

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE

Betabel Commercial Development Conditional Use Permit Project



State Clearinghouse No. 2022040455

Prepared for:



San Benito County
Resource Management Agency

July 2022

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Prepared for:



San Benito County Resource Management Agency

2301 Technology Parkway

Hollister, CA 95023

Contact:

M. Abraham Prado

Assistant Director of Planning and Building Services

APrado@cosb.us

Prepared by:



Ascent Environmental

455 Capitol Mall, Suite 300

Sacramento, CA 95814

Contact:

Alta Cunningham

Project Manager

alta.cunningham@ascentenvironmental.com

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LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	degrees Fahrenheit
2017 Scoping Plan	<i>California's 2017 Climate Change Scoping Plan</i>
AB	Assembly Bill
ADL	aerially deposited lead
aff	above the finished floor
AFV	alternative fuel vehicle
AFY	acre-feet per year
AMBAG	Association of Monterey Bay Area Governments
AMLT	Amah Mutsun Land Trust
AMTB	Amah Mutsun Tribal Band
APN	Assessor's Parcel Number
AR	Agricultural Rangeland
AR/FP	Agricultural Rangeland/Floodplain
Basin Plan	Central Coast Basin
BMP	best management practice
C-1	Commercial Thoroughfare
CA SDWA	California Safe Drinking Water Act
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Projection
Cal/OSHA	California Occupational Safety and Health Administration
CalEPA	California Environmental Protection Agency
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
Caltrans	California Department of Transportation
CAP	criteria air pollutants
CARB	California Air Resources Board

CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide-equivalent
Conservation	State Department of Conservation
County Code	San Benito County Code of Ordinances
County	San Benito County
CPUC	California Public Utilities Commission
CR	Commercial Regional
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act
cy	cubic yards
dB	decibels
diesel PM	particulate matter exhaust from diesel engines
DNL	day/night average levels
DOT	U.S. Department of Transportation
Draft EIR	draft environmental impact report
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources
EAP	Energy Action Plan
EOP	emergency operations plan

EPA	U.S. Environmental Protection Agency
EPAct	Energy Policy Act of 1992
ESA	federal Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FICON	Federal Interagency Commission on Noise
FMMP	Farmland Mapping and Monitoring Program
FPP	Farmland Protection Program
FPPA	Farmland Protection Policy Act
FR	Federal Register
FTA	Federal Transit Administration
GHG	greenhouse gas
GMO	Growth Management Ordinance
GPM	gallons per minute
GSP	Groundwater Sustainability Plan
HAP	hazardous air pollutants
HSC	Health and Safety Code
Hz	hertz
IEPR	Integrated Energy Policy Report
IFI	Important Farmlands Inventory
IRWM	Integrated Regional Water Management
JSRL	John Smith Road Landfill
JTCL	Juristac Tribal Cultural Landscape
LEED	Leadership in Energy and Environmental Design
LESA	Land Evaluation and Site Assessment
LID	Low Impact Development
LOS	level of service
LTA	Local Transportation Authority

MBTA	Migratory Bird Treaty Act
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MCL	Maximum Contaminant Levels
MLD	most likely descendants
MMT	million metric tons
MMTCO ₂ e	million metric tons of carbon dioxide equivalent
MOA	Memorandum of Agreement
MPO	metropolitan planning organizations
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer system
MTCO ₂ e/year	metric tons of carbon dioxide equivalent per year
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NCCAB	North Coast Central Air Basin
NCCP	natural community conservation plan
NEHRP	National Earthquake Hazards Reduction Program
NFIP	National Flood Insurance Program
NO	nitric oxide
NO ₂	nitrogen dioxide
NOP	notice of preparation
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyls
PG&E	Pacific Gas & Electric Company
PM	particulate matter

PM ₁₀	respirable particulate matter with aerodynamic diameter of 10 micrometers or less
PM _{2.5}	fine particulate matter with aerodynamic diameter of 2.5 micrometers or less
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1970
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
project	Betabel Commercial Development Conditional Use Permit Project
RCP	Representative Concentration Pathway
RCRA	Resource Conservation and Recovery Act of 1976
RG	Rangeland
ROG	reactive organic gases
RTP	Regional Transportation Plan
RV	recreational vehicle
RWQCB	regional water quality control board
SAF Plan	State Alternative Fuels Plan
SAFE Rule	Safer Affordable Fuel Efficient Vehicles Rule
SB	Senate Bill
SBCWD	San Benito County Water District
SCS	Sustainable Communities Strategy
sf	square feet
SGMA	Sustainable Groundwater Management Act of 2014
SIP	state implementation plan
SO ₂	sulfur dioxide
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
SPRR	Southern Pacific Railroad
SR	State Route
SRA	State Responsibility Area
S RTP	Short Range Transit Plan
State CEQA Guidelines	California Environmental Quality Act Guidelines
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
SWRCB-DDW	State Water Resources Control Board Division of Drinking Water

TAC	toxic air contaminant
TAZ	traffic analysis zone
TDS	total dissolved solids
TISG	Transportation Impact Study Guide
TMDL	total maximum daily load
TSCA	Toxic Substance Control Act
U.S.C.	U.S. Code
UC	University of California
Unified Program	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program
US 101	U.S. Highway 101
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tanks
VMT	vehicle miles traveled
WUI	wildland urban interface
ZEV	zero-emission vehicle

EXECUTIVE SUMMARY

ES.1 Introduction

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), "an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical." As required by the guidelines, this chapter includes (1) a summary description of the Betabel Commercial Development Conditional Use Permit Project (project), (2) a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), (3) identification of the alternatives evaluated and of the environmentally superior alternative, and (4) a discussion of the areas of controversy associated with the project.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

ES.2.1 Project Location

The project is located at 9644 Betabel Road, in unincorporated San Benito County (County) approximately 2 miles south of Sargent and 4 miles north of San Juan Bautista. The junction of U.S. Highway 101 (US 101) and State Route 156 is three miles south of the project site.

The project site is an approximately 116-acre property consisting of six Assessor's Parcel Numbers: 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. The property is bordered by Betabel Road and US 101 to the east, the Betabel RV Park to the north, and agricultural/open space to the south and west. The Pajaro and San Benito rivers are located to the west and south of the property, respectively. The disturbance area associated with development and infrastructure improvements of the project consists of approximately 32 acres, as shown in Figure 2-1 of Chapter 2, "Project Description."

ES.2.2 Summary of Project

The project would develop/improve approximately 26 acres and create 108,425 square feet (sf) of commercial space that would incorporate an approved onsite farm stand, consisting of a gas station with convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with outdoor pool and outdoor movie screen, and an outdoor event center. The design of the project would be reminiscent of the 1940s and 1950s American roadside. Figure 2-2 illustrates the location, square footage, and parking areas associated with each building. Conceptual building elevations and architectural design drawings for each building are provided in Appendix B.

ES.2.3 Project Objectives

The objectives of the project as identified by the project applicant are to:

- ▶ Honor the memory of Errol McDowell by generating revenues for the applicant to be used 100 percent for funding children's cancer research to cure childhood brain cancer (the number one cause of death by cancer in kids).
- ▶ Provide a one-stop roadside experience, with visitor-oriented commercial uses that promote the local history and local economy.
- ▶ Provide retail, hospitality, automotive service/ fuel station, and feature local events to passengers driving on US 101.

- ▶ Create destination attractions that celebrate San Benito County's unique heritage, including contemporary and performing arts, winemaking culture, agritourism, and San Benito history.
- ▶ Create new employment opportunities within the County for residents, which are vital to the economic health of the community, allowing the County to make the most of the commercial and tax potential of the only portion of the County through which US 101 passes.

ES.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

ES.3.1 Project-Specific Impacts

This EIR has been prepared pursuant to the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 1500, et seq.) to evaluate the physical environmental effects of the proposed Betabel Commercial Development Conditional Use Permit Project. San Benito County is the lead agency for the project and has the principal responsibility for approving the project.

Table ES-1, presented at the end of this chapter, provides a summary of the environmental impacts for the Betabel Commercial Development Conditional Use Permit Project. The table provides the level of significance of the impact before mitigation, recommended mitigation measures, and the level of significance of the impact after implementation of the mitigation measures.

ES.3.2 Significant-and-Unavoidable Impacts

The Betabel Commercial Development Conditional Use Permit Project would result in the following significant and unavoidable impacts:

- ▶ Impact 3.1-2: Damage Scenic Resources
- ▶ Impact 3.2-1: Convert Lands Designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-Agricultural Use
- ▶ Impact 3.15-2: Project Increases in Vehicle Miles Traveled
- ▶ Impact 3.16-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- ▶ CUM-1: Contribution to Cumulative Aesthetic Impacts
- ▶ CUM-2: Contribution to Cumulative Agricultural Resource Impacts
- ▶ CUM-15: Contribution to Cumulative Vehicle Miles Traveled Impacts
- ▶ CUM-16: Contribution to Cumulative Tribal Cultural Resource Impacts

ES.4 ALTERNATIVES TO THE PROPOSED PROJECT

The following provides brief descriptions of the alternatives evaluated in this Draft EIR. The reader is referred Chapter 5, "Alternatives," for a further discussion of alternatives.

- ▶ Alternative 1: No Project–No Development Alternative assumes no development of the project site. The project site would remain in its current condition.
- ▶ Alternative 2: No Project–Orchard and Flea Market Alternative would involve not moving forward with the proposed project and the re-establishment of orchard agricultural uses on the site with a flea market operation along the site's frontage with US 101 as allowed under County Use Permit No. 1006-08.

- ▶ Alternative 3: Modified Site Design Alternative would remove the proposed motel site and its associated parking. All other aspects of the project would be retained.
- ▶ Alternative 4: Reduced Intensity Alternative would remove the outdoor event center in the southern portion of the development and reduce the size of the motel to two-stories and a total of 77 rooms. The motel movie screen would also be removed. All other aspects of the project would be retained.
- ▶ Alternative 5: North Site Development Only Alternative would reduce site development and associated improvements to the proposed gas station and convenience store, restaurant, and operation of the approved farm stand.

Alternative 1, the No Project-No Development Alternative would avoid the adverse impacts generated by the construction and operation of the Betabel Commercial Development Conditional Use Permit Project. Therefore, it is considered the environmentally superior alternative. However, the No Project–No Development Alternative would not meet the project objectives.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126.6[e][2]) require identification of an environmentally superior alternative among the other action alternatives evaluated. As described in Chapter 5, "Alternatives," the North Site Development Only Alternative would be environmentally superior action alternative.

ES.5 AREAS OF CONTROVERSY

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify areas of controversy known to the lead agency, including issues raised by agencies and the public. This section provides a summary of issues raised through scoping and comments on the notice of preparation (NOP) that could be considered controversial. The comment letters received on the NOP are included in Appendix A of this document.

The major areas of controversy associated with the project are:

- ▶ impacts to tribal cultural resources;
- ▶ law enforcement service demand increases for the California Highway Patrol;
- ▶ loss of important farmland and associated agricultural resource impacts;
- ▶ potential impacts to public health from contamination and hazardous material use from project land uses; and
- ▶ vehicle miles traveled increases and impacts to US 101.

The Draft EIR addresses these issues to the extent that substantial evidence permits, and to the extent that the issues are environmental issues. However, it does not address impacts that are speculative and not reasonably foreseeable.

ES.6 ISSUES TO BE RESOLVED

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify issues to be resolved in the EIR. The major issues to be resolved by the County are whether:

- ▶ a finding of project consistency with the General Plan can be made;
- ▶ the project should be approved for development based on the proposed site plan and associated building heights;
- ▶ special events be allowed as part of the project; and
- ▶ identified tribal cultural resources can be avoided, preserved in place, mitigated with culturally appropriate mitigation, or otherwise protected as part of project implementation.

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Aesthetics			
Impact 3.1-1: Substantially Degrade the Existing Visual Character or Quality of the Site or its Surroundings Development of the project site would convert approximately 32 acres of largely undeveloped land to commercial uses along Betabel Road. The proposed development would be an active, commercial site with increased traffic entering and exiting the project site throughout the day. The introduction of such uses and infrastructure in an area that is primarily undeveloped at present would change the existing visual character of the area. However, the proposed facilities would be screened from view by landscaping and limited in height (consistent with County General Plan policies and County Code requirements), and proposed landscaping would soften the commercial character of the project site. Further, the project would comply with General Plan policies related to development design, which would ensure that the project would not substantially degrade the visual character of the project area. For these reasons, this impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.1-2: Damage to Scenic Resources Project development would occur along US 101, which is not designated as a state scenic highway but is County designated as a locally scenic roadway. Proposed development would be compatible and visually cohesive with existing development, consistent with County General Plan policies and regulations related to development near scenic resources. However, it would be visible and would potentially further reduce views westward from US 101 and of the surrounding landscape. Project changes in the visual character of the area would also impact the Juristac Tribal Cultural Landscape. Therefore, the project would damage scenic resources within a scenic roadway, and this impact would be significant.	S	Mitigation related to this aesthetic impact associated with development of the project site, in accordance with Section 15370 of the CEQA Guidelines, could include no development within the buffer zone and/or or relocating/reducing the level of development within the project site to other less visually sensitive areas. However, because the buffer zone covers approximately half the project site, relocation and/or reduction of onsite development to avoid development within the buffer is not considered feasible due to spatial design considerations, including the need for onsite utility infrastructure.	SU
Impact 3.1-3: Create a New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views in the Area Project implementation would result in an incremental increase in the amount of light and glare on the project site, which would affect nighttime views in the area. However, the project would adhere to the County's Dark Sky Ordinance, which require that lighting sources be designed and constructed in a manner so as to avoid light spillage and glare on adjacent properties and in private spaces. Further, all lighting would be consistent with International Dark Sky Standards and the Illuminating Engineering Society of North America criteria for luminaries. Because	LTS	No mitigation is required.	LTS

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

San Benito County

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, this impact would be less than significant.			
Agricultural Resources			
Impact 3.2-1: Convert Lands Designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-Agricultural Use The Betabel Commercial Development Conditional Use Permit Project would result in the conversion of up to 27.07 acres of Important Farmland to non-agricultural uses. Because implementation of the proposed development would result in a conversion of Important Farmland, this impact is considered significant.	S	Mitigation Measure 3.2-1: Preservation of Important Farmland Prior to issuance of a grading permit, important Farmland shall be preserved in San Benito County at a minimum ratio of 1:1 for each acre of Farmland converted to nonagricultural use by the project. Such lands must have an NRCS soils classification or FMMP categorization of the same or greater value than farmland converted by project implementation. Mitigation lands will be protected by agricultural conservation easements containing restrictive encumbrances in a form deemed acceptable to and approved by the County. Farmland preserved for the purpose of habitat mitigation may be counted toward the Farmland mitigation measure if the preserved land has the same or better NRCS or FMMP classification as the farmland being converted to by the project.	SU
Impact 3.2-2: Result in Other Loss or Conversion of Farmland to Non-Agricultural Use The proposed project could result in the loss or conversion of existing agricultural uses within San Benito County. However, because the project involves land use changes adjacent to US 101, it is unlikely that the indirect conversion of land outside of the proposed project site would occur as a result of the proposed project. This impact is considered less than significant.	LTS	No mitigation is required.	LTS
Air Quality			
Impact 3.3-1: Construction Emissions of Criteria Air Pollutants and Ozone Precursors Construction activities would not result in mass emissions of ROG, NO _x , PM ₁₀ , PM _{2.5} , or CO that exceed MBUAPCD's mass emissions significance criteria. Therefore, construction-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area. This impact would be less than significant.	LTS	No mitigation is required.	LTS

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

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Betabel Commercial Development Conditional Use Permit Draft EIR

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.3-2: Operational Emissions of Criteria Air Pollutants and Ozone Precursors Operational activities would not result in mass emissions of ROG, NO _x , PM ₁₀ , PM _{2.5} , or CO that exceed MBUAPCD's mass emissions significance criteria or local CO concentrations that violate or contribute substantially to concentrations that exceed applicable air quality standards. Therefore, operational-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.3-3: Expose Sensitive Receptors to Substantial Toxic Air Contaminant Concentrations Construction- and operation-related emissions of TACs associated with implementation of the project would not result in an adverse public health risk to sensitive receptors. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.3-4: Exposure of a Substantial Number of People to Adverse Odors Construction- and operation-related odors would not result in the exposure of a substantial number of people to adverse odors. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Biological Resources			
Impact 3.4-1: Result in Disturbance or Loss of Special-Status Plant Species Development of the project site, including ground disturbance associated with construction of roads, parking areas, or buildings, could result in direct removal, or damage that results in eventual death or loss of special-status plants, if present on the project site. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a significant impact.	S	Mitigation Measure 3.4-1: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation ► Prior to commencement of project construction activities and during the blooming period for the special-status plant species with potential to occur in the development area, a qualified botanist shall conduct protocol-level surveys for special-status plants within the development area following survey methods from CDFW's <i>Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities</i> (CDFW 2018a or most recent version). The qualified botanist shall: 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the Sierra Nevada region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW 2018a, 4) be familiar with the <i>California Manual of Vegetation</i> (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/), and 5) be familiar with federal and state statutes and regulations related to plants and plant collecting.	LTS

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		<p>► If special-status plants are not found, the botanist shall document the findings in a report to the applicant and San Benito County, and no further mitigation shall be required.</p> <p>Typical Blooming Period for Special-Status Plants That May Occur within the Project Site¹</p> <table><tr><th>Species</th><th>Jan</th><th>Feb</th><th>Mar</th><th>Apr</th><th>May</th><th>Jun</th><th>Jul</th><th>Aug</th><th>Sep</th><th>Oct</th><th>Nov</th><th>Dec</th></tr><tr><td>Big-scale balsamroot</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Pinnacles buckwheat</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Hoover’s button-celery</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Woodland woollythreads</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> <p>¹ This is the published blooming period for the species across their entire range and through history. The actual blooming period for any species at a given location in a given year is variable and should be based on observations of nearby reference populations, as required under CDFW’s <i>Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities</i> (CDFW 2018a).</p> <p>Source: Data compiled by Ascent Environmental in 2022; CNPS 2022</p> <p>► If special-status plants are found during special-status plant surveys and cannot be avoided, the applicant shall, in consultation with CDFW, develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations (e.g., offsite), establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to offset loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the development area. Habitat and individual plants lost (e.g., direct removal, trampling, root damage) shall be mitigated at a minimum 1:1 ratio through implementation of the above measures, considering acreage as well as function and value. Success criteria for preserved and compensatory populations shall include:</p>	Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Big-scale balsamroot													Pinnacles buckwheat													Hoover’s button-celery													Woodland woollythreads													
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		<ul style="list-style-type: none"> ▪ The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat. ▪ Compensatory and preserved populations shall be self-producing. Populations would be considered self-producing when: <ul style="list-style-type: none"> • plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and • reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity. • If off-site mitigation includes dedication of conservation easements or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations. 	
<p>Impact 3.4-2: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat</p> <p>Project implementation would include land use conversion and development activities including ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in disturbance, injury, or mortality of several special-status wildlife species if present, reduced breeding productivity of these species, and loss of species habitat. This would be a significant impact.</p>	S	<p>Mitigation Measure 3.4-2a: Implement Conservation Measures for California Red-Legged Frog and California Tiger Salamander and Consult with CDFW and USFWS</p> <p>Prior to and during project construction, the following measures shall be implemented to minimize the likelihood of take of California red-legged frogs and California tiger salamanders.</p> <p><u>Conservation Measures</u></p> <ul style="list-style-type: none"> ▶ A biologist approved by CDFW and USFWS (approved biologist) shall supervise and implement all conservation measures. All construction contracts shall expressly include language requiring compliance with the conservation measures. ▶ At least 30 days prior to the start of project construction activities, the project applicant shall submit to CDFW and USFWS the names and credentials of all biologists proposed to work on the project for approval. No project work shall begin until the project applicant has received approval from CDFW and USFWS that biologists are qualified to implement the proposed conservation measures. ▶ The approved biologist shall provide mandatory worker awareness training for all project construction personnel before work begins, that shall include, at a minimum, the biology, identification, and habitat needs of California red-legged 	LTS

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		<p>frog and California tiger salamander and the conservation measures required to protect them.</p> <ul style="list-style-type: none"> ▶ Amphibian exclusion fencing shall be installed around the entire perimeter of the development area under the direction of the approved biologist. The exclusion fencing shall be maintained through the life of the project construction and shall be inspected by the biologist at least once per week. ▶ The approved biologist shall survey the development area for California red-legged frog and California tiger salamander no more than 48 hours before the start of project construction work. If California red-legged frogs or California tiger salamanders are detected during the survey, all project construction activities shall cease, and CDFW and USFWS shall be notified. ▶ Each morning before work begins, the approved biologist shall inspect all vehicles, heavy equipment, and stored pipes for the presence of California red-legged frogs and California tiger salamanders. ▶ The approved biologist shall be present at work areas during all ground disturbing activities and shall be available to visit work areas at all other times in the event a California red-legged frog or California tiger salamander is encountered. ▶ The approved biologist may designate biological monitors to oversee on-site compliance with all conservation measures. The approved biologist shall ensure that monitors receive appropriate training, including identification of California red-legged frogs and California tiger salamanders. If these species are encountered in work areas, biological monitors shall be authorized to stop any construction activities which may pose a threat to the animal, all equipment shall be turned off, and the approved biologist shall be notified immediately. Work shall not continue until the biologist has contacted CDFW and USFWS for guidance. ▶ Project construction activities shall not occur during the rainy season when California red-legged frogs and California tiger salamanders may be active (typically November through March), unless the entire development area has been graded and has been completely enclosed with amphibian exclusion fence prior to the onset of winter rains. For any work activities occurring after the onset of winter rains (i.e., usually mid-November, but variable from year to year), the approved biologist or biological monitor trained by the approved biologist shall be present at all times, even if ground disturbing activities have been completed. ▶ No construction work shall be performed during rain. If a rain event results in accumulation of less than 0.2 inch in a 24-hour period, work may resume after 	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>precipitation ceases. If a rain event results in accumulation of 0.2 inch or greater in a 24-hour period, work may resume after precipitation ceases, a drying-out period of 24 hours is observed, and the approved biologist inspects all work areas to verify the absence of California red-legged frogs and California tiger salamanders.</p> <ul style="list-style-type: none"> ▶ If a work area is to be dewatered by pumping (e.g., the drainage ditch), intakes shall be completely screened with mesh not larger than 0.2 inch to prevent California red-legged frogs and California tiger salamanders from entering the pump system. ▶ Nighttime construction work shall not occur. ▶ All food-related trash items shall be disposed of in secure, closed containers and removed regularly to reduce the potential to attract predators. After construction, all trash and construction debris shall be removed from work areas for construction and operation of the project. ▶ All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from habitat adjacent to the development area (i.e., Pajaro River, San Benito River, riparian woodland habitat adjacent to these rivers) that may be occupied by any life stage of the California red-legged frog or California tiger salamander. <p><u>Wildlife Agency Consultation</u></p> <ul style="list-style-type: none"> ▶ Prior to implementation of project construction activities, the project applicant shall initiate consultation with CDFW (for California tiger salamander) and USFWS (for California tiger salamander and California red-legged frog). If it is determined, in consultation with CDFW and USFWS, that take of these species could occur after implementation of the conservation measures described above, then the project applicant may be required to obtain incidental take authorization through the through Section 7 consultation or a Section 10 permit pursuant to ESA and through Section 2081 of California Fish and Game Code pursuant to CESA. Additional conservation measures may be recommended by CDFW or USFWS during the consultation process and these measures shall be implemented by the project applicant. <p>Mitigation Measure 3.4-2b: Implement Protection Measures to Avoid Impacts on Water Quality in the Pajaro and San Benito Rivers</p> <p>The project applicant shall implement the following protection measures before and during construction activities:</p>	

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		<p>► Silt fencing shall be installed as appropriate along the edges of the Pajaro River and San Benito River riparian corridors that are within 200 feet of the disturbance area to prevent excess fill from entering the water during construction. All silt fences shall be maintained and checked for efficacy as necessary, but not less frequently than once per week.</p> <p>Mitigation Measure 3.4-2c: Conduct Preconstruction Surveys for Coast Horned Lizard, Northern California Legless Lizard, and San Joaquin Coachwhip; Implement Avoidance Measures; and Relocate Individuals</p> <p>► Within 48 hours of project construction activities (e.g., vegetation removal, ground disturbance), a qualified biologist would conduct a focused visual survey of habitat suitable for coast horned lizard, northern California legless lizard, and San Joaquin coachwhip within the development area, which would include walking linear transects of the development area.</p> <p>► If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are not detected during the focused survey, the qualified biologist would submit a report summarizing the results of the survey to the applicant and San Benito County, and further mitigation would not be required.</p> <p>► If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are detected, a qualified biologist would be present during initial ground disturbance activities and would inspect the development area before initiation of project activities. If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are detected, the qualified biologist would move individuals into nearby habitat and out of harm's way.</p> <p>Mitigation Measure 3.4-2d: Conduct Preconstruction Surveys for Western Pond Turtle, Implement Avoidance Measures, and Relocate Individuals</p> <p>► Within 24 hours of commencement of ground disturbing activities, a qualified biologist familiar with the life history of western pond turtle and experienced in performing surveys for western pond turtle shall conduct a focused survey of aquatic and upland habitat suitable for the species within the development area. The qualified biologist shall inspect the development area for western pond turtles as well as suitable burrow habitat.</p> <p>► If western pond turtles are not detected during the focused survey, the qualified biologist shall submit a report summarizing the results of the survey to the applicant and San Benito County, and further mitigation shall not be required.</p>	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>► If western pond turtles are detected, a no-disturbance buffer of at least 100 feet shall be established around any identified nest sites or overwintering sites until the nest is no longer active as determined by a qualified biologist, and no project activities shall occur within the no-disturbance buffer. A qualified biologist shall be present during initial ground disturbance activities and shall inspect the development area before initiation of project activities. If western pond turtles are detected, the qualified biologist shall move the turtles to the Pajaro or San Benito River or its tributaries that provide suitable aquatic habitat for western pond turtle.</p> <p>Mitigation Measure 3.4-2e: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows</p> <p>► A qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet (500 meters) of the development area no less than 14 days prior to initiating ground disturbance activities using survey methods described in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012).</p> <p>► If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and San Benito County, and no further mitigation shall be required.</p> <p>► If an active burrow is found within 1,500 feet of pending construction activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). The protection buffer may be adjusted if, in consultation with CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of the CDFW Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a compensatory habitat mitigation plan (see below).</p>	

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		<ul style="list-style-type: none"> ▶ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 164 feet unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer may be adjusted depending on the time of year and level of disturbance as outlined in the CDFW Staff Report. The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW Staff Report. ▶ If burrowing owls are evicted from burrows and the burrows are destroyed by implementation of project construction activities, the applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW Staff Report, which states that permanent impacts on nesting, occupied and satellite burrows, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) shall be mitigated such that habitat acreage and number of burrows are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards: <ul style="list-style-type: none"> ▪ Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species throughout its range. ▪ If feasible, mitigation lands shall be provided adjacent or proximate to the development area so that displaced owls can relocate with reduced risk of injury or mortality. Feasibility of providing mitigation adjacent or proximate to the development area depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity. ▪ If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the development area, mitigation lands can be secured 	

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		<p>offsite and shall aim to consolidate and enlarge conservation areas outside of planned development areas and within foraging distance of other conservation lands. Mitigation may be also accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in consultation with CDFW.</p> <ul style="list-style-type: none"> ▪ If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW Staff Report, shall include site tenacity, number of adult owls present and reproducing colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors. <p>Mitigation Measure 3.4-2f: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers</p> <ul style="list-style-type: none"> ► To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1-January 31, as determined by a qualified biologist), if feasible. If project construction activities are conducted during the nonbreeding season, no further mitigation shall be required. ► Within 14 days before the onset of project construction activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas within 0.25 mile of the development area for white-tailed kite, within 500 feet of the development area for other raptor species and special-status birds, and within 50 feet of the development area for non-raptor common native bird nests. 	

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		<ul style="list-style-type: none"> ▶ If no active nests are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and San Benito County, and no further mitigation shall be required. ▶ If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project construction activity shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffers typically shall be 0.25 mile for white-tailed kite, and 500 feet for other raptors. Buffer size for non-raptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project construction activities. Generally, buffer size for these species shall be at least 20 feet. The size of the buffer may be adjusted if a qualified biologist, determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status species shall require consultation with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist. <p>Mitigation Measure 3.4-2g: Implement Mitigation Measure 3.4-2b: Implement Protection Measures to Avoid Impacts on Water Quality in the Pajaro and San Benito Rivers</p> <p>Mitigation Measure 3.4-2h: Conduct Focused American Badger Survey and Establish Protective Buffers</p> <ul style="list-style-type: none"> ▶ Within 30 days before commencement of project construction activities, a qualified wildlife biologist with familiarity with American badger and experience using survey methods for the species shall conduct focused surveys of habitat suitable for the species within the development area to identify any American badger dens. ▶ If occupied dens are not found, the qualified biologist shall submit a letter report summarizing the results of the survey to the project applicant and San Benito County, and further mitigation shall not be required. 	

