



# Lee Subdivision Project

## Final Environmental Impact Report State Clearinghouse No. 2022020429

*prepared by*

**County of San Benito**  
Resource Management Agency, Planning Division  
2301 Technology Parkway  
Hollister, California 95023  
Contact: Arielle Goodspeed, Principal Planner

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
2511 Garden Road, Suite C250  
Monterey, California 93940

**November 2022**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

# Table of Contents

---

Responses to Comments on the Draft Supplemental EIR .....	1
Letter 1.....	2
Letter 2.....	13
Letter 3.....	17
Letter 4.....	22
Letter 5.....	25
Amendments to the Draft Supplemental EIR .....	40

*This page intentionally left blank.*

## Responses to Comments on the Draft EIR

---

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) prepared for the Lee Subdivision Project (Project).

The Draft EIR was circulated for a 45-day public review period that began on August 26, 2022 and ended on October 10, 2022. The County of San Benito received five comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter	Page No.
1 Rob Hillebrecht, P.E., Associate Engineer, Sunnyslope County Water District	2
2 Mary J. Whitaker Anderson	13
3 Monique Wilber, Conservation Program Support Supervisor, California Department of Conservation	17
4 Chris Bjornstad, Associate Transportation Planner, California Department of Transportation	22
5 Shawn Tennenbaum, Superintendent, San Benito High School District	25

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

# Letter 1

**From:** Robert Hillebrecht <[rob@sunnyslopedwater.org](mailto:rob@sunnyslopedwater.org)>  
**Sent:** Monday, September 12, 2022 5:00 PM  
**To:** Dana Serpa-Ostoja <[DOstoja@cosb.us](mailto:DOstoja@cosb.us)>  
**Cc:** Arielle Goodspeed <[AGoodspeed@cosb.us](mailto:AGoodspeed@cosb.us)>; Abraham Prado <[APrado@cosb.us](mailto:APrado@cosb.us)>; Michael Kelly <[MKelly@cosb.us](mailto:MKelly@cosb.us)>; Jonathan Olivas <[JOlivas@cosb.us](mailto:JOlivas@cosb.us)>; Victor Tafoya <[VTafoya@cosb.us](mailto:VTafoya@cosb.us)>; Stan Ketchum <[SKetchum@cosb.us](mailto:SKetchum@cosb.us)>; Stephanie Reck <[SReck@cosb.us](mailto:SReck@cosb.us)>  
**Subject:** RE: Lands of Lee Subdivision Project, Pln200051, DEIR Notice of Availability

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dana and other County Planners,

Please find attached a letter listing Sunnyslope County Water District's comments about the Lee Subdivision Draft EIR.

Sunnyslope is capable and willing to provide water service. However, I am not prepared to promise that Sunnyslope would provide wastewater service through Wastewater Option 1. Wastewater Option 2 is much more preferred, but is dependent on the City of Hollister agreeing with Sunnyslope to sell treatment and transmission capacity of their wastewater system to Sunnyslope.

1.1



If you have any questions or concerns, please feel free to call or email me.

**Rob Hillebrecht, P.E.**

**Associate Engineer**

3570 Airline Hwy, Hollister, CA  
Office Phone (831) 637-4670  
Cell Phone (760) 484-6866



# Sunnyslope Water District

3570 Airline Highway Phone (831) 637-4670  
Hollister, California 95023-9702 Fax (831) 637-1399

September 12, 2022

San Benito County Planning Department

**RE** Sunnyslope Comments on Draft EIR for Lee Subdivision Project

Dana Serpa-Ostojia

I have reviewed the Draft EIR for the Lands of Lee Subdivision Project. Please find Sunnyslope Water District's comments regarding this EIR below.

1. Page 2-10, Section 2.5.7 – The second to last sentence in 2.5.7 states that the potable water system would be maintained by Sunnyslope and funded through a CFD. However, the water system will NOT be funded through a CFD but rather Sunnyslope will fund the maintenance and operation of the water system through our monthly water rates. 1.2
2. Page 2-11, third paragraph – San Benito County would NOT maintain the on-site sanitary sewer system, but rather Sunnyslope would own and maintain the entire sewer collections system, both on-and-off-site. Costs for maintaining the general sewer system would be funded through monthly sewer rates to Sunnyslope. Cost for operation and maintenance of the lift station may be funded through a specific fee for those homes that use the lift station so that this additional cost is not borne by existing customers. 1.3
3. Page 2-11, Wastewater Option 1 -- This is not the preferred option, and Sunnyslope's Board might not be willing to do it. It is also dependent upon the Ridgemark Golf Course Phase 1 development sewer improvements happening first. 1.4
4. Page 2-11, Wastewater Option 1 off-site improvements – The development would need to participate in the cost of the proposed sewer improvements in the Ridgemark Golf Course Development Phase 1 to effectively transport the wastewater to Sunnyslope's WWTP. Those improvements would need to be completed before sewer could be served to Lee. 1.5
5. Page 2-11, Wastewater Option 1 – For Option 1, improvements would need to be made at the Main Lift Station (such as replacing the pumps with larger ones), and at the Ridgemark WWTP such as building an equalization tank. This would bring the Ridgemark WWTP right up to its capacity. The RWQCB may require other modifications to the WWTP to ensure it has adequate capacity. 1.6
6. Page 4.7-1 – Will turn pockets be added to Fairview Road at the intersection with Old Ranch Road? I think that it would be very unsafe for vehicles to stop in the middle of normal drive lanes on Fairview to turn into Old Ranch Road. With this many homes, many vehicles would have to make these turns daily. 1.7

- |  |      |
|--|------|
| 7. Page 4.9-1 – Sunnyslope currently serves about 7,200 water accounts, not the 6,440 that was cited.  | 1.8  |
| 8. Page 4.9-4 – Wastewater Option 1 is NOT the preferred method of sewer service, and Sunnyslope’s Board might not be willing to approve such service.   | 1.9  |
| 9. Page 4.9-4 – See Comments 4 and 5.  |      |
| 10. Page 4.9-4 – Wastewater Option 2 is VERY much the preferred scenario, and likely the only one that is realistically feasible.  | 1.10 |
| 11. Page 4.9-15 – San Benito County Water District (SBCWD) is the agency responsible for managing the groundwater (GSA) and is the imported water wholesaler. Sunnyslope delivers treated surface water purchased from SBCWD to the M&I end users within its Boundary. Sunnyslope owns and operates 5 wells and operates the Lessalt and West Hills Surface Water Treatment Plants under contract for SBCWD (who owns the plants). Sunnyslope owns and maintains the water distribution system within its boundary to serve potable water.   | 1.11 |
| 12. Page 4.9-16 – The estimated wastewater generation of 8,945 gallons per day seems quite low for 141 homes. That would have each home producing only 63.5 gallons per day, whereas the average daily wastewater generation per house for Sunnyslope’s current sewer customers is closer to 120 gallons per day. Although new homes are more efficient and produce less wastewater than older homes, it is hard to believe that wastewater generation from this project would be half of our current average.   | 1.12 |
| 13. Page 4.9-16 – Manhole L-5-1 is associated with Sunnyslope’s existing wastewater collection system, not the manhole to connect to the City’s sewer collection system at the intersection of Old Ranch Rd. and Fairview Rd. In fact, there currently is not a manhole there, only an extension of the City’s sewer collection system. A new manhole would need to be installed.  | 1.13 |
| 14. Page 4.9-20 – Impact UTIL-3 does not address that Sunnyslope has other previous commitments to provide sewer for potential developments within its current wastewater service area. These include the Promontory at Ridgemark, Vista del Calabria, Ridgemark Golf Course Development, and the Ridgemark Assisted Living facility. If Wastewater Option 2 is enacted, Sunnyslope would also be providing sewer for the Fairview Corners development and the Gavilan College. Should all these commitments come to fruition, the Ridgemark WWTP would be just at operational capacity. To accommodate all this, several significant improvements would need to be made at the facility, including at a minimum a) an equalization tank b) upgrades to the Main Lift Station to handle the additional flow c) additional emergency capacity and/or bypass, additional drying bed space, and potentially more. | 1.14 |

Thank you for your time in addressing my questions and comments. If you have any additional questions or need further clarification of mine, please do not hesitate to call me at (831) 637-4670 or email me at [rob@sunnyslopewater.org](mailto:rob@sunnyslopewater.org).

Sincerely,

Rob Hillebrecht, P.E.  
Associate Engineer  
Sunnyslope County Water District

## Letter 1

**COMMENTER:** Rob Hillebrecht, P.E., Associate Engineer, Sunnyslope County Water District

**DATE:** September 12, 2022

### Response 1.1

The commenter states that Sunnyslope County Water District (SCWD) is capable and willing to provide water services to the project site. The commenter also states that SCWD is not prepared to promise that it would provide wastewater service under Wastewater Option 1 and expresses a preference for Wastewater Option 2, under which the City of Hollister would provide wastewater service.

This comment is noted. Both Wastewater Treatment Options are described in the project description in Section 2 of the Draft EIR and analyzed throughout the Draft EIR in Sections 3 through 6. As this comment does not pertain to the environmental analysis presented in the Draft EIR, no edits or further responses are required. The comment has been noted and will be passed onto decisionmakers.

### Response 1.2

The commenter notes that page 2-10 of the Draft EIR states that the potable water system would be maintained by a community facilities district (CFD). The commenter states that this is incorrect and asserts that SCWD will fund the maintenance and operation of the water system through monthly water rates.

The following edit has been made to page 2-10 in Section 2, *Project Description*, to reflect the information provided by the commenter. This change is also reflected in *Amendments to the Draft EIR*, below.

...The proposed on-site potable and non-potable systems would be dedicated to SCWD for maintenance, funded through ~~a CFD~~ monthly water rates collected by SCWD. Figure 2-7 shows the proposed location for new potable and non-potable water mains on site.

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it simply addresses the mechanism to be used for financing future maintenance. Accordingly, this revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

### Response 1.3

The commenter states that there is an error present on page 2-11 of the Draft EIR, noting that San Benito County would not maintain the on-site sanitary sewer system. The commenter states that the sewer system maintenance, both on- and off-site, would be the responsibility of the SCWD.

The following edit has been made to page 2-11 in Section 2, *Project Description*, to reflect the information provided by the commenter. This change is also reflected in *Amendments to the Draft EIR*, below.

