdictional man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation. If considered jurisdictional, a reduced buffer size may be sufficient to protect resources present along the ditches and creek at potential rezone site C. The following edits to Mitigation Measure BIO-2a is recommended:

***Mitigation Measure***

BIO-2a: A 100-foot setback area shall be established along all rivers, streams, and creeks within the planning area. The setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. A 100-foot setback area shall be established along wetlands not associated with creeks (i.e., seasonal wetland swales or ponds) within the planning area. The riparian setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. The wetland setback shall be measured from the outside edge of the wetland.

For man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation, a reduced setback distance may be appropriate. Modifications to the 100-foot buffer requirement may be considered when recommended by a qualified biologist and approved by the City of San Juan Bautista.

Development activities would be prohibited in the setback area; the City shall consider exceptions for open space recreational uses (i.e., trails, playfields, and picnic areas). No building or structures shall be developed in the setback area. The existing riparian woodland or wetland shall be protected from construction disturbance. Fencing shall be temporarily placed at the outside edge of the setback area. This fencing shall remain in-place until construction is complete. If recreational trails are placed within the buffer area, implement a revegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian woodland.

Project developers shall be required to retain creeks and wetlands in their natural channels rather than placing them in culverts or underground pipes, where feasible. Where stream banks must be deepened, widened or straightened, they should be landscaped and revegetated afterward. Where wetlands are impacted, they should be re-created afterwards. If impacts are incurred to creeks and/or riparian woodlands as part of development within the planning area, the project applicant shall develop and implement a riparian/wetland habitat mitigation and management plan. The plan shall specify the replacement ratio for impacts to riparian resources and to wetland resources, pursuant to current state and federal policies. The project applicant shall receive authorization to fill wetlands and "other" waters from the US Army Corps of Engineers, pursuant to the

requirements of the Clean Water Act. The project applicant shall also obtain a water quality certification (or waiver) from the Regional Water Quality Control Board, consistent with requirements of this State agency. The project applicant shall also obtain a 1601/1603 Streambed Alteration Agreement from the California Department of Fish and Game, pursuant to Fish and Game Code. These permits shall be received prior to any site grading that may occur in or immediately adjacent to creeks or wetlands.

The project applicant shall also receive authorization from the National Marine Fisheries Service for “take” of steelhead and from the U. S. Fish and Wildlife Service for “take” of California red-legged frog, if work cannot avoid impacts to creek resources and/or these species. Pursuant to provisions of the Section 404 permit, 1601/1603 Streambed Alteration Agreement and State water quality certification (or waiver), the project applicant shall implement a riparian/wetland mitigation plan, and any other measures so identified by regulatory agencies. This plan shall identify measures for the applicant to compensate for unavoidable impacts to riparian or wetland resources. A minimum 1:1 replacement ratio is typically recommended for impacted wetland resources to satisfy requirements of the U.S. Army Corps of Engineers and the Regional Water Quality Control Board (RWQCB). A minimum 3:1 replacement ratio is typically recommended for impacted riparian resources to satisfy requirements of the CDFG. The applicant shall also identify and implement a 5-year maintenance and monitoring program.

- d. As shown in general plan EIR map 4.4-7 (p. 163), San Juan Bautista is outside of major migratory corridors as identified by the California Essential Habitat Connectivity Project. Therefore, potential future development on any one of the rezone sites would not impact said wildlife corridors. Further, the general plan EIR states that given the urbanized environment of the city, its vehicular infrastructure, and human and pet presence, opportunities for wildlife movement in the urbanized portion of the City are minimal (p. 162); it is later stated that there would be no impact related to interfering with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (p. 163).
- e. The general plan EIR concluded that there would be no conflicts with any local policies or ordinances protecting biological resources since there are no existing local policies or ordinances governing biological resources apart from state and federal mandates (p. 165).

- f. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plan that applies to the City (City of San Juan Bautista 2015, p. 168).