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		<p>► If occupied dens are found, impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens, the size of which shall be determined by the qualified biologist. No project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within the exclusion zone until the den is abandoned, as confirmed by a qualified biologist. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. Other methods, including but not limited to remote cameras, may be used to determine that the den is no longer occupied. When the den is no longer occupied, the den may be collapsed, and project activities within the exclusion zone may occur.</p> <p>Mitigation Measure 3.4-2i: Conduct Focused Bat Surveys and Implement Avoidance Measures</p> <p>► Prior to the start of project construction activities, a qualified biologist familiar with bats and bat ecology, and experienced in conducting bat surveys, shall conduct surveys for bat roosts in suitable habitat (e.g., large trees, crevices, cavities, exfoliating bark, foliage) within and adjacent to the development area.</p> <p>► If no evidence of bat roosts is found, the qualified biologist shall submit a report summarizing the results of the survey to the applicant and San Benito County, and no further study shall be required.</p> <p>► If evidence of bat roosts is observed, the species and number of bats using the roost shall be determined by a qualified biologist. Bat detectors shall be used if deemed necessary to supplement survey efforts by the qualified biologist.</p> <p>► A no-disturbance buffer of 250 feet shall be established around active pallid bat or western red bat roosts, and project activities shall not occur within this buffer until after the roosts are unoccupied.</p> <p>► If roosts of pallid bat, western mastiff bat, or western red bat are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree is removed. A program addressing compensation, exclusion methods, and roost removal procedures shall be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter) or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) shall be replaced in consultation with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size</p>	

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		excluded from the original roosting site. If determined necessary during consultation with CDFW, replacement roosts shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site by a qualified biologist, the roost tree may be removed	
Impact 3.4-3: Result in Degradation or Loss of Riparian Habitat or Other Sensitive Natural Communities Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal of riparian woodland and sensitive natural communities. This would be a significant impact.	S	Mitigation Measure 3.4-3: Provide Riparian Setbacks, Best Management Practices, and Compensate for Unavoidable Loss of Riparian Habitat The project applicant shall implement the following protection measures prior to implementation of project activities (e.g., construction, staging) within 50 feet of riparian woodland habitat on the project site: <ul style="list-style-type: none"> ▶ Setbacks shall be established around all riparian woodland habitat on the development area and shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist and no project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within these areas. Setback distances shall be determined by a qualified biologist in consultation with the appropriate agency (e.g., CDFW), but will be a minimum of 50 feet. Foot traffic by personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species or inadvertent crushing of plants and soil compaction. Periodic inspections (e.g., once per week at a minimum) during construction shall be conducted by a qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance. ▶ If project implementation cannot avoid and thus may adversely affect riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, the following measures shall apply. <ul style="list-style-type: none"> ▪ A Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1602 of the California Fish and Game Code. If proposed project activities are determined to be subject to CDFW jurisdiction, the project applicant shall abide by the measures to protect fish and wildlife resources required by any executed agreement prior to any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include a combination of the following mitigation. <ul style="list-style-type: none"> • The project applicant shall compensate for the loss of riparian habitat and habitat function and value of this habitat by: <ul style="list-style-type: none"> - restoring riparian habitat function and value within the project site; 	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<ul style="list-style-type: none"> - restoring degraded riparian habitat outside of the project site; - purchasing riparian habitat credits at a CDFW-approved mitigation bank; or - preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement at a sufficient ratio to offset the loss of riparian habitat function (at least 1:1). <ul style="list-style-type: none"> ▪ The project applicant shall prepare and implement a Compensatory Mitigation Plan that shall include the following: <ul style="list-style-type: none"> • For preserving existing riparian habitat outside of the project site in perpetuity, the Compensatory Mitigation Plan shall include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The project applicant shall provide evidence in the plan that the necessary mitigation has been implemented or that the project applicant has entered into a legal agreement to implement it and that compensatory habitat shall be preserved in perpetuity. • For restoring or enhancing riparian habitat within the project site or outside of the project site, the Compensatory Mitigation Plan shall include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat. • Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project applicant (e.g., Lake and Streambed Alteration Agreement), if these requirements are equally or more effective than the mitigation identified above. ► Fencing and signage shall be installed between the development footprint and the riparian woodland habitat associated with the Pajaro River to discourage trespassing into stream and riparian habitat. Fencing design shall be at the discretion of the project applicant and may include permeable, symbolic fencing (e.g., post and cable). 	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>Impact 3.4-4: Result in Degradation or Loss of State or Federally Protected Wetlands</p> <p>Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal (fill) of potential wetlands within a drainage ditch on the project site. This would be a potentially significant impact.</p>	PS	<p>Mitigation Measure 3.4-4: Identify State or Federally Protected Wetlands, Implement Avoidance Measures, and Obtain Permits for Unavoidable Impacts on Wetlands</p> <ul style="list-style-type: none"> ▶ The project applicant would retain a qualified biologist, hydrologist, or wetland ecologist to prepare a formal delineation of the boundaries of potential state or federally protected wetlands within the development area according to methods established in the USACE wetlands delineation manual (Environmental Laboratory 1987) and the Arid West regional supplement (USACE 2008), as well as the <i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i> (State Water Resources Control Board 2021). The qualified biologist would also delineate the boundaries of wetlands that may not meet the definition of waters of the United States, but would qualify as waters of the state, according to the state wetland procedures (SWRCB 2021). If the project could not be designed to avoid state or federally protected wetlands and other waters, the delineation report would be submitted by the applicant to USACE and a preliminary jurisdictional determination would be requested. ▶ If state or federally protected wetlands are determined to be present within the development area that can be avoided, the qualified biologist would establish a buffer around wetlands and mark the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). The buffer would be a minimum width of 25 feet but may be larger if deemed necessary. The appropriate size and shape of the buffer zone would be determined in coordination with the qualified biologist and would depend on the type of wetland present (e.g., stream, fresh emergent wetland), the timing of project construction activities (e.g., wet or dry time of year), environmental conditions and terrain, and the project activity being implemented. Project construction activities (e.g., ground disturbance, vegetation removal, staging) would be prohibited within the established buffer. The qualified biologist would periodically inspect the materials demarcating the buffer to confirm that they are intact and visible, and wetland impacts are being avoided. ▶ If it is determined that fill of waters of the United States would result from project implementation, authorization for such fill would be secured from USACE and the RWQCB through the Clean Water Act Sections 401 and 404 permitting processes. In association with the Section 404 permit (if applicable) and prior to the issuance of any grading permit, Section 401 Water Quality 	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>Certification from the Central Valley RWQCB would be obtained. For impacts on waters of the state that are not also waters of the United States and are therefore not covered by the 401 Water Quality Certification, the applicant would apply to the RWQCB for Waste Discharge Requirements following the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Water Resources Control Board 2021). Any waters of the United States or waters of the state that are affected by the project shall be replaced or restored on a no-net-loss basis in accordance with the applicable USACE and California Water Board mitigation standards in place at the time of construction.</p> <p>► Prior to implementing any vegetation removal, grading, earth moving, or dredge or fill activities that could alter aquatic resources on the project site (i.e., activities within a close enough proximity to directly remove the resource or indirectly affect the hydrology of the resource through ground disturbance), the applicant would notify CDFW, through issuance of a Lake and Streambed Alteration Notification (notification), before commencing activity that may divert the natural flow or otherwise alter the bed or bank, of any lake or stream. If CDFW determines, based on the notification, project construction activities trigger the need for a Lake and Streambed Alteration Agreement, the proponent would obtain an agreement from CDFW before the activity commences. The applicant would conduct project construction activities in accordance with the agreement, including implementing reasonable measures in the agreement necessary to protect fish and wildlife resources, when working within the bed or bank of waterways or in riparian habitats associated with those waterways. These measures may include but not be limited to demarcation of the construction area, biological monitoring, environmental awareness training for construction crews, and compensatory measures (e.g., restoration, long-term habitat management).</p>	
<p>Impact 3.4-5: Interfere with Wildlife Movement Corridors or Impede the Use of Wildlife Nurseries</p> <p>While the project site contains some riparian woodland habitat that may provide habitat for roosting bats and provide some habitat connectivity for wildlife, the project site is largely disturbed and located adjacent to significant barriers to wildlife movement (e.g., US 101). Further, there are no modeled ECAs or natural landscape blocks on the project site. As a result, the project site likely does not currently function as a significant wildlife nursery site or wildlife movement</p>	LTS	No mitigation is required.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
corridor. Therefore, the impact related wildlife movement corridors or wildlife nurseries would be less than significant.			
Cultural Resources			
<p>Impact 3.5-1: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources</p> <p>The NWIC records search and pedestrian survey resulted in one archaeological site being recommended eligible for NRHP- and CRHR-listing. Therefore, the Sanchez Adobe site is a resource pursuant to Section 15064.5. Because project-related ground-disturbing activities could result in damage to this resource, this would be a significant impact.</p>	S	<p>Mitigation Measure 3.5-1a: Prepare and Implement a Treatment Plan for the Sanchez Adobe</p> <p>Before ground disturbance associated with the project, the County and the applicant shall finalize a treatment plan specific to the Sanchez Adobe site. The treatment plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> ▶ A research design which includes both pre-contact and historic-era questions; ▶ excavation strategy; ▶ monitoring; ▶ resource significance assessment methods; ▶ discovery, preservation, and evaluation methods; ▶ acquisition of a curation agreement and identification of the party responsible for paying the fees, ▶ reporting requirements; and ▶ health and safety procedures. <p>Mitigation Measure 3.5-1b: Archaeological Monitor</p> <p>Before the start of ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to monitor construction activities. The monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified.</p> <p>Before any ground disturbing construction activities, the monitor shall develop a construction worker awareness brochure for all construction personnel and supervisors who will have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program will include, at a minimum:</p> <ul style="list-style-type: none"> ▶ types of cultural resources expected in the project area; ▶ what to do if a worker encounters a possible resource; ▶ what to do if a worker encounters bones or possible bones; and ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act. 	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		Mitigation Measure 3.5-1c: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), and concentrations of charcoal, flaked stone, glass, metal, or ceramic, that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the find shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. (This is described in Mitigation Measure 3.16-1c.) If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall develop, and applicant shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan).	
Impact 3.5-2: Disturb Human Remains Based on documentary research, no evidence suggests that any precontact or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097, and County Code Chapter 19.05.007 would make this impact less than significant.	LTS	No mitigation is required.	LTS
Energy			
Impact 3.6-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Project Construction or Operation and Conflict with State and County Plans for Renewable Energy and Energy Efficiency Construction and operation of the project features would result in consumption of fuel (gasoline and diesel), and electricity. While the project would be required to comply with the California Energy Code for energy efficiency in building design, the project would not include renewable energy or additional energy efficiency	S	Mitigation Measure 3.6-1a: Implement Mitigation Measure 3.8-1a (Install Photovoltaics) Mitigation Measure 3.6-1b: Implement Mitigation Measure 3.8-1b (Electrify All Operations) Mitigation Measure 3.6-1c: Implement Mitigation Measure 3.8-1c (Install Electric Vehicle Chargers)	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
measures identified by the state and in the San Benito County General Plan. This impact would be significant.		Mitigation Measure 3.6-1d: Implement Mitigation Measure 3.8-1d (Obtain Electrical Service From Central Coast Community Energy) Mitigation Measure 3.6-1e: Implement Mitigation Measure 3.8-1e (Implement Building and Development Efficiency Measures)	
Geology and Soils			
Impact 3.7-1: Directly or Indirectly Cause Potential Substantial Adverse Effects, including the Risk of Loss, Injury, or Death Involving Seismic Ground Shaking or Seismic-Related Ground Failure Although the project site is located in a seismically active region that includes several active earthquake faults of local and regional significance, none of these faults extend directly through or immediately adjacent (i.e., less than one mile) to the project site. All structures proposed to be constructed or redeveloped would be required to comply with the current CBC requirements, to ensure that all new and modified buildings would be capable of withstanding anticipated levels of ground shaking. For this reason, the potential impacts related to ground shaking would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.7-2: Be Located on Expansive Soil, Creating Substantial Direct or Indirect Risks to Property The project site includes soils with shrink-swell and lateral spreading potential. Ground-disturbing construction activities on soils that have a shrink-swell potential and/or lateral spreading could result in adverse effects such as damage to foundations from ground movement. However, compliance with CBC requirements related to soil compaction/treatment would ensure that any impacts related to expansive soils do not result in substantial direct or indirect risks to property, including the project. Thus, this impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.7-3: Result in Substantial Erosion or Loss of Topsoil Construction activities associated with development of the project site would create ground disturbance and soil compaction which could lead to increased erosion. However, due to the topography of the site, the area is not considered to be highly susceptible to erosion. Additionally, the development of the project site would be required to comply with San Benito County construction permitting and Central Coast Regional Water Quality Control Board NPDES permit conditions requiring temporary and permanent erosion control best management practices (BMPs). Therefore, the potential for development of the project site to result in increased erosion would be a less-than-significant impact.	LTS	No mitigation is required.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.7-4: Have Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems As currently proposed, the project would involve the expansion of existing onsite septic and wastewater disposal systems. Based on the presence of an existing septic system and taking into consideration permitting requirements, as well as General Plan policy requirements, onsite soils are considered to be capable of adequately supporting the use of septic tanks and/or alternative wastewater disposal systems as proposed by the project. Impacts would be less than significant.	LTS	No mitigation is required.	LTS
Greenhouse Gas Emissions			
Impact 3.8-1: Project-Generated Greenhouse Gas Emissions The project is estimated to generate maximum annual construction and operational emissions of 1,448 MTCO ₂ e and 13,591 MTCO ₂ e, respectively. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with statewide GHG reduction targets established for 2030 and 2045. This cumulative impact would be significant, and the project's contribution would be cumulatively considerable.	S	Mitigation Measure 3.8-1a: Install Photovoltaics As part of site development, the project applicant shall include solar photovoltaics onsite capable of generating at least the equivalent of electricity required for project consumption per year. The amount of megawatt hours that would be installed to offset electricity consumption would be based on feasibility of siting solar on the project site. If complete offset is not feasible, the project applicant shall provide documentation demonstrating infeasibility to the satisfaction of the County. Solar photovoltaics may be installed on building rooftops and ground-mounted over parking areas and other areas. Evidence of solar generation shall be included in final overall site plans and building plans to the County prior to issuance of building permits. Mitigation Measure 3.8-1b: Electrify All Operations All project buildings and appliances shall be required to only use electricity. No natural gas or propane use will be allowed. Mitigation Measure 3.8-1c: Install Electric Vehicle Chargers The final project design shall include electric vehicle (EV) EV charging stations on the project site. The number of charging stations shall serve 10 percent of the parking spaces which is based on the 2019 California Green Building Standards Code ("CALGreen", Title 24, Part 11) Tier 2 for nonresidential uses. The 22 parking spaces described in the Draft EIR Chapter 2, "Project Description," shall also include the installing of charging stations and count towards the 10 percent requirement Mitigation Measure 3.8-1d: Obtain Electrical Service From Central Coast Community Energy The project shall obtain commercial electrical service from Central Coast Community Energy and select the least GHG-emitting option (e.g., currently 100 percent	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>renewable [3Cprime]). Evidence of enrollment in Central Coast Community Energy shall be provided to the County prior to issuance of certificates of occupancy.</p> <p>Mitigation Measure 3.8-1e: Implement Building and Development Efficiency Measures The final project design shall incorporate the following features:</p> <ul style="list-style-type: none"> ▶ Cool pavement materials such as lighter-colored pavement materials, porous materials, or permeable or porous pavement, shall be installed for all internal roadways and walkways to the project site, to minimize the absorption of solar heat and subsequent transfer of heat to its surrounding environment. ▶ High-efficiency air-conditioning with smart thermostats shall be installed in all buildings. ▶ Use of Energy Star® lighting and signage shall be installed in all buildings as defined by the California Energy Code. ▶ Low-flow faucets and fixtures shall be installed that comply with CALGreen non-residential measures. <p>Mitigation Measure 3.8-1f: Purchase Carbon Offset Credits To reduce the remaining emissions after Implementation of Mitigation Measures 3.8-1a through 3.8-1e, the applicant shall compensate by purchasing offset GHG reduction credits for the remaining mass emissions associated with construction and operations after implementation of onsite GHG reductions associated with Mitigation Measure 3.8-1a through 3.8-1e. The level of GHG offsets needed to achieve the threshold may be calculated prior to approval of final construction drawings, so long as GHG estimates are prepared by a qualified GHG specialist retained by the County and based on substantial evidence. Further, to comply with this measure, any GHG offset purchased shall comply with the following parameters. The GHG reductions achieved through an offset or through the purchase of a carbon credit must meet the following criteria:</p> <ul style="list-style-type: none"> ▶ Real: They represent reductions actually achieved (not based on maximum permit levels). ▶ Additional/surplus: They are not already planned or required by regulation or policy (i.e., not double counted). ▶ Quantifiable: They are readily accounted for through process information and other reliable data. ▶ Enforceable: They are acquired through legally binding commitments/agreements. 	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>► Validated: They are verified through the accurate means by a reliable third party.</p> <p>► Permanent: They will remain as GHG reductions in perpetuity.</p> <p>The purchase of GHG offsets shall prioritize implementation of offsets generated within or as close to San Benito County as possible but may also include offsets from the rest of California and from other states with offset validity laws at least as strict as California's, in order of preference. All carbon offsets must be purchased from programs verified by a major third-party registry; examples include, but are not limited to, Climate Action Reserve (CAR), American Carbon Registry, and Verra (formally the Verified Carbon Standard). The purchase and retirement of the GHG offsets consistent with the requirements of this mitigation measure must be demonstrated to the satisfaction of the County prior to construction activities and issuance of any building permits.</p>	
Hazards and Hazardous Materials			
<p>Impact 3.9-1: Create a Hazard through the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents during Construction</p> <p>Project construction would involve the use of materials that may create a hazard if released into the environment. Use, transport, and disposal of materials in compliance with established regulations would effectively address hazards associated with the use of these materials. However, the disturbance of undocumented hazardous wastes or release of onsite contamination from historic land uses during grading or excavation activities may result in hazards to the environment and human health. This impact would be significant.</p>	S	<p>Mitigation Measure 3.9-1a: Onsite Contamination Evaluation and Remediation of Identified Contamination Issues</p> <p>Prior to approval of building permits and grading activities on the project site and Betabel Road, a Phase 1 Environmental Site Assessment and a Phase II (if required based on the result of the Phase I and to determine the presence of aerially deposited lead in soils or other contaminants) shall be conducted to determine whether onsite and Betabel Road soil conditions and previous building sites contain contamination that present impacts to public health. Remediation measures shall be identified to address any identified contamination to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site.</p> <p>Mitigation Measure 3.9-1b: Soil Evaluation and Remediation for Pesticide/Herbicide Contamination</p> <p>Prior to grading activities on the project site and Betabel Road, project applicant shall include a detailed assessment of soil contamination associated with previous herbicide/pesticide use on the site. Soil sampling shall be conducted in a manner consistent with Department of Toxic Substances Control's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision). If substances are detected at concentrations that could pose a health hazard and/or violate local, State, or</p>	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>federal health standards, remediation of the affected areas shall be undertaken to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site.</p> <p>Mitigation Measure 3.9-1c: Manage Accidental Discovery of Hazardous Materials If previously unknown contaminated soils or potentially hazardous materials are discovered during earthmoving activities, all ground-disturbing activities within 50 feet of the discovery will be halted until the San Benito County Environmental Health Division of the Health Department can assess the conditions on the site. The County will notify the appropriate enforcement agency (e.g., Department of Toxic Substances Control and Regional Water Quality Control Board), if appropriate, to determine the actions needed to remediate any potentially hazardous conditions to protect public health consistent with applicable requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control. Actions to remediate potentially hazardous conditions may include sampling potentially contaminated soils and excavating and removing contaminated soils and/or other potentially hazardous materials.</p> <p>Mitigation Measure 3.9-1d: Prepare and Implement Site-Specific Worker Health and Safety Plan Before construction begins, the project applicant shall prepare a project-specific worker health and safety plan. The plan shall include site-specific information, requirements, and guidelines to be followed while activities that may disturb the existing hazardous materials of concern are conducted. These activities may include grading, excavation, trenching, boring, dewatering, stockpiling, reusing, handling, or disposing of wastes, as well as other applicable site activities. The worker health and safety plan shall be prepared in accordance with the federal and State OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) standards (29 CFR 1910.120 and 8 CCR 5192) and implemented throughout the duration of ground-disturbing construction activities. The worker health and safety plan shall include contingencies (i.e., if unknown or unanticipated environmental conditions may exist at the site) for a variety of situations that may arise. The plan shall ensure that site workers potentially exposed to site contamination in soil, groundwater, or vapor are trained, equipped, and monitored during site activity. The training,</p>	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR 1910.1000. The worker health and safety plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.	
Impact 3.9-2: Create a Hazard through the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents during Operation Operation of the project would require the routine use of hazardous materials. Federal, State, and local regulations provide protection to the public and the environment from hazardous materials. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Hydrology and Water Quality			
Impact 3.10-1: Violate Any Water Quality Standards or Waste Discharge Requirements or Substantially Degrade Surface Water or Groundwater Quality during Construction Activities Development of the project site could impact water quality through ground disturbance and erosion leading to sediment delivery, and the potential release of hazardous materials during construction. Compliance with construction storm water quality requirements would minimize the potential water quality impacts related to construction activities, thereby resulting in a less-than-significant impact.	LTS	No mitigation is required.	LTS
Impact 3.10-2: Violate Any Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality from Polluted Stormwater Runoff Development of the project site could result in an increase in pollutants carried in stormwater runoff. However, drainage from the site would not be discharged to a surface water and the project would be required to meet the stormwater quality management standards of the Central Coast RWQCB and NPDES programs, which include low impact development site design, source control, stormwater treatment, and regular maintenance of stormwater system components. Compliance with these standards would minimize potential for stormwater runoff generated at the project site to adversely impact water quality. Therefore, this would be a less-than-significant impact.	LTS	No mitigation is required.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.10-3: Impacts to Groundwater Recharge Development of the project site would create impervious surfaces which could increase runoff and reduce groundwater recharge within the vicinity of the project. However, the LID stormwater management components of the project would allow for onsite percolation of stormwater flows, which would minimize potential impacts to groundwater recharge. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS
Impact 3.10-4: Increase Localized Flooding Risk Because of Changes in Site Drainage The project would construct several structures in an area that is located within the 100-year floodplain. Construction of the project would alter onsite grading conditions and place structures within the floodplain that could alter the floodplain area which could increase flooding upstream or downstream of the site. This impact would be significant.	S	Mitigation Measure 3.10-4: Maintain Floodplain Elevation and Extent to Pre-Project Conditions Prior to grading activities, the project applicant shall provide final grading, building, structure, and drainage details that demonstrate compliance with storm drainage design standards under County Code of Ordinances Chapter 23.31 as well as no increase in offsite floodplain area or its elevation. This may be accomplished through grading, use of the onsite stormwater retention pond, or other measures acceptable to the County.	LTS
Impact 3.10-5: Release of Pollutants Due to Inundation by Floodwaters Portions of the development area of the project are located within the 100-year floodplain and would include onsite improvements that may house fuels, lubricants, and other pollutants that could be released from the project site during a flood event. This impact would be significant.	S	Mitigation Measure 3.10-5: Elevate Fuel and Chemical Storage above the 100-Year Floodplain Any underground fuel tanks in the floodplain shall be protected by dry floodproofing consistent with American Society of Civil Engineers (ASCE) standard ASCE 24, Flood Resistant Design and Construction. Other chemical storage shall be elevated outside of the 100-year floodplain. All project building fuel and chemical storage shall be shown in building plans prior to issuance of building permits.	LTS
Land Use and Planning			
Impact 3.11-1: Conflict With Land Use Plans, Policies, Or Existing Zoning The project would also be consistent with land use policies in the General Plan, including the designation of the project area as a Commercial Regional node. Therefore, the proposed project would not conflict with land use plans, policies, or existing zoning. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Noise			
Impact 3.12-1: Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan, Specific Plan, or Other Land Use Plan, or a Substantial Temporary or Permanent Increase in Noise Levels Above Existing Ambient Levels That Could Result in an Adverse Effect on Humans	S	Mitigation Measure 3.12-1: Comply with County Municipal Code and General Plan Policies Prior to issuance of grading permits, the following shall be incorporated into project construction plans submitted for County review and approval to ensure compliance with County Municipal Code and General Plan Policies:	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Project construction could result in potentially significant impacts if construction activities are proposed during the hours not exempted by County Code Section 19.39.051.H. Normal operation of the project would not exceed County General Plan noise standards or result in a substantial increase in noise that could impact sensitive receptors. Construction impacts would be significant.		<ul style="list-style-type: none"> ▶ Noise-generating construction activities shall be limited to the hours identified in General Plan Policy HS-8.3 (7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays). No construction shall be allowed on Sundays or federal holidays. ▶ Pursuant to General Plan Policy HS-8.12, all construction projects within 500 feet of sensitive receptors shall develop and implement construction noise control plans that consider the following available controls: <ul style="list-style-type: none"> ▪ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; ▪ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; ▪ Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; ▪ Locate staging areas and construction material areas as far away as possible from adjacent land uses; ▪ Prohibit all unnecessary idling of internal combustion engines; ▪ Notify all abutting land uses of the construction schedule in writing; and ▪ Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. 	
Impact 3.12-2: Generate Excessive Groundborne Vibration or Groundborne Noise Levels Project construction and operation would not result in the exposure of persons to excessive groundborne vibration levels. Because vibration levels generated during project construction would satisfy the strictest San Benito County General Plan (and thereby FTA) groundborne impact vibration criteria at the nearest sensitive receptor location. Operation of the project would not involve land uses that would generate groundborne vibration levels that could impact sensitive receptors. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.12-3: Generate Excessive Long-Term Traffic-Generated Noise at Existing Sensitive Uses The project would generate excessive long-term traffic-generated noise at existing sensitive uses on weekends only. Therefore, impacts would be significant.	S	Mitigation Measure 3.12-3: Repave Betabel Road with Noise-Reducing Asphalt To reduce the effects of traffic-related noise impacts, project construction plans shall include repaving Betabel Road from the US 101 interchange crossing north of the Betabel RV Resort to the terminus of Betabel Road south of the project site with noise-reducing asphalt such as rubberized asphalt, gap-graded asphalt, or other materials providing 3-4 dB of traffic noise attenuation over time as compared to conventional asphalt overlays. The County shall review all project construction plans to ensure compliance prior to issuance of construction permits.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.12-4: Generate Excessive Outdoor Event Center Noise Levels at Existing Sensitive Uses The project would not generate excessive outdoor event center noise levels at existing sensitive uses. Impacts would be less than significant.	LTS	No mitigation is required.	LTS
Population and Housing			
Impact 3.13-1: Result in Substantial Unplanned Population Growth In An Area, Either Directly Or Indirectly The proposed project would not result in substantial unplanned population growth in an area as a result of the demand for employees of the commercial development. Additionally, the development's utilities would only be sized to serve the project and nothing further. Therefore, the project would be consistent with land use policies in the General Plan and would not conflict with any future growth patterns within the County. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Public Services and Recreation			
Impact 3.14-1: Result in Substantial Adverse Physical Construction-Related Impacts Associated with the Provision or the Need for New or Physically Altered Fire Facilities The project would result in the construction of several new commercial structures. The project would obtain fire protection services from the County through the Hollister Fire Department. With the provision of water supply for firefighting, the project can be adequately served by the Hollister Fire Department. Thus, the impact related to fire facilities would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.14-2: Result in Substantial Adverse Physical Construction-Related Impacts Associated with the Provision or the Need for New or Physically Altered Law Enforcement Facilities Implementing the project may result in an increase in demand for law enforcement services provided by the San Benito County Office of the Sheriff and the California Highway Patrol. The project would be required to pay law enforcement impact fees to address its contribution to equipment and facility needs. The San Benito County Office of the Sheriff identified the need for communication facilities in the project area. This impact would be significant.	S	Mitigation Measure 3.14-2a: Installation of Communication Equipment for Emergency Services As part project construction, the project applicant shall install radio equipment for use by emergency personnel such as the San Benito County Office of the Sheriff and the Hollister Fire Department. The San Benito County Office of the Sheriff and the Hollister Fire Department shall review and approve the radio equipment to be used prior to installation. Mitigation Measure 3.14-2b: Provision of Office Space for Sheriff Use As part final project design, the project applicant shall provide office space for use by the San Benito County Office of the Sheriff that can be used to complete reports and other administrative tasks.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Transportation			
Impact 3.15-1: Conflict with a Program, Plan, Ordinance or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle and Pedestrian Facilities The project would not alter or conflict with any existing or planned transit facilities or conflict with a general plan policy or program as there are no existing, planned, or programmed transit services or facilities in the immediate vicinity of the project site. The project would include internal pathways and circulation for pedestrians navigating the project site. Additionally, the County General Plan and Bikeway and Pedestrian Master Plan do not propose any future bicycle or pedestrian facilities in the vicinity of the project site, and the project would not adversely affect or conflict with any such existing facilities because none exist in the vicinity of the project site. For these reasons, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and the impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.15-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled Construction personnel do not generate new trips. Rather, trips are redistributed throughout the region and construction activity is short-term and temporary. Therefore, it is not anticipated that construction activities would result in a significant increase in VMT. All land uses associated with the project, except for the outdoor event area, are not anticipated to generate a net increase in VMT during operation. However, due to the regional draw that events at the outdoor event area would potentially generate, it is anticipated that there could be a net increase in VMT associated with this land use and the project as a whole. Therefore, the project would result in a significant impact.	S	Mitigation Measure 3.15-2: Incentives for Carpool and Shuttle Use for Outdoor Event Uses Prior to the operation of the outdoor event site, the project applicant shall provide evidence of a carpool and/or shuttle program to reduce the extent of total vehicle miles generated from events. The program will offer incentives such as preferred parking, seating, or other measures to promote carpooling and shuttles. Annual reports of the effectiveness of the program shall be provided to the County no later than December 1 of each year.	SU
Impact 3.15-3: Substantially Increase Hazards due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., farm equipment) The project would be required to comply with County safety standards during construction of on- and off-site improvements. Additionally, the project is subject to review by County staff to ensure appropriate traffic handling during construction, and that design standards are met to minimize any potential hazards related to the transportation circulation network. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible uses, and the impact would be less than significant.	LTS	No mitigation is required.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.15-4: Result in Inadequate Emergency Access The project would be required to meet the County's design standards which include width requirements to allow for emergency vehicles to access and navigate the project site via driveways, internal circulation, and turnaround points. The project is subject to County staff and applicable emergency service agency review to ensure all relevant standards are met during construction and operation. Additionally, provisions set forth in the California Building Code must be followed which include allowing for continuous emergency access during construction and requiring that particular design standards be followed to guarantee the project would remain in compliance in case of an event where emergency personnel would need to respond. For these reasons, the project would not result in inadequate emergency access, and the impact would be less than significant.	LTS	No mitigation is required.	LTS
Tribal Cultural Resources			
Impact 3.16-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource Consultation with AMTB identified JTCL as a tribal cultural resources that has been recommended eligible under CRHR criteria 1, 2, 3, and 4. JTCL therefore meets the definition of a tribal cultural resource for the purposes of CEQA under PRC Section 21074. Because development of the project (including project-related ground-disturbing activities) would result in damage to this tribal cultural resource, the project could cause a significant impact.	S	Mitigation Measure 3.16-1a: Prepare and Implement Worker Tribal Cultural Resources Awareness Training Program A tribal cultural resources awareness training program will be provided to all construction personnel active on the project site before the start of project implementation and to any new workers who start on the project after starting. A representative or representatives from the Amah Mutsun Tribal Band will be invited to participate in the development and delivery of the cultural resources awareness training program in coordination with a professional archaeologist meeting the United States Secretary of Interior's qualification standards for archaeology. The program will include relevant information regarding tribal cultural resources, including applicable laws and regulations, the consequences of violating said laws and regulations, protocols for resource avoidance, and protocols for discoveries, including who to contact in the event of a discovery and what to do upon the discovery of human remains. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent to the extent feasible, with Native American tribal values. Mitigation Measure 3.16-1b: Implement Tribal Monitoring All ground disturbing activities, including any preparatory grading, tree removal, or vegetation clearing, within the project site will be monitored by a paid tribal monitor provided by the AMTB. Notification shall be provided a minimum of seven days prior to earth-disturbing activities; if AMTB does not respond in this time, activities may commence. The County shall contact the participating tribe a minimum of seven days before beginning earthwork or other ground disturbing activities to ensure a	SU

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>tribal monitor is available; construction activities will proceed if no response is received 48 hours before ground disturbing activities. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. In the event that unanticipated archaeological or tribal cultural resources are discovered, including human remains, compliance with Mitigation Measure 3.16-1c would be required. The tribal monitor has the ability to halt work if a discovery occurs.</p> <p>Mitigation Measure 3.16-1c: Halt Ground Disturbance Upon Discovery of Subsurface Tribal Cultural Resources and Evaluate Discovered Resource</p> <p>If any suspected tribal cultural resources or unique archaeological resources are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or a distance agreed upon by the tribal monitor, archaeological monitor, the County, and the construction foreman based on the location and nature of the find and type of work occurring. The tribal monitor shall determine if the find is a tribal cultural resource. The tribal monitor will make recommendations for further evaluation and culturally appropriate treatment of discovered tribal cultural resources as necessary in consultation with the archaeological monitor. No data recovery or curation of any physical tribal cultural resource will be allowed unless this is the preference of the tribe, as confirmed in writing. Preservation in place is the preferred mitigation. If the County determines that preservation in place is not feasible, reburial if culturally appropriate will take place on site in a location not subject to further disturbance. The reburial site will be agreed upon in advance by the tribe and the project applicant.</p> <p>Work at the discovery location cannot resume until all necessary investigation, evaluation, and treatment of the discovery under the requirements of the CEQA, including AB 52, have been satisfied.</p> <p>Mitigation Measure 3.16-1d: Establish a Tribal Cultural Resources Conservation Easement</p> <p>The County, applicant, and AMTB shall enter into a Memorandum of Agreement (MOA) to implement authorized activities identified in a conservation easement. This shall apply to the undeveloped area adjacent to the riparian corridor of approximately 50-80 acres. The purpose of the proposed conservation easement shall be to protect and preserve tribal cultural resources, and to facilitate AMTB's use of the area for cultural activities, in perpetuity. The MOA have to be compatible with the vegetation management plan identified in Mitigation Measure 3.18-2.</p>	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Utilities and Service Systems			
Impact 3.17-1: Expansion of Infrastructure that Could Cause Adverse Environmental Effects Infrastructure associated with the water, wastewater, stormwater, and electricity provisions for the project would be expanded as needed before development of the site. Connections to existing infrastructure would occur within the project site. No additional utility infrastructure would be needed offsite to adequately serve the project. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.17-2: Provision of Sufficient Water Supplies The project's water demand would be associated with the operation of the convenience store, restaurant, motel, and onsite restrooms. Because the water demand of the overall site (project and approved farm stand) would be less than available groundwater under sustainable conditions (11,563 AFY) from the San Juan Management Area, and the project is consistent with the existing land uses that were considered during development of the sustainable yield, adequate water supplies during normal, dry, and multiple dry years are available. Therefore, the sufficient water supplies are available to serve the project and this impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.17-3: Provision of Adequate Capacity at Solid Waste Facilities and Compliance with Regulations Related to Solid Waste During project and farm stand operation, approximately 0.6 tons of municipal waste related to project facilities would be generated per day. The estimated waste generated from the project and farm stand would represent a small portion of the allowed throughput at John Smith Landfill (0.06 percent). In addition, plans for expansion of the landfill are in progress and would allow for an increase of nearly 100-acres of disposal area and more than doubling of the throughput per day. Therefore, because the project would not generate solid waste in excess of State or local standards or in excess of the capacity of the local infrastructure, negatively affect the provisions of solid waste services, or interfere with the attainment of solid waste reduction goals, this impact would be less than significant.	LTS	No mitigation is required.	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Wildfire			
Impact 3.18-1: Substantially Impair an Adopted Emergency Response Plan or Evacuation Plan Implementation of the project would not impair emergency response or evacuation activities under the San Benito County Operational Area Emergency Operations Plan. This impact would be less than significant.	LTS	No mitigation is required.	LTS
Impact 3.18-2: Exacerbate Wildfire Risks from Project Construction, Infrastructure, and Operation and Thereby Expose Project Area to Environmental Effects from a Wildfire or the Uncontrolled Spread of a Wildfire Implementation of the project could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. This impact would be significant.	S	Mitigation 3.18-2: Implementation of Vegetation Management Plan for Undeveloped Area Prior to project construction activities, the project applicant shall prepare a vegetation management plan for the undeveloped area. The vegetation management plan outline shall routine maintenance activities for the management of fuel loads and maintaining defensible space during project construction and operation to the satisfaction of the San Benito County Fire Marshall. Implementation actions that shall be considered as part of the plan will include, but are not limited to: <ul style="list-style-type: none"> ▶ Vegetation management techniques for fire hazard mitigation, including thinning, pruning, removing or otherwise altering vegetation to reduce the potential for ignitions and to modify potential fire behavior; different vegetation management techniques shall be identified, depending on vegetation type, location, condition, and configuration; ▶ Treatment actions will be limited to eradication or control of invasive plants, removal of uncharacteristic fuel loads (e.g., removing dead or dying vegetation), trimming of woody species as necessary, and select thinning of vegetation to restore densities that are characteristic of healthy stands of the vegetation; ▶ Fire protection measures for vegetation removal activities that may include: <ul style="list-style-type: none"> ▪ Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified. ▪ Equipment shall not be refueled while in operation and not until after a cooldown period. ▪ Water and tools dedicated to firefighting shall be on hand in the area of vegetation removal activities at all times. ▶ Fuel management requirements, including clearing vegetation within 100 feet of structures; 	LTS

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<ul style="list-style-type: none"> ▶ Schedule of vegetation management activities during the year; ▶ Identification of the funding source for vegetational management activities; ▶ Fencing along the development perimeter of the open space area to prohibit trespass into the area; and ▶ Best management practices implemented to avoid and/or minimize impacts associated with soil erosion, biological resources, cultural resources, and tribal cultural resources. This will include implementation of applicable mitigation measures adopted for the project that address biological resources, cultural resources, and tribal cultural resources. 	