The project applicant would construct the required on-site and off-site facilities. ~~San Benito County~~ SCWD would maintain the on-site system, including the on-site wastewater lift station,

with the maintenance costs financed through the collection of monthly wastewater rates a ~~CFD~~. SCWD would continue to maintain its system south of Old Ranch Road, and the City of Hollister would maintain its collection and treatment systems.

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it simply addresses the mechanism to be used for financing future maintenance. Accordingly, this revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

#### **Response 1.4**

The commenter expresses that Wastewater Option 1 is not SCWD's preferred option and notes that SCWD's Board may not be willing to implement that option. The commenter also states that Wastewater Option 1 is dependent on the Ridgemark Golf Course Phase 1 development sewer improvements being constructed first.

This comment is noted. Both Wastewater Treatment Options are analyzed throughout the Draft EIR, and the County intends to approve both options with project approval, adopting the mitigation measures required for the implementation of either option. As this comment does not pertain to the environmental analysis presented in the Draft EIR, no edits are required. The comment has been noted and passed onto decisionmakers.

#### **Response 1.5**

The commenter states that if the proposed project utilizes Wastewater Option 1, that the project would need to participate in sharing the cost of the proposed sewer improvements of the Ridgemark Golf Course Phase I to transport wastewater to SCWD's wastewater treatment plant (WWTP). The commenter notes that these improvements would need to be made prior to servicing the proposed project.

Required improvements to the existing sewer system are described in Section 2.5.7, *Utilities*, of the Draft EIR. These improvements include a new wastewater main in Fairview Road, a new lift station, upsizing various pipes within the Ridgemark Golf Course development area, and improvements to the SCWD Main Lift Station. However, as described under Impact UTIL-1 in Section 4.9 of the Draft EIR, additional improvements to existing wastewater conveyance and treatment systems would not be required, because adequate capacity is available to accommodate the project. The project applicant would pay the appropriate connection and fair share developer fees related to necessary wastewater improvements under the selected wastewater treatment option. Wastewater connection fees would be associated with the treatment facility where wastewater would be discharged.

#### **Response 1.6**

The commenter claims that for Wastewater Option 1, improvements would need to be made at the Main Lift Station and Ridgemark WWTP. The commenter states that this would bring Ridgemark WWTP up to its current capacity. The commenter states that the Regional Water Quality Control Board may require modifications to the WWTP to ensure it has adequate capacity.

Required improvements to the existing sewer system, including the Main Lift Station, are described in Section 2.5.7, *Utilities*, of the Draft EIR. However, as described under Impact UTIL-1 in Section 4.9

of the Draft EIR, wastewater generated by the proposed project would not exceed the total available capacity of the Ridgemark WWTP, based on the existing remaining capacity of the plant (0.19 million gallons per day of remaining capacity, which equals over 50 percent of its design capacity).<sup>1</sup> Therefore, contrary to the comment's assertions, no improvements to the WWTP would be necessary to serve the proposed project under Wastewater Treatment Option 1.

### **Response 1.7**

The commenter inquires if turn pockets will be added to Fairview Road at its intersection with Old Ranch Road. The commenter expresses concerns regarding traffic safety and vehicle turning in the vicinity of the project site.

At this time, turn lane pockets on Fairview Road at its intersection with Old Ranch Road are not proposed. Please refer to Section 4.7, *Transportation*, for additional information regarding traffic safety. Impact TRA-3 analyzes whether the project would substantially increase hazards, such as through the creation of dangerous intersections, and concluded the project would have a less than significant impact. As stated therein, the main site access would be provided from Fairview Road via Old Ranch Road, which would provide full access to the project site for future residents. Vehicles would turn from Fairview Road onto Old Ranch Road, but as there is no stop sign, vehicles would likely not come to a complete stop to complete the turn. California Vehicle Code 21703 requires that "[t]he driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway." It is speculative to assume that travelers along Fairview Road would not obey the relevant traffic laws, and additional traffic would not increase the danger of the intersection, as the intersection design is the primary determinant of traffic danger. No changes to the Draft EIR are needed. It should be noted that the County is considering conditions of approval for traffic congestion improvements related to additional vehicle trips generated by the proposed project.

### **Response 1.8**

The commenter notes that on page 4.9-1, the Draft EIR states that SCWD holds 6,440 water accounts. The commenter states that the actual number of water account is 7,200 and that should be corrected.

The following edit has been made to page 4.9-1 in Section 4.9, *Utilities and Service Systems*, to reflect the information provided by the commenter. This change is also reflected in *Amendments to the Draft EIR*, below.

...SCWD currently serves approximately ~~6,400~~ 7,200 water accounts, approximately 99.8 percent of which are residential customers (SCWD 2022a).

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it updates background information related to the environmental setting. Accordingly, this

---

<sup>1</sup> Per data cited in the Draft EIR:

County of San Benito. 2015. "Final Environmental Impact Report for the 2035 San Benito County General Plan Update (SCH #2011111016)." <https://www.cosb.us/departments/resource-management-agency/building-planning/general-plan/2035-general-plan-background-materials-and-historical-documents> (accessed February 2022).

SCWD. 2020. "2019 Annual Engineering Technical Report." January 21, 2020. <https://www.sunnyslopewater.org/ridgemark-wastewater-treatment-annual-engineeringreport> (accessed January 2022).

revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

### **Response 1.9**

The commenter repeats that Wastewater Option 1 is not preferred and that SCWD's Board may not be willing to provide such service.

Please refer to Response 1.1. This comment is noted. Both Wastewater Treatment Options are analyzed throughout the Draft EIR. As this comment does not pertain to the adequacy of the environmental analysis presented in the Draft EIR, no edits are required. The comment has been noted and passed onto decisionmakers.

### **Response 1.10**

The commenter states that Wastewater Option 2 is very much the preferred wastewater scenario and asserts that it is likely the only scenario that is feasible.

The commenter's opinion is noted. As this comment does not pertain to the adequacy of the environmental analysis presented in the Draft EIR, no edits are required. Based on the analysis provided in the Draft EIR, both wastewater options are feasible, as adequate capacity at both wastewater treatment plants exists that could serve the proposed project. The County intends to approve both wastewater options with project approval, adopting the mitigation measures required for the implementation of either option. The comment has been noted and passed onto decisionmakers.

### **Response 1.11**

The commenter notes that the San Benito County Water District (SBCWD) is responsible for managing groundwater and is the imported water wholesaler. The commenter notes that SCWD delivers treated surface waters from the SBCWD to end users within its boundary. The commenter states that SCWD owns and operates five wells, and the Lessalt and West Hills Surface Water Treatment Plants under contract for SBCWD.

Please refer to page 4.9-1 in Section 4.9, *Utilities and Service Systems*, as most of the information presented by the commenter is already provided therein. The following edit has been made to page 4.9-1 to include the number of wells owned and operated by the SCWD. This change is also reflected in *Amendments to the Draft EIR*, below.

...The CVP water is obtained by SCWD from the San Benito County Water District (SBCWD), which is the imported water wholesaler for the region. In addition, SCWD owns and operates five groundwater wells.

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it simply elaborates upon and supplements information that is already provided in Section 4.9 of the Draft EIR. Accordingly, this revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

## Response 1.12

The commenter expresses concern that wastewater generation from the proposed project seems low for the number of homes being built.

The new wastewater demand of 8,945 gallons per day (GPD) is associated with 29 residential units not already accounted for in the 2020 Urban Water Management Plan (UWMP) – this is not the wastewater demand for all 141 proposed residential units. This calculation is based on the demand ratios anticipated by and presented in the UWMP. Therefore, the wastewater generation is estimated at 308 GPD per unit (8,945 GPD divided by 29 units), which is more conservative than the 120 GPD per unit estimate provided the commenter. Using this rate, the entire project would have a total wastewater generation of 43,428 GPD (141 units multiplied by 308 GPD). Because 112 of the proposed units were already accounted for in the growth projections of the 2020 UWMP, the wastewater generated by those 112 units has already been accounted for by the wastewater treatment provider. Wastewater generated by the 29 additional units is the increase in wastewater generation not previously accounted for, which required analysis in the Draft EIR. The analysis presented in the Draft EIR utilizes the best-available information to determine water demand and resulting wastewater demands. It was determined that for both Wastewater Option 1 and Wastewater Option 2, sufficient wastewater treatment capacity is available at existing facilities to support the proposed project in addition to the provider's existing commitments. No additional analysis is required.

For clarification, the following text has been added to Section 4.9, *Utilities and Service Systems*, of the Draft EIR, immediately following Table 4.9-2:

As noted above, the additional 8,945 GPD of wastewater estimated for the proposed project represents the wastewater generated by the 29 units that were not previously accounted for in the UWMP, and are therefore in addition to the 112 units already accounted for in the UWMP, to meet the proposed project's total of 141 new residential units. The population growth estimates used to develop the current 2020 HUA UWMP were based on the Hollister Urban Area Water and Wastewater Master Plan and the associated Update (City of Hollister, SBCWD, and SCWD 2017), and those projections were informed by land use planning data from the adopted General Plans for Hollister and San Benito County, as well as the planned development forecasts provided by the City of Hollister and SCWD (Todd Groundwater 2021). The proposed project development is included on the list of forecasted projects identified in the 2020 HUA UWMP, indicating that the wastewater treatment demands of project-related development are accounted for in the Hollister Urban Area Water and Wastewater Master Plan and the associated Update (City of Hollister, SBCWD, and SCWD 2017), and wastewater treatment capacity for the 112 units assumed in the aforementioned plans are already accounted for in the project area.

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it simply elaborates upon and supplements information that is already provided in Section 4.9 of the Draft EIR. Accordingly, this revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

## Response 1.13

The commenter makes a correction to page 4.9-16 of the Draft EIR stating that Manhole L-5-1 is part of SCWD's existing water system, not connected to the City's sewer collection system. The

commenter states that there is not a manhole currently available at the intersection of Old Ranch Road/Fairview Road, only an extension of the City’s sewer collection system. The commenter states that a new manhole would need to be installed.

As stated on page 4.9-4 in Section 4.9, *Utilities and Service Systems*, Manhole L-5-1 is located at the intersection of Fairview Road/Joes Lane. Page 4.9-16 states that an extension of the project’s on-site sewer main would cross under Fairview Road to connect with Manhole L-5-1.