## 5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1, 3, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

a,b. The proposed project would not alter the City's evaluation or review process addressing cultural resources. According to the general plan EIR (p. 188), "most of the area within San Juan Bautista and its sphere of influence is archaeologically sensitive." Mitigation Measure CULT-4b states, "The City shall require field surveys for projects in sensitive areas, and use of the SHPO Clearinghouse and the NAHC's list of sacred sites." Additionally, any and all future development as a result of the proposed project would be required to stop construction if historic, cultural, or paleontological resources are discovered, as required by general plan EIR Mitigation Measure CULT-1a, which requires that if a resource is discovered that all work come to a halt until the Coroner and Native American Heritage Commission are consulted. If the resources are found to be significant, the mitigation requires a qualified archaeologist recommend measures to protect the site or the area that contains archaeological, paleontological, or unique geological resources, or to draft a data recovery plan for excavation, analysis, and curation of the identified materials consistent with Public Resources Code §21083.2 and State CEQA Guidelines §15126.4(b) as they may be amended for any identified adverse effects to cultural and historic resources. If significant resources are discovered on site during construction activities, implementation of general plan EIR Mitigation Measure CULT-1a, which is required to be implemented with any development in San Juan Bautista, would ensure there would be not significant cultural resources impacts.

In addition to the above-mentioned mitigation, the City's adopted Historic Resource Preservation Ordinance (Chapter 11.06), which supports the protection of local

historical resources, would also be implemented if Site A is chosen for rezone as it is the only site that contains an existing structure. This structure would be analyzed under Section 11-06-070, which includes systematic inventory and identification of historic resources, and Section 11-06-080, which includes historic resource criteria. According to the *City of San Juan Bautista General Plan Update Background Report 2013-2014*, it is unlikely that the existing structure on Site A would meet the criteria for a historic resource as it is not located within the City's historic district or identified as a nationally registered place as indicated on Maps 13.1 and 13.2, respectively (City of San Juan Bautista 2014, p. 240 and 242, respectively). If the structure on Site A is considered to be historic, the developers would be required to comply with the procedures listed within Section 11-06-120, Site plan and design review permit procedure for historic resources.

- c. There is always the possibility of an accidental discovery of human remains during construction activities. Disturbance of Native American human remains is considered a significant adverse environmental impact.

Implementation of general plan EIR mitigation measure CULT 4b and CULT-1a discussed above would ensure possible impacts to accidentally discovered Native American human remains would not be significant.

There would be no increase in potential cultural resources impacts associated with rezoning one of the sites.

## 6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

a,b. The three primary sources of long-term energy consumption from the proposed project will be use of vehicle fuel, natural gas, and electricity. Future development on each of the potential rezone sites under the proposed zoning could result in increased energy consumption as compared to development under the existing zoning.

A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and enhancing energy conservation. For example, in the transportation sector, the representative legislation and standards for improving transportation fuel efficiency include, but are not limited to the Pavley I, the Advanced Clean Car standards, and Senate Bill 375. The gradual increased usage of electric cars powered with cleaner electricity will also reduce fossil fuel usage associated with transportation. In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to Senate Bill 350 and Executive Order B-16-12. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to Assembly Bill 2021, CALGreen, and Title 24 building standards. The San Juan Bautista enforces the California Building Code Standards through the development process. Conformance with applicable energy conservation/efficiency regulations and standards would ensure that the proposed project does not directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy.

## 7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Landslides? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Comments:

- a,c. **Known Earthquake Fault.** The San Andreas Fault runs through the City from northwest to southeast (refer to Figures 1 and 2); however, according to the general plan EIR, the City is “not classified as a hazard zone, because it is located on a creeping fault section of the San Andreas Fault line” (p. 209). The City has an earthquake development constraints map that shows a 100-foot buffer along the fault line and areas within this zone “should not be prime candidates for development or redevelopment” (City of San Juan Bautista 2015, p. 209).