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1 INTRODUCTION

This draft environmental impact report (Draft EIR) evaluates the environmental impacts of the proposed Betabel Commercial Development Conditional Use Permit (project). This Draft EIR has been prepared under the direction of San Benito County (County) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines. This chapter of the Draft EIR provides information on the following:

- ▶ project requiring environmental analysis (synopsis);
- ▶ type, purpose, and intended uses of the Draft EIR;
- ▶ scope of the Draft EIR;
- ▶ public review process, and
- ▶ organization of the Draft EIR.

1.1 PROJECT REQUIRING ENVIRONMENTAL ANALYSIS

The following is a synopsis of the project characteristics. For further information on the proposed project, see Chapter 2, "Project Description."

The proposed project would involve a Conditional Use Permit to build a roadside attraction near the intersection of U.S. Highway 101 and Betabel Road. The project would establish a range of new commercial, lodging, and recreational uses on the site. The project would also improve Betabel Road and convert a portion of it from a county road to a private road.

1.2 PURPOSE AND INTENDED USES OF THIS DRAFT EIR

According to CEQA, preparation of an EIR is required whenever it can be fairly argued, based on substantial evidence, that a proposed project may result in a significant environmental impact. An EIR is an informational document used to inform public-agency decision makers and the general public of the significant environmental impacts of a project, identify possible ways to minimize the significant impacts, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. This Draft EIR has been prepared to meet the requirements of a project EIR as defined by Section 15161 of the State CEQA Guidelines. A project EIR focuses on the changes in the physical environment that would result from the implementation of a project, including its planning, construction, and operation. The County's intention in preparing a project EIR is that no further environmental analysis would be required for additional regulatory approvals following approval of the project, absent conditions requiring a subsequent EIR, a supplement to the EIR, or an addendum. (See State CEQA Guidelines Sections 15162–15164.).

1.3 SCOPE OF THIS DRAFT EIR

This Draft EIR includes an evaluation of the following 18 environmental issue areas as well as other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, significant unavoidable impacts, alternatives):

- ▶ aesthetics,
- ▶ agricultural resources,
- ▶ air quality,

- ▶ cultural resources,
- ▶ biological resources,
- ▶ energy,
- ▶ geology and soils,
- ▶ greenhouse gas emissions,
- ▶ hazards and hazardous materials,
- ▶ hydrology and water quality,
- ▶ land use and planning,
- ▶ noise,
- ▶ population and housing,
- ▶ public services,
- ▶ transportation,
- ▶ tribal cultural resources,
- ▶ utilities and service systems, and
- ▶ wildfire.

1.4 CEQA PUBLIC REVIEW PROCESS

1.4.1 Notice of Preparation

In accordance with PRC Section 21092 and California Code of Regulations (CCR) Section 15082, the County issued a notice of preparation (NOP) on April 20, 2022, to inform agencies and the general public that an EIR was being prepared and to invite comments on the scope and content of the document (Appendix A). The NOP was submitted to the State Clearinghouse. In addition, the NOP was distributed directly to public agencies (including potential responsible and trustee agencies) and interested parties and was mailed to residences within a 1,000 feet radius of the project site. The NOP was circulated for a 30-day review period, with comments accepted between April 21, 2022 and May 20, 2022. In accordance with CCR Section 15082 (c), the County held two public EIR scoping meetings for the project on May 3, 2022, and May 5, 2022.

The purpose of an NOP is to provide sufficient information about the project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (CCR Section 15082[b]). Comments submitted in response to the NOP are used by the lead agency to identify broad topics to be addressed in the EIR. Comments on environmental issues received during the NOP public comment periods are considered and addressed in this Draft EIR.

1.4.2 Draft EIR

This Draft EIR is being circulated for public review and comment for a period of 45 days. During the public comment period, written comments from the general public as well as organizations and agencies on the Draft EIR's accuracy and completeness may be submitted to the lead agency. Please send all comments to:

San Benito County
Resource Management Agency
Attn: Abraham Prado
2301 Technology Parkway
Hollister, CA 95023
Email: aprado@cosb.us

Agencies that will need to use the EIR when considering permits or other approvals for the project should provide the name of a contact person, phone number, and email address. Comments provided by email should include the name and physical address of the commenter.

Copies of this Draft EIR are available for public review at the following locations:

- ▶ San Benito County, Resource Management Agency, Planning and Land Use Division, 2301 Technology Pkwy, Hollister, CA 95023
- ▶ San Juan Bautista Library, 801 2nd St, San Juan Bautista, CA 95045
- ▶ San Benito County Free Library, 470 5th St, Hollister, CA 95023

The Draft EIR is also available for public review online at: <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/betabel>.

1.4.3 Response to Comments/Final EIR and Project Consideration

Upon completion of the public review and comment period, a Final EIR will be prepared that will include both written and oral comments on the Draft EIR received during the public-review period, responses to those comments, and any revisions to the Draft EIR made in response to public comments. The Draft EIR and Final EIR will comprise the EIR for the project.

Before adopting the proposed Betabel Commercial Development Conditional Use Permit, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the County.

1.5 DRAFT EIR ORGANIZATION

This Draft EIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 3, "Environmental Impacts and Mitigation Measures" and Section 3.5, "Cultural Resources"):

The "Executive Summary": This chapter introduces the project; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce or avoid significant impacts.

Chapter 1, "Introduction": This chapter provides a description of the project characteristics, the purpose and intended uses for the document, the scope of the Draft EIR, and the public review process.

Chapter 2, "Project Description": This chapter describes the location, background, and goals and objectives for the project and describes the project elements in detail.

Chapter 3, "Environmental Impacts and Mitigation Measures": The sections within this chapter evaluate the expected environmental impacts generated by the project and are arranged by subject area. Within each subsection of

Chapter 3, the regulatory background, existing conditions, analysis methodology, and thresholds of significance are described. The anticipated changes to the existing conditions after development of the project are then evaluated for each subject area. For any significant or potentially significant impact that would result from project implementation, mitigation measures are presented and the resulting level of impact significance after implementation of mitigation is identified. Environmental impacts are numbered sequentially within each section (e.g., Impact 3.2-1, Impact 3.2-2, etc.). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 3.2-2 would be Mitigation Measure 3.2-2.

Chapter 4, "Alternatives": This chapter evaluates alternatives to the project, including alternatives considered but eliminated from further consideration, the No Project Alternative, and two alternative development options. The environmentally superior alternative is identified.

Chapter 5, "Other CEQA Sections": This chapter evaluates growth-inducing impacts and irreversible and irretrievable commitment of resources and discloses any significant and unavoidable adverse impacts.

Chapter 6, "Report Preparers": This chapter identifies the preparers of the document.

Chapter 7, "References": This chapter identifies the organizations and persons consulted during preparation of this Draft EIR and the documents and individuals used as sources for the analysis.

1.6 AGENCY ROLES AND RESPONSIBILITIES

This Draft EIR will be used by the County and CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state and local agencies, which may have an interest in resources that could be affected by the project, or that have jurisdiction over portions of the project.

As the lead agency pursuant to CEQA, the County is responsible for considering the adequacy of the EIR and determining if the project should be approved.

Under CEQA, a responsible agency is a public agency, other than the lead agency, that has responsibility to carry out or approve a project (PRC Section 21069). A trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California (PRC Section 21070).

The following agencies may serve as responsible agencies for the project:

State

- ▶ California Department of Fish and Wildlife
- ▶ California Department of Transportation (Caltrans Region 5)
- ▶ Central Coast Regional Water Quality Control Board
- ▶ State Water Resources Control Board

Local

- ▶ Monterey Bay Unified Air Pollution Control District

2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The proposed Betabel Commercial Development Conditional Use Permit (project) would involve a Conditional Use Permit to build a roadside attraction near the intersection of U.S. Highway 101 (US 101) and Betabel Road. The project would establish a range of new commercial, lodging, and recreational uses on the site. The project would also improve Betabel Road and convert a portion of it from a county road to a private road.

2.2 PROJECT LOCATION AND SETTING

The project is located at 9644 Betabel Road, in unincorporated San Benito County (County) approximately 2 miles south of Sargent and 4 miles north of San Juan Bautista. The junction of US 101 and State Route 156 is three miles south of the project site.

The project site is an approximately 116-acre area consisting of six Assessor's Parcel Numbers (APNs): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. These APNs are contained within the following three legal parcels:

- ▶ Parcel 1: APNs 013-150-026 and 013-150-027,
- ▶ Parcel 2: APNs 013-150-030 and 013-150-032, and
- ▶ Parcel 3: APNs 013-150-031 and 013-150-033.

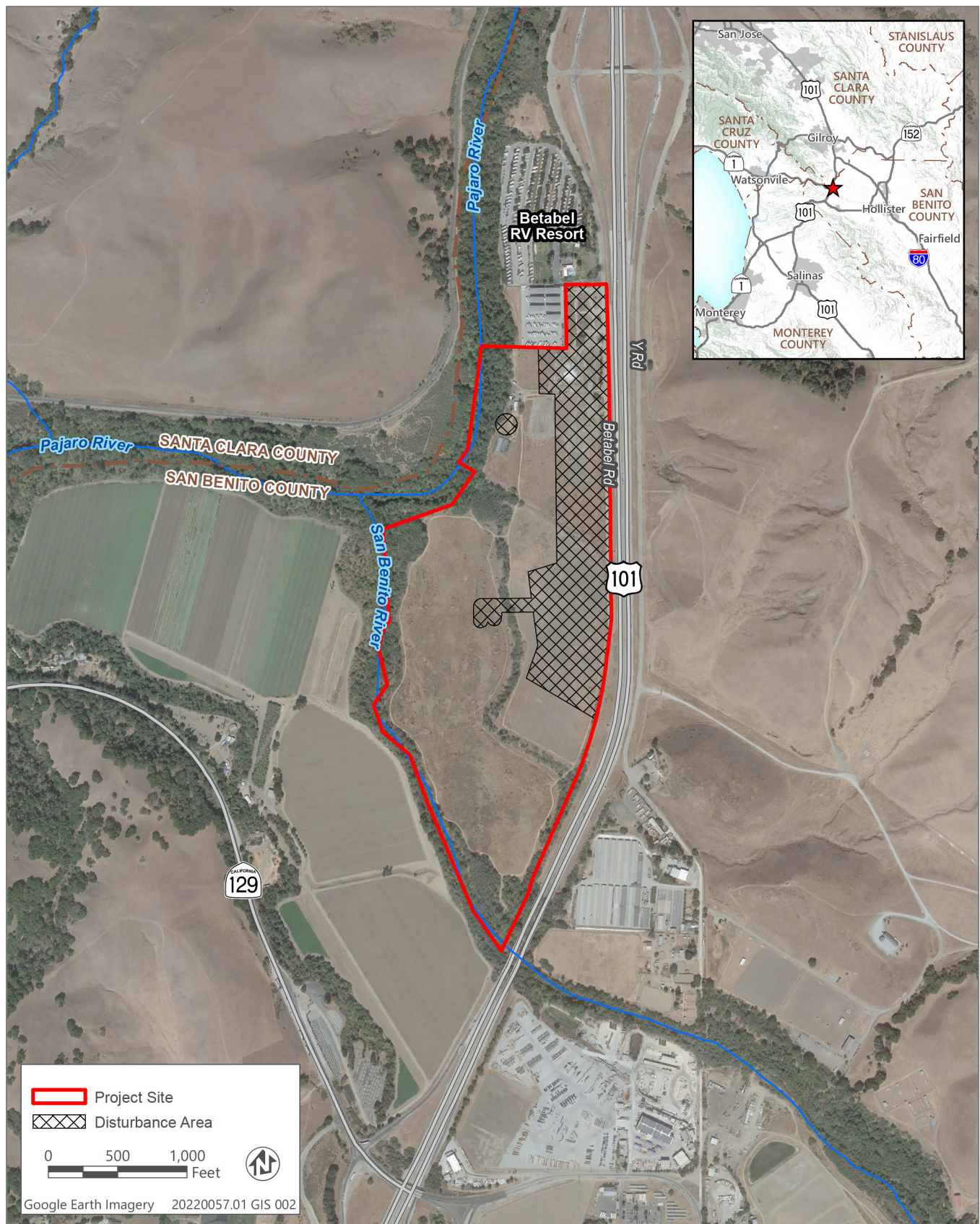
The project site is bordered by Betabel Road and US 101 to the east, the Betabel RV Park to the north, and agricultural/open space to the south and west. The Pajaro and San Benito rivers are located to the west and south of the property, respectively. The disturbance area associated with development and infrastructure of the project consists of approximately 32 acres, as shown in Figure 2-1.

The project site consists mostly of ruderal, regularly disturbed land which historically has been used for row crops and orchards. Approximately 5 acres of the northern portion of the project site is currently being developed with a farm stand, restroom building, a septic tank, and a storm water retention pond; these uses were approved by the County under an administrative permit separate from this project and not part of the proposed Condition Use Permit. An existing greenhouse/plant nursery is also located in the central portion of the project site. The remainder of the site is undeveloped with dirt roads and nonnative plants along the periphery.

2.3 PROJECT OBJECTIVES

The objectives of the project are to:

- ▶ Honor the memory of Errol McDowell by generating revenues for the applicant to be used 100 percent for funding children's cancer research to cure childhood brain cancer (the number one cause of death by cancer in kids).
- ▶ Provide a one-stop roadside experience, with visitor-oriented commercial uses that promote the local history and local economy.
- ▶ Provide retail, hospitality, automotive service/ fuel station, and feature local events to passengers driving on US 101.
- ▶ Create destination attractions that celebrate San Benito County's unique heritage, including contemporary and performing arts, winemaking culture, agritourism, and San Benito history.
- ▶ Create new employment opportunities within the County for residents, which are vital to the economic health of the community, allowing the County to make the most of the commercial and tax potential of the only portion of the County through which US 101 passes.



Source: Adapted by Ascent Environmental in 2022

Figure 2-1 Project Location

2.4 PROJECT DESCRIPTION

2.4.1 Project Design

The project would develop/improve approximately 26 acres and create approximately 108,425 square feet (sf) of total commercial and building space on the project site, consisting of a gas station with convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with outdoor pool and outdoor movie screen, and an outdoor event center. The design of the project would be reminiscent of the 1940s and 1950s American roadside. Figure 2-2 illustrates the location, square footage, and parking areas associated with each building. The three planning "Areas" are shown divided by a thick, black, dashed line. The three areas roughly, though not entirely, correspond to the northern (Area 1), southern (Area 2), and western (Area 3) portions of the project site. Conceptual building elevations and architectural design drawings for each building are provided in Appendix B.

AREA 1

The enlarged site plan for the northern portion of the development area is shown in Figure 2-3. See Appendix B for the complete set of proposed building designs.

Gas Station and Convenience Store

The service station fueling area would be 5,664 sf and have 8 double sided fuel pumps to provide typical grades of gasoline and diesel fuel. The project is anticipated to have an annual throughput of approximately 1.3 million gallons. The convenience store would be approximately 5,000 sf and would provide the typical range of snacks, some groceries, beverages, ice, and restroom facilities. The convenience store would be located at the northernmost boundary of the project site and the gas station immediately to the south. Building height would be approximately 11 feet above the finished floor (aff) of the building, with some architectural elements reaching 15 feet (see Figures 2-4 and 2-5).

Restaurant

The restaurant building would be approximately 2,500 sf and would provide both dine-in and drive through service, including outdoor seating. The restaurant building would be located in the northern portion of the site, south of the gas station. The building height would be 11 feet aff, with some architectural elements reaching approximately 16 feet (see Figure 2-6).

Amusement Buildings

There would be four to five amusement buildings located around a park space west of the farm stand that is currently under construction that would be approximately 6,800 sf of building area. The buildings would range in size from 375 sf to 1250 sf, totaling 3,125 sf. Each building would house amusement attractions which would contain retail and curio items for sale and rural based vintage exhibits. Building height would be approximately 10 feet aff.

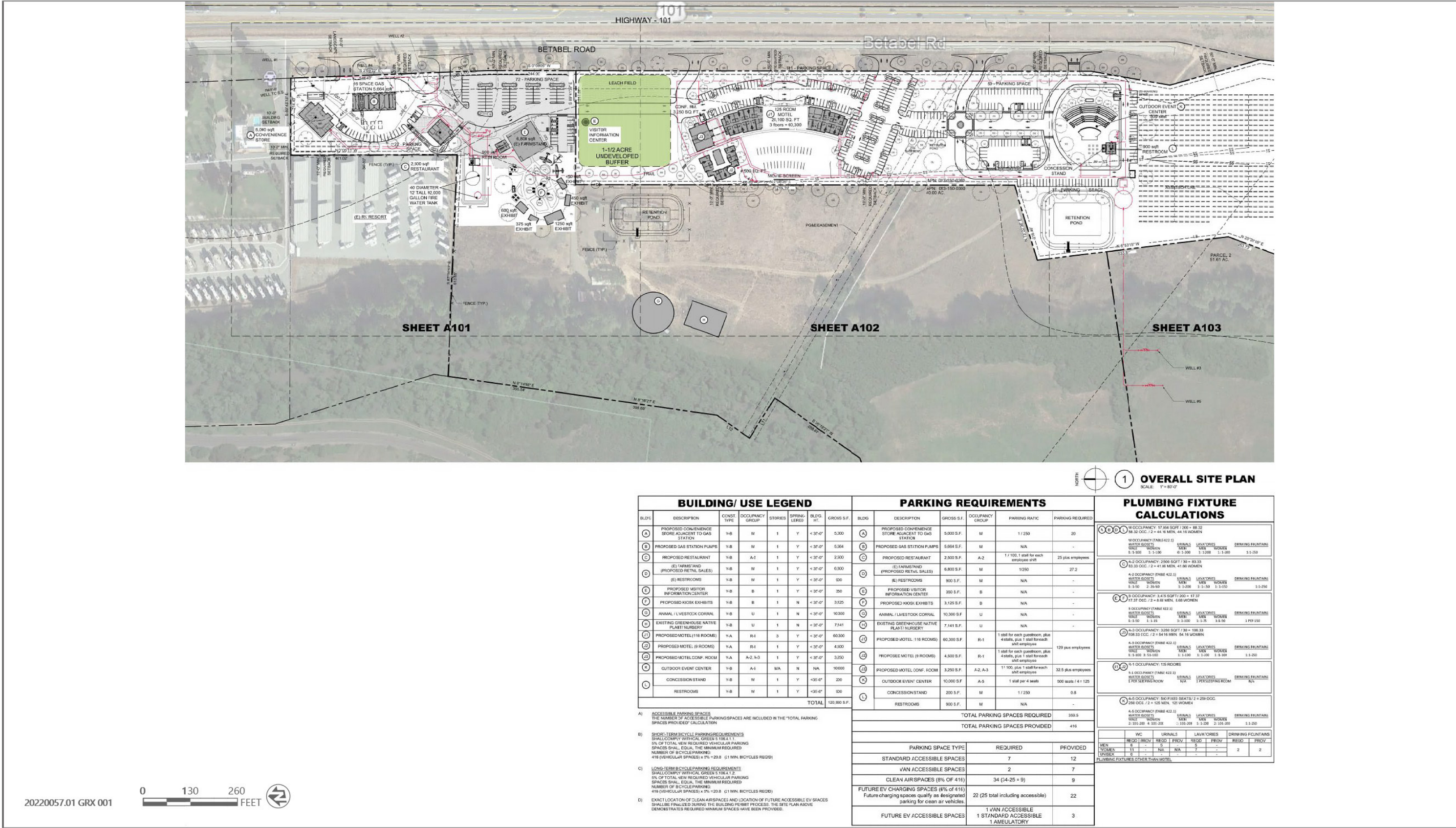
AREA 2

The enlarged site plan for the central portion and the southern portion of the development area is shown in Figures 2-7 and 2-8, respectively. See Appendix B for the complete set of proposed building designs.

Open Space

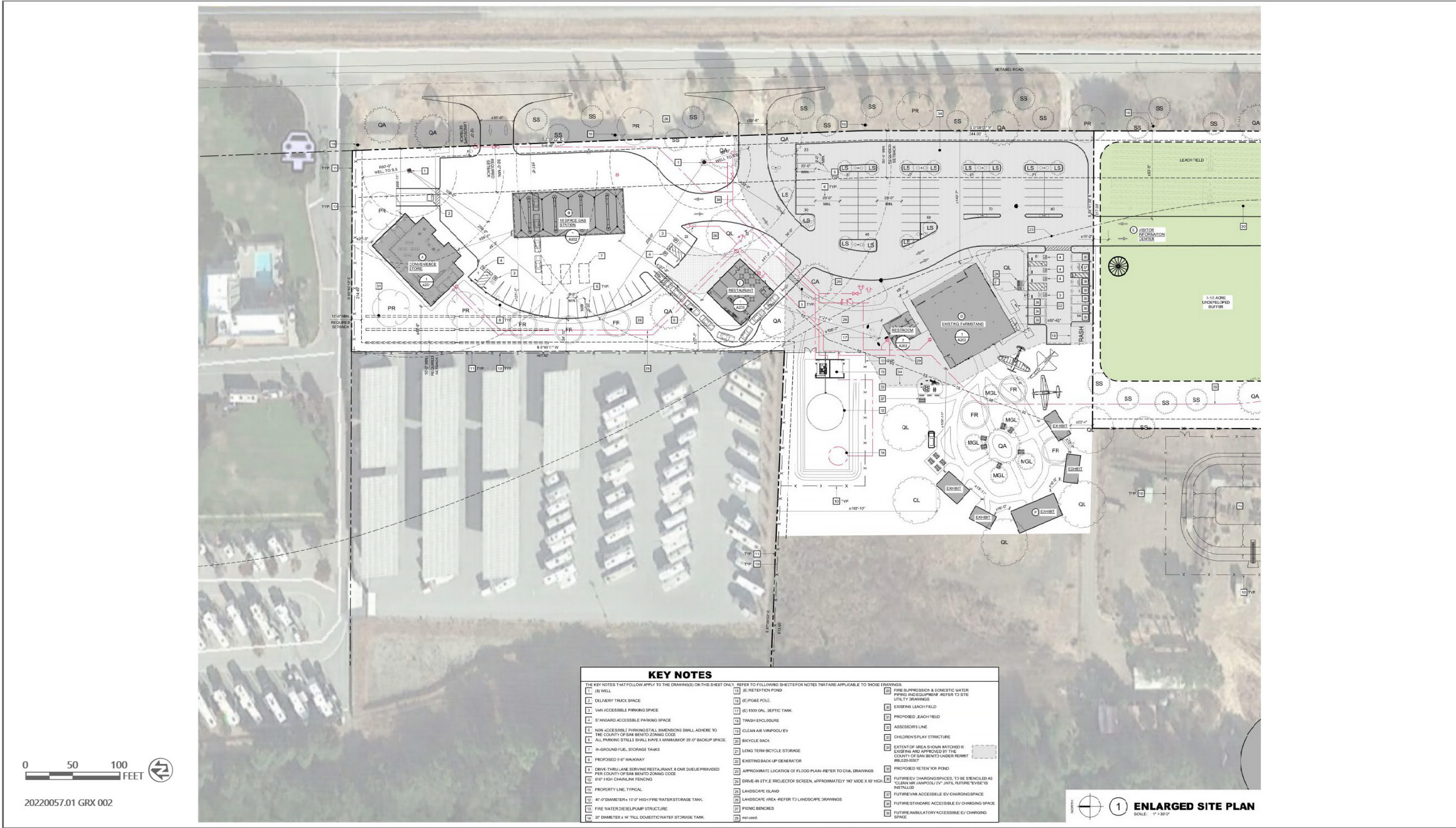
A one- and one-half acre open space buffer area (partially shown in Figure 2-3) would be located south of the farm stand and amusement buildings. This area currently contains septic tank leach fields. Under the project, this area would be paved with decomposed granite. This area would be used for overflow and staff parking, or for events such as: flea market; antique shows; small musical performances; food trucks, crafts fair, or other similar uses.

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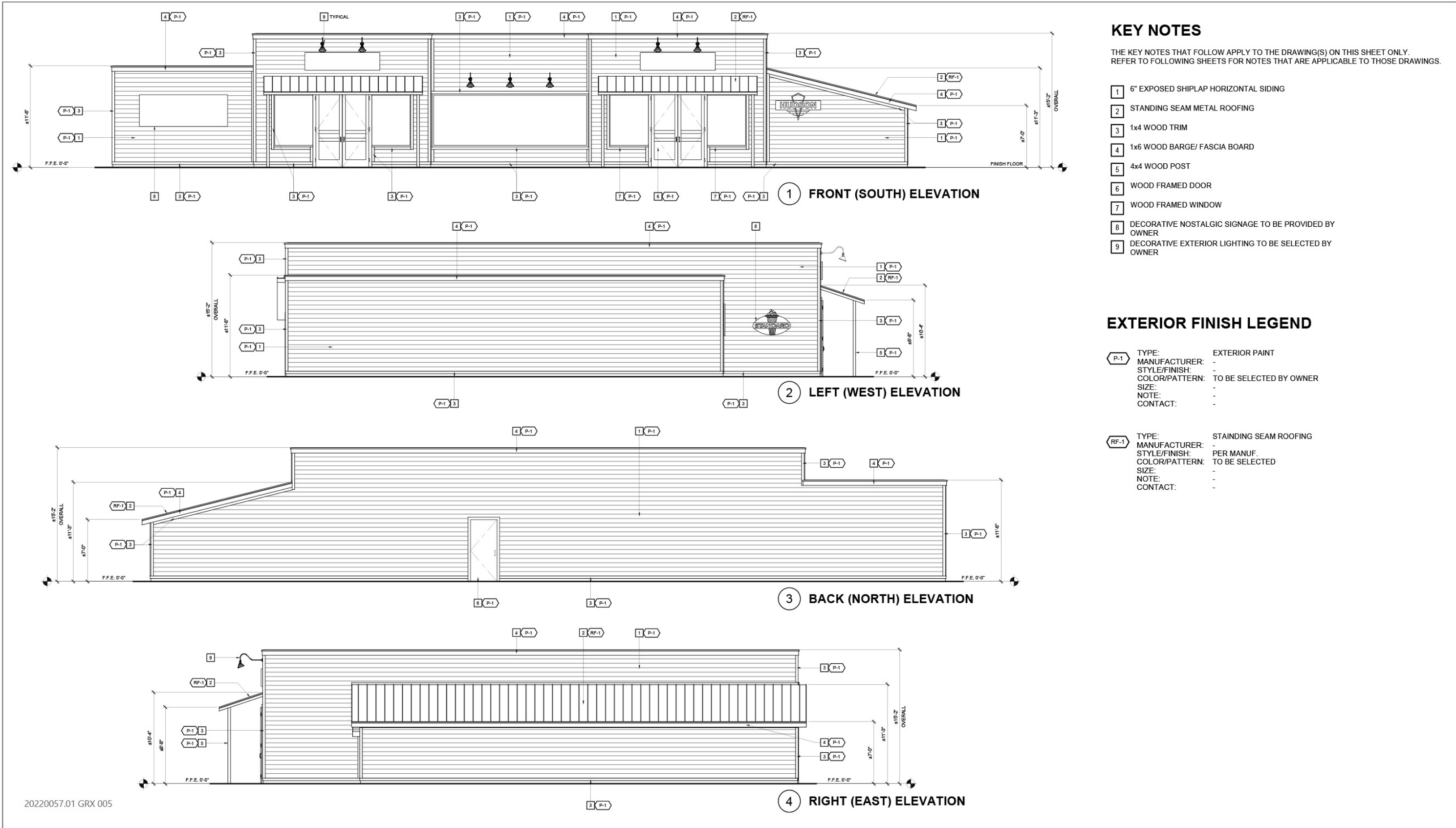
Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 2-2 Site Plan



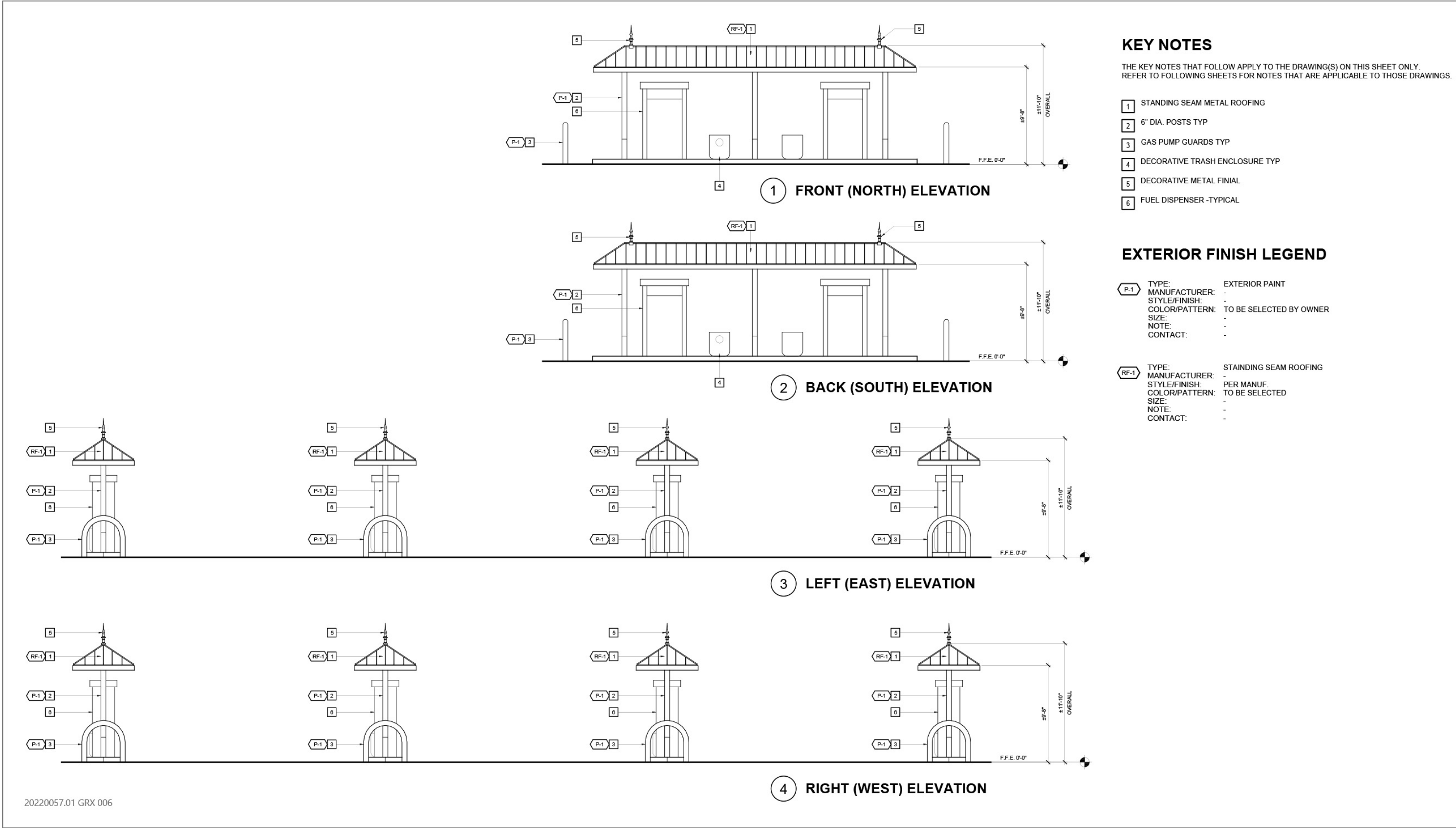
Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 2-3 Enlarged Site Plan – North



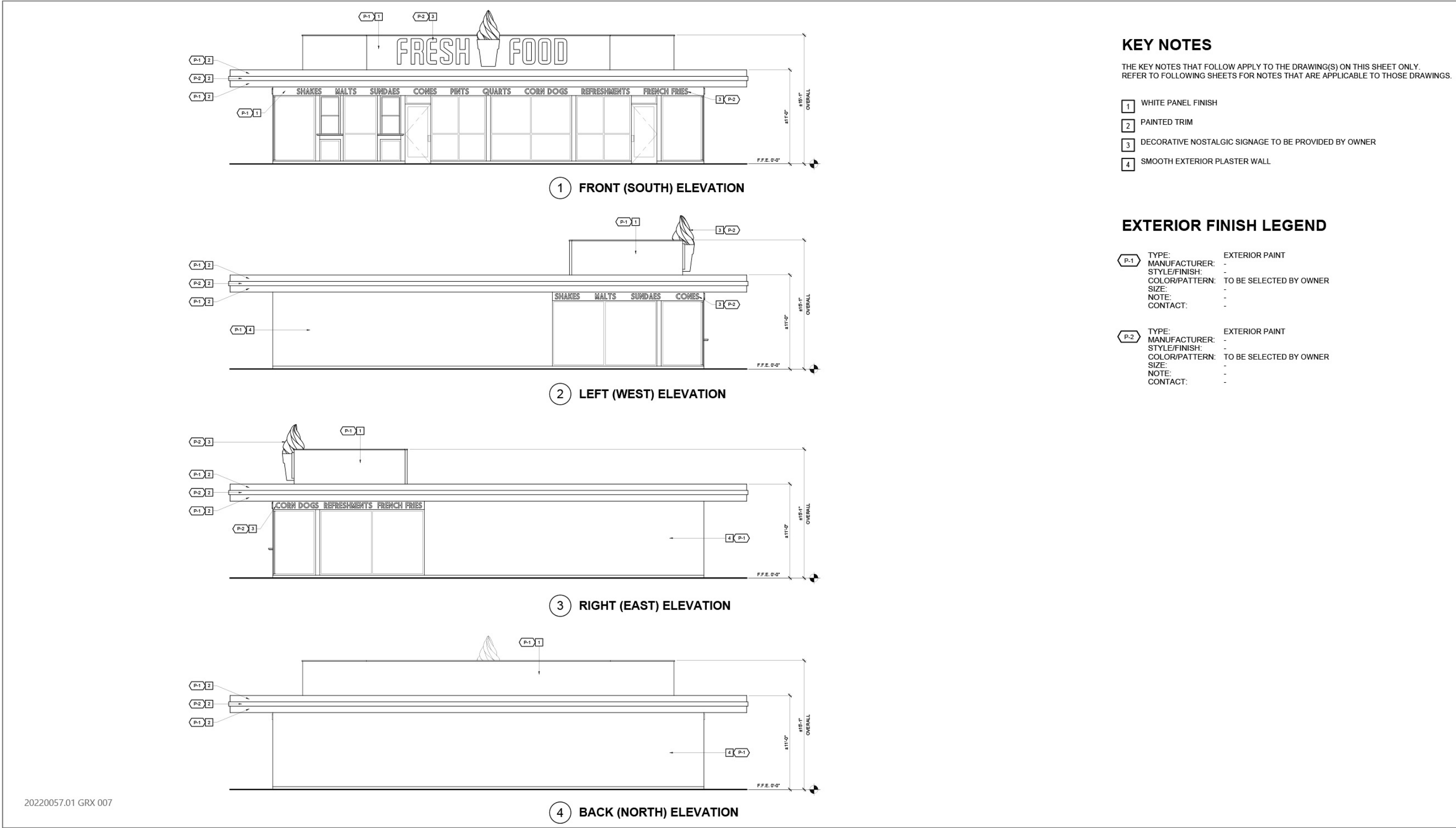
Source: Image produced and provided by WR&D Architects LLP in 2022.