In regard to Manhole L-5-1 ownership and sewer system connection, the following correction has been made on page 4.9-16 to reflect the information provided by the commenter. This change is also reflected in *Amendments to the Draft EIR*, below.

...Under Wastewater Option 2, off-site improvements would be limited to an extension of the project’s on-site sewer main, to cross under Fairview Road and connect to the existing Manhole L-5-1, from which point ~~the City’s~~ SCWD’s existing sewer system is sufficient to convey project effluent to the Hollister DWRf for treatment and discharge.

The following correction regarding the need for a new manhole at Old Ranch Road and Fairview Road under Wastewater Option 2 has been made and is reflected in *Amendments to the Draft EIR*, below:

In addition to the on-site improvements described above, the wastewater main would be extended to a new manhole on the west side of Fairview Road.

### Response 1.14

The commenter states that Impact UTIL-3 does not address SCWD’s other commitments to provide sewer for potential developments within its current wastewater service area. The commenter names several other current or proposed projects and states that should all commitments come to fruition, the Ridgemark WWTP would be at capacity. The commenter states that to accommodate these developments, the facility may need several improvements.

Please refer to Section 4.9.4 for a discussion of cumulative impacts related to wastewater. Cumulative projects considered in that analysis are listed in Table 3-1 in Section 3, *Environmental Setting*, of the Draft EIR. These include the Bluffs at Ridgemark (referred to as Promontory at Ridgemark by the commenter), Javid Assisted Living (referred to as Ridgemark Assisted Living Facility by the commenter), Fairview Corners, and Gavilan College’s San Benito Campus. In response to this comment, the following two cumulative projects have been added to Table 3-1 in Section 3, *Environmental Setting*, of the Draft EIR: Vista del Calabria and Ridgemark Subdivision Project (referred to as the Ridgemark Golf Course Development by the commenter). The modified rows of Table 3-1 are provided below as well as in *Amendments to the Draft EIR*:

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
<u>Vista del Calabria</u>	<u>213 Enterprise Road</u>	<u>149 single-family dwelling units</u>	<u>Approved</u>
<u>Ridgemark Subdivision Project</u>	<u>Ridgemark Golf Course and Country Club (253 acres of the 618-acre area)</u>	<u>190 residential lots, 5 commercial/non-residential lots, 5 golf course lots, one park</u>	<u>Pending</u>

Source: County of San Benito 2022; Hexagon Transportation Consultants, Inc. 2022; Magaña 2020

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because it simply supplements the list of cumulative projects that is already provided in Section 3 of the Draft EIR.

The following cumulative impacts were determined to be potentially significant in the Draft EIR: air quality, biological resources, cultural resources, greenhouse gas emissions, noise, transportation, tribal cultural resources, and utilities and service systems. The addition of these two cumulative projects would add to these cumulative effects; however, because these cumulative impacts were determined to be potentially significant, no increase in severity of these cumulative impacts are anticipated. The project's contribution to each of these significant cumulative impacts would not change, as the additional projects neither influence the project-level impacts nor the severity of the project's cumulative contribution. Therefore, no revisions to the cumulative analysis for these issue areas is required.

The following cumulative impact was determined to be less than significant in the Draft EIR: geology and soils. The identified geographic scope for cumulative geology and soils impacts is the project site and the immediately adjacent sites. Because these two cumulative projects are not within this geographic scope, no revisions to the analysis of cumulative geology and soils impacts is required.

Therefore, the addition of these two projects to the cumulative project list does not change the conclusions related to the significance of cumulative impacts (whether cumulative development would have significant or less than significant impacts on each resource area). It should be noted that pursuant to CEQA Guidelines Section 15130(b), the discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone"; therefore, detailed modifications to the cumulative impact analyses is not required. Furthermore, the addition of these projects to the cumulative project list would not worsen the proposed project's contribution to cumulative impacts. Therefore, no further revisions or updates to the cumulative analysis provided throughout Section 4 of the Draft EIR are required. This revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

Pursuant to Ordinance No. 75 and Section 3.40.090 of the District Code, SCWD collects water and sewer capacity fees from new development to ensure that new customers pay their fair share of capital costs necessary to provide wastewater service. Based on information provided by the commenter, page 4.9-24 in Section 4.9.4, *Cumulative Impacts* of Section 4.9, *Utilities and Service Systems*, has been updated as follows. This change is also reflected in *Amendments to the Draft EIR*, below.

Impact UTIL-3 addressed wastewater treatment capacity, and determined that both SCWD and the City of Hollister have substantial available daily capacity to accommodate the proposed project, with at least 40 percent of design capacity available. The design capacity of both the Ridgemark WWTP and the Hollister DWRP was informed by planned development throughout the HUA. ~~The proposed project development would increase wastewater production from planned rates for the site, based upon increasing the site's water demands by 12.5 AFY; however, the substantial available wastewater treatment capacity accounts for other developments within the cumulative scenario, and the potential for cumulative impacts would be less than significant. The project's contribution would not be cumulatively considerable.~~ However, based on information from Sunnyslope County Water District (SCWD 2022d), under Wastewater Option 1, the Ridgemark WWTP would reach operational capacity in the cumulative condition, and improvements at the facility may be required. These include an equalization tank, upgrades to the main lift station, and additional emergency capacity and drying bed space. Because wastewater capacity may not be available in this scenario, cumulative impacts would

be potentially significant. Cumulative projects under Wastewater Option 2 would not exceed the available capacity of the Hollister DWRF, based on available information, and this cumulative impact would be less than significant.

As described in Impact UTIL-3, the proposed project's wastewater generation would equate to 2.61 percent of the Ridgemark WWTP's remaining treatment capacity or 0.3 percent of the Hollister DWRF's remaining capacity. Therefore, the project's contribution to this impact would not be cumulatively considerable under either Wastewater Treatment Option.

This change does not affect the adequacy of the environmental analysis presented in the Draft EIR, because even with the addition of two projects to the Draft EIR's cumulative analysis, the project would not make a cumulatively considerable contribution to a significant cumulative impact regarding utilities. Accordingly, this revision does not change any of the Draft EIR's conclusions regarding the significance of environmental effects.

**From:** Mary Anderson <[Horsemileage@hotmail.com](mailto:Horsemileage@hotmail.com)>

**Sent:** Thursday, September 15, 2022 7:24 PM

**To:** Arielle Goodspeed <[AGoodspeed@cosb.us](mailto:AGoodspeed@cosb.us)>

**Cc:** me me <[mary.anderson2@usdoj.gov](mailto:mary.anderson2@usdoj.gov)>

**Subject:** Lee Subdivision Project PLN200051 State Clearing house number 22022020429

## Letter 2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

County of San Benito Resource Management Agency, Planning Division

Att: Arielle Goodspeed, Principal Planer

RE: Lee Subdivision Project 291 Old Ranch Road Hollister CA 95023

Dear Mr. Goodspeed:

I am responding with regard to the significant environmental effects, transportation/traffic hazards, noise, gas emissions and the lack of concern for the other homeowners currently residing on 5 acres lots ensuring a quiet living environment. A project of this size will also impact existing wildlife in the area.

Fairview Road is already flooded with high speed traffic resulting from the numerous developments already completed in nearby areas. It has become a hazard turning onto Fairview from Old Ranch Road with the current overgrown trees that block the view of oncoming vehicles which are now traveling at high speeds. It is more of an expressway than a road.

Adding incoming and outgoing vehicles from a development of this size will require a traffic signal at minimum for the safety of all. The noise and emissions from a minimum of 141+ vehicles will impact the living areas of the existing homeowners.

I reside on this 5 acre ranch at 130 Old Ranch which allows room for my horses and cows. Building along my property line will only create problems since there is no significant passive open space along my property line adjacent to the project's property line. Sound walls and significant passive open space between the property lines is my right to privacy and without it considered to be invasive.

Placing a development in the middle of agricultural properties is unfair to the neighbors. We already have a serious shortage of water, lack of capacity for water treatment/sewage, adding to the waste management issues and the impact on the existing poor road conditions are significant reasons to consider why this development should not be approved.

A smaller development with larger 1 acre parcels would be more appropriate for the surrounding area thus reducing the impact allowing the existing residents to continue enjoying the quiet neighborhood.

I know the growth is inevitable but this project as it stands is designed to make money without any consideration of the impact it will have on the neighborhood or resident's safety.

Thank you for your consideration and hope to be advised of any planning meetings that may be upcoming pertaining to this development project.

2.1

2.2

2.3

2.4

Mary J. Whitaker Anderson  
[horsemileage@hotmail.com](mailto:horsemileage@hotmail.com)  
cell 408-891-8878  
130 Old Ranch Road  
Hollister, CA 95023

## Letter 2

**COMMENTER:** Mary J. Whitaker Anderson

**DATE:** September 15, 2022

### Response 2.1

The commenter expresses concerns regarding traffic safety along Fairview Road, stating that the road is currently impacted by high-speed traffic due to multiple developments in the area. The commenter states that a development of the proposed project size will require a traffic signal to improve safety.

Please refer to Section 4.7, *Transportation*, in the Draft EIR for additional information on potential traffic impacts and traffic safety. Please refer to Response 1.7 above. As stated therein, impacts regarding traffic safety were found to be less than significant, and no mitigation is required.

Therefore, additional analysis is not required.

### Response 2.2

The commenter states that the noise and emissions produced by the proposed project will have impacts on the surrounding residences. The commenter claims that without soundwalls and significant passive open space, their right to privacy would be hindered.

For additional information on potential construction or project emissions, please refer to Section 4.1, *Air Quality*, and Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR. As explained therein, with the incorporation of feasible mitigation, the project would not result in significant impacts regarding emissions.

Please refer to Section 4.6, *Noise*, for a full analysis of potential noise impacts induced by the proposed project. As stated therein, operational noise impact such as mechanical equipment noise and off-site traffic noise increases would not exceed ambient noise thresholds. Specifically, traffic noise increases would be 1 dBA or less, which would not exceed the 3 dBA criterion for off-site traffic noise impacts. As stated on page 4.6-1 of the Draft EIR, a 1 to 2 dB change in community noise levels is generally not perceptible, while a 3 dBA change is noticeable. Impacts from project operational noise, specifically due to increased traffic on local roadways, would be less than significant. Therefore, soundwalls or other noise attenuating features are not required to mitigate a significant impact with respect to noise.