Sites A and B, which are designated for commercial uses by the general plan, and Site C, which is designated for low density residential uses by the general plan are all not located within the above-mentioned fault zone and the rezone of the chosen site to high density residential would not change this. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

**Ground shaking.** The proposed project includes the rezone of Site A, B, or C from commercial or low density residential to high density residential. The impacts from seismic-related ground shaking would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

**Seismic-related Liquefaction.** The general plan EIR states that seismic ground failure risks such as liquefaction are minimal in the City due to its lack of flooding and extensive quantity of clay soils (p. 207). Further, the impacts from seismic-related liquefaction would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

**Landslides.** Landslides are determined in the general plan EIR to be unlikely due to the topography and the location of the City’s urban core (p. 207). Further, the impacts from landslides would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

**Unstable Soils.** The impacts related to unstable soils would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

- b. The impacts related to soil erosion would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

- d. The impacts related to expansive soils would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.
- e. The City currently provides sewer services (City of San Juan Bautista 2015, p. 221) and the existing land use designation of commercial for Sites A and B, and low density residential for Site C would hook in to the City's sewer system and not include the use of septic systems. The rezone and subsequent future development of the chosen site to high density residential uses would not change this, and, therefore, there would be no impact.
- f. There are no unique geologic features located on or adjacent to any one of the rezone sites.

The rezone of the chosen site from either a commercial or low density residential use to a high density residential use would not increase the potential impacts related to paleontological resources.

## 8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1, 3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a,b. The general plan EIR found that implementation of the general plan would not generate greenhouse gas emissions (GHG) that exceed the plan-level efficiency-based threshold of 6.6 MT CO<sub>2</sub>e per service population per year, which is based on the California Air Resources Board's (CARB) emissions reduction goals.

The City of San Juan Bautista is located within the boundaries of the Monterey Bay Air Resources District ("air district"). To date, the air district has not adopted CEQA guidance for analysis of GHG effects of land use projects (e.g. numerical thresholds of significance,) nor has it prepared a qualified GHG reduction plan for use/reference by local agencies located within the air district. Further, San Benito County and the City have not adopted a GHG reduction emissions plan or climate action plan (City of San Juan Bautista 2015, p. 240). Therefore, the applicable plan or policy for regulating emissions of greenhouse gases is the statewide emissions targets set by CARB, which requires reducing emissions below the 6.6 MT CO<sub>2</sub>e per capita thresholds of significance.

GHG emissions that would be generated by construction and operation of future development on Sites A, B, and C under the existing zoning and under the proposed zoning have been estimated using California Emissions Estimator Model Version 2016.3.2. Refer to [Appendix B, CalEEMod Results](#), for detailed results. The GHG emissions associated with each site are discussed below.

#### *Site A*

**Existing Zoning.** Total construction emissions are projected at 70.97 MT CO<sub>2</sub>e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 2.37 MT CO<sub>2</sub>e per year. Operational emissions are projected at

943.56 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site A under existing zoning would be the sum of amortized construction emissions and operational emissions or 945.93 MT CO<sub>2e</sub> per year.

**Proposed Zoning.** Total construction emissions are projected at 69.06 MT CO<sub>2e</sub>. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 2.30 MT CO<sub>2e</sub> per year. Operational emissions are projected at 213.61 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site A under proposed zoning would be the sum of amortized construction emissions and operational emissions or 215.91 MT CO<sub>2e</sub> per year. This is less than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site A under proposed conditions would be the number of residents or 56 (from Table 2). Future development on Site A under proposed zoning would generate approximately 3.86 MT CO<sub>2e</sub> per year per service population (215.91/56). This is below the threshold of 6.6 MT CO<sub>2e</sub> per service population per year.

### ***Site B***

**Existing Zoning.** Total construction emissions are projected at 324.64 MT CO<sub>2e</sub>. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.82 MT CO<sub>2e</sub> per year. Operational emissions are projected at 2,406.08 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site B under existing zoning would be the sum of amortized construction emissions and operational emissions or 2,416.90 MT CO<sub>2e</sub> per year.