Figure 2-4 Convenience Store Conceptual Elevation and Design



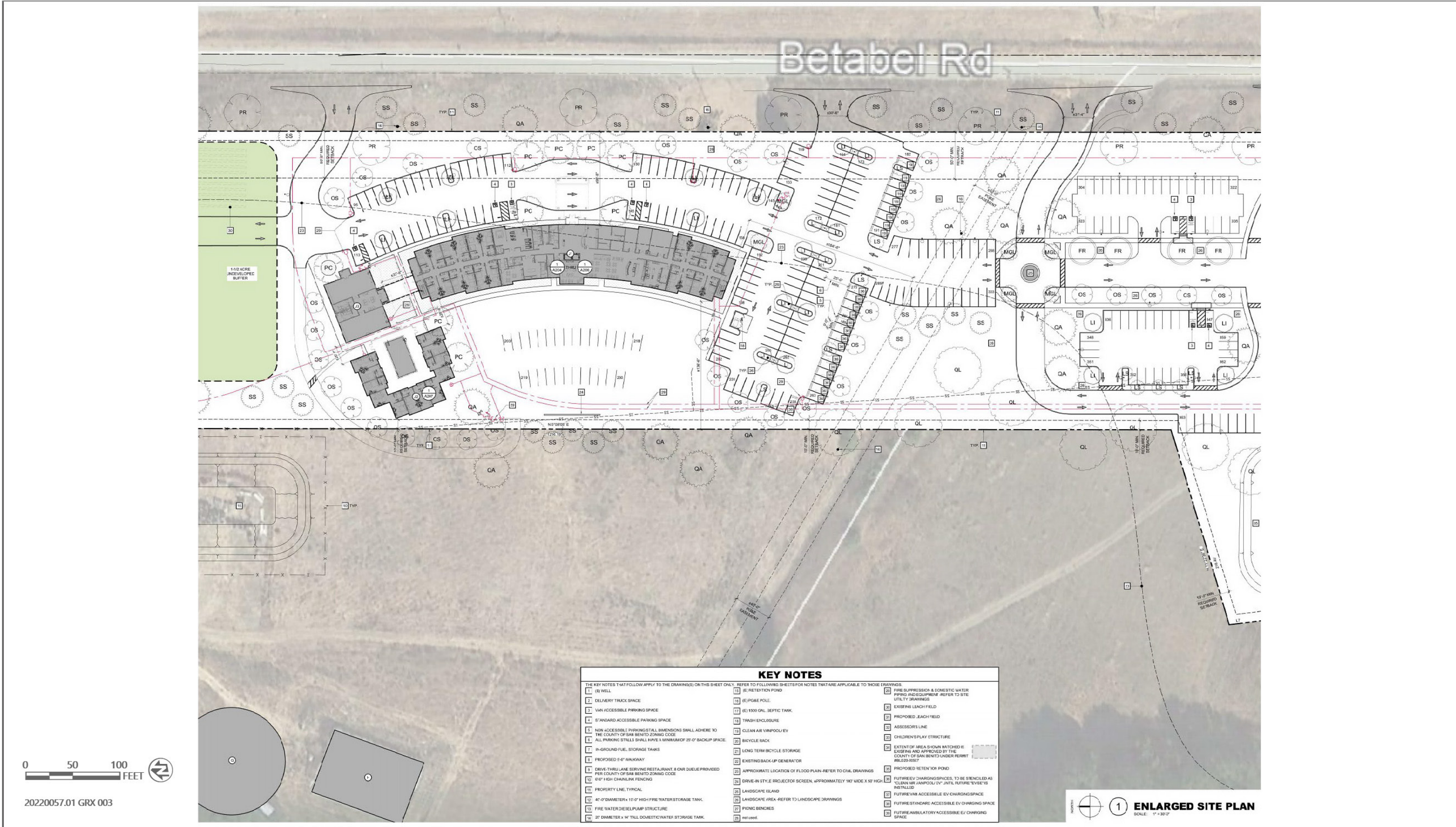
Source: Image produced and provided by WR&D Architects LLP in 2022.

Figure 2-5 Gas Station Conceptual Elevation and Design



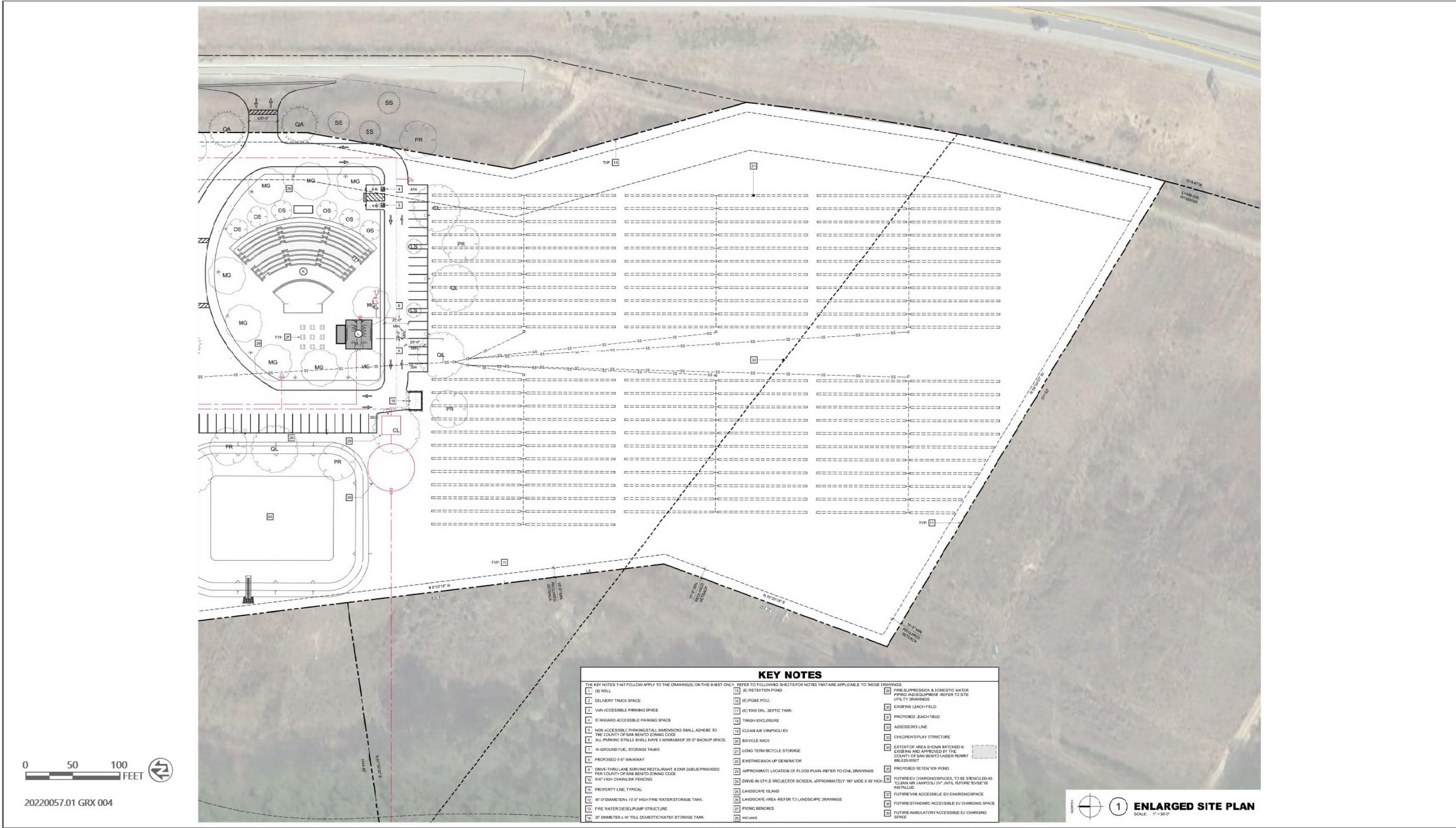
Source: Image produced and provided by WR&D Architects LLP in 2022.

Figure 2-6 Restaurant Conceptual Elevation and Design



Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 2-7 Enlarged Site Plan – Central



Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 2-8 Enlarged Site Plan – South

Visitor Center

An approximately 350-sf visitor center would be located south of the farm stand, in the undeveloped open space area. The structure would be designed to look like a watering can from the exterior (see Figure 2-9). The visitor center would provide general information related to San Benito County landmarks, activities, and events. An informational exhibit would also be included highlighting the Native American history in the region.

Motel

A Spanish Revival-style motel would be located south of the open space area. The main motel building would be 60,300 sf, three-story, and have 116 rooms. A single-story 3,250 sf conference center would be located on its north side, and a 4,500-sf single story building featuring 9 additional motel room "villas" would be located to the west. Figure 2-10 illustrates proposed conceptual elevations of the proposed motel. The motel would include a lobby area, an outdoor pool and spa, and other typical amenities featured in boutique non-full-service hotels (e.g., a small sundry sales area, minimal bar area, and hotel office). The motel building height would be a maximum of 35 feet aff. Another feature of the motel would be a small drive-in screen located to the west of the main motel building. Each evening a feature movie would be available for viewing from the motel rooms which face the outdoor screen and would be turned off by 10:00 p.m. when in use. Due to the position of the motel building and the height of the projection screen, the projection screen would not be visible from US 101. There would also be an opportunity for motel guests to park on the west side of the motel and watch the drive-in movie from their vehicles.

Outdoor Event Area

A small outdoor event area is proposed at the southern end of the project site to provide entertainment and outdoor events for up to 500 people. This is an open-air venue and would have a tiered lawn area with concrete audience seating and a raised presentation area. Typical events may include educational presentations, cultural events, music, and live performances. Please see section 2.4.7, below, for additional details. The outdoor even area would also feature a 900-sf restroom and a small concession stand.

Animal/Livestock Corral

A 10,300-sf animal/livestock corral would be located adjacent to the existing greenhouse/plant nursery, in the central portion of the project site, along its western border. The purpose of the corral is to provide an area to keep livestock, maintaining the agricultural and rural integrity of the area.

AREA 3

Undeveloped Area

As shown in Figure 2-1, the project would retain a large area of fallowed agricultural land south and west of the development area, of approximately 80 acres. Land uses in this undeveloped area would be limited to two retention ponds, a livestock corral, a greenhouse, and two well sites that serve the project. No other land use activities or development are proposed for this area.

2.4.2 Site Access, Circulation, and Parking

Under the proposed project, Betabel Road would be repaved and widened by 2-feet for a total width of 28 feet. The repaving would consist of an 8-inch layer of Class 2 aggregate baserock and a 3-inch layer of hot mix asphalt. The aggregate base shoulders would be approximately 7-feet wide on the US 101 (east) side and 5-feet wide on the west side. The southern end of Betabel Road would terminate in a cul-de-sac. The project would also convert Betabel Road, from the southern Betabel RV Park property line to the southern end of Betabel Road, from a county road to a private road. Additionally, Betabel Road from the US 101/Betabel Road on-ramp/off-ramp to the southern Betabel RV Park property line/project limits would also be improved with a crack sealant and a 2-inch asphalt overlay. This offsite improvement is shown in Figure 2-11.

Access to the project site would be via six driveways along Betabel Road (one is currently being constructed under a separate permit for the farmstand). Figure 2-2 highlights the project's internal circulation and parking spaces. Approximately 416 new parking spaces would serve the site. The majority of parking spaces are concentrated between the motel and the outdoor event area; three access driveways are located in this area, with a roundabout to provide traffic calming. Of these 416 spaces, 12 would be standard accessible spaces and 7 would be van accessible spaces. Consistent with the 2019 California Green Building Standard Code, 9 spaces would be designated for clean air vehicles, an additional 22 would include the infrastructure for future electric vehicle charging spots (these future charging spaces qualify as designated parking for clean air vehicles), and 3 future electric vehicle accessible spaces.

2.4.3 Landscaping

As shown in Figures 2-12, 2-13, and 2-14, the landscape plan proposes trees and shrubs throughout the site. Along Betabel Road, frontage plantings would consist of Coast Redwood 'Aptos Blue,' Coast Live Oak, and California Sycamore. A blend of evergreen and fast-growing deciduous trees would be planted throughout the project site. As proposed, trees would create shade over more than 25 percent, approximately 35 percent at full maturity of paved parking areas on the project site. A blend of evergreen shrubbery, grasses, ferns, succulents, and vines are proposed with water-conserving landscape irrigation. All landscape plant materials and irrigation would comply with California Landscape Model Water Efficiency Landscape Ordinance.

2.4.4 Infrastructure Improvements

WATER

Area 1 has two existing wells. Well #1 has an estimated yield of 1,200 gallons per minute (GPM) and Well #2 has an estimated yield of 432 GPM. These two wells would serve as fire suppression for the gas station, convenience store, restaurant and existing farmstand and domestic water for the entire project. Area 2 has two additional wells; Well #3 (136 GPM) and Well #5 (150 GPM) would serve as fire suppression for the motel and the outdoor event area.

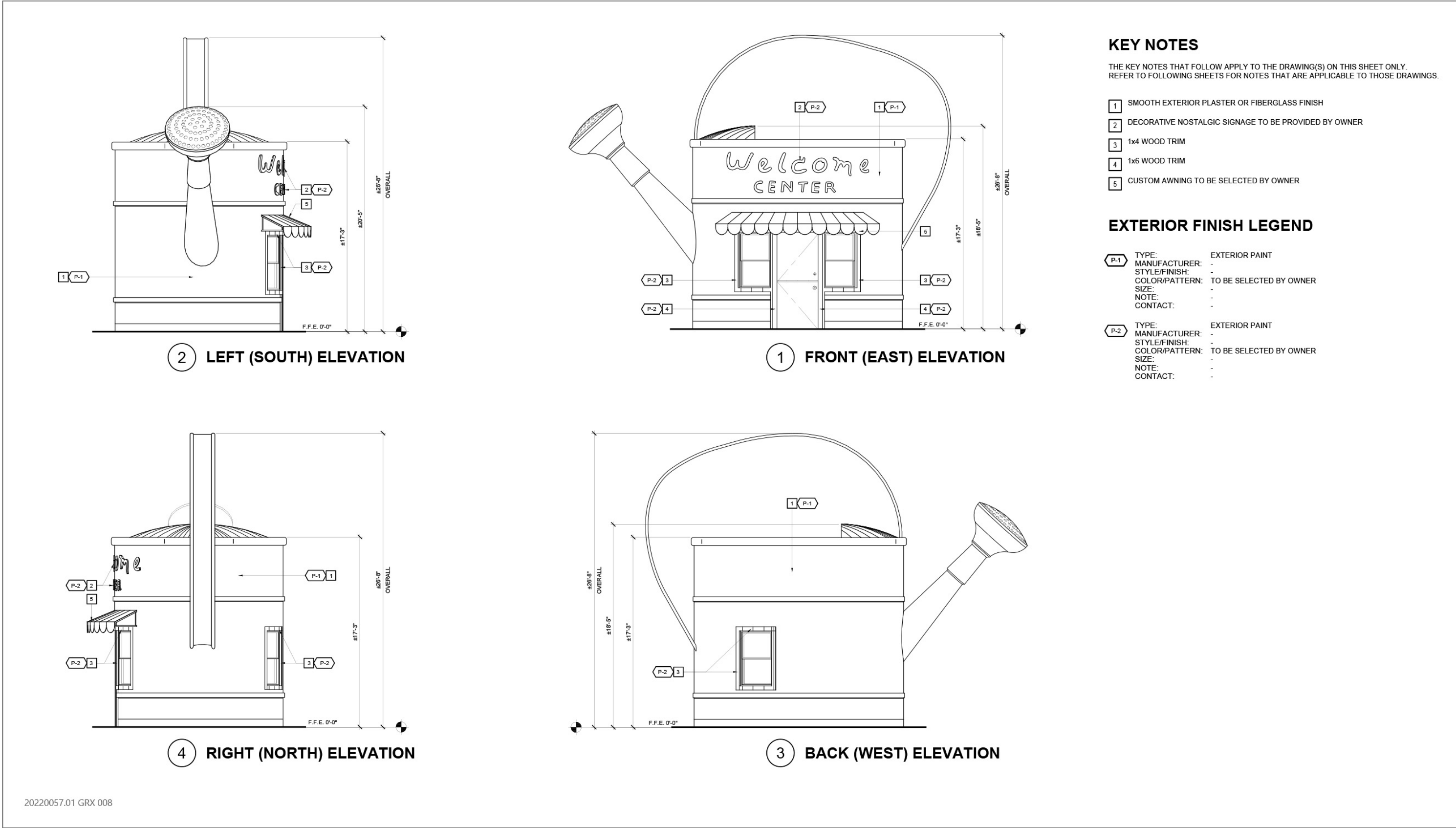
An 80,000-gallon storage tank is proposed west of the restaurant, to provide a source of water for fire sprinklers and hydrants for the gas station, convenience store, restaurant and existing farmstand. A 32,000-gallon domestic water tank (to provide potable water) would also be installed just to the west. The proposed project would construct an additional 270,000-gallon water storage tank, located west of the outdoor event center, to provide a source of water for fire sprinklers and hydrants for the motel and the outdoor event area.

WASTEWATER

An existing septic tank with leach fields, located in the undeveloped buffer area, supports the farmstand and restroom building that are currently under construction. The project would include 18,000-gallon and 3,250-gallon septic tanks and leach field south of the open space event area; an 18,000-gallon septic tank west of the motel; a 2,500-gallon septic tank and leach field southwest of the convenience store; and a 3,500-gallon septic tank southwest of the restaurant.

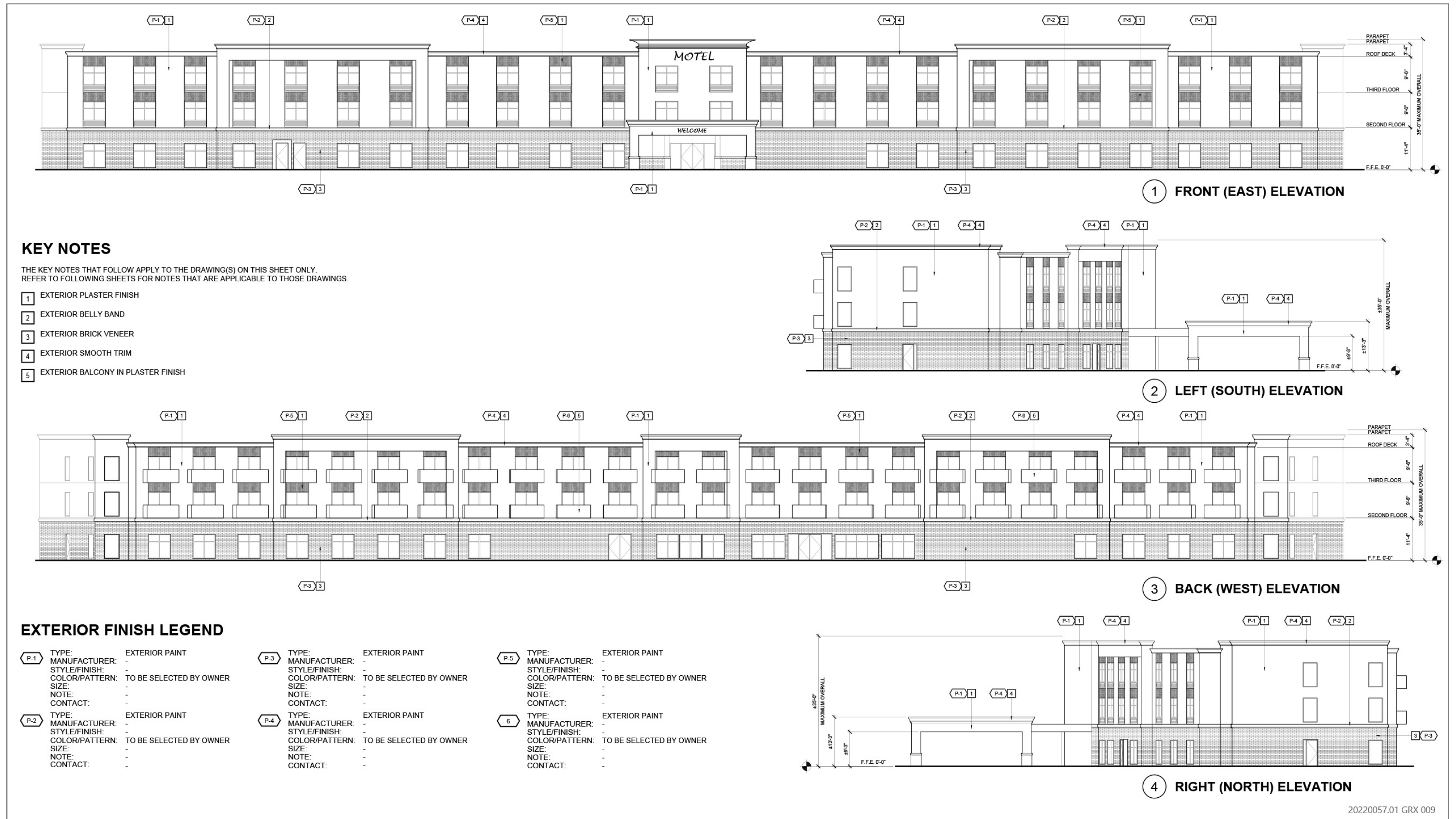
STORMWATER

A stormwater retention pond, located west of the open space area, is currently under construction and would provide a place to temporally detain stormwater collected from paved areas around the features that are currently being developed. An additional stormwater retention pond would be created as part of this project to meet drainage needs of the overall site. This retention pond would be located west of the outdoor event area and would measure approximately 180 feet by 140 feet. The retention pond would have a retention volume of 76,500 cubic feet, such that the post-development 100-year runoff would not exceed the predevelopment 10-year runoff as required by San Benito County. The volume of stormwater in the flood way would be mitigated by an equal amount of cut so that the floodway volume is unchanged post construction.



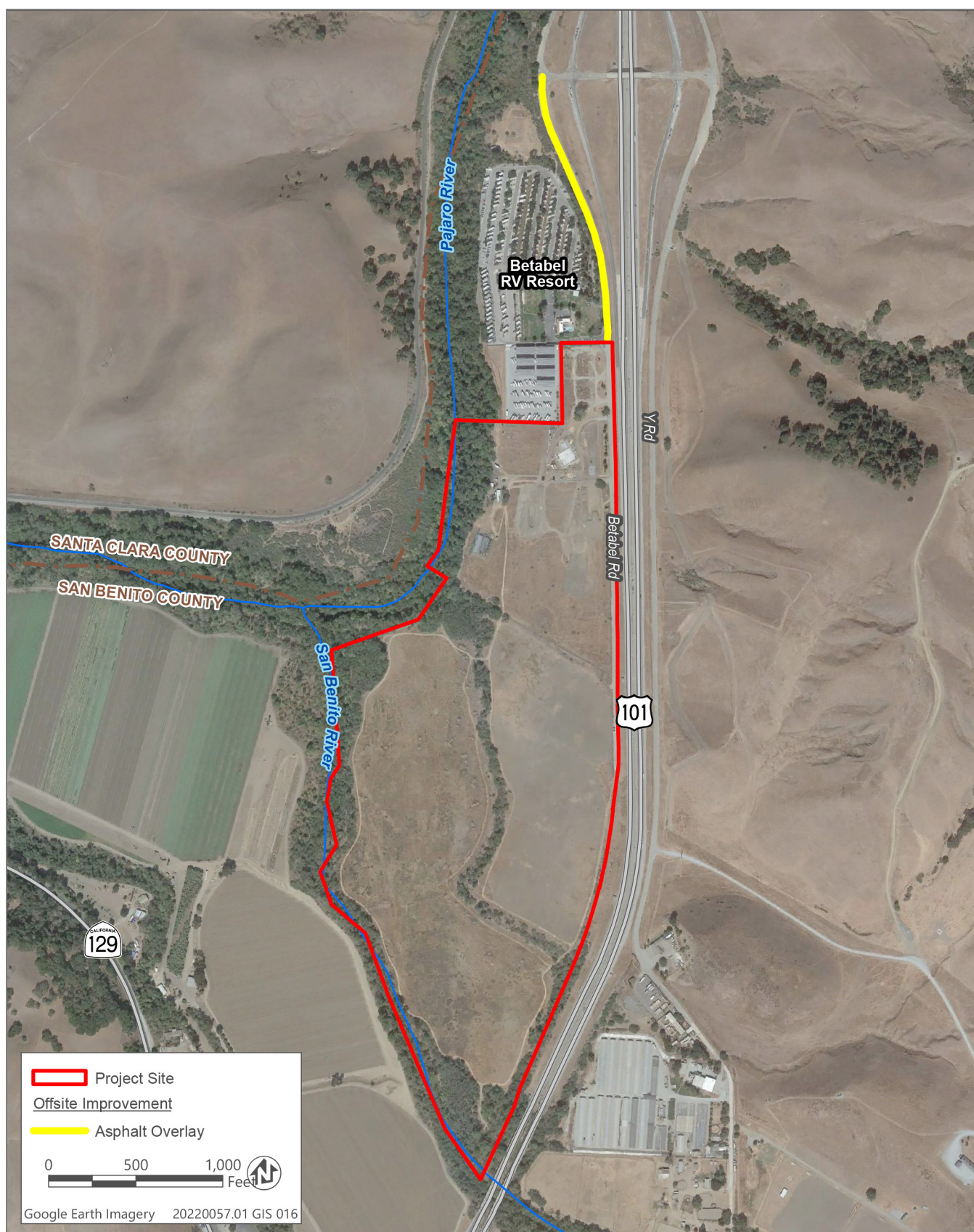
Source: Image produced and provided by WR&D Architects LLP in 2022.

Figure 2-9 Visitor Center Conceptual Elevation and Design



Source: Image produced and provided by WR&D Architects LLP in 2022.

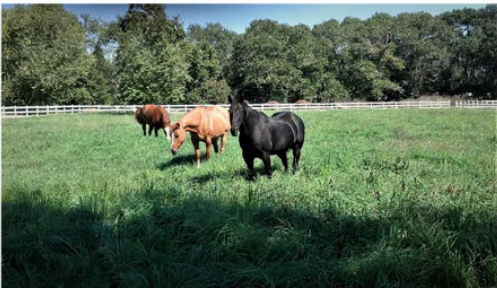
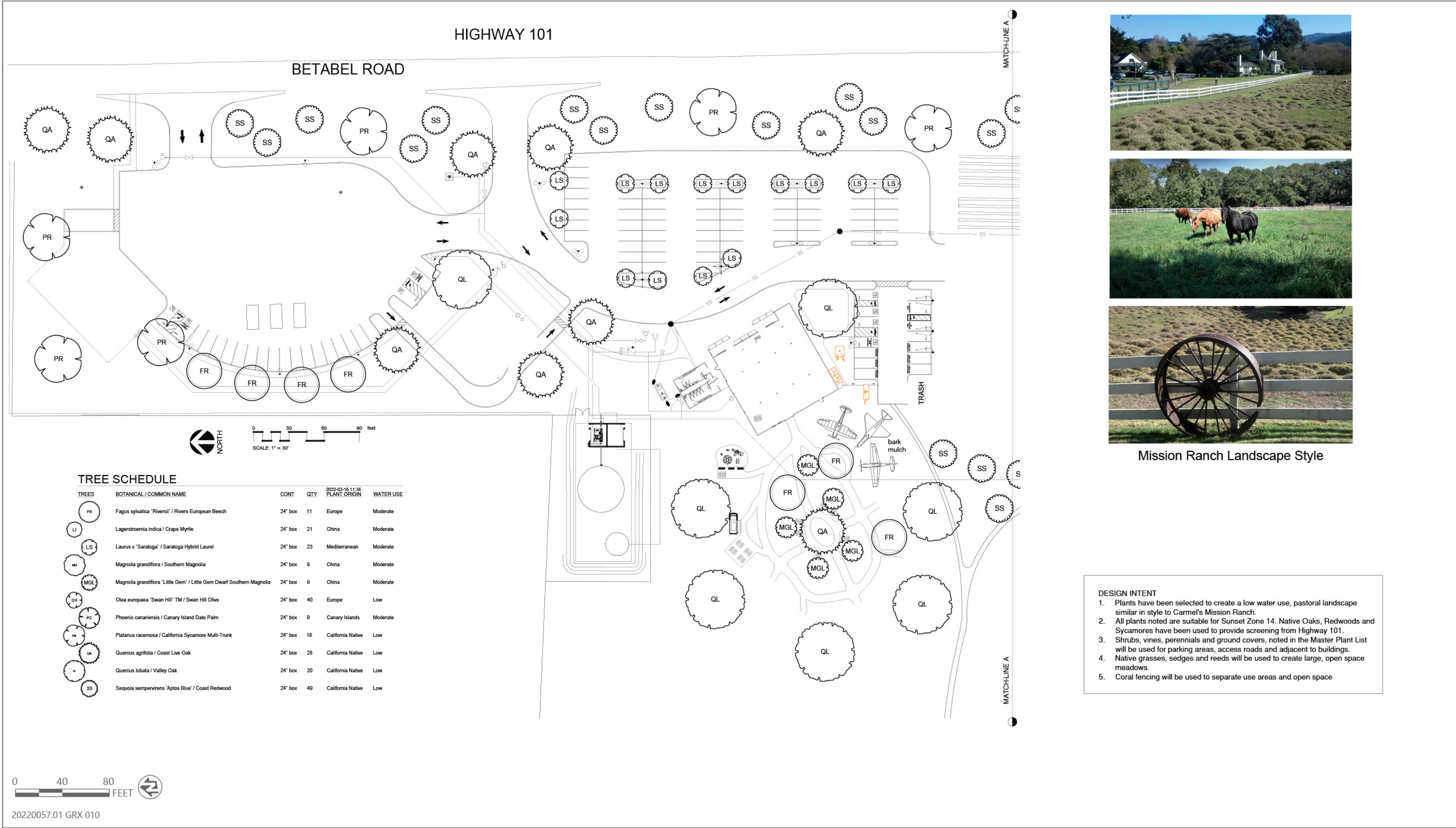
Figure 2-10 Motel Conceptual Elevation and Design



Sources: Data based on information received from WR&D in 2022; adapted by Ascent in 2022.