The California Environmental Quality Act (CEQA) is primarily concerned with physical impacts to the environment. Therefore, issues related to privacy are not considered environmental issues under CEQA and are not analyzed in the EIR. Nonetheless, County decision-makers may consider the commenter's concerns when making a decision on the project.

No additional analysis is required.

### Response 2.3

The commenter expresses concerns regarding the existing conditions of water supply, capacity for water treatment and sewage, and water management that the proposed project may impact. The commenter also mentions existing poor road conditions.

Please refer to Section 4.9, *Utilities and Service Systems*, for additional information on water supply, sewer capacity, and water management. As discussed therein, during each year and under all climatic (drought) scenarios, SCWD would provide water supply in quantities equal to demand. Therefore, the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. In addition, under either wastewater treatment option, sufficient wastewater treatment capacity is available at existing facilities to support the proposed project in addition to the provider's existing commitments.

The poor condition of the roadway is part of the existing setting and not an impact of the proposed project. Roadways in the area would be subject to increased use through construction and residential traffic which could result in accelerated deterioration. The County collects road maintenance improvement fees pursuant to Ordinances 554 and 962, which fund the maintenance and improvement of County roadways. The payment of regional development impact fees is considered adequate mitigation for individual project contributions to cumulative transportation impacts to the regional road network.

This comment does not raise issues with the adequacy of the analysis presented in the Draft EIR. Thus, no edits are required. The comment has been noted and will be passed onto decisionmakers.

## **Response 2.4**

The commenter suggests that smaller development on a larger one-acre parcel would be more appropriate for the project site.

A reduced density alternative was considered in Section 5, *Alternatives*, of the Draft EIR (please refer to Section 5.2, *Alternative 2: Reduced Density*). As described therein, the Reduced Density Alternative would not avoid the significant and unavoidable impacts related to transportation, and would not meet the project objectives to the same extent that the proposed project would. The commenter's suggested alternative with further reduced density would similarly not meet the project objectives, and is therefore not required to be considered in the EIR (please refer to CEQA Guidelines Section 15126.6[c]). This comment does not pertain to the analysis presented in the Draft EIR. Thus, no edits are required. The comment has been noted and passed onto decisionmakers.



Letter 3

OCTOBER 4, 2022

VIA EMAIL: [AGOODSPEED@COSB.US](mailto:AGOODSPEED@COSB.US)

County of San Benito  
Resource Management Agency, Planning Division  
Attn: Arielle Goodspeed, Principal Planner  
Hollister, CA 95023



Dear Mr. Prado:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LEE SUBDIVISION PLN200051 PROJECT, SCH#2022020429

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Lee Subdivision PLN200051 Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

3.1

Project Description

The project would involve the demolition of the existing on-site residence (constructed in the late 1980s), subdivision with subsequent development of 141 residential lots, a public park and open space, utilities infrastructure, internal public streets, and improvements to Old Ranch Road. The project includes 121 single-family detached units and 20 attached duet units. A total of 15 percent of the residences will be affordable, and the applicant will enter into an affordable housing agreement with the County.

3.2

The approximately 27.45-acre site contains formerly dry-farmed grassland, an existing roadway, and one existing single-family residence. The site is bordered by rural single-family residences to the north and west, and agricultural/open space to the east. The project site is located at 291 Old Ranch Road, which connects to Fairview Road approximately 0.5 mile north of Airline Highway/State Route (SR) 25, in unincorporated San Benito County (Assessor's Parcel Number 025-320-004).

## Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

3.3

## Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Lee Subdivision PLN 200051 Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor

3.4

## Letter 3

**COMMENTER:** Monique Wilber, Conservation Program Support Supervisor, California Department of Conservation

**DATE:** October 4, 2022

### **Response 3.1**

The commenter describes the responsibilities of the Department of Conservation Division of Land Resource Protection and states that that they have reviewed the Draft EIR.

The comment has been noted.

### **Response 3.2**

The commenter summarizes the project description.

The commenter correctly summarizes the project description. The comment has been noted. Because the comment does not pertain to the adequacy of the EIR or CEQA process, no further response is required.

### **Response 3.3**

The commenter asserts that the conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural lands. The commenter suggests that all feasible mitigation measures should be included in the environmental review, including conservation easements.

Please refer to Section 4.10, *Effects Found Not to Be Significant*, of the Draft EIR for analysis of the project's impacts to agricultural conversion. Consistent with Appendix G of the State CEQA Guidelines, the first threshold question analyzed therein refers specifically to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program, to non-agricultural use. Consistent with this threshold, the analysis notes that although the site contains Farmland of Local Importance, it does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

The conversion of "agricultural land" to non-agricultural use is not included in the threshold and does not constitute a significant impact under CEQA unless the farmland to be converted is Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Since the project does not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, impacts would be less than significant. Pursuant to CEQA Guidelines Section 15126.4 (a)(3), mitigation measures are not required for effects which are not found to be significant. Therefore, conservation easements and other forms of mitigation are not required.

### **Response 3.4**

The commenter requests that the Draft EIR include further discussion on the type, amount, and location of farmland conversion; impacts to current and future agricultural lands; incremental

impacts leading to cumulative impacts on agricultural land; proposed mitigation measures; and project compatibility within an agricultural preserve and/or an enrolled Williamson Act contract.

Please refer to Response 3.3, as this comment is similar and has been addressed therein. The project would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Conversion of “agricultural land” does not constitute a significant impact under CEQA. In addition, the project site is not enrolled in a Williamson Act contract or other agricultural preserve, and the project would not conflict with agricultural zoning. Thus, impacts to agricultural resources would be less than significant and mitigation is not required. Because the project-level impacts are less than significant, it is anticipated that the project's contribution to any potentially significant cumulative impacts to agricultural resources would not be cumulatively considerable.

## California Department of Transportation

CALTRANS DISTRICT 5  
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415  
(805) 549-3101 | FAX (805) 549-3329 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



October 10, 2022

Letter 4

SBt/25/47.622  
SCH#2022020429

Arielle Goodspeed  
Principal Planner  
County of San Benito  
Resource Management Agency, Planning Division  
2301 Technology Parkway  
Hollister, California 95023

Dear Ms. Goodspeed:

COMMENTS FOR PLN200051 LEE SUBDIVISION PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) – SAN BENITO COUNTY, CA

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the PLN200051 Lee Subdivision Project DEIR which includes 121 single-family detached units and 20 attached duet units on 27.45 acres. Proposed infrastructure plans include a potential new wastewater main under State Route (SR) 25 near Fairview Drive. Caltrans offers the following comments in response to the DEIR:

1. All work in, on, under, over, or affecting State highway right of way is subject to a Caltrans encroachment permit. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: <https://dot.ca.gov/caltrans-near-me/district-5/district-5-programs/d5-encroachment-permits>.
2. Depending on the complexity of the project improvements requiring an encroachment permit, Caltrans Oversight may be the more appropriate avenue for project review and approval by Caltrans. The District Permit Engineer has been granted authority by Caltrans to make this decision. Please consult with the District Permit Engineer to determine the most appropriate Caltrans project permitting system.
3. All future work will need to conform to the Caltrans Encroachment Permits Manual, Chapter 600. Additional utility installation requirements, which may apply, are found in

4.1

Chapter 17 of the Project Development Procedures Manual. Deviations to Caltrans Encroachment Permit Policies may require an exception. This requirement and process will be outlined by the District Permit Engineer in the pre-submittal conference.

4. All non-operational or vacated pipes shall be removed under ordinary circumstances. However, exceptions can be made regarding abandoned in-place pipes within the State right of way. The District Permit Engineer can grant waivers to this requirement based on an engineering or environmental evaluation. Plans shall conform to the Caltrans Plans Preparation Manual and Encroachment Permit Construction Plan Set outline. Verification will be needed to ensure the abandoned pipeline will not incur future expenses on any highway project.
5. The applicant will need to show all existing facilities and utilities in plan and profile where the scope of work is located.
6. General Basis of Horizontal and Vertical Control - Caltrans datums shall be used and observed for the construction of the proposed improvements. All plans shall be in US feet and follow the datums as follows: • Vertical Basis: NAVD 88 • Horizontal: NAD83 Zone 3 Santa Cruz County, Zone 4 Monterey and San Benito County, and Zone 5 San Luis Obispo and Santa Barbara County. At least two recorded, Caltrans Monuments must be referenced in the surveying basis.
7. All future documents will be subject to additional evaluation and approval at the time of their review. As part of future evaluation, issues involving or impacting the State right-of-way may require additional mitigation due to pertinent issues such as cultural resources, environmental justice, water quality, hydrology, etc.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or [christopher.bjornstad@dot.ca.gov](mailto:christopher.bjornstad@dot.ca.gov).

Sincerely,

*Christopher Bjornstad*

Chris Bjornstad  
Associate Transportation Planner  
District 5 Development Review

4.1  
Cont.

## Letter 4

**COMMENTER:** Chris Bjornstad, Associate Transportation Planner, California Department of Transportation

**DATE:** October 10, 2022

### **Response 4.1**

The commenter states that all work effecting State highway right of way is subject to a Caltrans encroachment permit. The commenter outlines the requirements of the Caltrans Encroachment Permit and the project's responsibility to comply with the permit requirements.

Please refer to Section 2, *Project Description*. As stated therein, the project would require approval of an encroachment permit for Wastewater Option 1 improvements. The project would comply with the requirements set by Caltrans and the permit. As this comment does not pertain to the environmental analysis presented in the Draft EIR, no edits are required.



# San Benito High School District

1220 Monterey Street  
HOLLISTER, CALIFORNIA 95023-4708  
PHONE (831) 637-5831 ext. 132 • FAX (831) 636-1187  
www.sbhsd.k12.ca.us

DR. SHAWN TENNENBAUM  
SUPERINTENDENT

## Letter 5



October 10, 2022

County of San Benito  
Resource Management Agency, Planning Division  
ATTN: Arielle Goodspeed, Principal Planner  
2301 Technology Parkway  
Hollister, CA 95023  
Email: [agoodspeed@cosb.us](mailto:agoodspeed@cosb.us)



Re: Lee Subdivision Project (SCH# 2022020429)  
**Comments on Draft Environmental Impact Report**



Dear Ms. Goodspeed:



This letter is submitted to the County of San Benito ("County") on behalf of the San Benito High School District ("District"), a California public school district, and its governing board with regard to our review and assessment of the County's Draft Environmental Impact Report ("DEIR") for the proposed Lee Subdivision Project, a 166-unit residential development project ("Project"). As a California public school district serving children who reside and attend school within the County, and as an owner of property within the Project vicinity, the proposed Project affects resources within the District's expertise. Accordingly, we submit these comments to the County to register the District's serious concerns that the County has failed to comply with the legal requirements of the California Environmental Quality Act (Pub. Res. Code, § 21000, *et seq.*, hereinafter "CEQA") and its interpreting regulations (Cal. Code Regs., tit. 14, § 15000, hereinafter "Guidelines.")