**Proposed Zoning.** Total construction emissions are projected at 319.30 MT CO<sub>2e</sub>. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.64 MT CO<sub>2e</sub> per year. Operational emissions are projected at 546.14 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site B under proposed zoning would be the sum of amortized construction emissions and operational emissions or 556.78 MT CO<sub>2e</sub> per year. This is less than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site B under proposed conditions would be the number of residents or 146 (from Table 2). Future development on Site B under proposed zoning would generate approximately 3.81 MT CO<sub>2e</sub> per year per service population (556.78/146). This is below the threshold of 6.6 MT CO<sub>2e</sub> per service population per year.

### *Site C*

**Existing Zoning.** Total construction emissions are projected at 280.93 MT CO<sub>2e</sub>. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 9.36 MT CO<sub>2e</sub> per year. Operational emissions are projected at 264.30 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site C under existing zoning would be the sum of amortized construction emissions and operational emissions or 273.66 MT CO<sub>2e</sub> per year.

**Proposed Zoning.** Total construction emissions are projected at 319.30 MT CO<sub>2e</sub>. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.64 MT CO<sub>2e</sub> per year. Operational emissions are projected at 546.14 MT CO<sub>2e</sub> per year. Therefore, total GHG emissions associated with future development on Site C under proposed zoning would be the sum of amortized construction emissions and operational emissions or 556.78 MT CO<sub>2e</sub> per year. This is greater than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site B under proposed conditions would be the number of residents or 146 (from Table 2). Future development on Site C under proposed zoning would generate approximately 3.81 MT CO<sub>2e</sub> per year per service population (556.78/146). This is below the threshold of 6.6 MT CO<sub>2e</sub> per service population per year.

Therefore, future development on each of the three potential rezone sites under proposed zoning would generate GHG emissions that do not exceed the threshold of significance and would not conflict an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

## 9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a. The current designation of the potential rezone sites as commercial or low density residential uses do not involve the transport or use of significant quantities of hazardous materials. The rezone of one of the sites to high density residential uses would not change this and, therefore, there would be no impact.

- b. The general plan EIR states that the general plan does not propose any land uses that would create accident conditions for the release of hazardous materials in the long-term (p. 259). The general plan also anticipates commercial uses at Sites A and B, and low density residential uses at Site C, which would not involve a significant hazard to the public or the environment through hazardous materials. The rezone of the chosen site to high density residential would not change this and, therefore, there would be no impact.
- c. Although Sites A and B are not within one-quarter mile of an existing school, Site C is within one-quarter mile of San Juan School. However, the general plan anticipates low density residential at Site C and, therefore, does not anticipate the emissions or the handling of hazardous materials at this site. If Site C were chosen to be rezoned to high density residential, the circumstances would not change; no emissions or handling of hazardous materials would occur at the site.
- d-f. According to the general plan EIR, the City does not include any sites listed on the hazardous materials compilation pursuant to Government Code section 65962.5 (p. 260) and, thus, there would be no impact.

The City, inclusive of all three rezone sites, is also located 12 miles southwest of the Hollister Municipal Airport (City of San Juan Bautista 2015, p. 255) and, therefore, there would be no safety hazard or excessive noise for people residing or working in the area.

The existing designations of the potential rezone sites of commercial or low density residential do not include changes to any roadways. The rezone of the chosen site to high density residential would not change this and, therefore, there would be no impact related to an emergency response plan or emergency evacuation plan.

- g. All three rezone sites are within high or moderate fire severity zones according to San Benito County's WebGIS. However, the general plan EIR illustrates on Map 4.8-2 that each site is within the "Preferred Land Use and Growth Areas," which supports the commercial or low density residential uses that are anticipated by the general plan at each of the rezone sites. Therefore, the rezone of the chosen site to high density residential would not increase the potential impacts related to wildfires as development is currently anticipated at each site for either commercial or low density residential uses.

There would be no increase in potential hazards and hazardous materials impacts associated with rezoning one of the sites.