Figure 2-11 Offsite Improvement

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Mission Ranch Landscape Style

Figure 2-12 Landscape Plan - Northern Portion of Site

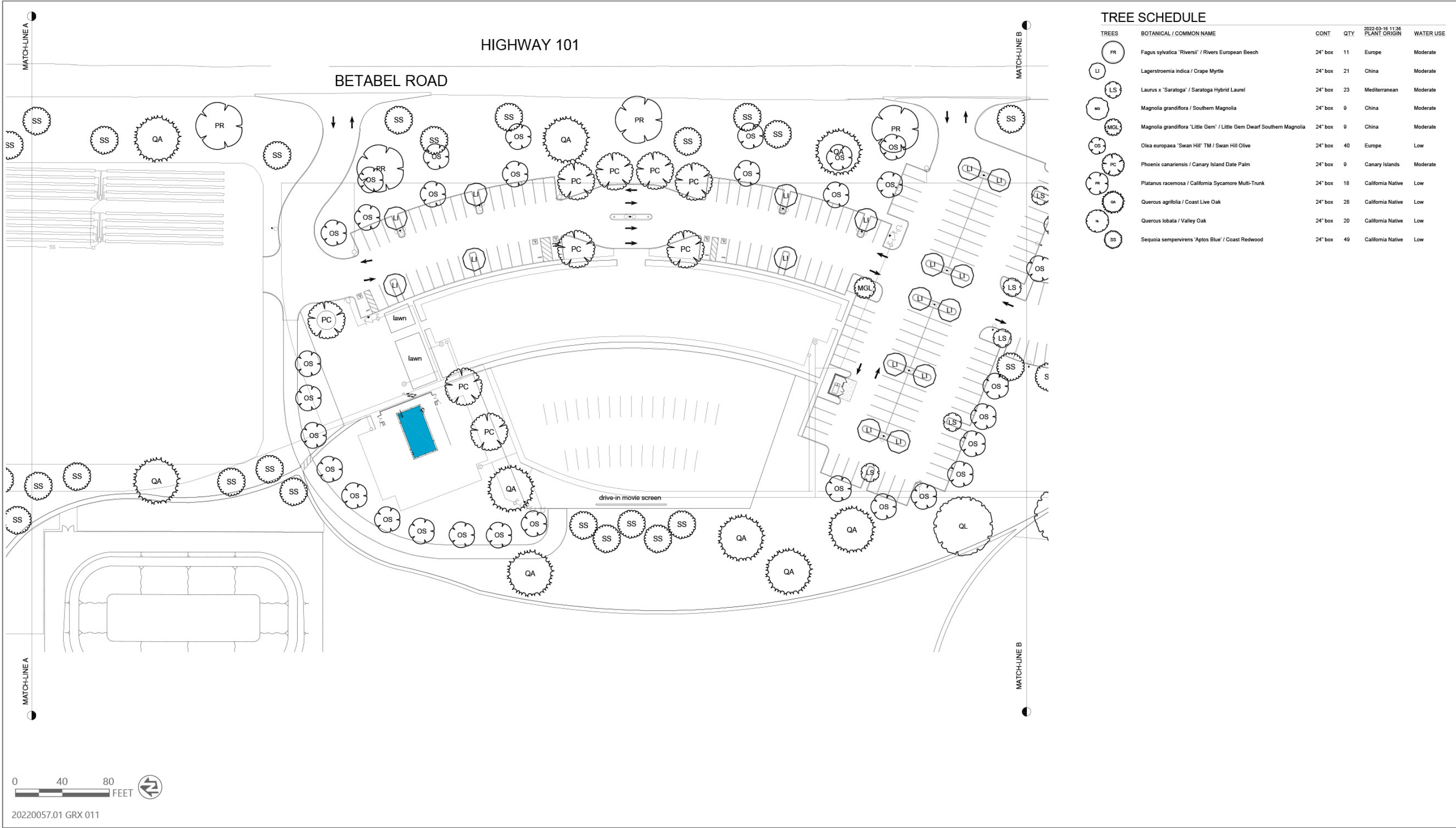
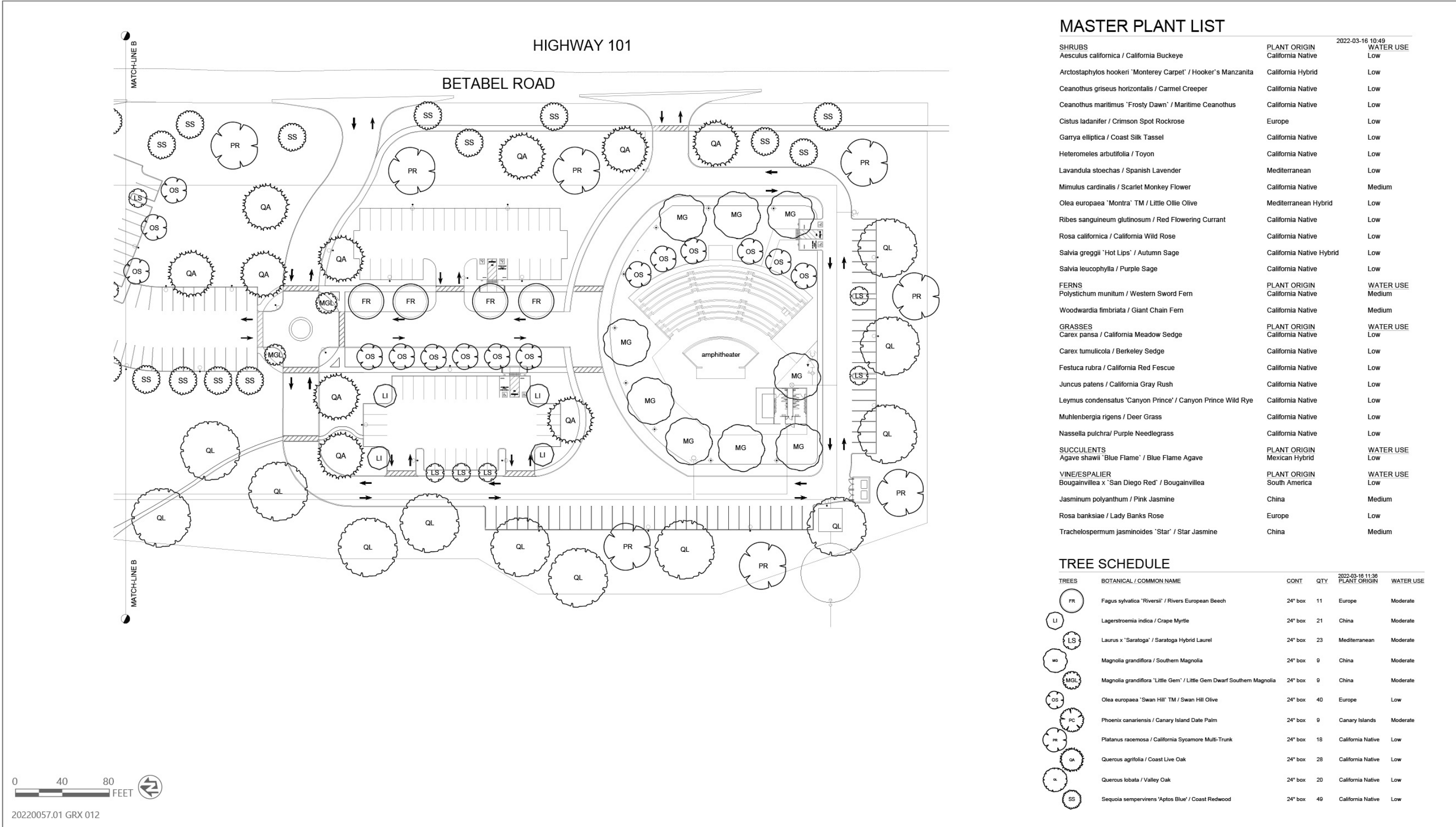


Figure 2-13 Landscape Plan - Center Portion of Site



Source: Image prepared and provided by RFE Engineering, Inc. in 2019.

Figure 2-14 Landscape Plan - Southern Portion of Site

The project would include the following low impact development features:

- ▶ Site design that disconnects impervious surfaces
- ▶ Preserve native vegetation
- ▶ Direct runoff to landscape

A portion of the development area is within the 100-year floodplain of the Pajaro River. The project proposes to elevate all structures two feet above the base flood elevation (Jerome 2022).

ENERGY AND LIGHTING

The project area is within the Pacific Gas and Electric service area for natural gas and electricity. Electrical and natural gas facilities would be extended into the project site.

All outdoor lighting on the project site would be light emitting diodes (LED) and would conform to the County's Development and Lighting ("Dark Skies") Ordinance (San Benito County Code of Ordinances, Title 19, Chapter 19.31). All onsite light fixtures would be directed away from adjacent properties.

The reader is referred to Section 3.6, "Energy," for an analysis of project energy demands.

2.4.5 Project Construction

Project construction is assumed to start in 2023 and be completed in 2 years. However, market conditions would ultimately determine the rate and extent of construction.

- ▶ Betabel Road Improvements (February 2023 – August 2023)
- ▶ Restaurant (February 2023 – August 2023)
 - Grading
 - Site infrastructure including gas upgrades, fire suppression system, septic and drainage improvements
 - Construction of parking areas and all other paved areas associated with Restaurant.
- ▶ Motel (May 2023 – September 2024)
 - Site mass grading
 - Site infrastructure including electrical upgrades, fire suppression system, septic and drainage improvements
 - Construction of parking areas and all other paved areas associated with Motel.
 - Construction of building and pool.
- ▶ Gas Station and Convenience Store (June 2023 – January 2024)
 - Grading
 - Site infrastructure including gas upgrades, fire suppression system, septic and drainage improvements
 - Construction of parking areas and all other paved areas associated with Gas Station and Restaurant.
- ▶ Outdoor Event Area (August 2023 – February 2024)
 - Grading
 - Site infrastructure including electrical upgrades, septic and drainage improvements.
 - Construction of parking areas and all other paved areas associated with Outdoor Event Area.

Before commencement of any construction, the project applicant would be required to obtain construction approvals, including a grading permit, improvement plans, facility improvement plan, food facility plan, and building permits. Construction of the project would include finish grading to establish necessary pads and foundations. Grading activities at the site would result in approximately 4,500 cubic yards (cy) of cut and 4,500 cy of fill with no cy of soil to be exported offsite.

The number of construction workers would vary with different phases of construction. It is estimated that up to 50 construction workers would be onsite during each construction phase of the project.

The project applicant has committed to the use of diesel construction equipment, powered by Tier 4 engines as recommended by the California Air Resources Board. The following construction machinery may be used:

- ▶ concrete/industrial saw,
- ▶ rubber tired or track dozer,
- ▶ tractors/loaders/backhoes,
- ▶ excavators,
- ▶ bobcats,
- ▶ drill rig,
- ▶ off-highway trucks,
- ▶ grader,
- ▶ scraper,
- ▶ crane,
- ▶ tower crane,
- ▶ man-lift,
- ▶ boom lift,
- ▶ construction elevator,
- ▶ scissor lift,
- ▶ forklift,
- ▶ concrete trucks,
- ▶ concrete pump trucks,
- ▶ asphalt spreader,
- ▶ roller/compactor,
- ▶ generator set,
- ▶ welding machine,
- ▶ compressor,
- ▶ haul trucks, and
- ▶ painting equipment.

In addition, if available for onsite delivery, diesel construction equipment would be powered with renewable diesel fuel that is compliant with California's Low Carbon Fuel Standards and certified as renewable by the California Air Resources Board Executive Officer.

2.4.6 Project Hours of Operation and Staffing

All events at the outdoor even area would be required to end by 10:00 p.m. Hours of operation for other components of the project would be typical for the proposed uses.

- ▶ Restaurant hours of operation would be 6:00 a.m. to 10:00 p.m. seven day a week.
- ▶ The convenience store would be open 6:00 a.m. till 11:00 p.m. seven days a week.
- ▶ Gas pumps would be available 24 hours a day.
- ▶ The motel would operate 24 hours a day with the operation of the small drive-in screen ending at 10:00 p.m.
- ▶ The visitor center would be open from 9:00 am to 6:00 pm Wednesday through Sunday.

Staffing levels would vary for each use type. Twenty-four full time staff would be needed to operate the restaurant. Sixteen full-time staff would operate the service station and convenience store; the farm stand currently under construction is anticipated to have the same staffing needs. The visitor center would be operated by two volunteers and would be open from 9:00 a.m. to 6:00 p.m. Wednesday through Sunday. It is anticipated a staff of 75 would be required to operate the motel. No permanent staffing would be required for the outdoor event area; staffing would

be provided on a per event basis by the event coordinator. The corral would be a staffed by one to three volunteers, educators and livestock experts and include a permanent collection of livestock open to public view on weekdays and Saturdays.

2.4.7 Outdoor Special Events

The project would include outdoor special events within the proposed outdoor event area and the undeveloped open space buffer. The exact extent of special events has not yet been determined by the project applicant. The outdoor event area would not include a permanent amplified sound system; all live entertainment and cultural events would bring their own temporary sound equipment.

For purposes of the impact analysis in the EIR it is assumed that outdoor special events would typically occur on Fridays, Saturdays, and Sundays year-round and may consist of the following range of events and attendance:

Outdoor Special Events at the Undeveloped Open Space Buffer Area or Outdoor Event Area During Daytime Hours (9:00 a.m. to 6:00 p.m.)

- ▶ Community and charity events (100 – 250 attendees)
- ▶ Farmer's markets (175 – 350 attendees)
- ▶ Craft festivals, car shows, and holiday celebrations (100 – 500 attendees)

Outdoor Special Events at the Outdoor Event Area During Evening Hours Using Amplification (5:30 p.m. to 10:00 p.m.)

- ▶ Theater events (up to 500 attendees)
- ▶ Music events (up to 500 attendees)
- ▶ Movie night (up to 500 attendees)

2.5 REQUESTED ENTITLEMENTS

2.5.1 Proposed Entitlement Requests

- ▶ Conditional Use Permit under San Benito County Code Chapter 25.16, section 25.16.023 applicable to the C-1 District.
- ▶ If the Conditional Use Permit is approved, the County would subsequently be a responsible agency for the vacating of Betabel Road under California Streets and Highways Code section 8300.

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3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

APPROACH TO THE ENVIRONMENTAL ANALYSIS

This draft environmental impact report (Draft EIR) evaluates and discloses the environmental impacts associated with the Betabel Commercial Development Conditional Use Permit, in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulation, Title 14, Chapter 3, Section 1500, et seq.). Sections 3.1 through 3.18 of this Draft EIR present a discussion of regulatory background, existing conditions, environmental impacts associated with construction and operation of the project, mitigation measures to reduce the level of impact, and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures). Issues evaluated in these sections consist of the environmental topics identified for review in the Notice of Preparation (NOP) prepared for the project (see Appendix A of this Draft EIR). Chapter 4, "Cumulative Impacts," evaluates cumulative impacts and whether the project would result in a cumulatively considerable contribution to these impacts. Chapter 5, "Project Alternatives," presents a reasonable range of alternatives and evaluates the environmental effects of those alternatives relative to the proposed project, as required by Section 15126.6 of the State CEQA Guidelines. Chapter 6, "Other CEQA-Mandated Sections," includes an analysis of the project's growth inducing impacts, as required by Section 21100(b)(5) of CEQA.

"Baseline" is the time and conditions used as the point of comparison for determining the significance of a proposed project's environmental effects. The EIR will use April 20, 2022 as the baseline to reflect existing environmental conditions, unless otherwise specified and explained in relation to a specific topic addressed in the EIR. This is consistent with State CEQA Guidelines recommendation that the date of issuance of the NOP (April 20, 2022) should normally constitute the baseline conditions upon which comparison of the project should be based (CEQA Guidelines, Section 15125(a)). The Draft EIR baseline discloses the current construction activities for the farm stand, restroom building, a septic tank, and a storm water retention pond consistent with State CEQA Guidelines Section 15125(a). These uses were approved by the County as a separate project under an administrative permit and is not part of the proposed Conditional Use Permit. The Draft EIR impact analysis generally identifies the existence of the farm stand as it would be incorporated into the site design.

INTRODUCTION TO THE ANALYSIS

In accordance with Section 15126.2 of the State CEQA Guidelines, this Draft EIR identifies and focuses on the significant direct and indirect environmental effects of the project, giving due consideration to both its short-term and its long-term effects. Short-term effects are generally those associated with construction, and long-term effects are generally those associated with project operations. Sections 3.1 through 3.18 of this Draft EIR each include the following components.

Regulatory Background: This subsection presents information on the laws, regulations, plans, and policies that relate to the issue area being discussed. Regulations originating from the federal, state, and local levels are each discussed as appropriate.

Existing Conditions: This subsection presents the existing environmental conditions on the project site and in the surrounding area as appropriate, in accordance with State CEQA Guidelines Section 15125. The discussions of the environmental setting focus on information relevant to the issue under evaluation. The extent of the environmental setting area evaluated (the project study area) differs among resources, depending on the locations where impacts would be expected. For example, traffic impacts resulting from the proposed project are assessed for the regional roadway network, whereas biological-resource impacts from the proposed project are assessed for the project site only.

Environmental Impacts and Mitigation Measures: This subsection presents thresholds of significance and discusses potentially significant effects of the project on the existing environment, including the environment beyond the

project boundaries, in accordance with State CEQA Guidelines Section 15126.2. The methodology for impact analysis is described, including technical studies upon which the analyses rely. The thresholds of significance are defined and thresholds for which the project would have no impact are disclosed and dismissed from further evaluation. Project impacts and mitigation measures are numbered sequentially in each subsection (Impact 3.2-1, Impact 3.2-2, Impact 3.2-3, etc.). A summary impact statement precedes a more detailed discussion of the environmental impact. The discussion includes the analysis, rationale, and substantial evidence upon which conclusions are drawn. The determination of level of significance of the impact is defined in bold text. A “less-than-significant” impact is one that would not result in a substantial adverse change in the physical environment. A “potentially significant” impact or “significant” impact is one that would result in a substantial adverse change in the physical environment; both are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. Mitigation measures are identified, as feasible, to avoid, minimize, rectify, reduce, or compensate for significant or potentially significant impacts, in accordance with the State CEQA Guidelines Section 15126.4. Unless otherwise noted, the mitigation measures presented are recommended in the EIR for consideration by the State to adopt as conditions of approval.

Where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure.

This subsection also describes whether mitigation measures would reduce project impacts to less- than-significant levels. Significant-and-unavoidable impacts are identified as appropriate in accordance with State CEQA Guidelines Section 15126.2(b). Significant-and-unavoidable impacts are also summarized in Chapter 6, “Other CEQA Sections.”

References: The full references associated with the parenthetical references found throughout Sections 3.1 through 3.18 can be found in Chapter 8, “References,” organized by section number.

STANDARD TERMINOLOGY

This Draft EIR uses the following standard terminology:

“No impact” means no change from existing conditions (no mitigation is needed).

“Less-than-significant impact” means no substantial adverse change in the physical environment (no mitigation is needed).

“Potentially significant impact” means an impact that might cause a substantial adverse change in the environment (mitigation is recommended because potentially significant impacts are treated as significant).

“Significant impact” means an impact that would cause a substantial adverse change in the physical environment (mitigation is recommended).

“Significant and unavoidable impact” means an impact that would cause a substantial adverse change in the physical environment and that cannot be avoided, even with the implementation of all feasible mitigation.

3.1 AESTHETICS

This section provides a description of existing visual conditions, meaning the physical features that make up the visible landscape, near the project site and an assessment of changes to those conditions that would occur from project implementation. The effects of the project on the visual environment are generally defined in terms of the project's physical characteristics and potential visibility, the extent to which the project's presence would change the perceived visual character and quality of the environment, and the expected level of sensitivity that the viewing public may have where the project would alter existing views. The "Analysis Methodology" discussion below provides further detail on the approach used in this evaluation.

No comments regarding aesthetics were received in response to the Notice of Preparation.

3.1.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to aesthetics, light, and glare are applicable to the Betabel Commercial Development Conditional Use Permit Project.

STATE

California Building Code

The California Building Code (California Code of Regulations, Title 24, Part 2) contains various building standards derived and adapted from the International Building Code, authorized by the California legislature, that address California building issues, including several that are applicable to the visual condition of a site (especially at night). They include standards for outdoor lighting intended to improve energy efficiency, minimize light pollution and nighttime glare, and provide design solutions to shield and control outdoor lighting fixtures.

California Scenic Highway Program

California's Scenic Highway Program was created by the California Legislature in 1963 and is managed by the California Department of Transportation (Caltrans). The goal of this program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to highways. A highway may be designated "scenic" depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on travelers' enjoyment of the view (Caltrans 2008).

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to aesthetics (San Benito County 2015):

- ▶ **Policy LU-1.4: Identifiable Community Boundaries.** The County shall encourage defined boundaries between communities (e.g., cities and unincorporated communities).
- ▶ **Policy LU-1.5: Infill Development.** The County shall encourage infill development on vacant and underutilized parcels to maximize the use of land within existing urban areas, minimize the conversion of productive agricultural land and open spaces, and minimize environmental impacts associated with new development as one way to accommodate growth.

- ▶ **Policy LU-5.3: New Commercial Regional Nodes.** The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with the County Land Use Diagram. In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.
- ▶ **Policy LU-7.6: Minimizing Parking Impacts.** The County shall minimize the visual impact of public and private parking by requiring it to be located at the rear and/or side of buildings and screened with landscape, where feasible, in order to preserve character and promote human-scale development.
- ▶ **Policy LU-7.7: Screening.** The County shall require screening of storage, trash receptacles, loading docks, and other building or site features to reduce visual impacts from public areas.
- ▶ **Policy LU-7.10: New Development Design.** The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.
- ▶ **Policy ED-1.5: Quality of Life Improvements.** The County shall focus economic development efforts on creating positive change in the County relative to residents and workers' quality of life. This should include considering air quality, education opportunities, safety, water quality, scenic beauty, and recreational opportunities during economic development decisions.
- ▶ **Policy NCR-1.1: Integrated Network of Open Space.** The County shall maintain an integrated network of open space lands that support natural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.
- ▶ **Policy NCR-8.1: Protect Scenic Corridors.** The County shall endeavor to protect the visual characteristics of certain transportation corridors that are officially designated as having unique or outstanding scenic qualities.
- ▶ **Policy NCR-8.2: Sign Regulations within Scenic Corridors.** The County shall require the elimination of signs within Scenic Corridors other than those identified in the permitted use section of the Zoning Ordinance.
- ▶ **Policy NCR-8.3: Grading within Scenic Corridors.** The County shall review all projects involving grading within Scenic Corridors to protect valuable soil resources, preserve the natural environment, and avoid significant adverse impacts within scenic areas.
- ▶ **Policy NCR-8.4: Review Architectural Design.** The County shall review development proposals to ensure that the obstruction of views is minimized through architectural building massing and location that is compatible with scenic areas.
- ▶ **Policy NCR-8.5: Review Site Planning.** The County shall review development proposals to ensure a reasonable and attractive appearance from the highway concurrent with a harmonious relationship with the existing landscape and shall require development that is determined not to be in harmonious relationship with the existing landscape to be screened from view through planting or other forms of visual buffers.
- ▶ **Policy NCR-8.6: Regulate Building Height and Setback.** The County shall regulate building height and setbacks to protect the field of vision within an officially designated Scenic Corridor. The County shall not approve building heights that exceed, nor setback requirements that are less, than those of the basic zoning district unless such variance has had the appropriate review and public comment.
- ▶ **Policy NCR-8.7: Native Landscaping in Scenic Corridors.** The County shall encourage landscaping in Scenic Corridors to use indigenous plants and grasses compatible with local vegetation and ground forms and to reestablish the natural landscape. In addition to native vegetation, other acceptable vegetation in Scenic

Corridors shall include agricultural plants such as row crops, fruit trees and other agricultural species; and grasses and fairway trees of parks and golf courses.

- **Policy NCR-8.8: Underground Utility Lines.** The County shall require all new electric and communication distribution facilities proposed within the Scenic Corridor to be placed underground, whenever feasible. Where overhead utility lines are unavoidable, every effort should be made to reduce the visual impact through elements of design.

San Benito County Code of Ordinances

Chapter 19.31: Lighting Regulations (“Dark Sky Ordinance”)

The purpose of this chapter in the San Benito County Code of Ordinances (County Code) is to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, and curtail the degradation of the night-time visual environment. To accomplish this, a series of general requirements related to directional and shielded outdoor lighting and allowable types of and times for certain lighting are established within this chapter of the County Code. In addition, three separate lighting zones are established with specific criteria and requirements for outdoor lighting within each zone. The project site is located within Zone II and would be subject to the lighting standards/criteria and requirements of that zone, as well as the general requirements that apply to all zones.

Chapter 25.15, Article IV: Scenic Highway District

Article IV of Chapter 25.15 of the County Code establishes a scenic highway district that includes a designated highway segment, as well as space on either side (between 340 and 400 feet) of the designated segment. The establishment of the district is intended to preserve the scenic qualities of the County along scenic highway corridors that are recognized as having unusual or outstanding scenic qualities. Within the district, additional restrictions related to allowable unit types/operations and signage are imposed, including prohibition of flashing or moving signs and offsite signage/advertising.

Chapter 25.29, Article III: Sign Regulations

Article 3 of Chapter 25.29 of the County Code is intended to encourage the effective use of signs as a means of communication in the County but also serves to maintain and enhance the aesthetic environment. It establishes specific criteria related to the size, height, mounting, and visibility of certain signs within the County in order to maintain visual continuity and the overall County aesthetic.

3.1.2 Environmental Setting

VISUAL CHARACTER OF THE PROJECT SITE

The project site is bounded to the north by the Betabel Recreational Vehicle (RV) Resort; Betabel Road and U.S. Highway 101 (US 101) to the east; and the Pajaro and San Benito rivers to the south and west.

In general, the project site is characterized by relatively flat ruderal grassland with elevations ranging from 134 to 140 feet above mean sea level. The western edge of the project site is dominated by riparian vegetation and habitat, associated with the Pajaro and San Benito rivers. Several trees line the western and eastern edges of the project site. Along the eastern edge of the project site, existing trees are located in the northern portion of the site and partially obstruct views of the single-story farmstand (currently under construction onsite) and the southern edge of the Betabel RV Resort (located offsite) from US 101 and Betabel Road. Views of the project site from the south and west are limited due to the relatively flat topography and the presence of riparian vegetation (e.g., numerous trees and shrubs) along the project site’s western boundary, although long distance views of the project site are available from adjacent hillsides to the north, west, and south. The project site was historically used for agricultural purposes with agricultural support structures that were located in the northern portion of the project site having now been removed.

VISUAL CHARACTER OF THE SURROUNDING AREA

Located in the California Coast Range, the County's generally rural character is defined by agricultural croplands, rangelands, rolling hills, open spaces, mining sites, and natural geologic features and monuments present in several of the National, State, and County parks have attracted residents and visitors to the region for decades. Because agriculture and rangeland are dominant land uses within the County, including adjacent to the project site, and account for approximately 75 percent of the total land area, scenic resources primarily include views of agricultural farms, grazing lands, and cultivated fields in the region's foreground, views of valleys immediately beyond the County's cities and small communities, views toward rolling hillsides, open spaces, and private lands, and distant views of the Diablo Range and ridgelines to the east and west.

More specifically, the areas surrounding the project site are visually dominated by rolling hills with active agricultural (e.g., row crops) and rangeland uses. Vegetation is predominantly grassland with denser vegetation and trees located along agricultural field edges, adjacent to development, and within riparian zones associated with the Pajaro and San Benito rivers. Development in the area is limited with predominantly residential uses that are generally 1-2 stories in height. The Betabel RV Resort located north of the project site, as well as its supporting solar photovoltaic facility and flagpole, is the most readily visible development in the vicinity of the project site but is largely screened from view by a mix of landscaping (trees and shrubs).

Along the section of US 101 corridor adjacent to the project site, long-distance views of the surrounding area are readily available to the north, south, and west. Long-distance views are limited to the east due to the topography (i.e., rolling hills).

Scenic Resources and Important Landscape Corridors

The designation of scenic roads and highways is intended to promote and enhance the natural scenic beauty occurring along portions of county and state highways. The rural areas of the County have many scenic attributes that contribute to the pleasure of driving through them. US 101, located directly east of the project site, is a locally designated scenic roadway (refer to the discussion of County Code Chapter 25.15, Article IV, above). However, under the California Scenic Highway Program, US 101 within the county, including adjacent to the project site, is not considered a designated or eligible scenic highway by Caltrans.

In addition to US 101, project is located within the Juristac Tribal Cultural Landscape (JTCL). the JTCL spans 21,122.92 acres in the rugged hills overlooking Gilroy to the north and Watsonville to the south (see Figure 3.16-1). It has been recommended to be eligible for listing in the California Register of Historic Resources. As described in Section 3.16, "Tribal Cultural Resources," the character-defining features of the JTCL include, but are not limited to, those listed below:

- ▶ Springs, creeks, and rivers
- ▶ Landscape features associated with Tribal history, culture, or spirituality

In the project area, this specifically includes: the Pajaro River corridor, the Betevel Bluff, and Medicine Man Hill.

VIEWS OF THE PROJECT SITE AND SURROUNDING AREA

Figure 3.1-1 shows the location of photographs and viewpoints referenced in this analysis.

Viewpoint 1, shown in Figure 3.1-1, presents an elevated view of the project site and the Betabel RV Resort from Y Road, northeast of the project site. As shown in the image, views of the project site from the north are largely obscured by the existing RV facility, with the availability of view of the project site becoming more available as viewers approach the project site along US 101 and Betabel Road. Some limited residential development is visible in the background.



Source: Ascent Environmental 2022

Viewpoint 1, view towards project site looking southwest along Y Road.



Source: Ascent Environmental 2022

Viewpoint 2, view towards project site looking northwest from Y Road.

Figure 3.1-1 Views of Project Site Along Y Road

Viewpoint 2, shown in Figure 3.1-1, presents an at-grade view of the project site from Y Road, southeast of the project site. As shown in the image, views of the project site are readily available from this location and US 101 as it approaches and parallels the project site. Vegetation from this viewpoint is limited with trees along the western edge of the project site representing the majority of non-low-lying vegetation. Some limited residential development is visible in the background within the left portion of the image.

Viewpoint 3, shown in Figure 3.1-2, presents a panoramic view of the project site from Y Road, east of the project site. As shown in the image, views of the project site are readily available from this location and US 101 as it parallels the project site. Similar to Viewpoint 2, vegetation is limited with trees along the western edge of the project site and at the Betabel RV Park representing the majority of non-low-lying vegetation in the foreground. The hillsides within the background are more densely vegetated with scattered residential development.

Viewpoint 4, shown in Figure 3.1-3, presents a westward view from the project site. At grade, views within the western portion of the project site are limited due to trees and dense vegetation associated with the riparian corridor along the project's western edge. Views of the hillsides to the west are not available, as shown in this viewpoint.

Viewpoint 5, shown in Figure 3.1-3, is located on the project site, looking northward towards the Betabel RV Resort. Solar panels and vehicles within the Betabel RV Resorts southern parking lot are visible with low-lying, grassland vegetation in the foreground and larger landscaping and riparian vegetation in the background.