Under CEQA and its Guidelines, an environmental impact report ("EIR") must set forth all significant effects on the environment of the proposed project, including its cumulative impacts, as well as mitigation measures proposed to minimize significant effects on the environment. An EIR must "present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Ranch Cordova* (2007) 40 Cal.4th 412, 449-450.)



5.1

It is the District's position that the DEIR contains inconsistent and conflicting information, and analytical gaps in its analysis, which render the DEIR insufficient with respect to identifying and analyzing the possible impacts on the environment, and precludes meaningful public review and comment. Likewise, the DEIR includes certain mitigation measures that are deferred or undefined, rendering it impossible to gauge their effectiveness. Specifically, further analysis and/or mitigation is needed in the areas of Public Services, Transportation, and Cumulative Impacts. Therefore, the DEIR must be revised and recirculated to address its deficiencies and disclose significant new information to the public for review and comment.

In addition to our concerns with respect to the overall environmental impacts, the public has entrusted the District with providing its students with a high-quality education, which includes ensuring the health and safety of our students and staff and the integrity of their learning environment. As stated in previous correspondence to the County, as well as in recent presentations made to County officials, the District's school facilities are currently operating over capacity, and as projects continue to get approved, the demand for new school facilities continues to increase.

5.1 Cont.

The cumulative impact on our schools of unmitigated growth is *considerable, significant, and adverse*. It is time for the County to recognize the seriousness of the impact of development on school capacity, and work together with the District and development community to create measures that support the development of new school facilities as the region expands, and to address traffic safety measures. In order for the community to grow, we **must** grow together.

• **General Comments:**

– The District owns certain property (Assessor's Parcel Numbers [APNs] 025-190-0019 and 025-190-052) located on Best Road approximately 1.5 miles to the southeast of the proposed Project area. The District is considering development of this District-owned property into a second high school site. The District also owns and operates the Hollister High School site, a 9-12 high school campus located approximately 3 miles to the northeast of the proposed Project. With a staff of approximately 343, the District currently serves approximately 3,567 high school-aged students residing in the County (October, 2022).

5.2

– Following circulation of the Notice of Preparation ("NOP") for the proposed Project in February 2022, the District submitted a comment letter to the County on March 16, 2022, documenting the presence of the District-owned property located on Best Road, and expressing our concerns regarding the ongoing and cumulative negative impacts of residential growth in the County on school facility capacity, as well as traffic circulation and safety conditions around Hollister High School that worsen as the community grows and all students travel to a single high school from homes across the County. The District concluded by stating that it intended to stay closely involved in the environmental review of the Project, and invited the County to continue communications. Unfortunately, while the Project Applicant has met with the District, the County failed to reach out regarding this Project.

5.3

• **Public Services:**

– Section 4.10.9 includes a discussion of schools located in the vicinity of the project site. Please include a discussion of the District-owned property located approximately 1 mile to the southwest of the Project area, which is being considered for development into a high school site.

5.4

– Section 4.10.9 relies on Government Code section 65997 with respect to addressing how these impacts on the District's facilities will be mitigated. However, the EIR fails

5.5

to consider the statutory language of Government Code section 65997 in its entirety, which, as of the date of the NOP, reads:

Government Code Section 65997.

(a) The following provisions shall be the exclusive methods of mitigating environmental effects related to the adequacy of school facilities when considering the approval or the establishment of conditions for the approval of a development project, as defined in Section 17620 of the Education Code, pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code:

(1) Chapter 12 (commencing with Section 17000) of, or Chapter 12.5 (commencing with Section 17070.10) of, Part 10 of the Education Code.

(2) Chapter 14 (commencing with Section 17085) of Part 10 of the Education Code.

(3) Chapter 18 (commencing with Section 17170) of Part 10 of the Education Code.

(4) Article 2.5 (commencing with Section 17430) of Chapter 4 of Part 10.5 of the Education Code.

(5) Section 17620 of the Education Code.

(6) Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5.

(7) Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7.

5.5 Cont.

(b) A public agency may not, pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code or Division 2 (commencing with Section 66410) of this code, deny approval of a project on the basis of the adequacy of school facilities.

(c)(1) This section shall become operative on or after any statewide election in 2012, if a statewide general obligation bond measure submitted for voter approval in 2012 or thereafter that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved.

(2)(A) This section shall become inoperative if subsequent to the failure of a general obligation bond measure described in paragraph (1) a statewide general bond measure as described in paragraph (1) is approved by the voters.

(B) Thereafter, this section shall become operative if a statewide general obligation bond measure submitted for voter approval that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved and shall become inoperative if subsequent to the failure of the general obligation bond measure a statewide bond measure as described in this subparagraph is approved by the voters.

(d) Notwithstanding any other provision of law, **a public agency may deny or refuse to approve a legislative act involving, but not limited to, the**

**planning, use, or development of real property, on the basis that school facilities are inadequate**, except that a public agency may not require the payment or satisfaction of a fee, charge, dedication, or other financial requirement in excess of that levied or imposed pursuant to Section 65995 and, if applicable, any amounts specified in Sections 65995.5 or 65995.7.

*(Emphasis added.)*

5.5 Cont.

The DEIR fails to acknowledge subdivision (d). Given that District school facilities are currently operating over capacity, what consideration is being given to the increasing burden on inadequate school facilities generated by new development, and what measures are being implemented by the County to address the cumulative impact of unmitigated growth on our schools?<sup>1</sup>

- While the CEQA Guidelines state that social and economic effects shall not be treated as significant effects on the environment, however, an EIR may "trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes." (CEQA Guidelines, section 15131(a).) Moreover, subsection (c) provides: "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."

5.6

Serious equity concerns are raised if the County assumes that the existing community should fund a new high school needed to serve new development, especially when the community lacks infrastructure improvements afforded to new development. Please identify where information on these factors can be found in the administrative record, particularly with respect to the cumulative impacts on inadequate school facilities.

- There are inconsistencies in the data relied upon for purposes of the DEIR analysis set forth in Section 4.10.9 – Public Services compared with Section 4.1.8 – Population and Housing. Under Section 4.1.8, the analysis relies on an average of 3.18 residents per unit, and therefore calculates an increase of 528 additional residents in the County with implementation of the Project. However, Section 4.10.9 relies on data set forth in the District’s 2021 School Facilities Needs Analysis (which is calculated according to a strict statutory methodology that grossly underrepresents actual impact),<sup>2</sup> and

5.7

<sup>1</sup> Please recall that, as raised in our March 16, 2022 correspondence, the District anticipates 1,900-3,130 additional students over the next 20 years from residential development, based on the City of Hollister 2020 Land Use and Market Demand Study, and information provided by the County. That kind of growth may require not just a second high school, but a third high school. As mentioned previously, the District currently owns land located on Best Road, which is under consideration for development of a new high school. However, construction cost estimates put the price tag at \$206 million. School impact fees paid by developers are estimated to cover less than 11 percent of this cost. The District has no other significant source of funding to support the construction of a new school.

<sup>2</sup> Please be advised that the District adopted its current School Facilities Needs Analysis ("SFNA") on August 9, 2022, which supersedes the 2021 SFNA relied on in the DEIR. A copy of the 2022 SFNA was provided to the County in August. If you need additional copies or information, please let us know.

concludes that "the project would generate approximately 65 high school students" in the District, and "an increase of approximately 94 students" in Hollister School District schools.<sup>3</sup> Accordingly, the DEIR assumes only 30 percent of the Project's residents will be school-age children, and fails to address the actual impacts the Project will have on school facilities and other environmental considerations.

5.7 Cont.

- Despite the District's request, as raised in its March 16, 2022 correspondence, the DEIR fails to consider the cumulative impact of residential growth on school facility capacity, traffic volume, circulation, and safety at the high school, Best Road property, and surrounding community. The effects of a project, standing alone, cannot be assumed insignificant if the incremental impact of the project, when added to other closely related past, present, and reasonably foreseeable future projects, results in a significant cumulative impact on the environment. (See CEQA Guidelines, §15355.)

5.8

- Developers, with the encouragement of local land use agencies, commonly contribute additional funds for school construction in California, or agree to place developments into community facilities districts for school construction to ensure that future residents shoulder the cost of new schools necessitated by growth. In efforts to grow our community thoughtfully, the District reiterates its request to the County to **evaluate the Community Facilities District ("CFD") option presented in our March 16, 2022 correspondence as a mitigation measure to address the significant impact of residential development on school facility capacity.**

5.9

- **Transportation and Circulation:**

- *Impacts to Hollister High School*

The DEIR and its attached Draft Transportation Analysis (DEIR Appendix H) make no effort to evaluate the Project's impacts on Hollister High School, or the cumulative impacts of the Project and other projects like it. Per the DEIR, the Project's proposed 166 new dwelling units are expected to generate 65 new high school students. Given the Project's location, almost all of these students are expected to drive or be dropped off and picked up on a daily basis. Assuming prevailing levels of automobile occupancy and student driving and pick-up and drop-off activities, at a minimum, an additional 84 vehicle trips to and from the high school are expected to occur in both the morning and afternoon peak periods. The roadway infrastructure in and around the high school does not have sufficient capacity to serve existing levels of vehicular demand, and the additional traffic will further tax that infrastructure. Extreme levels of congestion occur around the school in the morning and afternoon peaks which lead to unacceptable levels of delay and risky driver behaviors that can create safety impacts during periods of heavy pedestrian and bicycle activity. At a minimum, we request that the DEIR and Draft Transportation Analysis be updated to include an assessment of congestion and safety at the intersections of San Benito Street/Nash Road, Monterey Street/Nash Road, and Monterey Street/B Street.