## 10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Impede or redirect flood flows? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

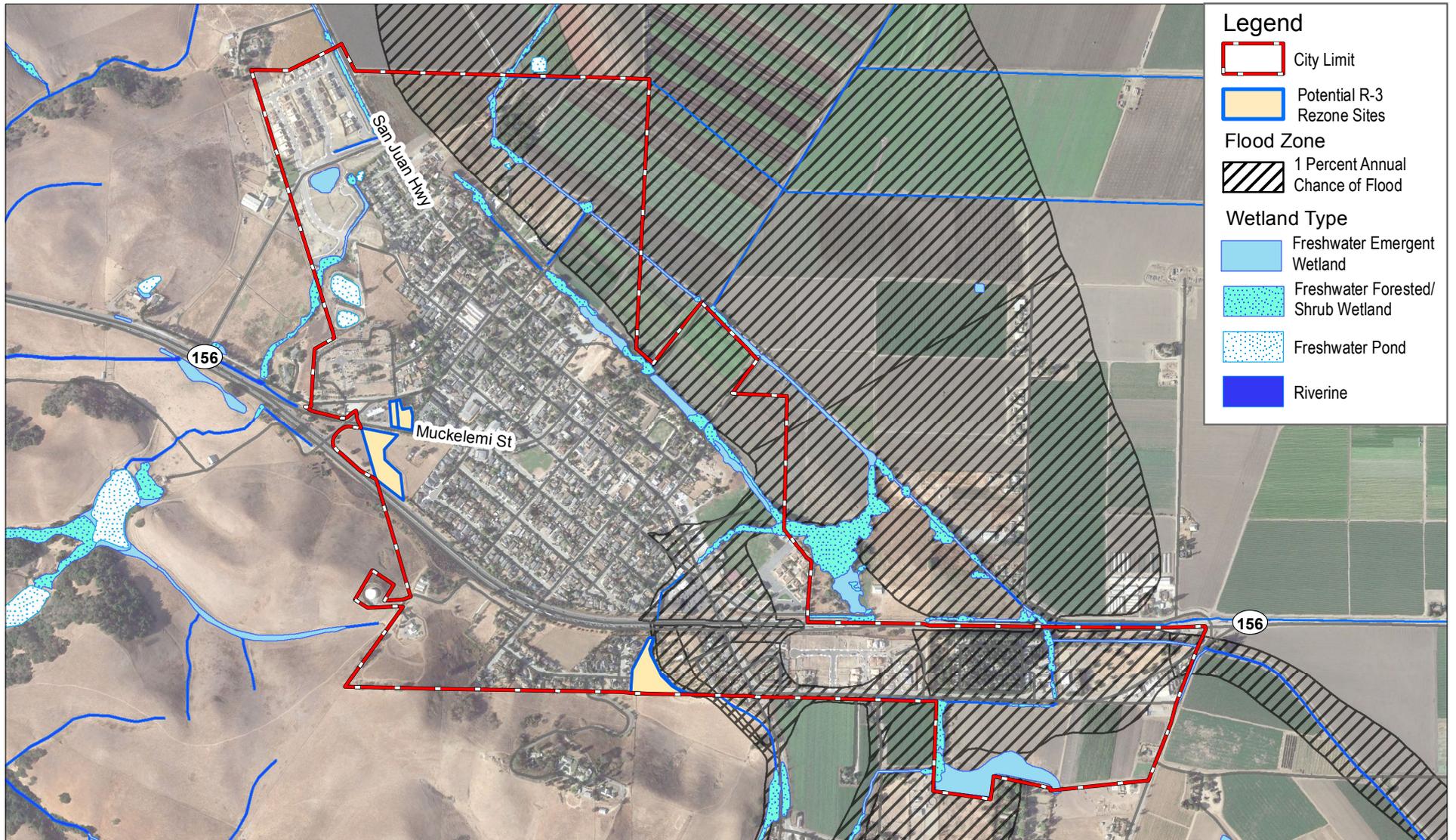
## Comments:

- a. General Plan Policies CO 2.1.1 and PF 1.1.2 encourage the improvement and protection of City's water quality and groundwater supply. The State Water Resources Control Board is responsible for regulating and permitting the City's storm water discharges under the National Pollutant Discharge Elimination System ("NPDES") General Permit/Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Water Sewer System. The intent of the NPDES permit is to mitigate pollution from storm water run-off and storm water drainage systems in order to minimize impact to water quality and groundwater. This will also reduce or prevent the impacts from accidental discharge of contaminants into the City's water supply.