Viewpoint 6, shown in Figure 3.1-4, presents an elevated view of the project site and the Betabel RV Resort from the US 101 overcrossing. As shown in the image, views of the project site from the north are largely obscured by the existing RV facility, with the availability of view of the project site becoming more available as viewers approach the project site along US 101 and Betabel Road. Some limited residential development is visible in the background.

Viewpoint 7, shown in Figure 3.1-4, displays the rolling topography and grasslands as visible from the project site, looking east. Existing utility lines along the tops of the hillsides to the east represent the tallest structures in the area. Vegetation is limited to predominantly low-lying vegetation with some denser vegetation located in valleys and along the tops of the existing hillsides.

LIGHT AND GLARE CONDITIONS

Existing sources of light and glare are uniformly present in the project vicinity. Existing sources of light include street lights along local roadways (primarily south of the project site); lights in parking lots, along walkways, and on the exteriors of buildings; and interior lights in buildings.

Natural and artificial light reflect off various surfaces and can create localized occurrences of daytime and nighttime glare. Buildings and structures made with glass, metal, and polished exterior roofing materials exist throughout the surrounding area; however, there are no reported occurrences of excessive daytime or nighttime glare in the project vicinity.

SHADOWS

The evaluation of shading and shadows in this Draft EIR is limited to daytime shadows cast by objects blocking sunlight. The angle of the sun, and hence the character of shadows, varies depending on the time of year and the time of day; however, in the Northern Hemisphere, the sun always arcs across the southern portion of the sky. During the winter, the sun is lower in the southern sky, casting longer shadows compared to other times of year. During the summer months, the sun is higher in the southern sky, resulting in shorter shadows. During the summer, the sun can be almost directly overhead at midday, resulting in almost no shadow being cast. During all seasons, as the sun rises in the east in the morning, shadows are cast to the west; at mid-day, the sun is at its highest point and shadows are their shortest, and cast to the north; and as the sun sets in the west in the afternoon/evening, shadows are cast to the east. Shadows in the project area are dominated in the early morning and evenings by the surrounding hillsides. Due to setback requirements and the relatively low profile of existing development in the area, shadows cast by development are localized and typically do not extend beyond the subject property.



Source: Ascent Environmental 2022
Panoramic view of project site from Y Road, looking west.

Figure 3.1-2 Panoramic View From Y Road



Source: Ascent Environmental 2022

Viewpoint 4, View from project site looking west.



Source: Ascent Environmental 2022

Viewpoint 5, View from project site looking north.

Figure 3.1-3 Views Within Project Site (West and North)



Source: Ascent Environmental 2022

Viewpoint 6, View looking south towards project site.



Source: Ascent Environmental 2022

Viewpoint 7, View from project site looking east.

Figure 3.1-4 Views Within Project Site (South and East)

VIEWER PERSPECTIVE AND SENSITIVITY

Viewer sensitivity is considered in assessing the impacts of visual change and is a function of several factors. The sensitivity of the viewer, or viewer concern, is based on the visibility of resources in the landscape, proximity of the viewers to the visual resource, elevation of the viewers relative to the visual resource, frequency and duration of views, numbers of viewers, and types and expectations of individuals and viewer groups.

The viewer's distance from landscape elements plays an important role in the determination of an area's visual quality. Visibility and visual dominance of landscape elements depend on their placement within a viewshed. A viewshed is defined as all of the area visible from a particular location (e.g., an overlook) or sequence of locations (e.g., a roadway or trail) (FHWA 2015). Landscape elements are considered higher or lower in visual importance based on their proximity to the viewer. Generally, the closer a resource is to the viewer, the more dominant, and thus the more visually important it is to the viewer. For purposes of analysis, landscapes are separated into foreground, middle-ground, and background views (U.S. Forest Service 1995). In general, the foreground is characterized by clear details (within 0.25 or 0.5 mile of the viewer); the middle ground is characterized by the loss of clear detail in a landscape, creating a uniform appearance (from the foreground to 3 to 5 miles in the distance); and the background extends from the middle ground to the limit of human sight (Bacon 1979).

Visual sensitivity is also affected by viewer activity, awareness, and expectations in combination with the number of viewers and the duration of the view. Visual sensitivity is generally higher for views that are observed by people who are driving for pleasure, or engaging in recreation activities such as hiking, biking, camping or by residents of an area. Sensitivity is lower for people engaged in work activities or commuting to work. Viewer response must be based on regional context. The same landform or landscape feature may be valued differently in different settings; landscape features common in one area would not be valued as highly as the same feature in a landscape that generally lacks similar features. For example, a small hill may have little value in a mountainous area but may be highly valued in a landscape that has little topographic variation.

Potential sensitive viewer groups include drivers along US 101, due to its designation as a scenic roadway by the County. Other viewer groups are largely limited due to the majority of the surrounding lands being held in private ownership and the lack of publicly available viewpoints towards the project site.

3.1.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The evaluation of potential aesthetic and visual resource impacts are based on review of site photos representing key vantage points and documents pertaining to the project site, including the San Benito County General Plan (San Benito County 2015) and County Code, as well as a review of site plans and aerial photography of the site and surrounding area. Assessment of impacts to aesthetics and visual resources is based on an objective evaluation of the proposed project's effects on the visual environment of the site and its surroundings. This includes impacts on viewsheds and scenic areas identified as important or valuable to the community, as well as impacts related to changes in visual character of the site as compared to existing conditions. In determining the level of significance, this analysis assumes that the project would comply with relevant state and local ordinances and regulations, as well as the General Plan policies presented above.

THRESHOLDS OF SIGNIFICANCE

An impact on aesthetics, light, and glare is considered significant if implementation of the project would do any of the following:

- have a substantial adverse effect on a scenic vista;

- ▶ substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- ▶ substantially degrade the existing visual character or quality of public views of the site and its surroundings; and/or
- ▶ create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

ISSUES NOT DISCUSSED FURTHER

All potential aesthetics issues identified in the thresholds of significance are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.1-1: Substantially Degrade the Existing Visual Character or Quality of the Site or its Surroundings

Development of the project site would convert approximately 32 acres of largely undeveloped land to commercial uses along Betabel Road. The proposed development would be an active, commercial site with increased traffic entering and exiting the project site throughout the day. The introduction of such uses and infrastructure in an area that is primarily undeveloped at present would change the existing visual character of the area. However, the proposed facilities would be screened from view by landscaping and limited in height (consistent with County General Plan policies and County Code requirements), and proposed landscaping would soften the commercial character of the project site. Further, the project would comply with General Plan policies related to development design, which would ensure that the project would not substantially degrade the visual character of the project area. For these reasons, this impact would be **less than significant**.

The project site consists of primarily of undeveloped land in unincorporated San Benito County. At present, a portion of the project site being developed with a farmstand, which is consistent with other development along US 101 in San Benito County, as well as within adjacent counties. The land is predominantly flat with some denser vegetation located within the riparian corridor along the project site's western edge. Adjacent hillsides are similarly vegetated (i.e., largely grassland and/or grazing land with pockets of denser shrubbery and trees). The confluence of the Pajaro and San Benito rivers is located immediately west of the project site, with riparian corridors of both rivers making up the western edge of the project site. The only structures identified within the project site are limited agricultural structures (e.g., two greenhouses in the western portion of the project site) and the farmstand, restroom building, a septic tank, and a storm water retention pond currently under construction in the northeastern portion of the project site. Under the proposed project, development of the project site would involve the addition of an animal/livestock corral within the eastern portion of the site, but the majority of development would be focused along Betabel Road. In general, the project would change the existing visual character of the area both temporarily during construction and permanently during operation of the proposed onsite uses. These impacts are discussed below.

Short-term Construction Impacts

Construction activities would reduce the vividness, unity, and intactness of the project site's existing visual character by introducing encroaching human elements into the natural landscape, especially within the eastern portion of the site. Construction equipment and materials would be present in the project area and visible to sensitive viewer groups, including recreationists, motorists, and residents. The type and quantity of equipment would fluctuate throughout construction but would generally include earthmoving equipment; concrete mix trucks and concrete pumps; a crane for erection of panels; semi-trucks and other trucks for deliveries; and a variety of crew trucks, boom lifts, scissor lifts, trenchers, generators, and personal autos. These construction activities would appear similar (though larger in area) to construction associated with the current construction activities for the farmstand, restroom building, a septic tank, and a storm water retention pond. Building materials and equipment would be staged in various locations on the project site throughout the duration of construction and would vary as the phases are constructed.

Therefore, it is anticipated that construction staging could occur throughout the project site. While construction activities would reduce the vividness, unity, and intactness of the project site's existing visual character, visual impacts from construction would be temporary and limited to the construction period, which is anticipated to last 24 months.

Given that the visual impact from construction would be temporary, the project would not substantially degrade the visual character of the area during construction. This impact would be **less than significant**.

Long-term Operational Impacts

The project would involve the development of multiple structures onsite with surface parking and driveways, including a visitor center, gas station, convenience store, restaurant, outdoor event center, and 125-room motel. Additional open space areas would be maintained for aesthetic and wastewater disposal purposes throughout the site. With the exception of the motel, onsite structures would be one-story in height and roughly similar in height and scale to existing development associated with the Betabel RV Resort, located immediately to the north. The motel would be approximately 3 floors (up to 35 feet) in height and would be designed as a Spanish Revival-style motel. As noted in Chapter 2, "Project Description," the motel would include a small drive-in screen to the west of the motel building. Each evening a feature movie would be available for viewing from the motel rooms which face the outdoor screen. Due to the position of the motel building and the height of the projection screen, the projection screen would not be visible from US 101. There would also be an opportunity for motel guests to park on the west side of the motel and watch the drive-in movie from their vehicles. With respect to the outdoor event center, this facility would involve the development of seating area and stage.

Based on information presented above in Section 3.1.2, "Environmental Setting," the visual character of the project site is considered moderate and consistent with the existing developed conditions associated with the Betabel RV Resort and other buildings/along in the US 101 corridor. Public views of the project site are limited to viewers along US 101, which extends in a north-south direction parallel to the project site's eastern border. No publicly available views or vistas are available from the north, south, or west of the project site. While the majority of the project site is covered in annual grassland that is consistent with close-by agricultural parcels, the vegetation transitions marked by the Pajaro and San Benito rivers and the Betabel RV Resort separate the visual character of the project site from nearby agricultural and rangeland uses. The proposed development would substantially alter the visual character of the project site from predominantly undeveloped agricultural land to commercial development. However, the visual character of the project site is moderate and would retain the existing character of the remaining 80 acres of the site (see Figures 2-1 and 2-2) that would blend with surrounding agricultural lands. It is important to note that the project site is not unique or distinctive relative to the visual character of the surrounding region, which is also dominated by agricultural land. Furthermore, the project would include landscaping, which would soften the commercial character of the site and provide a buffer between the site and neighboring uses, including viewers along US 101. In addition, the proposed onsite facilities would be designed and constructed in a manner consistent with San Benito County General Plan policies and County Code requirements.

Consistent with General Plan policies LU-1.4, 1.5, and 1.6, the proposed development would involve the development of an underutilized parcel, adjacent to existing development on land that was historically (but not currently) used for agricultural purposes. Further, consistent with General Plan policies LU-5.3 and NCR-8.5, the project would be required to undergo design review before the County Planning Commission as part of the Conditional Use Permit process and is currently designed to reflect the history of travel along US 101, as well as the prominence of agriculture as an industry within the County and region. All onsite structures, landscaping, and signage would be required to comply with applicable General Plan policies, including LU-7.6; LU-7.7; LU-7.8; LU-7.10; NCR-8.6 and NCR-8.7, to minimize the change in aesthetic conditions through design and the provision of onsite landscaping. In particular, General Plan Policy NCR-8.6 requires design of the project to implement setbacks and building height limits to protect the field of vision from US 101. The project would also provide an outdoor event venue that would be screened in accordance with General Plan policy but would also assist the County in achieving General Plan Policies ED-5.3, 5.4, and 5.5 related to outdoor venues that take advantage of the aesthetic condition of San Benito County while allowing for increased tourism. Therefore, through implementation of County General Plan policies, the project would minimize the change in visual character as a result of onsite development through design review and the

provision of appropriate screening. For these reasons, operation of the project would not substantially degrade the visual character of the project site and its surroundings. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.1-2: Damage to Scenic Resources

Project development would occur along US 101, which is not designated as a state scenic highway but is County designated as a locally scenic roadway. Proposed development would be compatible and visually cohesive with existing development, consistent with County General Plan policies and regulations related to development near scenic resources. However, it would be visible and would potentially further reduce views westward from US 101 and of the surrounding landscape. Project changes in the visual character of the area would also impact the JTCL. Therefore, the project would damage scenic resources within a scenic roadway, and this impact would be **significant**.

As noted above, US 101 parallels the eastern boundary of the project site. This segment of US 101 is not a designated state scenic highway, but the County has officially designated this section of US 101 as scenic (refer to discussion above and Article IV of Chapter 25.15 of the County Code). For that reason and for the purposes of this analysis, it is considered a designated scenic resource. County Code also designates a scenic corridor along this section of US 101, which corresponds to a 400-foot buffer from centerline of US 101 that extends roughly halfway through the project site. Per County Code, this designation is due in part to the importance of an agricultural/rural environment within the County and region. Therefore, any change from agricultural/rural uses within this corridor would be considered a significant impact within the corridor, regardless of its consistency with otherwise applicable General Plan policies and regulations.

Although a large portion of the project site would be retained as an undeveloped area, both within the southern and western portions of the project site, the development of the motel, gas station, convenience store, restaurant, visitor center, outdoor event area, and associated uses that would fall within the 400-foot buffer from centerline of US 101 would constitute a change in use from agricultural/rural use to a more urban setting. This development would not be inconsistent with the existing Betabel RV Resort and would also include landscaping to screen the proposed onsite uses from viewers along US 101. However, due to the existing scenic district designation over areas of the project site intended for development and the intent behind the designation of this scenic district (acknowledgement of agricultural/rural uses within the County), development of the site as currently proposed would be considered a substantial change to a designated scenic resource.

As further discussed in Section 3.16, "Tribal Cultural Resources," development of the project would also alter the character of the JTCL. Important features in the project area include the Pajaro River corridor, the Betabel Bluff, and Medicine Man Hill.

As a result, the project would result in a **significant** aesthetic impact.

Mitigation Measures

Mitigation related to this aesthetic impact associated with development of the project site, in accordance with Section 15370 of the CEQA Guidelines, could include no development within the buffer zone and/or relocating/reducing the level of development within the project site to other less visually sensitive areas. However, because the buffer zone covers approximately half the project site, relocation and/or reduction of onsite development to avoid development within the buffer is not considered feasible due to spatial design considerations, including the need for onsite utility infrastructure.

Significance after Mitigation

Implementation of the project and compliance with County Code would address impacts and minimize, where possible, impacts on scenic views through project design, siting, massing, and landscaping. However, no feasible mitigation is available to reduce the potential impact to a designated scenic resource. A decrease in proposed

development and/or greater setbacks could reduce the potential disruption to existing scenic views, however, any development within the eastern half of the project site would damage scenic resources as well as impact the JTCL. As a result, this impact would be **significant and unavoidable**.

Impact 3.1-3: Create a New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views in the Area

Project implementation would result in an incremental increase in the amount of light and glare on the project site, which would affect nighttime views in the area. However, the project would adhere to the County's Dark Sky Ordinance, which require that lighting sources be designed and constructed in a manner so as to avoid light spillage and glare on adjacent properties and in private spaces. Further, all lighting would be consistent with International Dark Sky Standards and the Illuminating Engineering Society of North America criteria for luminaries. Because the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, this impact would be **less than significant**.

No sources of light or glare are currently present on the project site. Sources of nighttime light around the project site are minimal and primarily related to street lighting, the Betabel RV Resort, and scattered residential development within the adjacent hillscape. Occasional glare occurs from vehicles accessing roads adjacent to the project site and US 101. With the exception of the onsite agricultural structures and the farmstand currently under construction, no structures are present on the project site that create substantial shade/shadows, and no shadows are currently projected offsite. The trees associated with the riparian area to the west provide shade to the creek and limited shadows on the project site. Development of the project site would result in an incremental increase in the amount of light and glare on the project site, which would affect nighttime views in the area both temporarily during construction and permanently during operation of the proposed development. These impacts are discussed below.

Short-term Construction Impacts

Glare would be introduced to the project area during construction from windshields of vehicles and construction equipment. These would be small sources of glare, would be at ground level, and would not adversely affect daytime views of the area. Additionally, construction activities would occur during daytime hours. Security lighting may be used on site at night and could represent a new source of lighting. Upon completion of construction, onsite construction vehicle activities would cease, and the impact associated from glare and lighting would be temporary. Given the temporary nature of construction and the surrounding development, project construction would have a **less-than-significant** impact related to light or glare.

Long-term Operational Impacts

The project would add metal and other reflective surfaces (e.g., glass) associated with the commercial facilities (motel, gas station, and other associated facilities/structures) and parked cars in the parking lots. These facilities would also include exterior night lighting, including parking lot lighting, for security and access purposes. The proposed buildings would be site-cast concrete with embellishments of corrugated metal, glass, aluminum window systems, and steel canopies. The addition of reflective surfaces would increase daytime glare on the project site, which is currently void of light and glare sources. The proposed small drive-in screen would operate under limited hours (to 10:00 p.m.), be screened by the motel building, and would not be illuminated throughout the night. The addition of nighttime lighting from the project could result in skyglow and light pollution if lights are cast in an upward direction.

To reduce the impact of glare and lighting from operation and as noted above, the project would be required to comply with the Zone II lighting standards and requirements from the County's Dark Sky Ordinance (San Benito County Code Chapter 19.31) and would also be subject to design review, per General Plan policy LU-5.3. Lighting sources would be designed to project downward and away from the project boundary, including potential use of cut off lenses, to avoid light spillage and glare on adjacent properties and in private spaces. All lighting would be consistent with International Dark Sky Standards, which recommends that lighting should only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions, and be fully shielded (pointing downward); and the Illuminating Engineering Society of North America criteria for luminaries. The lighting

plan would be reviewed and approved by the County prior to project implementation. In addition, the onsite movie projection for the proposed motel use (as noted above) would also be required to comply with the aforementioned policies and regulations to avoid light spillover. It should be noted that the proposed motel structure itself would prevent views of the movie projection from US 101. As a result, and through compliance with County General Plan policies and regulations, the project would have a **less-than-significant** impact related to light or glare.

Mitigation Measures

No mitigation is required.

3.2 AGRICULTURAL RESOURCES

This section evaluates the potential forest resource impacts of the proposed Betabel Commercial Development Conditional Use Permit Project. The existing forest resource characteristics are described and the relationship between the proposed project and existing plans and policies are addressed. The potential loss of forest resources are also addressed.

One NOP comment regarding potential impacts related to the conversion of agricultural land and resources was received from the California Department of Conservation. This issue is discussed below.

3.2.1 Regulatory Setting

FEDERAL

U.S. Department of Agriculture

The U.S. Department of Agriculture (USDA) is the U.S. federal executive department responsible for developing and executing federal laws related to farming, forestry and food. The USDA aims to meet the needs of farmers and ranchers, promote agricultural trade and production work to assure food safety, protect natural resources, assist rural communities and address hunger in the United States. While local agricultural may interface with USDA programs, data resources, requirements and procedures, federal regulations do not typically influence or have permitting authority over local land use projects under CEQA review.

The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture, is the agency primarily responsible for the implementation of the Farmland Protection Policy Act (FPPA). The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to nonagricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local and private programs designed to protect farmland. NRCS provides technical assistance to federal agencies, state, and local governments; tribes or non-profit organizations that desire to develop farmland protection programs and policies.

The FPPA also established the Farmland Protection Program (FPP) and the Land Evaluation and Site Assessment (LESA). The LESA system ranks lands for suitability and inclusion in the FPP. LESA evaluates several factors, including soil potential for agricultural uses, location, market access, and adjacent land uses. The LESA system has spawned many variations, including the California LESA model, which is used in California's Farmland Mapping and Monitoring Program, described below.

STATE

Land Conservation Act of 1965

Agricultural preserve contracts are executed through procedures enabled by the California Land Conservation Act of 1965, also known as the Williamson Act. A contract may be entered into for property with agricultural, recreational and open space uses in return for decreased property taxes. The County Agricultural Preserve Rules of Procedure require certain minimum parcel sizes and land use restrictions applicable to agricultural preserve lands under their respective contracts. The minimum length of Williamson Act contracts is ten years. Because the contract term automatically renews on each anniversary date (unless certain steps are taken), the actual contract length is essentially indefinite. To be eligible for Williamson Act designation, a minimum 100 acres of non-prime land is typically required and that land must be used to produce an agricultural commodity that is plant or animal and is produced in California for commercial purposes.

California Department of Conservation Farmland Mapping and Monitoring Program

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

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

FMMP rates the production potential of agricultural land according to the following classifications:

Prime Farmland. Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. These are Class I and Class II soils.

Farmland of Statewide Importance. Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland. Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California.

Farmland of Local Importance. Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock.

Urban and Built-Up Land. Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Other Land. Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas, not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Water. This is used to describe perennial water bodies with an extent of at least 40 acres.

California Public Resources Code

Agricultural and forestry land within California are defined by the PRC as follows:

- ▶ Section 21060.1(a) defines "agricultural land" as prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
- ▶ Section 21060.1(b) states the following: In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

- ▶ Section 21095 amended the California Environmental Quality Act to provide lead agencies with an optional methodology, the LESA model, to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process. The LESA Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, the factors are rated, weighted, and combined, resulting in a single numeric score. The project score becomes the basis for making a determination of a project's potential significance.

LOCAL

San Benito County 2035 General Plan

The San Benito County General Plan contains the following policies that are relevant to agriculture:

- ▶ **Policy LU-3.2: Agricultural Integrity and Flexibility.** The County shall protect the integrity of existing agricultural resources and provide for flexibility and economic viability of farming and ranching operations.
- ▶ **Policy LU-3.10: Agricultural Land Mitigation.** If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve an equal number of acres (i.e. a 1:1 ratio) either on- or off-site. An applicant may pay mitigation fees for some or all of that mitigation as agreed in a development agreement.
- ▶ **Policy LU-3.14: Land Trusts and Financial Incentives.** The County shall consider land trusts and financial incentives to preserve agricultural soil resources and to protect the integrity of important agricultural areas for future use.
- ▶ **Policy LU-4.9: Transfer of Development Credit Program.** The County shall maintain and implement the voluntary Transfer of Development Credit (TDC) program as an incentive to protect farmland and focus future development away from the most productive farmland.

San Benito County Code

The San Benito County Code regulates agricultural resources in Title 19 (Land Use and Environmental Regulations), Chapter 19.01 (Agricultural Provisions), Article I (Agricultural Community Disclosure [Right-To-Farm Ordinance]) and Article II (Agricultural Preserves [Williamson Act Implementing Ordinance]), as well as in Title 25 ("Zoning Ordinance") provisions related to agriculturally zoned lands.

Right-To-Farm Ordinance

Similar to many other cities and counties in agricultural areas, San Benito County has an adopted Right-To-Farm Ordinance, codified as Title 19 (Land Use and Environmental Regulations), Chapter 19.01 (Agricultural Provisions), Article I (Agricultural Community Disclosure) of the County Code. This Ordinance protects commercial agricultural operations against nuisance lawsuits and requires disclosure to potential land buyers that agricultural operations are protected from such actions. To resolve potential landowner disputes, the Agricultural Commissioner's office is to provide non-binding mediation. While the County Right-to-Farm Ordinance specifically applies to commercial agricultural operations within the unincorporated area, all commercial agricultural operations that comply with agricultural standards currently are protected from nuisance claims under State law (Section 3482.5 of the California Civil Code), whether located within cities or unincorporated areas.

Williamson Act Implementing Ordinance

San Benito County's Williamson Act implementing ordinance is codified as Title 19 (Land Use and Environmental Regulations), Chapter 19.01 (Agricultural Provisions), Article II (Agricultural Preserves) of the County Code. This Ordinance implements the provisions of the Williamson Act's restrictions applicable to agricultural preserve lands under their respective contracts. In addition to commercial agricultural operations, the ordinance specifies certain land uses that are deemed to be compatible with agricultural use of the lands subject to the preserves.

Zoning Ordinance

The County has adopted regulations pertaining to agricultural land in its Zoning Ordinance, codified as Title 25 (Zoning) of the County Code. The Zoning Ordinance specifies permitted and conditional uses of agricultural land, and standards applicable specifically to designated agricultural uses, such as building site areas, height limitations, building setbacks, accessory buildings, and agricultural employee housing.

3.2.2 Environmental Setting

Project Site

The project site has historically been used for row crops and orchards; however, the site is currently not in active agricultural production. The project site was analyzed using Conservation's FMMP, which identifies Important Farmland (comprising Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) throughout California based on both current use and soil quality.

To classify land as Prime Farmland, the FMMP must determine that it has the best combination of physical and chemical features able to sustain long term agricultural production, with the soil quality, growing season, and moisture supply needed to produce sustained high yields. The FMMP designates Farmland of Statewide Importance as land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. In order to be classified as Prime Farmland or Farmland of Statewide Importance by the FMMP, land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

According to Conservation's Important Farmland Finder (Conservation 2022), the project site contains areas designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Grazing Land, and Other Land. These designations are illustrated in Figure 3.2-1, Project Site Farmland Categories. Table 3.2-1 shows the acreage for each designation, rounded to the nearest whole number.

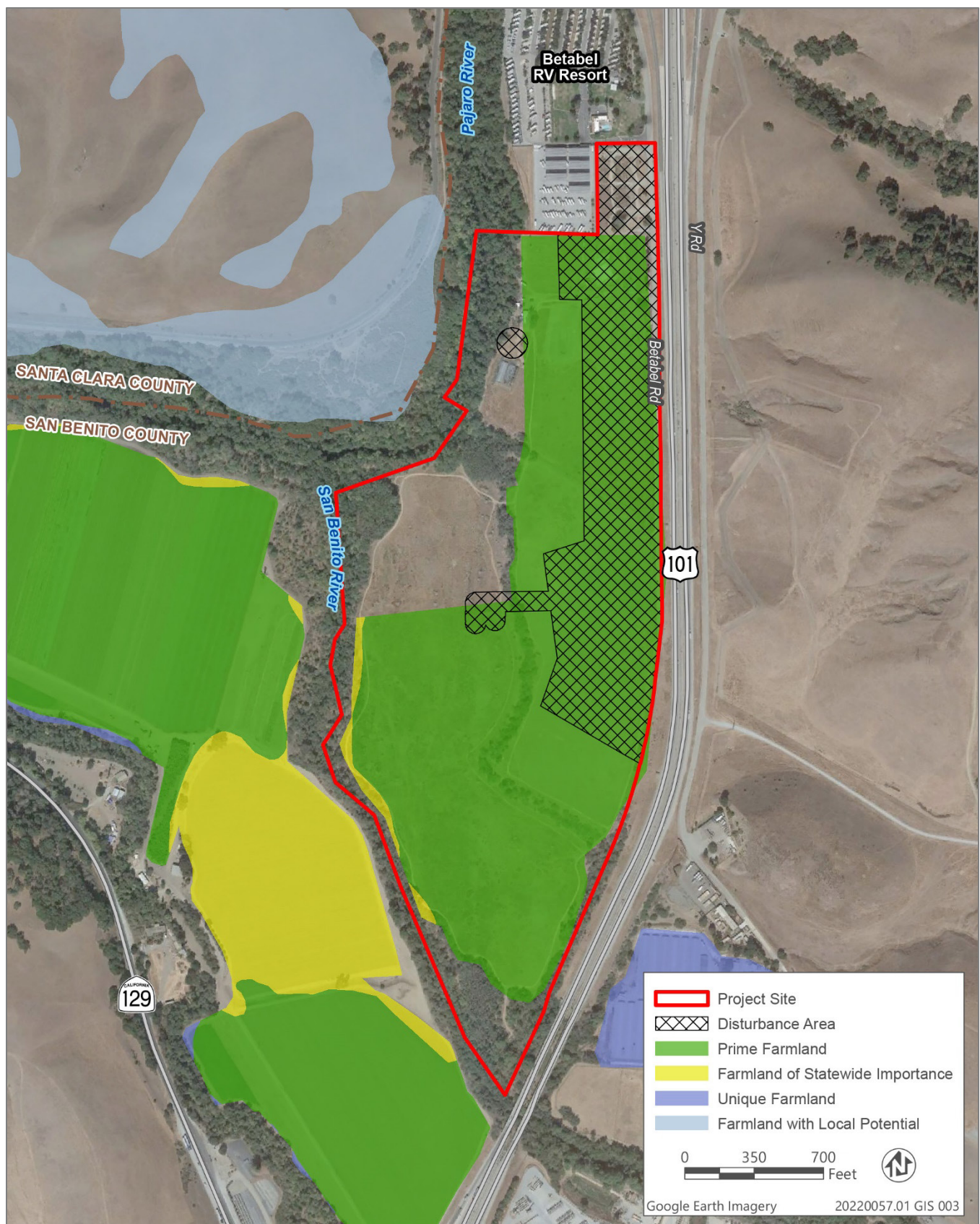
Table 3.2-1 Existing Important Farmland

Important Farmland Designation	Acres
Prime Farmland	79.67
Disturbed Area	(27.07)
Project Site	(52.59)
Farmland of Statewide Importance	1.09
Total	80.76

Notes: The total acreage is less than the project site because as illustrated in Figure 3.2-1, the FMMP does not include designations for the entire project site.

Williamson Act Lands

No land within the project site is enrolled in the Williamson Act (ParcelQuest 2022).



Sources: Data downloaded from DOC in 2021; adapted by Ascent in 2022.

Figure 3.2-1 Important Farmland

Existing Forestry Resources

Forestry resources include forest land, timberland, and timberland production zones. Definitions used for these categories are those found in the California Public Resources Code (PRC) and California Government Code. Forest land is defined as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forestry resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits (PRC Section 12220(g)). Timberland is land, other than land owned by the federal government or land that is designated as experimental forest, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products (PRC Section 4526). Timberland production zones are areas that have been devoted to and used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

Based on these definitions, lands within the project site are not considered forestry or timber-production lands nor are they designated as forestland.

3.2.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

To evaluate the potential impacts of the Betabel Commercial Development Conditional Use Permit Project on agricultural and forestry resources, the type and degree of agricultural and forestry resources that would be lost/converted were considered in relation to FMMP designations of lands within the project site and any policies and programs related to the preservation of agricultural resources. In determining the level of significance, the analysis assumes that the project would comply with relevant federal and state laws, regulations, and ordinances.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, the project could have a significant adverse effect related to agricultural and forestry resources if it would:

- ▶ convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- ▶ conflict with existing zoning for agricultural use or a Williamson Act contract;
- ▶ conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- ▶ result in the loss of forest land or conversion of forest land to non-forest use; and/or
- ▶ involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

ISSUES NOT DISCUSSED FURTHER

Conflict with Williamson Act Contracts

There are no areas within the project site that are under Williamson Act contract. Additionally, no lands adjacent to the proposed project site are under current Williamson Act contracts. Therefore, no impacts would occur to designated Williamson Act lands and there would be no conflict with existing zoning for a Williamson Act contract. Potential conflicts with Williamson Act contracts are not evaluated further.

Conflict with Agricultural or Timber Zoning

The proposed development area of the project is zoned C-1 (Commercial Thoroughfare). The remainder of the site (approximately 80 acres) that is zoned AR/FP (Agricultural Rangeland / Floodplain District) would not be development. Thus, no conflicts with agricultural or timber zoning would occur.

Loss of Forest/Timberland

The project site and surrounding land uses are not designated as forest or timber-production lands, therefore, no forestry resources could be affected by project implementation. There would be no conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) This issue is not evaluated further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.2-1: Convert Lands Designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-Agricultural Use

The Betabel Commercial Development Conditional Use Permit Project would result in the conversion of up to 27.07 acres of Important Farmland to non-agricultural uses. Because implementation of the proposed development would result in a conversion of Important Farmland, this impact is considered **significant**.

As discussed above, the project site contains 80.76 acres of Important Farmland (Prime, Unique, or Farmland of Statewide Importance). Development of the proposed project would result in the conversion of up to 27.07 acres of land designated as Prime Farmland to non-agricultural uses (see Table 3.2-1). The remaining 53.69 acres of Important Farmland would remain undeveloped but may not be returned to agricultural uses after implementation of Mitigation Measure 3.16-1d that would establish a cultural conservation easement. The reader is referred to Section 3.16, "Tribal Cultural Resources," for further information regarding this mitigation measure.

The 2035 General Plan includes several policies (LU-3.2, LU-3.10, LU-3.14, LU-4.9) related to the need to preserve and enhance the presence of agriculture within the County, as well as the need to protecting these areas and resources from incompatible urban uses and other development. Nonetheless, development of the proposed project could result in the conversion of agricultural land within the County. The conversion of approximately 27 acres would result in a **significant** impact.