5.10

Moreover, per Section 15131(a) of the CEQA Guidelines, please identify where information on economic and social factors can be found in the administrative record as it pertains to increased traffic and safety impacts around Hollister High School.

- *Safety*

The DEIR and its attached Draft Transportation Analysis (DEIR Appendix H) include only a high level and cursory review of safety and hazards. Given the Project's location and the

5.11

<sup>3</sup> Confusingly, the DEIR cites to the "City of Hollister, 2019" as the source of this information.

current inadequacies of the local circulation network, a more detailed review of safety should be conducted. All vehicle, pedestrian, and bicycle traffic must access the Project site using Fairview Road. Fairview Road was not constructed in accordance with current County standards and provides no pedestrian or bicycle facilities. It is unclear how any person could walk or bicycle safely to and from the Project site. Safe and adequate pedestrian access to the nearest transit facilities do not appear to be provided, and these facts are not discussed within the DEIR. We request that the DEIR and Draft Transportation Analysis be updated to include discussions of how pedestrians and bicycles will access the site, and how pedestrians will walk to area transit facilities.

5.11 Cont.

In addition, reviews of historic accident records should be conducted and analyzed for the following facilities – Fairview Road between Highway 25 and Sunnyslope Road, and the intersections of Highway 25/Fairview Road and Highway 25/Best Road. Without these analyses, it is unclear if safe transportation access is provided to the Project site, or how District students living within the Project development will safely access District schools. Additionally, the DEIR notes that the Project could generate up to 5 new transit riders during morning and evening peak hours. It is unclear how riders would access local bus routes in a safe manner.

- *Mitigation Measure*

The DEIR's Transportation section presents a single mitigation measure (TRA-2, VMT Reduction Strategies). The mitigation measure consists of the payment of a fair share impact fee to help fund the extension of County Bus service onto Fairview Road and a fair share impact fee payment to help fund the construction of the planned bikeway onto Fairview Road. The DEIR concludes that the mitigation would not be sufficient to mitigate the project's significant and unavoidable transportation impact. This mitigation measure does not provide sufficient detail regarding how the fair share fee is determined.

5.12

- *Vehicle Miles Traveled*

On September 27, 2013, Senate Bill (SB) 743 was signed into law. The legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas emissions, as required by the California Global Warming Solutions Act of 2006 (Assembly Bill 32). In December 2018, the Governor's Office of Planning and Research (OPR) finalized new CEQA guidelines (CEQA Guidelines section 15064.3), that identify VMT as the most appropriate criteria to evaluate a project's transportation impacts.

5.13

In accordance with SB 743 and recently established County policies, the Lee Subdivision Project's DEIR assesses the Project's impacts on VMT. The DEIR finds that the Project would have a significant and unavoidable impact on VMT, and that impact cannot be mitigated.

These findings signal that the County continues to consider project approvals that are inconsistent with State law. Unless our longstanding community planning partners can come together and find thoughtful approaches to growth that address these types of impacts, the historical development patterns of suburban and ex-urban sprawl will continue, leading to negative air quality, transportation, and climate outcomes that impact the health and safety of our students, our teachers, and our community.

• **Request for Notice**

Pursuant to Public Resources Code sections 21080.4, 21083.9, 21092, 21108, and/or 21152, as well as Government Code sections 65090 and/or 65091, please provide us with a copy of any future notices issued for the proposed Project.

5.13 Cont.

### CONCLUSION

The District requests that the proposed Project's potential significant and cumulative impacts to our students, parents, faculty, staff, and community be fully analyzed and mitigated, particularly with respect to Transportation and Public Services. Given the inconsistencies and lack of required analyses in the DEIR, and because informed decision making and public participation are fundamental purposes of the CEQA process, the District respectfully requests that the County revise the DEIR to include the required analyses and mitigation measures, and recirculate the revised DEIR for another 45-day review and public comment period per the requirements of CEQA.

Looking at the bigger picture, the District wishes to emphasize its desire to work collaboratively with the County to find solutions to the cumulative impact of unmitigated growth on our schools and traffic safety. We trust that the County recognizes the importance of providing students that reside within the County with school facilities that are safe, secure, and equipped with the best educational environment possible. We would value the opportunity to work together to ensure that appropriate and lawful mitigation measures and expectations of developers are put in place, and we look forward to the County's cooperation and collaboration in addressing these deficiencies to ensure the continued high quality of life in the County and education in its schools.

5.14

In accordance with CEQA Guidelines, section 15204(d), please be advised that I, Shawn Tennenbaum, am the contact person for the District who is available for consultation on the District's behalf. My contact information is provided below.

I look forward to receiving the County's response in accordance with the statutory timeline provided under CEQA.

Very truly yours,



Shawn Tennenbaum, Ed.D.  
Superintendent  
San Benito High School District  
(831) 637-5831 (x133)  
[stennenbaum@sbhds.k12.ca.us](mailto:stennenbaum@sbhds.k12.ca.us)

cc: Members, San Benito High School District Board of Trustees  
John Frusetta, Chief Business Officer, San Benito High School District

## Letter 5

**COMMENTER:** Shawn Tennenbaum, Superintendent, San Benito High School District

**DATE:** October 10, 2022

### Response 5.1

The commenter expresses concern regarding potential inconsistencies in the Draft EIR. The commenter states that additional analysis is needed for impacts to public services, transportation, and cumulative impacts, and requests recirculation of the Draft EIR. The commenter states that the San Benito High School District's (SBHSD) school facilities are currently over capacity. The commenter states that it is their belief that the cumulative impact on school facilities of unmitigated growth is significant.

The comment has been noted. While the comment summarizes several concerns with the Draft EIR, it does not provide specific critiques or evidence to support the broad statements. As such, a detailed response to this comment is not possible. Please refer to Responses 5.2 through 5.14 below for responses to specific concerns the commenter has with the Draft EIR.

Moreover, although the letter frames the comments as school impacts, the detailed technical replies provided in Responses 5.2 through 5.14 demonstrate that many of the topics are beyond SBHSD's scope as a public agency commenting on the County's Draft EIR. Public Resources Code Section 21153(c) makes clear that a public agency, such as the SBHSD, "shall only make substantive comments regarding those activities involved in a project that are within an area of expertise of the agency or that are required to be carried out or approved by the agency." Although each of the SBHSD comments are responded to below, many of the SBHSD comments on the project's environmental effects (e.g., comments regarding transportation and air quality) violate this statutory limitation, because the alleged inadequacies in the Draft EIR involve topics that are outside the SBHSD's area of expertise.

### Response 5.2

The commenter describes SBHSD-owned property near the project site, including a property on Best Road and the Hollister High School site. The commenter also summarizes SBHSD staff and student enrollment figures.

At this time, no plans for development have been submitted regarding the site the commenter notes, and no project was reasonably foreseeable at the time the NOP for this EIR was published; therefore, a potential future school that may be considered for development by the District was not, and need not be, included in the cumulative projects list in Section 3 of the Draft EIR. The comment has been noted; however, it does not pertain to the adequacy of the EIR or CEQA process, and no revisions are necessary.

### Response 5.3

The commenter notes that after circulation of the Notice of Preparation (NOP), SBHSD submitted a comment letter about the presence of SBHSD-owned property expressing concerns regarding school facility capacity, traffic circulation, and safety conditions around Hollister High School. SBHSD notes

that the project applicant has met with SBHSD, but the County has not contacted SBHSD regarding these concerns.

NOP comment letters are included in Appendix A and summarized in Section 1, *Introduction*, of the Draft EIR. Throughout the Draft EIR, cumulative impacts of the proposed project have been analyzed in the relevant resource chapters, including cumulative traffic impacts in Section 4.7.4. Section 15130(a)(3) of the CEQA Guidelines states that a “project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.” New development, including the proposed project, will be required to pay mandatory school impact fees pursuant to Government Code 65997. Additionally, at this time, no plans for development have been submitted regarding the site the commenter notes. If SBHSD intends on developing the site, the new school facility would be subject to separate CEQA review. The comment has been noted and passed onto decisionmakers. No changes are required to the EIR.

While lead agencies may conduct direct consultation with any person or organization (CEQA Guidelines Section 15083), CEQA does not require that the Lead Agency (in this case, San Benito County) reach out to agencies, organizations, or persons who provide comments on an NOP. The County did notify SBHSD about publication of the Draft EIR, pursuant to CEQA Guidelines Section 15087(a), as SBHSD expressed interest in the project through submittal of a comment letter on the NOP. Therefore, the County has met its notification requirements under CEQA.

#### **Response 5.4**

The commenter requests that a discussion regarding SBHSD-owned property located approximately one mile southwest of the project site be added to the discussion of schools in the vicinity of the project site in Section 4.10, *Effects Found Not to be Significant*.

The sentence the commenter refers to describes the existing schools. No school exists on the SBHSD-owned property in question, and no plans for development have been submitted regarding this site. However, for informational purposes, the following text has been added to Section 4.10 of the Draft EIR on page 4.10-12:

The project site is within the Hollister School District (HSD), which operates one individual alternative education program, eight elementary, and two middle schools; and the San Benito High School District (SBHSD), which contains one high school. SBHSD owns an undeveloped parcel along Best Road and is considering construction of a new school at this site; however, no development plans or applications have been prepared or submitted at this time, nor has the District expressed any potential timeframe for deciding whether or not to pursue a project, let alone a timeframe for commencing development. The project would include the construction of 141 dwelling units and 25 ADUs.

#### **Response 5.5**

The commenter expresses concern regarding the Draft EIR’s consideration of the statutory language of Government Code Section 65997. The commenter asks what consideration is being given to the increased burden on over-capacity school facilities generated by new development, and what measures will be implemented by the County to address the cumulative impact to school facilities.