The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to water quality standards or waste discharge requirements. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.

- b. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts on groundwater supply or recharge. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.
- c. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to erosion or siltation on- or offsite; flooding on- or offsite; exceeding the capacity of existing or planned storm water drainage systems; or the redirecting flood flows. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.
- d. According to the general plan EIR, the City's location has minimal to no risk for flood hazards including sea level rise, tsunamis, inundation by seiche, and mudflow (p. 294). In addition, Sites A, B, and C are not located within any of these hazard zones; see [Figure 6, Existing Flood Hazards and Wetlands](#).
- e. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to a conflict with a water quality control plan or sustainable groundwater management plan. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.

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Source: ESRI 2019, San Benito County GIS 2016, FEMA 2019



Figure 6  
**Existing Flood Hazard and Wetlands**  
 San Juan Bautista 2015-2019 Housing Element Initial Study

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## 11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a. Projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. None of these activities are planned as part of the rezone of the chosen site from commercial or low density residential uses to high density residential uses. Therefore, would not physically divide an established community.
- b. The proposed project involves the rezone of the chosen site from commercial or low density residential uses to high density residential uses. This rezone and subsequent future development to high density residential uses would not increase impacts related to a conflict with any land-use plan, policy, or regulation.

## 12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a,b. According to the City’s general plan EIR, there are no mineral resources sites located within the City limits (p. 329) and, therefore, the proposed project would not result in the loss of availability of a known or locally important mineral resource.

There would be no increase in potential mineral resources impacts associated with rezoning one of the sites.

## 13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a,b. The proposed project includes the rezone of Site A, B, or C from commercial or low density residential to high density residential. The impacts related to temporary or permanent increases in ambient noise levels, and ground-borne vibration levels would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site to high density residential.
- c. There are no airports or airport land use plans within the City (City of San Juan Bautista 2015, p. 361) and as a result, the proposed project would not result in exposure of people residing or working in the project area to excessive noise levels.

There would be no increase in noise impacts associated with rezoning one of the sites.

## 14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a. As required by State law, the proposed project is designed to address the housing needs projected for the City by ensuring that sufficient sites are available and that existing constraints are reduced or removed in order to encourage housing production to meet the community’s need. The proposed project is designed to facilitate the development of high density housing in order to meet anticipated population growth and would result in an increase in population. However, the increase in population that would result from the rezone of the chosen site would not constitute a substantial unplanned population growth as the general plan anticipates increased growth in its population up to 2035; therefore, this impact would be less than significant.
- b. Development on any one of the rezone sites would not displace people or housing, necessitating the construction of replacement housing elsewhere.

## 15. PUBLIC SERVICES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

a-e. See Section 14.0, Population and Housing, checklist question a). The proposed project has the potential to result in an additional 55 high density housing units with an additional population of 146 people. This has the potential to impact public services and facilities in a manner that could require the need for new or physically altered facilities, the construction of which would result in an adverse environmental impact.

Sites A, B, and C consist of commercial or low density land use designations and the chosen site would be rezoned to high density residential. The rezone of the chosen site may increase impacts related to public services but not to a significant level.

Therefore, there would be a less than significant impact on public services and facilities.

## 16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a,b. See Section 14.0, Population and Housing, checklist question a). The proposed project has the potential to result in an additional 55 high density housing units with an additional population of 146 people. However, as stated in the previous Section 15.0, Public Services, rezone of the chosen site may increase impacts related to public facilities, such as recreation facilities, but not to a significant level. Therefore, there would be a less than significant impact on existing recreational facilities.