Mitigation Measures

Mitigation Measure 3.2-1: Preservation of Important Farmland

Prior to issuance of a grading permit, important Farmland shall be preserved in San Benito County at a minimum ratio of 1:1 for each acre of Farmland converted to nonagricultural use by the project. Such lands must have an NRCS soils classification or FMMP categorization of the same or greater value than farmland converted by project implementation. Mitigation lands will be protected by agricultural conservation easements containing restrictive encumbrances in a form deemed acceptable to and approved by the County. Farmland preserved for the purpose of habitat mitigation may be counted toward the Farmland mitigation measure if the preserved land has the same or better NRCS or FMMP classification as the farmland being converted to by the project.

Significance after Mitigation

Implementation of Mitigation Measure 3.2-1 is consistent with General Plan Policy LU-3.10, but would only prevent future loss of Important Farmland and would not replace lands converted to development or other nonagricultural activities. It is infeasible to replace lost Important Farmland as it would require removal of existing development from Important Farmland or the improvement of soil and/or water conditions on open land areas to create Important Farmland, which are not considered feasible options because of the expense involved and unknown willingness of

other property owners to participate in mitigation. Another option would be conversion of natural lands to Important Farmland, but this would require mitigation of lost habitat. Therefore, this impact is considered to be **significant and unavoidable**.

Impact 3.2-2: Result in Other Loss or Conversion of Farmland to Non-Agricultural Use

The proposed project could result in the loss or conversion of existing agricultural uses within San Benito County. However, because the project involves land use changes adjacent to US 101, it is unlikely that the indirect conversion of land outside of the proposed project site would occur as a result of the proposed project. This impact is considered **less than significant**.

Development of agricultural lands within the vicinity of other agricultural land has the potential to indirectly result in conversion of agricultural lands. Development within the region of commercial and retail uses, as well as other types of development, could result in development pressures or land use conflicts that may cause additional conversion of agricultural uses to non-agricultural uses on lands outside of the project site. However, the proposed project would involve a Conditional Use Permit to build a roadside attraction along the frontage of US 101 and Betabel Road, incorporating 108,425 square feet of building site coverage. It is intended to be a regional attraction, as well as provide local-serving uses (i.e., fuel and produce) with certain goods and services along the highway. The project proposes constructing a compact and clustered new development, much of which would take place on lands that would be buffered from adjacent agricultural lands through the retention of approximately 80 acres of undeveloped land. Through the provision of a conservation easement (Mitigation Measure 3.16-1d) on the west side of the project site, operation of the more urban uses would not encroach upon the adjacent agricultural lands to the west. Topography (i.e., rolling hills) acts as a buffer to both the north and south of the project site; the Betabel RV Resort provides an additional buffer to the north. As a result, the conversion of active agricultural uses within project site are not expected to apply pressures that would otherwise result in the loss or conversion of adjacent agricultural uses. Therefore, impacts would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.3 AIR QUALITY

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential construction and operational air quality impacts caused by the proposed development of the Betabel Commercial Development Conditional Use Permit Project (project).

No comments regarding air quality were received in response to the Notice of Preparation.

3.3.1 Regulatory Setting

Air quality in the project area is regulated through the efforts of various federal, state, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policymaking, education, and a variety of programs. The agencies responsible for improving the air quality within the air basins are discussed below.

FEDERAL

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) has been charged with implementing national air quality programs. EPA's air quality mandates draw primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments were made by Congress in 1990. EPA's air quality efforts address both criteria air pollutants (CAPs) and hazardous air pollutants (HAPs). EPA regulations concerning CAPs and HAPs are presented in greater detail below.

Criteria Air Pollutants

The CAA required EPA to establish national ambient air quality standards (NAAQS) for six common air pollutants found all over the U.S. referred to as CAPs. EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀) and fine particulate matter with aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}), and lead. The NAAQS are shown in Table 3.3-1. The primary standards protect public health, and the secondary standards protect public welfare. The CAA also required each state to prepare a state implementation plan (SIP) for attaining and maintaining the NAAQS. The federal Clean Air Act Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. California's SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and whether implementation will achieve air quality goals. If EPA determines a SIP to be inadequate, EPA may prepare a federal implementation plan that imposes additional control measures. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Table 3.3-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California (CAAQS) ^{ab}	National (NAAQS) ^c	
			Primary ^{bd}	Secondary ^{be}
Ozone	1-hour	0.09 ppm (180 µg/m ³)	— ^e	Same as primary standard
	8-hour	0.070 ppm (137 µg/m ³)	0.070 ppm (147 µg/m ³)	
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	Same as primary standard
	8-hour	9 ppm ^f (10 mg/m ³)	9 ppm (10 mg/m ³)	
Nitrogen dioxide (NO ₂)	Annual arithmetic mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)	Same as primary standard
	1-hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	—
Sulfur dioxide (SO ₂)	24-hour	0.04 ppm (105 µg/m ³)	—	—
	3-hour	—	—	0.5 ppm (1300 µg/m ³)
	1-hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	—
Respirable particulate matter (PM ₁₀)	Annual arithmetic mean	20 µg/m ³	—	Same as primary standard
	24-hour	50 µg/m ³	150 µg/m ³	
Fine particulate matter (PM _{2.5})	Annual arithmetic mean	12 µg/m ³	12.0 µg/m ³	15.0 µg/m ³
	24-hour	—	35 µg/m ³	Same as primary standard
Lead ^f	Calendar quarter	—	1.5 µg/m ³	Same as primary standard
	30-Day average	1.5 µg/m ³	—	—
	Rolling 3-Month Average	—	0.15 µg/m ³	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m ³)	No national standards	
Sulfates	24-hour	25 µg/m ³		
Vinyl chloride ^f	24-hour	0.01 ppm (26 µg/m ³)		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km		

Notes: µg/m³ = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million.

- a California standards for ozone, carbon monoxide, SO₂ (1- and 24-hour), NO₂, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- b Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- c National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over three years, is equal to or less than the standard. The PM₁₀ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. The PM_{2.5} 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. Environmental Protection Agency for further clarification and current federal policies.
- d National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- e National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- f The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: CARB 2016.

Hazardous Air Pollutants and Toxic Air Contaminants

Toxic air contaminants (TACs), or in federal parlance, HAPs, are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

A wide range of sources, from industrial plants to motor vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage; or short-term acute effects such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches.

For evaluation purposes, TACs are separated into carcinogens and non-carcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. This contrasts with criteria air pollutants for which acceptable levels of exposure can be determined and for which the ambient standards have been established (Table 3.3-1). Cancer risk from TACs is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure.

EPA regulates HAPs through its National Emission Standards for Hazardous Air Pollutants. The standards for a particular source category require the maximum degree of emission reduction that the EPA determines to be achievable, which is known as the Maximum Achievable Control Technology—MACT standards. These standards are authorized by Section 112 of the 1970 Clean Air Act and the regulations are published in 40 CFR Parts 61 and 63.

EPA and, in California, California Air Resources Board (CARB) regulate HAPs and TACs, respectively, through statutes and regulations that generally require the use of the maximum available control technology or best available control technology for air toxics to limit emissions.

STATE

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, required CARB to establish California Ambient Air Quality Standards (CAAQS) (Table 3.3-1).

Criteria Air Pollutants

CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local air districts in the state endeavor to attain and maintain the CAAQS by the earliest date practical. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources. The CCAA also provides air districts with the authority to regulate indirect sources.

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted EPA's list of HAPs as TACs. Most recently, particulate matter (PM) exhaust from diesel engines (diesel PM) was added to CARB's list of TACs.

After a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate best available control technology for toxics to minimize emissions.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

AB 617 of 2017 aims to help protect air quality and public health in communities around industries subject to the state's cap-and-trade program for GHG emissions. AB 617 imposes a new state-mandated local program to address non-vehicular sources (e.g., refineries, manufacturing facilities) of criteria air pollutants and TACs. The bill requires CARB to identify high-pollution areas and directs air districts to focus air quality improvement efforts through adoption of community emission reduction programs within these identified areas. Currently, air districts review individual sources and impose emissions limits on emitters based on best available control technology, pollutant type, and proximity to nearby existing land uses. This bill addresses the cumulative and additive nature of air pollutant health effects by requiring community-wide air quality assessment and emission reduction planning.

CARB has adopted diesel exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, diesel PM) have been reduced significantly over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. CARB's Risk Reduction Plan recommends many control measures to reduce the risks associated with diesel PM and achieve a goal of 85 percent reduction by 2020 (CARB 2000). Adopted regulations are also expected to continue to reduce formaldehyde emissions emitted by cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

LOCAL

Monterey Bay Unified Air Pollution Control District

Criteria Air Pollutants

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the primary agency responsible for planning to meet NAAQS and CAAQS in San Benito County. The agency monitors air pollutants, reports to CARB, responds to complaints, and administers air permits.

MBUAPCD has developed a set of rules for use by lead agencies when preparing environmental documents. The guidelines contain thresholds of significance for criteria air pollutants and TACs and make recommendations for conducting air quality analyses per CEQA. The lead agency's analysis undergoes a review by MBUAPCD after the project's air quality impacts have been determined and applicable rules have been reviewed. MBUAPCD submits comments and suggestions to the lead agency for incorporation into the environmental document.

All projects are subject to adopted MBUAPCD rules and regulations in effect at the time of construction. Specific rules applicable to the construction of the project may include, but are not limited to the following (MBUAPCD 2008):

- ▶ **Rule 200: Permits Required.** Requires any project that includes the use of certain equipment capable of releasing emissions to the atmosphere as part of project operation to obtain written authorization from MBUAPCD prior to operation of the equipment.
- ▶ **Rule 207: Review of New or Modified Sources.** Provides for the review of new and modified stationary air pollution sources to meet requirements for the review of new and modified stationary sources (NSR) and for the Prevention of Significant Deterioration (PSD), under the provisions of the federal Clean Air Act; and requirements for NSR under the provisions of the California Clean Air Act. This is to ensure that the most stringent requirements of these programs shall be applied. Provides mechanisms by which Authorities to Construct may be granted to such sources without interfering with the attainment or maintenance of ambient air quality standards.
- ▶ **Rule 209: State Ambient Air Quality Standards.** Ensure healthy and clean air for California.
- ▶ **Rule 402: Nuisance.** No person shall discharge from any source whatsoever, such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

- ▶ **Rule 403:** Particulate Matter. Limits particulate matter emissions.
- ▶ **Rule 404:** Sulfur Compounds and Nitrogen Oxides. Limits emissions of sulfur compounds, nitrogen oxides and nitrogen dioxide.
- ▶ **Rule 425:** Use of Cutback Asphalt. Limits the emissions of vapors of organic compounds from the use of cutback and emulsified asphalts.
- ▶ **Rule 426:** Architectural Coatings. Limits the emissions of Volatile Organic Compounds (VOC) from the use of architectural coatings.
- ▶ **Rule 433:** Organic Solvent Cleaning. Limits emissions of volatile organic compounds (VOC) during solvent cleaning and degreasing operations.
- ▶ **Rule 439:** Building Removal. Limit particulate emissions from the removal of buildings.

Toxic Air Contaminants

At the local level, air districts may adopt and enforce CARB control measures. Under MBUAPCD Rule 200 ("Permits Required"), Rule 207 ("Review of New or Modified Sources"), and Rule 218 ("Federal Operating Permit"), all sources that possess the potential to emit TACs are required to obtain permits from MBUAPCD. Permits may be granted to these operations if they are constructed and operated in accordance with applicable regulations, including new source review standards and air toxics control measures.

Sources that require a permit are analyzed by MBUAPCD (e.g., health risk assessment) based on their potential to emit TACs. If it is determined that the project will emit toxics that exceed MBUAPCD's threshold of significance for TACs (identified below), sources must implement the best available control technology for TACs to reduce emissions. If a source cannot reduce the risk below the threshold of significance even after the best available control technology has been implemented, the air district will deny the permit required by the source.

MBUAPCD also enforces the National Emission Standards for Hazardous Air Pollutants specified in Rule 424 and addresses demolition and/or renovation activities which are subject to the asbestos National Emission Standards for Hazardous Air Pollutants in Rule 306. In addition, if a new or modified source of hazardous emissions is within 1,000 feet from the outer boundary of a school site, the families of children enrolled and all persons within 1,000 feet of the source must be notified before any permits can be approved (Health & Safety Code Section 42301.6).

Odors

MBUAPCD has determined that some types of facilities have been known to produce odors: landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries. Although offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable stress among the public and often generating citizen complaints. MBUAPCD's Rule 402 ("Nuisance") regulates odorous emissions.

San Benito County General Plan

The Health and Safety Element of the General Plan provides county-wide goals and policies aimed at improving air quality. Goals and policies in this element parallel those identified in the sand federal plans applicable to San Benito County.

The following policies are designed to meet Goal HS-5 of the General Plan:

- ▶ **Policy HS-5.1: New Development.** The County shall use the CEQA process to ensure development projects incorporate feasible mitigation measures to reduce construction and operational air quality emissions and consult with the Monterey Bay Unified Air Pollution Control District early in the development review process.
- ▶ **Policy HS-5.2: Sensitive Land Use Locations.** The County shall ensure adequate distances between sensitive land uses and facilities or operations that may produce toxic or hazardous air pollutants or substantial odors.
- ▶ **Policy HS-5.3: Early Consultation with the Air Quality Control District.** The County shall notify and coordinate with the Monterey Bay Unified Air Pollution Control District when industrial developments are proposed within the county to ensure applicants comply with applicable air quality regulations and incorporate design features and technologies to reduce air emissions.

- ▶ **Policy HS-5.4: PM10 Emissions from Construction.** The County shall require developers to reduce particulate matter emissions from construction (e.g., grading, excavation, and demolition) consistent with standards established by the Monterey Bay Unified Air Pollution Control District.
- ▶ **Policy HS-5.6: New Construction Mitigation.** The County shall work in coordination with the Monterey Bay Unified Air Pollution Control District to minimize air emissions from construction activities associated with proposed development.
- ▶ **Policy HS-5.13: Reduce Air Pollution from Wood Burning.** No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food.
- ▶ **Policy HS-5.14: Notify Project Applicants of Air District Requirements.** The County shall work with the Air District to obtain materials to give to project applicants regarding relevant information about Air District requirements.

3.3.2 Environmental Setting

The Betabel Commercial Development Conditional Use Permit Project site is located in the North Coast Central Air Basin (NCCAB). The NCCAB includes all of Monterey, Santa Cruz, and San Benito counties. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

CLIMATE, METEOROLOGY, AND TOPOGRAPHY

The NCCAB is primarily mountainous and rural, bordered by the Central Coast ranges to the west and the San Joaquin Valley to the east. The basin covers 5,159 square miles. Air flows into the NCCAB from the northwest, the prevailing wind direction (WRCC 2002).

The Mediterranean climate of the NCCAB is characterized by warm, dry summers and mild winters. Winter temperatures range from a minimum of 41 degrees Fahrenheit (°F) to a maximum of 60°F. Summer temperatures range from a minimum of 58°F to a maximum of 82°F (WRCC 2016). Most precipitation in the area results from air masses that move in from the Pacific Ocean, usually from the west or northwest, during the winter months. The total annual precipitation is approximately 13 inches, more than half of which falls during the winter rainy season (WRCC 2016).

The mountain ranges surrounding the NCCAB are generally oriented northwest-southeast, which tends to restrict and channel onshore air currents. During the summer, intense heat creates a low-pressure system which intensifies the onshore air flow during the afternoon and evening. During the winter, air flows in a southeasterly direction out of the Salinas and San Benito valleys. Northwest winds are still dominant in the winter, but the easterly flow is more frequent. The absence of deep persistent inversions and the occasional storm system result in good air quality for the basin during winter and early spring. The low marine air flow during the summer months originates in Monterey Bay.

CRITERIA AIR POLLUTANTS

Concentrations of criteria air pollutants are used to indicate the quality of the ambient air. A brief description of key criteria air pollutants in the NCCAB is provided below. Emission source types and health effects are summarized in Table 3.3-2. San Benito County's attainment status for the CAAQS and the NAAQS are shown in Table 3.3-3. The most current and complete monitoring data applicable to the project site is provided in Table 3.3-4.

Table 3.3-2 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute ¹ Health Effects	Chronic ² Health Effects
Ozone	Secondary pollutant resulting from reaction of ROG and NO _x in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO _x results from the combustion of fuels	increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	Incomplete combustion of fuels; motor vehicle exhaust	headache, dizziness, fatigue, nausea, vomiting, death	permanent heart and brain damage
Nitrogen dioxide (NO ₂)	combustion devices; e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines	coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	chronic bronchitis, decreased lung function
Sulfur dioxide (SO ₂)	coal and oil combustion, steel mills, refineries, and pulp and paper mills	Irritation of upper respiratory tract, increased asthma symptoms	Insufficient evidence linking SO ₂ exposure to chronic health impacts
Respirable particulate matter (PM ₁₀), Fine particulate matter (PM _{2.5})	fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO ₂ and ROG	breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	alterations to the immune system, carcinogenesis
Lead	metal processing	reproductive/ developmental effects (fetuses and children)	numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_x = oxides of nitrogen; ROG = reactive organic gases.

1 "Acute" refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

2 "Chronic" refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Sources: EPA 2016.

Table 3.3-3 Attainment Status Designations for San Benito County

Pollutant	National Ambient Air Quality Standard	California Ambient Air Quality Standard
Ozone	Attainment (1-hour) ¹	Nonattainment (1-hour) Classification-Serious ²
	Nonattainment (8-hour) ³ Classification=Severe	Nonattainment (8-hour)
	Nonattainment (8-hour) ⁴ Classification=Severe	
Respirable particulate matter (PM ₁₀)	Attainment (24-hour)	Nonattainment (24-hour)
		Nonattainment (Annual)
Fine particulate matter (PM _{2.5})	Nonattainment (24-hour)	(No State Standard for 24-Hour)
	Attainment (Annual)	Attainment (Annual)
Carbon monoxide (CO)	Attainment (1-hour)	Attainment (1-hour)
	Attainment (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO ₂)	Unclassified/Attainment (1-hour)	Attainment (1-hour)
	Unclassified/Attainment (Annual)	Attainment (Annual)
Sulfur dioxide (SO ₂) ⁵	(Attainment Pending) (1-Hour)	Attainment (1-hour)
		Attainment (24-hour)
Lead (Particulate)	Attainment (3-month rolling avg.)	Attainment (30 day average)

Pollutant	National Ambient Air Quality Standard	California Ambient Air Quality Standard
Hydrogen Sulfide	No Federal Standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibly Reducing Particles		Unclassified (8-hour)
Vinyl Chloride		Unclassified (24-hour)

Notes:

1 Air Quality meets federal 1-hour Ozone standard (77 FR 64036). EPA revoked this standard, but some associated requirements still apply.

2 Per Health and Safety Code (HSC) § 40921.5(c), the classification is based on 1989 – 1991 data, and therefore does not change.

3 1997 Standard.

4 2008 Standard.

5 2010 Standard.

Source: MBUAPCD 2013.

Table 3.3-4 Summary of Annual Data on Ambient Air Quality (2007-2009)¹

	2007	2008	2009
Ozone			
Maximum concentration (1-hr/8-hr avg, ppm)	0.087/0.074	0.090/0.073	0.093/0.074
Number of days state standard exceeded (1-hr/8-hr)	0/2	0/2	0/2
Number of days national standard exceeded (8-hr)	0	0	0
Fine Particulate Matter (PM_{2.5})			
Maximum concentration (24-hour µg/m ³)	20.9	22.7	17.3
Number of days national standard exceeded (24-hour measured)	0	0	0
Respirable Particulate Matter (PM₁₀)			
Maximum concentration (µg/m ³)	40.0	39.0	35.0
Number of days state standard exceeded	0	0	0
Number of days national standard exceeded	*	*	*

Notes: µg/m³ = micrograms per cubic meter; ppm = parts per million

1 Measurements from the Hollister-Fairfield Road station for ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

* Insufficient data available

Source: CARB 2009.

Ozone

Ozone is a photochemical oxidant (a substance whose oxygen combines chemically with another substance in the presence of sunlight) and the primary component of smog. Ozone is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) in the presence of sunlight. ROG are volatile organic compounds that are photochemically reactive. ROG emissions result primarily from incomplete combustion and the evaporation of chemical solvents and fuels. NO_x are a group of gaseous compounds of nitrogen and oxygen that result from the combustion of fuels.

Emissions of the ozone precursors ROG and NO_x have decreased over the past several years because of more stringent motor vehicle standards and cleaner burning fuels. Emissions of ROG and NO_x decreased from 2000 to 2010 and are projected to continue decreasing from 2010 to 2035 (CARB 2013).

Nitrogen Dioxide

NO₂ is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO₂ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal

combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO₂. The combined emissions of NO and NO₂ are referred to as NO_x and are reported as equivalent NO₂. Because NO₂ is formed and depleted by reactions associated with photochemical smog (ozone), the NO₂ concentration in a particular geographical area may not be representative of the local sources of NO_x emissions (EPA 2012).

Particulate Matter

Respirable particulate matter with an aerodynamic diameter of 10 micrometers or less is referred to as PM₁₀. PM₁₀ consists of particulate matter emitted directly into the air, such as fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by reaction of gaseous precursors (CARB 2013). Fine particulate matter (PM_{2.5}) includes a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less. PM₁₀ emissions in the NCCAB are dominated by emissions from area sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, farming operations, construction and demolition, and particles from residential fuel combustion. Direct emissions of PM₁₀ are projected to remain relatively constant through 2035. Direct emissions of PM_{2.5} have steadily declined in the NCCAB between 2000 and 2010 and then are projected to increase very slightly through 2035. Emissions of PM_{2.5} in the NCCAB are dominated by the same sources as emissions of PM₁₀ (CARB 2013).

MONITORING STATION DATA AND ATTAINMENT DESIGNATIONS

Criteria air pollutant concentrations are measured at several monitoring stations in the NCCAB. The Hollister-Fairfield Road station is the closest and most representative station to the project area with recent data for ozone and PM_{2.5}. Table 3.3-4 summarizes the air quality data from 2007-2009.

Both CARB and EPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants (attainment designations are summarized above in Table 3.3-2).

TOXIC AIR CONTAMINANTS

According to the *California Almanac of Emissions and Air Quality* (CARB 2013), the majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being diesel PM. Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. Unlike the other TACs, no ambient monitoring data are available for diesel PM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a PM exposure method. This method uses the CARB emissions inventory's PM₁₀ database, ambient PM₁₀ monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

Diesel PM poses the greatest health risk among these 10 TACs mentioned. Based on receptor modeling techniques, CARB estimated the average cancer risk associated with diesel PM concentrations in the NCCAB to be 360 excess cancer cases per million people in the year 2000. Overall, levels of most TACs, except para-dichlorobenzene and formaldehyde, have decreased since 1990 (CARB 2013).

ODORS

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

With respect to odors, the human nose is the sole sensing device. The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity. Odor sources of typical concern include dairy facilities, cattle pen facilities, wastewater treatment plants, sanitary landfills, composting facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting operations, rendering plants, and food packaging plants. None of these odorous land uses are within proximity to the project site.

SENSITIVE RECEPTORS

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants. The Betabel RV Park (north of the project site), residences along Chittenden Road and San Juan Highway (south of the project site), and Anzar High School along the Chittenden Road (south of the project site) would be considered sensitive receptors.

3.3.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Regional and local criteria air pollutant emissions and associated impacts, as well as impacts from TACs, CO concentrations, and odors were assessed in accordance with MBUAPCD-recommended methodologies. The project's emissions are compared to MBUAPCD-adopted thresholds.

Construction and operational emissions of criteria air pollutants and precursors were calculated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 computer program, as recommended by MBUAPCD. Modeling was based on project-specific information (e.g., size, area to be graded, area to be paved) where available; reasonable assumptions based on typical construction activities; and default values in CalEEMod that are based on the project's location and land use type. Project construction is assumed to start in 2023 and be completed in 2 years. However, market conditions would ultimately determine the rate and extent of construction. Specific model assumptions and inputs for these calculations can be found in Appendix C.

The level of health risk and odors from exposure to construction- and operation-related emissions was assessed qualitatively. This assessment was based on the proximity of TAC-generating construction and operational activity to off-site sensitive receptors, the number and types of diesel-powered construction equipment being used, applicability of proposed uses to MBUAPCD permitting, number of refueling pumps, the duration of potential TAC exposure, and other project specific factors.

THRESHOLDS OF SIGNIFICANCE

Per Appendix G of the State CEQA Guidelines and MBUAPCD recommendations (MBUAPCD 2016), a project's impact to air quality is considered significant if it would do any of the following:

- ▶ result in construction-generated criteria air pollutant or precursor emissions that exceed the MBUAPCD-recommended thresholds of 137 pounds per day (lb/day) for NO_x and ROG, 82 lb/day for PM₁₀, 55 lb/day for PM_{2.5}, or 550 lb/day for CO;

- ▶ result in long-term operational criteria air pollutant or precursor emissions that exceed the MBUAPCD-recommended thresholds of 137 lb/day for NO_x and ROG, 82 lb/day for PM₁₀, 55 lb/day for PM_{2.5}, or 550 lb/day for CO;
- ▶ result in long-term operational local mobile-source CO emissions that would violate or contribute substantially to concentrations that exceed the 1-hour CAAQS of 20 parts per million (ppm) or the 8-hour CAAQS of 9 ppm;
- ▶ Expose sensitive receptors to substantial pollutant concentrations; and/or
- ▶ create objectionable odors affecting a substantial number of people.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Construction Emissions of Criteria Air Pollutants and Ozone Precursors

Construction activities would not result in mass emissions of ROG, NO_x, PM₁₀, PM_{2.5}, or CO that exceed MBUAPCD's mass emissions significance criteria. Therefore, construction-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area. This impact would be **less than significant**.

Project construction-related activities would result in emissions ROG, NO_x, PM₁₀, PM_{2.5}, and CO from site preparation (e.g., excavation, clearing), off-road equipment, material delivery, worker commute trips, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings). Fugitive dust emissions of PM₁₀ and PM_{2.5} are associated primarily with site preparation and vary as a function of soil silt content, soil moisture, wind speed, acreage of disturbance, and vehicle miles traveled on and off the site. Emissions of ozone precursors, ROG and NO_x, are associated primarily with construction equipment and on-road mobile exhaust. Paving and the application of architectural coatings result in off-gas emissions of ROG. PM₁₀ and PM_{2.5} are also contained in vehicle exhaust.

As described in Chapter 2, Project Description," it is estimated that up to 50 workers would be onsite during each construction phase of the project and a variety of heavy-duty equipment would be required (e.g., forklifts, loaders, backhoes, excavators, dozers, scrapers, pavement compactors, welders, concrete pumps, concrete trucks, and off-road haul trucks, as well as other diesel-fueled equipment as necessary). As identified in Chapter 2, "Project Description," the project would use diesel construction equipment powered by Tier 4 engines as recommended by CARB and EPA and, if available for onsite delivery, diesel construction equipment would be powered with renewable diesel fuel that is compliant with California's Low Carbon Fuel Standards and certified as renewable by CARB.

Table 3.3-5 summarizes the modeled maximum daily emissions from the construction activities during the build out period. As shown in Table 3.3-5, construction activities would not result in maximum daily emissions of ROG, NO_x, PM₁₀, PM_{2.5}, or CO that exceed MBUAPCD's mass emissions significance criteria. As described above, MBUAPCD is the primary agency responsible for planning to meet NAAQS and CAAQS to protect public health in San Benito County. MBUAPCD has developed a set of rules and guidelines for use by lead agencies when preparing environmental documents as well as for permitting of stationary sources of air pollutants. The guidelines contain thresholds of significance for criteria air pollutants and TACs and make recommendations for conducting air quality analyses per CEQA as part of its efforts to protect public health through NAAQS and CAAQS. Therefore, construction-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area including localized CO concentrations. This impact would be **less than significant**.

Table 3.3-5 Summary of Maximum Daily Emissions of Criteria Air Pollutants and Precursors Associated with Project Construction and Operation

Phase	Emissions (lb/day)				
	ROG	NO _x	PM ₁₀ fugitive/exhaust/total	PM _{2.5} fugitive/exhaust/total	CO
Construction	70	45	23.7/1.8/25.4	10.7/1.7/12.3	123
Operation	32	71	24.5/0.9/25.5	7.8/0.8/8.7	329
Threshold of Significance	137	137	82	55	550
Exceed Significance Threshold (Construction/Operation)?	No/No	No/No	No/No	No/No	No/No

Notes: CO = carbon monoxide; lb/day = pounds per day; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter; PM_{2.5} = fine particulate matter; ROG = reactive organic gases

See Appendix C for detailed input parameters and modeling results.

Source: Modeling performed by Ascent Environmental in 2022.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-2: Operational Emissions of Criteria Air Pollutants and Ozone Precursors

Operational activities would not result in mass emissions of ROG, NO_x, PM₁₀, PM_{2.5}, or CO that exceed MBUAPCD's mass emissions significance criteria or local CO concentrations that violate or contribute substantially to concentrations that exceed applicable air quality standards. Therefore, operational-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area. This impact would be **less than significant**.

Project operations would result in the generation of long-term emissions of ROG, NO_x, PM₁₀, PM_{2.5}, or CO from mobile, stationary, and area-wide sources. Mobile-source emissions of criteria air pollutants and precursors would result from vehicle trips to and from the restaurant, motel, gas station and convenience store, and outdoor event area, as well as employee commute trips, and other associated vehicle trips (e.g., delivery of fuel and supplies). Stationary- and area-wide sources would include energy use for space and water heating, use of landscaping equipment or other small equipment, and the periodic application of architectural coatings. These emissions would be in addition to operational emissions of the approved farm stand that is currently under construction.

Table 3.3-5 summarizes the modeled maximum daily emissions from the operational activities at build out. As shown in Table 3.3-5, operational activities would not result in maximum daily emissions of ROG, NO_x, PM₁₀, PM_{2.5}, or CO that exceed MBUAPCD's mass emissions significance criteria. In addition, the proposed project would not result in any signalized intersections operating at level of service (LOS) E or F and project-generated traffic would not substantially (e.g., typically defined as approximately 40,000 vehicles per hour at affected intersections or approximately 24,000 vehicles per hour increase traffic volumes at affected intersections where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway) (Bay Area Air Quality Management District 2017). Thus, the project-generated local CO concentrations would not violate or contribute substantially to concentrations that exceed applicable air quality standards. MBUAPCD is the primary agency responsible for planning to meet NAAQS and CAAQS to protect public health in San Benito County. MBUAPCD has developed a set of rules and guidelines for use by lead agencies when preparing environmental documents as well as for permitting of stationary sources of air pollutants. The guidelines contain thresholds of significance for criteria air pollutants and TACs and make recommendations for conducting air quality analyses per CEQA as part of its efforts to protect public health through NAAQS and CAAQS. Therefore, operational-generated emissions of criteria air pollutants and ozone precursors would not conflict with or obstruct

implementation of any air quality plans or result in a considerable net increase in pollutants for which the region is designated as a nonattainment area including localized CO concentrations. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-3: Expose Sensitive Receptors to Substantial Toxic Air Contaminant Concentrations

Construction- and operation-related emissions of TACs associated with implementation of the project would not result in an adverse public health risk to sensitive receptors. This impact would be **less than significant**.

MBUAPCD recommends an evaluation of a project's TAC emissions to determine whether a substantial incremental increase in TAC emissions could occur and create an adverse public health impact to sensitive receptors. MCBUAPCD defines a substantial increase of TAC emissions that exceed 10 in one million for carcinogenic risk (i.e., the risk of contracting cancer) and/or a noncarcinogenic hazard index of 1.0 or greater at existing sensitive receptors as a potentially significant impact.

Short-term Construction

Construction-related activities would result in temporary, intermittent particulate exhaust emissions from diesel-fueled engines (diesel PM) for site preparation (e.g., clearing, grading); paving; application of architectural coatings; and on-road truck travel. For construction activity, diesel PM emitted by off-road construction equipment is the primary TAC of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations.

Diesel PM was identified as a TAC by CARB in 1998. The potential cancer risk from the inhalation of diesel PM, as discussed below, outweighs the potential for all other health impacts (i.e., long-term, non-cancer risk; short-term acute risk) and health impacts from other TACs (CARB 2003). With regards to exposure of diesel PM, the dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher level of health risk for any exposed receptor. Thus, the risks estimated for an exposed individual are higher if a fixed exposure occurs over a longer period. According to the Office of Environmental Health Hazard Assessment, Health Risk Assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70- or 30-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project (OEHHA 2015:2-4).

Based on the emissions modeling presented in Table 3.3-5 above, maximum daily emissions of diesel exhaust PM_{2.5}, considered a surrogate for diesel PM (EPA 2014), would not exceed approximately 1.7 lb/day during construction activity, substantially less than MBUAPCD's mass emissions significance criteria of 55 lb/day. As construction progresses, activity intensity and duration would vary throughout the site. As such, no single existing or future receptor (i.e., as part of the project) would be exposed to construction-related emissions of diesel PM for extended periods of time.