Section 65997(a) allows for school impacts to be mitigated to a level of less than significant through several options, including the payment of school impact fees. As stated in Section 4.10, *Effects*

*Found Not to be Significant*, of the Draft EIR, the project would be required to pay Hollister School District (HSD) Developer Fees and SBHSD Level II Developer Fees. The County approved SBHSD Resolution Number 2021-2022-001 on August 10, 2021, which established a developer fee program for projects within the SBHSD service area to address the increasing burden on school facilities, and which would apply to the proposed project. Additionally, SBHSD developer fees were increased pursuant to SBHSD Resolution Number 2022-2023-001 on August 9, 2022. Pursuant to Government Code Section 65997, the payment of mandatory fees to the affected school districts would reduce potential school impacts to less than significant level under CEQA. Section (d) of Government Code Section 65997 allows the deciding body to deny projects involving legislative acts where the mitigation programs identified in section “are inadequate,” however the public agency may not charge fees in excess of those levied pursuant to Government Code Section 65995. The commenter claims that the County must address “the cumulative impact of unmitigated growth” on schools, but the comment fails to recognize that payment of school impact fees is defined by statute as being adequate mitigation. Because this project, and all other projects, are required to pay school impact fees, it is not correct to assert that cumulative impacts are unmitigated. The remainder of the comment does not provide any information or support that payment of fees for the approximately 94 additional students the project would generate across all grade levels would not be adequate to address the project’s impacts to SBHSD.

## **Response 5.6**

The commenter expresses concerns regarding the burden of funding new school facilities. The commenter asks where information on potential economic and social impacts may be found in the administrative record, particularly with respect to cumulative impacts on school facilities.

Section 15131(a) of the CEQA Guidelines states that “Economic or social effects of a project shall not be treated as significant effects on the environment.” CEQA Guidelines Section 15131(a) recognizes that a project may have economic and social effects that do not themselves cause a physical change in the environment, or act only indirectly to cause a physical change in the environment. It recognizes that CEQA applies only if a project causes a physical change, and accordingly provides that the EIR need not include a discussion of economic or social effects that do not cause a physical change (*Napa Citizens for Honest Government vs. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 367).

CEQA is concerned only with changes to the physical environment. Under CEQA Guidelines Section 15131, social and economic changes must be addressed under CEQA only if they will cause changes in the physical environment. An economic or social change by itself is not considered a significant effect on the environment (*Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839, 847–848). Here, there is no evidence presented that social or economic impacts from the project will result in a physical effect on the environment. Nor does Section 15131 require that additional analysis of social and economic factors be included in the EIR analysis. The court in *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833 notes that under CEQA Guidelines Section 15131(a), “The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Here, as in the *City of Hayward* case, the EIR acknowledges the student increase but concludes that the increase does not adversely affect the physical environment. No additional studies or information is required.

The commenter does not identify a physical effect on the environment arising from social and equity concerns. As such, such concerns are not subject to CEQA. Furthermore, the commenter is

incorrect that the existing community is fully responsible for new school facilities. As described in Response 5.5 above, the project would be required to pay HSD Developer Fees and SBHSD Level II Developer Fees.

For information on economic growth impacts please refer to Section 6.1.2, *Economic Growth*, in Section 6, *Other CEQA Required Discussions*, of the Draft EIR.

Based on the above information, no changes to the Draft EIR are required.

## **Response 5.7**

The commenter expresses concern regarding potential data inconsistencies between Section 4.10.9 and Section 4.10.8 of the Draft EIR. The commenter states that the metrics used to calculate school-aged children differ in each section. The commenter states that the Draft EIR assumes 30 percent of the project's residents will be school-aged children, and that the Draft EIR does not adequately address impacts to school facilities and other environmental considerations. The commenter also notes that an updated version of the School Facilities Needs Assessment (SFNA) was provided to the County on August 9, 2022, and the Draft EIR should use the information presented in the document.

The potential inconsistencies noted by the commenter are not inconsistent, but rather they refer to different pieces of information. Section 4.10.8 calculates the total number of residents of the proposed project. This calculation relies on the average of 3.18 persons per residence, provided by the California Department of Finance's January 2022 data. On the other hand, Section 4.10.9 is specifically calculating the number of students that would attend schools in each district.

The calculation of the total number of students that would be added to each district is based on the projected total population of the proposed project, and the student generation rates provided by HSD and SBHSD. The commenter notes that the Draft EIR assumes only 30 percent of the project's residents would be school-aged. This is not an assumption, but a calculation as described above, and it is in line with 2021 data from the U.S. Census Bureau, which found that 25.6 percent of residents of San Benito County are under the age of 18.<sup>2</sup> Based on this statistic, the information in the Draft EIR using student generation rates is a conservative estimate of the number of students that would be residents of the proposed project, because it assumes a percentage of school-aged children that is higher than that which is calculated using Census data.

The Draft EIR uses best information available at the time the NOP was published, as CEQA Guidelines Section 15125 notes that the appropriate baseline for the analysis presented in a Draft EIR is based on the existing conditions at the time of when the NOP is published. The NOP was published on February 2, 2022, prior to the completion of the updated SFNA. Thus, the Draft EIR relies on the most up-to-date information available at the time the NOP was published, which were the figures from the prior SFNA, and no changes to the Draft EIR are required. Additionally, the updated SFNA uses a student generation rate of 0.176 students per single family residence, which is substantially less than the generation rate used in the Draft EIR of 0.35 students per residence (refer to page 4.10-13 of the Draft EIR). Therefore, the Draft EIR provides a conservative estimate of students generated by the project.

---

<sup>2</sup> U.S. Census Bureau. QuickFacts. Updated June 30, 2022. U.S. Census Bureau QuickFacts: San Benito County, California. Accessed October 2022.

## Response 5.8

The commenter expresses concern with the presentation of cumulative impacts on residential growth, school facilities, traffic volumes, circulation, and safety of nearby schools and surrounding communities. The commenter states that impacts of the proposed project should not be considered insignificant given its potential cumulative impacts.

The commenter specifically focuses on cumulative traffic impacts from overall development in the community on one specific facility and its surroundings. The traffic study provides a cumulative analysis in compliance with Public Resources Code Section 21099 with regard to both project and cumulative traffic. Furthermore, as noted in Section 4.10.9 of the Draft EIR, the project is anticipated to generate 94 students total across all grade levels. Using a worst-case-scenario, 65 of those 94 students may attend the high school; however, it is unknown exactly what students will be generated and at what grade level. Nor is that level of detailed cumulative analysis for traffic required: “the detail required for a cumulative impact analysis is based on reasonableness and practicality” (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 531). Regardless, the EIR does address cumulative traffic volumes from the project and other reasonably foreseeable projects to analyze the project’s contribution to significant cumulative effects with respect to transportation and traffic safety. Section 4.7.4 of the Draft EIR states the following, related to cumulative traffic safety impacts:

Impacts related to design hazards and emergency access are generally site specific, and cumulative impacts from planned development would not be significant. As described under Impacts TRA-3 and TRA-4, impacts related to these topics resulting from the proposed project would be less than significant.

As described in Response 5.3, cumulative impacts of the proposed project were analyzed throughout the Draft EIR in the relevant resource chapters, including cumulative traffic impacts in Section 4.7.4 of the Draft EIR. Section 15130(a)(3) of the CEQA Guidelines states that a “project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.” New development will be required to pay mandatory school impact fees pursuant to Government Code 65997. Additionally, required developer fees and property tax payments would be required for cumulative projects as well, thereby addressing cumulative impacts related to increased demand for school facilities.

## Response 5.9

The commenter requests that the County evaluate the CFD option presented in an earlier correspondence as a mitigation measure to address the potential impact of residential development on school facility capacity.

The March 16, 2022 comment letter from SBHSD provided during the NOP circulation period was included as part of Appendix A to the Draft EIR and was considered during preparation of the Draft EIR. No significant impacts related to schools were identified, as described in Section 4.10.9 of the Draft EIR. Therefore, no mitigation measures were warranted, and the suggested mitigation of creating a CFD is not required. Please refer to CEQA Guidelines Section 15126.4 for additional information on requirements for mitigation measures. As stated in Section 15126.4(a)(3): “Mitigation measures are not required for effects which are not found to be significant.” As stated

in Section 4.10, *Effects Found Not to be Significant*, impacts to public facilities, including schools, were found to be less than significant. Thus, no mitigation is required.

### **Response 5.10**

The commenter expresses concern regarding increased traffic and congestion induced by the proposed project, particularly in proximity to Hollister High School. The commenter requests to know where information on economic and social factors can be found in the administrative record as it pertains to increased traffic and safety impacts around Hollister High School.

In reference to increased traffic and congestion, please refer to Public Resources Code Section 21099. As stated therein, level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment. Section 21099 also directs the Office of Planning and Research (OPR) to propose revisions to the CEQA Guidelines “establishing criteria for determining the significance of transportation impacts of projects within transit priority areas” (Section 21099[b][1]). Upon certification, “automobile delay” or “traffic congestion” will no longer be considered a significant impact on the environment (Section 21099[b][2])” (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 726). As noted on page 4.7-6 of the Draft EIR, in December 2018, OPR issued a Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). The technical advisory contains recommendations regarding assessment of vehicle miles travelled, thresholds of significance, and mitigation measures. The transportation analysis provided in Section 4.7, *Transportation*, of the Draft EIR follows these requirements and also considers San Benito County 2035 General Plan goals and policies related to transportation and circulation. Pursuant to OPR Guidelines and certification of PRC 21099(b)(2), traffic congestion, including at the Hollister High School, is not considered an impact to the environment. As such, congestion in this location is not analyzed in the Draft EIR.

As described under Impacts TRA-3 and TRA-4 of the Draft EIR, the project would not result in new traffic hazards associated with incompatible uses or vehicles on roadways, Old Ranch Road would be improved to meet County standards for traffic safety and site access, and the project does not include design features that could result in new traffic hazards.

Regarding the information related to economic or social factors, please refer to Response 5.6. As noted therein, social and economic changes must be addressed under CEQA only if they will cause changes in the physical environment.

### **Response 5.11**

The commenter requests that a more detailed review of safety should be conducted. The commenter states that it is unclear how any person could walk or bicycle safely to and from the project site. The commenter requests that the Draft EIR and Draft Transportation Analysis be updated to include this information. The commenter states that the analysis is unclear if safe transportation access is provided to the project site, or how SBHSD students living within the project area will safely access SBHSD schools.

Please refer to Impact TRA-3 in Section 4.7, *Transportation*, for additional information on transportation safety, which describes the main site access to the project site, secondary site access planned at the southern boundary to the site, and internal roadway conformance with County roadway standards related to safety. Additionally, current inadequacies in the local circulation network are an existing condition, and are not impacts of the proposed project.