## 17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a,f. In general, multi-family housing produces approximately the same volume (or only slightly more) of daily traffic as retail commercial uses (as is the case with Site A and B) (commercial use: 1 acre = 43,560 sf; 43,560 sf x .4 FAR = 17,424 sf of floor area; 17,424 sf x 9 trips/1,000 sf = 157 trips; residential use: 1 acre x 24 du/acre = 24 du; 24 du x 7 trips/du = 168 trips). In terms of re-zoning/re-designation from low-density

residential to multi-family residential use (as is the case with Site C), multi-family residential use would generate more than twice as much traffic than the low-density residential use it replaced (low-density residential: 1 acre x 7 du/acre = 7 du; 7 du x 10 trips/du = 70 trips; multi-family residential: 1 acre x 24 du/acre = 24 units; 24 du x 7 trips/du = 168 trips). Therefore, the proposed project could result in substantially greater traffic or conflict with an applicable plan, ordinance, or policy addressing the circulation system in the area, including transit, roadway, bicycle and pedestrian facilities.

However, this significant impact would be reduced to a level of less than significant with implementation of general plan EIR Mitigation Measure TRANS-1, which requires the preparation of a travel impact study prior to approval of a development application to evaluate traffic and transportation impacts associated with the proposed development.

- b. As stated in the general plan EIR, there is no County or City Congestion Management Programs in place for the City of San Juan Bautista or San Benito County (p. 435), and, therefore, the proposed project would have no conflicts.
- c. There are no airports located within or near the City. Therefore, the proposed project would not result in the change of any air traffic patterns.
- d,e. Development as any one of the rezone sites would not include geometric design features that would increase hazards or include incompatible uses because all development would be subject to design and safety standards, specified under the City's Municipal Code, which references the California Building Code and portions of the International Fire Code (City of San Juan Bautista 2015, p. 436). In addition, future development would not provide inadequate emergency access as it would be required to comply with the City's Municipal Code, which regulates access on new development sites, as presented in the general plan EIR (p. 436).

## 18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a. Letters were sent on May 20, 2019 to a list of four tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. No responses were received under AB 52; therefore, no discussion is required.

A response was received under SB 18, which is discussed in Section 5.0 Cultural Resources.

## 19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Comments:

- a,c. **Water Demand.** The City's general plan EIR conservatively estimated water demand with build out of the general plan. The City concluded that new water facilities (i.e. the City's new pellet plant) may be required in order to accommodate the growth as a result of buildout of the general plan (Mitigation Measure US-2, p. 467). Development of the chosen site could impact the City's water facilities and high density residential uses could result in higher levels of water use than the currently anticipated commercial or low density residential uses. However, the impacts would not create significant impacts that would result in the need for new water facilities.

Any impacts related to water capacity would be also be mitigated by the requirement of a development impact fee as stated in the City's Municipal Code, Chapter 3-8, Article 4.

**Wastewater Generation and Treatment.** The City's wastewater treatment plant provides wastewater collection and treatment to residents of the City. Rezone of the chosen site from commercial or low density residential to high density residential may increase impacts on the capacity of the wastewater treatment plant. The wastewater treatment plant is located on the western border of the City limits and north of the City cemetery and has a dry capacity of 270,000 gallons per day ("gpd") and a wet capacity of 500,000 gpd (City of San Juan Bautista 2015). According to the general plan EIR, the wastewater treatment plant was processing up to 176,000 gpd in 2012 (p. 454). The general plan EIR states that even with a population increase, the wastewater treatment plant has enough capacity to accommodate buildout of the general plan (p. 454). Although development of the chosen site could impact the City's wastewater facilities and high density residential uses could result in higher levels of water use than the currently anticipated commercial or low density residential uses, the impacts would not create significant impacts that would result in the need for new wastewater facilities. In addition, the City has development impact fees within its Municipal Code, Chapter 3-8 Article 5, which would further ensure these impacts on wastewater consumption or wastewater treatment as a result of the proposed project would be less than significant.

**Storm Water.** As stated in the general plan EIR, the City does not have a coordinated drainage system and, therefore, improvements to the storm drain system are already anticipated even without the future growth anticipated at buildout of the general plan (p. 460). Although development of the chosen site could impact the City's storm water system, the rezone of the chosen site would not create significant impacts that would result in the need for new storm water facilities as the general plan currently anticipates commercial or low density residential uses at each site.