Transit, bicycle, and pedestrian impacts are discussed under Impact TRA-1 in Section 4.7, *Transportation*, of the Draft EIR. The project would install a pedestrian crossing consisting of a solar-powered flashing beacon, signage, and crosswalk at Fairview Road at its intersection with Old Ranch Road. This expanded pedestrian network would provide pedestrian access to local parks, including the proposed on-site park and off-site park in the planned residential development across Fairview Road (Roberts Ranch Subdivision, refer to Figure 2-2 in Section 2, *Project Description*, of the Draft EIR). The project includes connections to future bicycle and pedestrian facilities proposed under the County's 2035 General Plan and the County's Bikeway and Pedestrian Master Plan. All bikeway facilities and pedestrian sidewalks would be designed and constructed in accordance with County standards. Impacts would be less than significant, and no mitigation would be required. No additional analysis is required in the Draft EIR.

Historic accident records are part of the existing setting, and not an impact of the proposed project. Furthermore, the CEQA Guidelines do not require an analysis of historic accident records to determine potential project impacts. Rather, the CEQA Appendix G checklist question related to transportation safety is related to hazards associated with proposed geometric design features and proposed incompatible uses. Here, no such conditions or conflicting uses are proposed. Therefore, no revisions have been made to the Draft EIR in response to this comment.

### **Response 5.12**

The commenter states that Mitigation Measure TRA-2 does not provide sufficient detail regarding how the fair share fee is determined.

Fair share fees will be calculated using the County's standard methodology. Developer impact fees are typically tied to trip generation rates and traffic impacts produced by a proposed project. In this case, the methodology tied specifically to the fair share fee for this required payment is still being devised by the County. Additionally, it should be noted that the payment of fair share fees in this case would not avoid the significant transportation impact related to VMT.

### **Response 5.13**

The commenter notes that the Draft EIR states that impacts regarding vehicle miles travelled are determined to be significant and unavoidable. The commenter states that County project approvals are inconsistent with State law. The commenter also requests copies of future notices for the project.

As an initial matter, CEQA does not prohibit public agencies from approving projects that result in significant, environmental effects. Rather it requires agencies to identify any such impacts and mitigate them to the extent feasible. Therefore, it is incorrect to assert that approving a project that results in a significant VMT impact after the incorporation of all feasible mitigation would be against the law.

Section 15093 of the CEQA Guidelines states:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the

unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

As defined in the CEQA Guidelines Section 15005, the use of the word “may”: “Identifies a permissive element which is left fully to the discretion of the public agencies involved.” This means that it is up to the discretion of the lead agency to decide if an impact is considered acceptable. In the case that the lead agency has found that the proposed project has benefits outweighing the significant and unavoidable environmental impact of a project, then the lead agency will include an explanation for that decision in the Statement of Overriding Considerations as a part of the administrative record. Consistent with CEQA Guidelines Sections 15091 and 15093, both CEQA Findings and a Statement of Overriding Considerations are required for this project due to the identified significant and unavoidable transportation impact. There are separate documents to be prepared in advance of the project hearing. No changes to the Draft EIR are required.

The commenter’s request for future notices for this project has been noted.

### **Response 5.14**

The commenter requests that changes be made to the Draft EIR to address potential inconsistencies and be recirculated for another 45-day public comment period. The commenter requests the opportunity to work collaboratively with the County to address cumulative and unmitigated effects.

As described in CEQA Guidelines Section 15088.5, the Draft EIR is required to recirculate when significant new information is added to the EIR. The term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. Based on the comments received during the public comment period, no new information considered significant has been added or changed within the Draft EIR that would require recirculation.

# Amendments to the Draft EIR

---

The following pages provide a summary record of all proposed text amendments to the Draft EIR. Most amendments are the result of comments received during the public review period, and directly respond to those comments, or correction of typographical errors within the Draft EIR. These amendments serve as clarifications and amplifications on the content of the Draft EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5. The amendments serve to clarify and strengthen the content of the EIR, but do not introduce significant new information.

Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments.

## Executive Summary

Page ES-3:

...The proposed on-site potable and non-potable systems would be dedicated to SCWD for maintenance, funded through monthly ~~a CFD~~ water rates collected by SCWD.

Page ES-4:

...~~SCWD San Benito County~~ would be responsible for maintenance of the proposed on-site stormwater system, funded through ~~a CFD~~ the collection of monthly wastewater rates.

## Section 2, Project Description

Page 2-10:

...The proposed on-site potable and non-potable systems would be dedicated to SCWD for maintenance, funded through ~~a CFD~~ monthly water rates collected by SCWD. Figure 2-7 shows the proposed location for new potable and non-potable water mains on site.

Page 2-11:

The project applicant would construct the required on-site and off-site facilities. ~~San Benito County~~ SCWD would maintain the on-site system, including the on-site wastewater lift station, with the maintenance costs financed through the collection of monthly wastewater rates ~~a CFD~~. SCWD would continue to maintain its system south of Old Ranch Road, and the City of Hollister would maintain its collection and treatment systems.

Page 2-11 (Wastewater Option 2 subheading):

In addition to the on-site improvements described above, the wastewater main would be extended to a new manhole on the west side of Fairview Road.

### Section 3, Environmental Setting

Table-1 beginning on page 3-3, only modified or added rows are provided below:

Applicant/Owner/ Project Name	Address/Location	Project Description	Project Status
<u>Vista del Calabria</u>	<u>213 Enterprise Road</u>	<u>149 single-family dwelling units</u>	<u>Approved</u>
<u>Ridgemark Subdivision Project</u>	<u>Ridgemark Golf Course and Country Club (253 acres of the 618-acre area)</u>	<u>190 residential lots, 5 commercial/non-residential lots, 5 golf course lots, one park</u>	<u>Pending</u>

Source: County of San Benito 2022; Hexagon Transportation Consultants, Inc. 2022; Magaña 2020

### Section 4.9, Utilities and Service Systems

Page 4.9-1:

...SCWD currently serves approximately ~~6,400~~ 7,200 water accounts, approximately 99.8 percent of which are residential customers (SCWD 2022a). SCWD obtains its water supply from two main sources – local groundwater, and imported surface water from the Central Valley Project (CVP). The CVP water is obtained by SCWD from the San Benito County Water District (SBCWD), which is the imported water wholesaler for the region. In addition, SCWD owns and operates five groundwater wells.

Page 4.9-16:

As noted above, the additional 8,945 GPD of wastewater estimated for the proposed project represents the wastewater generated by the 29 units that were not previously accounted for in the UWMP, and are therefore in addition to the 112 units already accounted for in the UWMP, to meet the proposed project’s total of 141 new residential units. The population growth estimates used to develop the current 2020 HUA UWMP were based on the Hollister Urban Area Water and Wastewater Master Plan and the associated Update (City of Hollister, SBCWD, and SCWD 2017), and those projections were informed by land use planning data from the adopted General Plans for Hollister and San Benito County, as well as the planned development forecasts provided by the City of Hollister and SCWD (Todd Groundwater 2021). The proposed project development is included on the list of forecasted projects identified in the 2020 HUA UWMP, indicating that the wastewater treatment demands of project-related development are accounted for in the Hollister Urban Area Water and Wastewater Master Plan and the associated Update (City of Hollister, SBCWD, and SCWD 2017), and wastewater treatment capacity for the 112 units assumed in the aforementioned plans are already accounted for in the project area.

As ~~Additionally, as~~ discussed in Section 4.9.1(b)...

...Under Wastewater Option 2, off-site improvements would be limited to an extension of the project’s on-site sewer main, to cross under Fairview Road and connect to the existing Manhole L-5-1, from which point ~~SCWD’s the City’s~~ existing sewer system is sufficient to convey project effluent to the Hollister DWRf for treatment and discharge.

Page 4.9-24:

Impact UTIL-3 addressed wastewater treatment capacity, and determined that both SCWD and the City of Hollister have substantial available daily capacity to accommodate the proposed project, with at least 40 percent of design capacity available. The design capacity of both the Ridgemark WWTP and the Hollister DWRf was informed by planned development throughout the HUA. ~~The proposed project development would increase wastewater production from planned rates for the site, based upon increasing the site's water demands by 12.5 AFY; however, the substantial available wastewater treatment capacity accounts for other developments within the cumulative scenario, and the potential for cumulative impacts would be less than significant. The project's contribution would not be cumulatively considerable.~~ Cumulative projects under Wastewater Option 2 would not exceed the available capacity of the Hollister DWRf, based on available information, and this cumulative impact would be less than significant. However, based on information from Sunnyslope County Water District (SCWD 2022d), under Wastewater Option 1, the Ridgemark WWTP would reach operational capacity in the cumulative condition, and improvements at the facility may be required. These include an equalization tank, upgrades to the main lift station, and additional emergency capacity and drying bed space. Because wastewater capacity may not be available in this scenario, cumulative impacts would be potentially significant. Cumulative projects under Wastewater Option 2 would not exceed the available capacity of the Hollister DWRf, based on available information, and this cumulative impact would be less than significant.

As described in Impact UTIL-3, the proposed project's wastewater generation would equate to 2.61 percent of the Ridgemark WWTP's remaining treatment capacity or 0.3 percent of the Hollister DWRf's remaining capacity. Therefore, the project's contribution to this impact would not be cumulatively considerable under either Wastewater Treatment Option.

## **Section 4.10, Effects Found Not to be Significant**

Page 4.10-12:

The project site is within the Hollister School District (HSD), which operates one individual alternative education program, eight elementary, and two middle schools; and the San Benito High School District (SBHSD), which contains one high school. SBHSD owns an undeveloped parcel along Best Road and is considering construction of a new school at this site; however, no development plans or applications have been prepared or submitted at this time, nor has the District expressed any potential timeframe for deciding whether or not to pursue a project, let alone a timeframe for commencing development. The project would include the construction of 141 dwelling units and 25 ADUs.

## **Section 7, References**

Page 7-1:

Magaña, Noe. 2020. SBC Planning Commission approves 149-unit project. September 13, 2020. <https://benitolink.com/sbc-planning-commission-approves-149-unit-project/> (accessed October 2022).

Page 7-11:

Sunnyslope County Water District (SCWD)....

. 2022d.RE: Sunnyslope Comments on Draft EIR for Lee Subdivision Project. Letter provided by SCWD (Rob Hillebrecht, P.E.) to the County of San Benito (Dana Serpa-Ostojja). September 12, 2022.