The proposed project would also not require the construction or relocation of new or expanded electric power, natural gas, or telecommunication facilities.

- b. The proposed project promotes high density housing development and, in general, high density residential uses could result in higher levels of water use than the existing anticipated uses of commercial or low density residential. However, the City has sufficient water supply for what would be a modest increase in water usage. The general plan EIR evaluated the impacts to the City's water supply and concluded that San Juan Bautista has adequate groundwater resources to accommodate the

population as well as the projected population growth (p. 282). Therefore, impact related to the City's water supply as a result of the proposed project would be less than significant.

- d. As stated in the City's general plan EIR, the City's solid waste is managed by the County's Integrated Waste Management Department and San Juan Bautista residents and businesses send 836 tons of waste to John Smith Road Landfill in an average year (p. 464). The general plan EIR states that due to the City's low per-capita disposal rate and small population, there would be minimal impact on the existing landfill capacity (p. 465). Rezone of the chosen site could result in an increase in the demand for solid waste disposal; however, the increase would not result in solid waste amounts that would significantly impact the capacity at the John Smith Road Landfill.
- e. The primary relevant state regulation pertaining to the proposed project is California Integrated Waste Management Act (AB 939), which requires cities and counties to divert 50 percent of their solid waste from landfills. The City has met its diversion goal of 50 percent (City San Juan Bautista 2015, p. 467). Therefore, the proposed project would be in compliance with solid waste regulations and there would be no impact.

## 20. WILDFIRE

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

According to the general plan, the three rezone sites are all located near or on lands classified as very high fire hazard severity zones (Map 4.14, p. 60). The proposed project, which includes re-zoning/re-designation for additional residential use, could subject additional population to wildfire risk.

- a. The proposed project would not impair an adopted emergency response plan or emergency evacuation plan because development associated with the chosen site would not be located in an area that would affect emergency services or evacuation of the City.
- b. See Section 9.0, Hazards and Hazardous Materials, checklist question g). Rezone of the chosen site to high density residential would not significantly increase the potential impacts related to exacerbating wildfires as development is currently

anticipated at each site for either commercial or low density residential uses. Further, each potential rezone site is relatively flat and, therefore, would not exacerbate wildfire risks due to slope or prevailing winds.

- c. See Section 9.0, Hazards and Hazardous Materials, checklist question g). The rezone and subsequent development of the chosen site from commercial or low density residential to high density residential could require the installation of associated infrastructure. However, rezone of the chosen site to high density residential would not exacerbate fire risk to a significant level as development is currently anticipated at each site for commercial or low density residential uses.
- d. See Section 9.0, Hazards and Hazardous Materials, checklist question g). The development of the chosen site would minimally increase the population, which would place people and structures in way of wildfire risks. However, refer to Section 7.0, Geology and Soils, checklist questions a/c); impacts related to landslides would not change from a commercial or low density residential use to high density residential uses with rezone of the chosen site. Therefore, rezone of the chosen site would result in less than significant impacts associated with exposing people or structures to wildfire risks.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 2, 3, 4, 6, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1, 2, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in significant impacts related to the increase the potential for the substantial degradation of the quality of the environment; would not substantially reduce the habitat of a fish or wildlife species; would not cause a fish or wildlife population to drop below self-sustaining levels; would not threaten to eliminate a plant or animal community; would not substantially reduce the number or restrict the range of an endangered, rare, or threatened species; and would not eliminate important examples of the major periods of California history or prehistory.

- b. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in significant impacts that are individually limited, but cumulatively considerable.
  
- c. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in substantially greater adverse effects on human beings, either directly or indirectly, than the current land use designations of the rezone sites of commercial and low density residential.

## E. SOURCES

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All documents in **bold** are available for review at the City of San Juan Bautista City Hall, 311 2nd Street, San Juan Bautista, California 95045, (831) 623-4661, during normal business hours.