Regarding existing offsite receptors, the Betabel RV Resort is north of the project site as shown in Figure 2-1. Though the disturbance area directly borders the Betabel RV Resort, the distance from the center of the nearest disturbance area to the center of the nearest resort area is approximately 375 feet which is more representative of construction activities (e.g., equipment moves around the project site). Grading of this portion of the disturbance area, which is typically considered the most intensive construction phase, would be brief as the area is relatively small and the total extent of construction in this area (grading to construction completion) would occur in eight months resulting in minimal exposure. In addition, the distance from the center of the main disturbance area to the center of the nearest resort area is much greater (approximately 1,500 feet with the southern portion of the disturbance area being over 2,500 feet) with studies showing that diesel PM is highly dispersive, and concentrations can decrease by 70 percent at

500 feet from the source (Zhu et al. 2002). Given the temporary and intermittent nature of construction activities (e.g., the heavy-duty construction equipment used on the disturbance area nearest the resort area would be short in duration and the remainder of the site is much further than 500 feet) coupled with the fact that the resort is for lodging use and not for permanent residence (i.e., stays cannot exceed seven months). Lastly, the amount of diesel PM exhaust is minimal due to the limited activity level and the use of cleaner tier engines and fuel types as committed to in Chapter 2, "Project Description" which would substantially reduce the emission of diesel PM as compared to low tier construction equipment and avoid public health effects during construction (EPA 2022). Thus, the dose of any exposure to diesel PM of any one receptor would be limited and not exceed 10 in one million for carcinogenic risk and/or a noncarcinogenic hazard index of 1.0 or greater. This impact would be **less than significant**.

Long-Term Operation

Operation of the project would result in new sources of TACs associated with commercial and fuel delivery truck, as well as trucks and vehicles refueling. With regards to the placement of the project near existing sensitive receptors, per CARB's Air Quality and Land Use Handbook, large gasoline dispensing facilities should be located at least 300 feet from sensitive receptors (CARB 2005:4). A large gasoline dispensing facility is considered one which has an annual throughput of 3.6 million gallons. The project is anticipated to have an annual throughput of approximately 1.3 million gallons (IMST Corp. 2022); thus, it would not be considered large by CARB's standards. Also, as noted above, the resort is for lodging use and not for permanent residence. Moreover, according to MBUAPCD, stationary sources of emissions that are subject to their rules and permitting process for TACs, such as the proposed dispensing facility, would not result in significant exposure.

Refueling at gasoline dispensing facilities releases benzene into the air. Benzene is a potent carcinogen and is one of the highest risk air pollutants regulated by CARB. Over 90 percent of benzene emissions are accounted for by vehicle use (CARB 2005:30). Benzene would be emitted from vehicles refueling at the fuel station associated with the project. CARB notes that a well-maintained vapor recovery system at a gasoline fueling station can decrease benzene emissions by more than 90 percent compared to an uncontrolled facility (CARB 2005:31). The project would be required to comply with California Code of Regulations, Section 93101, by reducing airborne benzene emissions from retail service stations using a CARB-certified vapor recovery system.

Project construction would involve the use of materials (e.g., fiberboard and plywood) that may contain formaldehyde, which is an indoor air quality pollutant of concern (within buildings). The following regulations address indoor air quality health concerns:

- ▶ The Composite Wood Products Regulation is a CARB regulation that reduces public exposure to formaldehyde through the establishment of strict emission performance standards on particleboard, medium density fiberboard and hardwood plywood (collectively known as composite wood products). The regulation, adopted in 2007, established two phases of emissions standards: an initial Phase I, and later, a more stringent Phase 2 that requires all finished goods, such as flooring, destined for sale or use in California to be made using complying composite wood products. As of January 2014, only Phase 2 products are legal for sale in California. Moreover, the ASHRAE 62.2 ventilation and air filtration requirements in the state's Title 24 Building Code improves indoor air quality, and these standards are scheduled to become more stringent with the adoption of the 2019 Title 24 Building Code that the project would be required to comply.
- ▶ On December 12, 2016, EPA published in the Federal Register a final rule to reduce exposure to formaldehyde emissions from certain wood products produced domestically or imported into the United States. EPA worked with CARB to help ensure the final national rule was consistent with California's requirements for similar composite wood products.

The 2019 Chan study shows that formaldehyde emissions the interior of buildings are continuing to drop with new construction with CARB's Phase 2 requirement compliance. The study identifies that:

"[c]omparisons of indoor formaldehyde, nitrogen dioxide, and PM_{2.5} with a prior study of new homes in California (conducted in 2007-08) suggest that contaminant levels are lower in recently built homes.

California's regulation to limit formaldehyde emissions from composite wood products appears to have substantially lowered its emission rate and concentration in new homes" (Chan et al. 2019).

Thus, new sources of TACs associated with fuel dispensing, commercial and fuel delivery trucks, benzene emissions from vehicles refueling, and formaldehyde from construction materials would not be anticipated to expose existing sensitive receptors or future motel uses and employees to substantial concentrations (e.g., would not exceed 10 in one million for carcinogenic risk and/or a noncarcinogenic hazard index of 1.0 or greater). This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-4: Exposure of a Substantial Number of People to Adverse Odors

Construction- and operation-related odors would not result in the exposure of a substantial number of people to adverse odors. This impact would be **less than significant**.

The occurrence and severity of odor impacts depends on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the affected receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress among the public and often generate citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose a substantial number of people to objectionable odors would be deemed to have a significant impact.

Short-term Construction

Odors from the use of heavy-duty diesel equipment, and the laying of asphalt during project-related construction activities are not considered major sources. In addition, these are temporary and intermittent in nature (e.g., the heavy-duty construction equipment used on the disturbance area nearest the resort area would conclude quickly and the remainder of the site is much further away). Also, the resort is for lodging use and not for permanent residence (i.e., stays cannot exceed seven months) and the amount of diesel PM exhaust is minimal due to the limited activity level and the use of cleaner tier engines and fuel types. Thus, project construction is not anticipated to result in an odor-related impact during the construction phase of the project.

Long-Term Operation

Operation of the project would result in new commercial land uses that would result in diesel-fueled delivery trucks and refueling by both passenger vehicles and trucks. As described above, the gas station would not be considered a large facility or major odor source. In addition, the project would be required to comply with California Code of Regulations, Section 93101, by reducing airborne benzene emissions from retail service stations using a CARB-certified vapor recovery system and be subject to local nuisance codes. The project would also include an animal/livestock area, but this would be small in nature and not corral a substantial number of animals or be considered a major odor. No major existing sources of odors have been identified in the project vicinity.

Thus, project construction and operation would not be anticipated to result in the exposure to a substantial number of people to adverse odors. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.4 BIOLOGICAL RESOURCES

This section addresses biological resources known or with potential to occur on or near the project site and describes potential effects of implementation of the Betabel Commercial Development Conditional Use Permit (project) on those resources. Data reviewed in preparation of this analysis include:

- ▶ *Betabel Road Rest Stop Project Biological Resources Report* (Denise Duffy & Associates 2020);
- ▶ Results of California Natural Diversity Database (CNDDDB) record search of the Chittenden, Gilroy Hot Springs, Gilroy, Hollister, Mt. Madonna, San Felipe, San Juan Bautista, Prunedale, and Watsonville East U.S. Geological Survey (USGS) 7.5-minute quadrangles (CNDDDB 2022);
- ▶ Results of California Native Plant Society (CNPS), Inventory of Rare Plants search of the Chittenden, Gilroy Hot Springs, Gilroy, Hollister, Mt. Madonna, San Felipe, San Juan Bautista, Prunedale, and Watsonville East USGS 7.5-minute quadrangles (CNPS 2022);
- ▶ Results of U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) electronic records search (USFWS 2022);
- ▶ Reconnaissance-level survey of the project site by an Ascent Environmental wildlife biologist on May 16, 2022; and
- ▶ Aerial photographs of the project site and region.

In response to the Notice of Preparation for the project EIR, no comments pertaining to biological resources were received. Refer to Appendix A for comments received on the NOP.

3.4.1 Regulatory Setting

FEDERAL

Federal Endangered Species Act

Pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. Section 1531 et seq.), USFWS regulates the taking of species listed in the ESA as threatened or endangered. In general, persons subject to ESA (including private parties) are prohibited from “taking” endangered or threatened fish and wildlife species on private property, and from “taking” endangered or threatened plants in areas under federal jurisdiction or in violation of state law. Under Section 9 of the ESA, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in take.

Section 10 of the ESA applies if a non-federal agency is the lead agency for an action that results in take and no other federal agencies are involved in permitting or funding the action. Section 7 of the ESA applies if a federal discretionary action is required (e.g., a federal agency must issue a permit), in which case the involved federal agency consults with USFWS.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it will be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. Under the MBTA, “take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.” A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act, enacted in 1940 and amended multiple times since, prohibits the taking of bald and golden eagles without a permit from the Secretary of the Interior. Similar to ESA, the Bald and Golden Eagle Protection Act defines “take” to include “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb” (16 U.S. Code 668–668c). For the purpose of the act, disturbance that would injure an eagle, decrease productivity, or cause nest abandonment, including habitat alterations that could have these results, are considered take and can result in civil or criminal penalties.

Clean Water Act

Section 404 of the Clean Water Act (CWA) requires project applicants to obtain a permit from U.S. Army Corps of Engineers (USACE) before performing any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, tidally influenced waters, and all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries. Many surface waters and wetlands in California meet the criteria for waters of the United States.

In accordance with Section 401 of the CWA, projects that apply for a USACE permit for discharge of dredged or fill material must obtain water quality certification from the appropriate state agency, which in California is the State Water Resources Control Board or designated regional water quality control board (RWQCB), indicating that the action would uphold state water quality standards.

STATE

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA), a permit from California Department of Fish and Wildlife (CDFW) is required for projects that could result in the “take” of a plant or animal species that is listed by the state as threatened or endangered. Under CESA, “take” is defined as an activity that would directly or indirectly kill an individual of a species but does not include “harm” or “harass,” as does the federal definition. As a result, the threshold for take is higher under CESA than under the federal ESA. Authorization for take of state-listed species can be obtained through a California Fish and Game Code Section 2081 incidental take permit.

California Fish and Game Code Sections 3503 and 3503.5—Protection of Bird Nests and Raptors

Section 3503 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 of the California Fish and Game Code states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders *Falconiformes* and *Strigiformes*), including their nests or eggs. Typical violations include destruction of active nests as a result of tree removal or disturbance caused by project construction or other activities that cause the adults to abandon the nest, resulting in loss of eggs and/or young.

Fully Protected Species under the California Fish and Game Code

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take.

California Fish and Game Code Section 1602—Lake and Streambed Alteration

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports fish or wildlife resources are subject to regulation by CDFW under Section 1602 of the California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do any of the following without first notifying CDFW:

- ▶ substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake; or
- ▶ deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The regulatory definition of a stream is a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation (California Code of Regulations Title 14, Section 1.72). CDFW jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A lake and streambed alteration agreement must be obtained for any diversion or alteration that would substantially adversely affect a fish or wildlife resource in a river, stream, or lake.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (California Fish and Game Code Section 1900 et seq.) allows the California Fish and Game Commission to designate plants as rare or endangered. Sixty-four species, subspecies, and varieties of plants are protected as rare under the NPPA. The act prohibits take of endangered or rare native plants but includes exceptions for agricultural and nursery operations; for emergencies; and, after proper notification of CDFW, for vegetation removal from canals, roads, and other building sites, changes in land use, and other situations.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Act, waters of the state fall under the jurisdiction of the appropriate RWQCB. The project site is within the Central Valley RWQCB. The RWQCB must prepare and periodically update water quality control plans (basin plans). Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control point and nonpoint sources of pollution to achieve and maintain these standards. The RWQCB's jurisdiction includes federally protected waters as well as areas that meet the definition of "waters of the state," including waters meeting the state definition of a wetland. Waters of the state are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. Under the state definition, an area is a wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater or shallow surface water or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area either lacks vegetation or the vegetation is dominated by hydrophytes.

RWQCB has the discretion to take jurisdiction over areas not federally protected under Section 401 of the CWA provided they meet the definition of waters of the State. The California Water Code generally regulates more substances contained in discharges and defines discharges to receiving waters more broadly than does the CWA. In addition, waters of the State cover a broader range of aquatic habitats than the CWA, including ephemeral streams and wetlands. Actions that affect waters of the State, including wetlands, must meet the RWQCB waste discharge requirements. This issue is addressed comprehensively in Section 3.9, "Hydrology and Water Quality," as well as herein with respect to state protected wetlands and associated biological resources.

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to biological resources:

- ▶ Policy NCR-1-1: Maintenance of Open Space. The County shall support and encourage maintenance of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.
- ▶ Policy NCR-1.2: Conservation Easements. The County shall support and encourage the use of conservation easements to protect open space that contains valuable natural resources.

- ▶ Policy NCR-2.1: Coordination for Habitat Preservation. The County shall work with property owners and Federal and State agencies to identify feasible and economically-viable methods of protecting and enhancing natural habitats and biological resources in the county.
- ▶ Policy NCR-2.4: Maintain Corridors for Habitat. The County shall protect and enhance wildlife migration and movement corridors to ensure the health and long-term survival of local animal and plant populations, in particular contiguous habitat areas, in order to increase habitat value and lower land management costs. As part of this effort, the County shall require road and development sites in rural areas to:
 - a. Be designed to maintain habitat connectivity with a system of corridors for wildlife or plant species and avoiding fragmentation of open space areas; and
 - b. Incorporate measures to maintain the longterm health of the plant and animal communities in the area, such as buffers, consolidation of/or rerouting access, transitional landscaping, linking nearby open space areas, and habitat corridors.
- ▶ Policy NCR-2.5: Mitigation for Wetland Disturbance or Removal. The County shall encourage the protection of the habitat value and biological functions of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands. The County shall require that development avoid encroachment and require buffers around these habitats to the extent practicable. The County shall further require mitigation for any development proposals that have the potential to reduce these habitats. Recreational trails and other features established within natural wetlands and aquatic and riparian buffer areas shall be, as long as such areas are not required to meet the Americans with Disabilities Act, located along the outside of the sensitive habitat whenever possible to minimize intrusions and maintain the integrity of the habitat. Exceptions to this action include irrigation pumps, roads and bridges, levees, docks, public boat ramps, and similar uses. In all cases where intrusions into these buffers are made, only the minimum amount of vegetation necessary to construct the feature shall be removed.
- ▶ Policy NCR-2.6: Regeneration of Oak Woodland Communities. The County shall promote the restoration, restocking, and protection of oak woodland habitat on public and private lands in the county through a combination of the habitat conservation planning, inter-agency coordination, and updated development review or tree preservation procedures.
- ▶ Policy NCR-2.7: Mitigation of Oak-Woodlands. The County shall encourage development near oak woodlands to be clustered to avoid, where technically or economically practical, the loss of heritage oak trees. The County shall require transitional buffers to help maintain viable ecosystems where appropriate. Where removal of trees cannot be avoided, the County shall require project applicants to prepare a mitigation plan that identifies on- or off-site tree replacement.
- ▶ Policy NCR-2.8: Pre-Development Biological Resources Assessment. The County shall require the preparation of biological resource assessments for new development proposals as appropriate. The assessment shall include the following: a biological resource inventory based on a reconnaissance-level site survey, and an analysis of anticipated project impacts to: potentially occurring special-status species (which may require focused special-status plant and/or animal surveys); an analysis of sensitive natural communities; wildlife movement corridors and nursery sites on or adjacent to the project site; potentially jurisdictional wetlands/waterways; and locally protected biological resources such as trees. The assessment shall contain suggested avoidance, minimization, and/or mitigation measures for significant impacts to biological resources.
- ▶ Policy NCR-2.9: Mitigation Funding and Site Protection. The County shall require that project applicants demonstrate that adequate funding can be provided to implement all required biological mitigation and monitoring activities. Habitat preserved as part of any mitigation and monitoring plan shall be preserved through a conservation easement, deed restriction, or other method to ensure that the habitat remains protected.
- ▶ Policy NCR-2.10: Invasive Species. The County shall require that new developments avoids the introduction or spread of invasive plant species during construction by minimizing surface disturbance, seeding and mulching disturbed areas with certified weed-free native mixes, and using native or noninvasive species in erosion control plantings.

- Policy NCR-4.1: Mitigation for Wetland Disturbance or Removal. The County shall consider implementing Regional Water Quality Control Board Basin Plan policies to improve areas of low water quality, maintain water quality on all drainage, and protect and enhance habitat for fish and other wildlife on major tributaries to the Pajaro River (San Benito River, Pacheco Creek) and the Silver Creek watershed.
- Policy NCR-4.4: Open Space Conservation. The County shall encourage conservation and, where feasible, creation or restoration of open space areas that serve to protect water quality such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, and drainage.

San Benito County Code of Ordinances

Title 19, Chapter 19.33 of the San Benito County Code, or the Interim Woodlands Management Ordinance, provides for the preservation of woodlands within the unincorporated areas of the County. As defined in Chapter 19.33.005, a discretionary permit is required if between 90 and 100 percent of the overall woodland canopy would be removed or if tree removal would occur on slopes greater than or equal to 30 percent. This regulation applies to parcels covered by at least 10 percent woodland vegetation as determined by the baseline retention canopy survey which is on file with the county's Planning Division, and parcels that currently support or historically supported native trees or other woody vegetation but were farmed to agricultural crops at the time of the baseline survey.

3.4.2 Environmental Setting

HABITAT TYPES

Habitat types present on the project site are shown in Figure 3.4-1 and summarized in Table 3.4-1. Four habitat types are present on the project site: ruderal grassland, developed, drainage ditch, and riparian woodland. The project site ranges in elevation from approximately 110–160 feet. Descriptions of each habitat type are included below (Denise Duffy & Associates 2020).

Table 3.4-1 Habitat Types on the Project Site

Habitat Types	Project Site (acres)	Disturbance Area (acres)
Ruderal Grassland	79.3	22.4
Developed	11.6	9.4
Drainage Ditch	0.14	0.05
Riparian Woodland	24.9	0.2

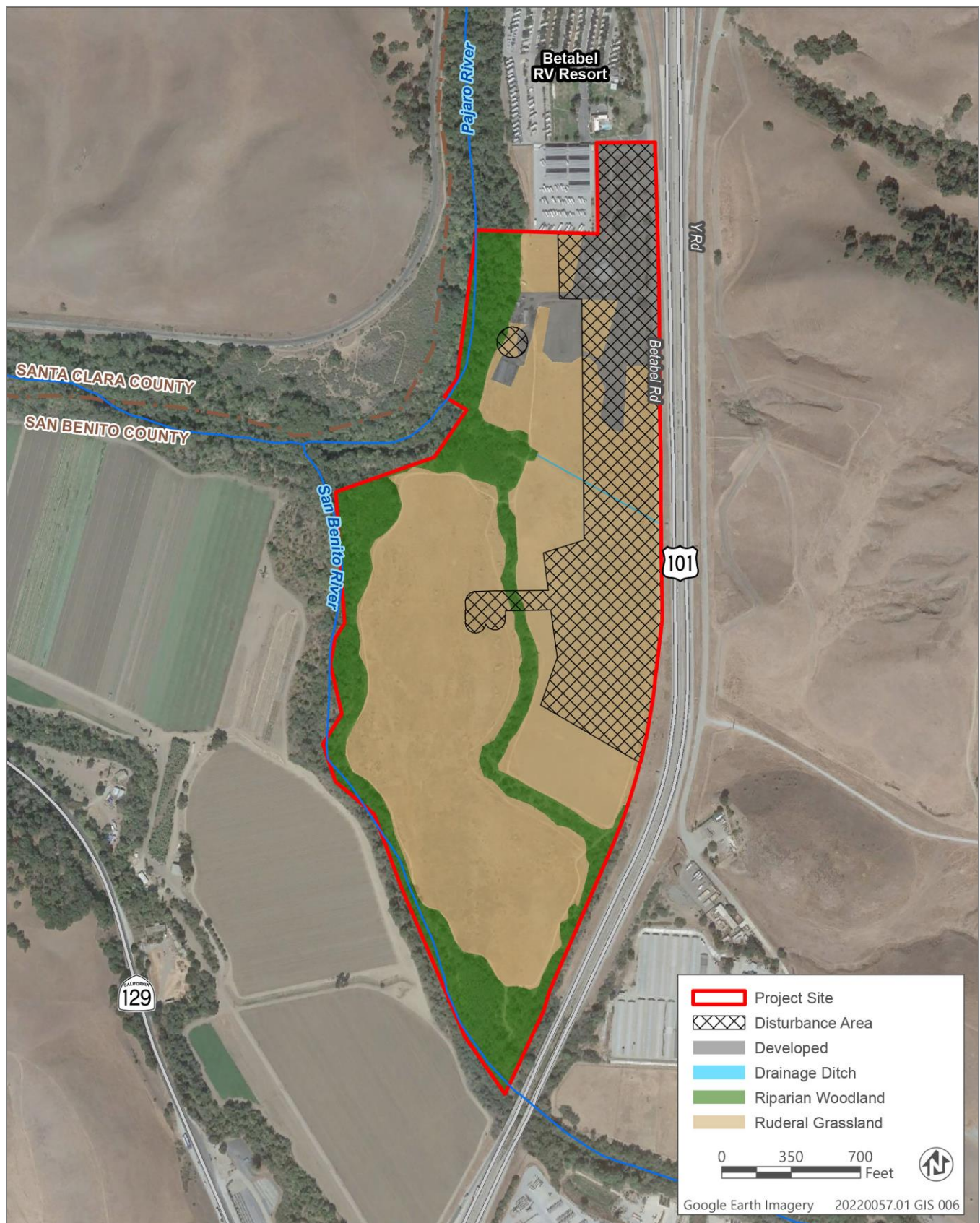
Source: Denise Duffy & Associates 2020; Ascent Environmental 2022.

Ruderal Grassland

Ruderal grassland areas are those areas which have been subject to historic and ongoing disturbance by human activities and are dominated by nonnative and/or invasive plant species or devoid of vegetation. Ruderal grassland areas on the project site include areas that have been farmed and disked regularly since at least 1993, margins of agricultural areas dominated by nonnative plants, and existing dirt roads (Figure 3.4-1; Table 3.4-1; Denise Duffy & Associates 2020). At the time of the May 16, 2022, reconnaissance-level survey for biological resources, the southern half of the project site had been recently disked and was mostly devoid of vegetation. The northern half of the project site had not been recently disked and contained dense nonnative grasses and forbs. Ruderal grassland on the project site is dominated by poison hemlock (*Conium maculatum*), black mustard (*Brassica nigra*), milk thistle (*Silybum marianum*), bull thistle (*Cirsium vulgare*), bristly ox-tongue (*Helminthotheca echioides*), wild radish (*Raphanus* spp.), and slender wild oat (*Avena barbata*).

Developed

Developed areas on the project site consist of existing paved roads and driveways that are remnant of previous development within the site (Figure 3.4-1; Table 3.4-1; Denise Duffy & Associates 2020). This also includes the area of the approved farm stand that is under construction.



Source: Adapted by Ascent in 2022.

Figure 3.4-1 Habitat Types on the Project Site

Drainage Ditch

A drainage ditch that is oriented southeast to northwest bisects the project site (Figure 3.4-1). The drainage ditch is approximately 735 feet long and approximately 2 to 10 feet wide, with a defined bed and bank. At the east end, adjacent to Betabel Road, there are three large concrete culverts that are poorly maintained and at least partially blocked with soil and refuse. At this eastern terminus of the drainage ditch, the ditch becomes wider, likely due to incision and erosion from flowing water. It is possible that the culverts daylight on the east side of US 101. Vegetation within the ditch primarily consists of dense poison hemlock, which is approximately 6–8 feet tall on average. During the reconnaissance-level survey for biological resources on May 16, 2022, the ditch contained no water. A red-winged blackbird (*Agelaius phoeniceus*) colony of at least 10 pairs (i.e., at least 20 birds) was observed within the poison hemlock. The drainage ditch may be considered a jurisdictional water of the United States or state.

Riparian Woodland

The project site contains approximately 25 acres of riparian woodland, approximately 0.2 acre of which is within the disturbance area (Table 3.4-1; Figure 3.4-1). A larger area of riparian woodland is present adjacent to the project site associated with the Pajaro and San Benito Rivers. Dominant canopy species in this habitat are arroyo willow (*Salix lasiolepis*), box elder (*Acer negundo*), Fremont cottonwood (*Populus fremontii*), and blue elderberry (*Sambucus nigra caerulea*). Other tree species include northern California black walnut (*Juglans hindsii*) and buckeye (*Aesculus californica*). The edges of the riparian woodland habitat contain shrubby species including poison hemlock, coyote brush (*Baccharis pilularis*), and willow (*Salix* spp.). Native herbaceous understory species include mugwort (*Artemisia douglasiana*), California blackberry (*Rubus ursinus*), stinging nettle (*Hesperocnide tenella*), and California man-root (*Marah fabacea*). Nonnative species present in this habitat include giant reed (*Arundo donax*) and Himalayan blackberry (*Rubus armeniacus*). The riparian woodland habitat adjacent to the Pajaro and San Benito Rivers has a dense understory with copious downed woody debris. The riparian woodland corridor that bisects the project site and that is not adjacent to the Pajaro and San Benito Rivers is less dense than the woodland adjacent to the rivers but composed of the same species.

SENSITIVE BIOLOGICAL RESOURCES

State and Federally Protected Wetlands

As described above, the drainage ditch may meet the state and federal definitions of a wetland or other water.

Sensitive Natural Communities

Sensitive natural communities are those native plant communities defined by CDFW as having limited distribution statewide or within a county or region and that are often vulnerable to environmental effects of projects (CDFW 2018a). These communities may or may not contain special-status plants or their habitat (CDFW 2018a). CDFW designates sensitive natural communities based on their state rarity and threat ranking using NatureServe's Heritage Methodology. Natural communities with rarity ranks of S1 to S3, where S1 is critically imperiled, S2 is imperiled, and S3 is vulnerable, are considered sensitive natural communities to be addressed in the environmental review processes of CEQA and its equivalents (CDFW 2018a). Although CDFW stopped adding new records of sensitive natural communities into the CNDDDB in the mid-1990s, four sensitive natural communities were identified in the CNDDDB as having potential to occur on the project site: central maritime chaparral, coastal brackish marsh, northern coastal salt marsh, and sycamore alluvial woodland (CNDDDB 2022). The project site does not contain chaparral or marsh habitat, and no California sycamore (*Platanus racemosa*) trees were observed within the riparian woodland habitat during the reconnaissance-level survey for biological resources on May 16, 2022.

Many riparian plant communities qualify as sensitive natural communities based on the plant associations therein. In addition, riparian habitats are protected under section 1602 of California Fish and Game Code. The project site contains approximately 25 acres of riparian woodland, approximately 0.2 acre of which is within the disturbance area (Table 3.4-1; Figure 3.4-1). The canopy of this habitat is dominated by arroyo willow, but also contains Fremont cottonwood, box elder, and northern California black walnut. Box elder forest and woodland is considered a sensitive natural community by CDFW and has a state rarity rank of S2.2, meaning that the habitat is imperiled worldwide.

Fremont cottonwood forest and woodland is also considered a sensitive natural community by CDFW and has a state rarity ranking of S3.2, meaning that the habitat is vulnerable worldwide. While the riparian woodland on the project site may contain some of the species associated with these sensitive natural communities, outside of the dense riparian woodland habitat associated with the Pajaro River and San Benito River, these species do not make up a sufficient percentage of the woodland canopy to be considered sensitive natural communities pursuant to the membership rules outlines in the *Manual of California Vegetation* (Sawyer et al. 2009).

Special-Status Species

Special-status species are defined as species that are legally protected or that are otherwise considered sensitive by federal, state, or local resource agencies. Special-status species are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- ▶ officially listed under the California Endangered Species Act (CESA) or under the federal Endangered Species Act (ESA) as endangered, threatened, or rare;
- ▶ a candidate for state or federal listing as endangered, threatened, or rare under CESA or ESA;
- ▶ taxa (i.e., taxonomic category or group) that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the State CEQA Guidelines;
- ▶ species identified by CDFW as species of special concern;
- ▶ species listed as fully protected under the California Fish and Game Code;
- ▶ species afforded protection under local planning documents; and
- ▶ taxa considered by the CDFW to be “rare, threatened, or endangered in California” and assigned a California Rare Plant Rank (CRPR) of 1, or 2. The CDFW system includes rarity and endangerment ranks for categorizing plant species of concern, and ranks 1 and 2 are summarized as follows:
 - CRPR 1A - Plants presumed to be extinct in California;
 - CRPR 1B - Plants that are rare, threatened, or endangered in California and elsewhere;
 - CRPR 2A - Plants presumed to be extinct in California but common elsewhere; and
 - CRPR 2B - Plants that are rare, threatened, or endangered in California but more common elsewhere.

The term “California species of special concern” is applied by CDFW to animals not listed under ESA or CESA, but that are considered to be declining at a rate that could result in listing, or that historically occurred in low numbers and known threats to their persistence currently exist. CDFW’s fully protected status was California’s first attempt to identify and protect animals that were rare or facing extinction. Most species listed as fully protected were eventually listed as threatened or endangered under CESA; however, some species remain listed as fully protected but do not have simultaneous listing under CESA. Fully protected species may not be taken or possessed at any time and no take permits can be issued for these species except for scientific research purposes, for relocation to protect livestock, or as part of a natural community conservation plan (NCCP).

Of the 38 special-status plant species that are known to occur within the nine USGS 7.5-minute quadrangles including and surrounding the project site, four species were determined to have potential to occur on the project site based on the presence of habitat suitable for the species (CNDDDB 2022; CNPS 2022; Table 3.4-2). Of the 54 special-status wildlife species known to occur within the nine USGS quadrangles including and surrounding the project site, 24 species were determined to have potential to occur on the project site based on the presence of habitat suitable for the species (CNDDDB 2022; USFWS 2022; Table 3.4-3). The tables describe the species’ regulatory status, habitat, and potential for occurrence on the project site.

Table 3.4-2 Special-Status Plant Species Known to Occur in the Vicinity of the Project Site and Potential for Occurrence on the Project Site

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence
Anderson's manzanita <i>Arctostaphylos andersonii</i>	–	–	1B.2	Open sites, redwood forest. 197–2,493 feet in elevation. Blooms November–May. Perennial.	Not expected to occur. The project site is outside of the current range of this species.
Hooker's manzanita <i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	–	–	1B.2	Sandy soils, sandy shales, sandstone outcrops. 197–1,755 feet in elevation. Blooms January–June. Perennial.	Not expected to occur. The project site is outside of the current range of this species.
Pajaro manzanita <i>Arctostaphylos pajaroensis</i>	–	–	1B.1	Chaparral. Sandy soils. 98–509 feet in elevation. Blooms December–March. Perennial.	Not expected to occur. The project site is outside of the current range of this species.
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	–	–	1B.2	Low ground, alkali flats, and flooded lands; in annual grassland or in playas or vernal pools. 0–551 feet in elevation. Blooms March–June. Annual.	Not expected to occur. The project site does not contain alkali flats, playas, or vernal pool habitat.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	–	–	1B.2	Woodland and grassland. Sometimes on serpentine. 115–4,806 feet in elevation. Blooms March–June. Perennial.	May occur. The ruderal grassland habitat adjacent to the riparian woodland areas on the project site may provide habitat suitable for this species.
Chaparral harebell <i>Campanula exigua</i>	–	–	1B.2	Rocky sites, usually on serpentine in chaparral. 902–4,101 feet in elevation. Blooms May–June. Annual.	Not expected to occur. The project site does not contain serpentine soils or chaparral habitat.
Pink creamsacs <i>Castilleja rubicundula</i> var. <i>rubicundula</i>	–	–	1B.2	Openings in chaparral or grasslands. On serpentine. 66–3,002 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The project site does not contain serpentine soils.
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	–	–	1B.1	Valley and foothill grassland. Alkaline soils sometimes described as heavy white clay. 0–755 feet in elevation. Blooms May–October. Annual.	Not expected to occur. The project site does not contain alkaline soil.
Monterey spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i>	FT	–	1B.2	Sandy soils in coastal dunes or more inland within chaparral or other habitats. 0–558 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The project site does not contain dunes or chaparral habitat.
Mt. Hamilton fountain thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	–	–	1B.2	In seasonal and perennial drainages on serpentine. 328–2,920 feet in elevation. Blooms April–October. Perennial.	Not expected to occur. The project site does not contain serpentine soils.
San Francisco collinsia <i>Collinsia multicolor</i>	–	–	1B.2	On decomposed shale (mudstone) mixed with humus; sometimes on serpentine. 98–820 feet in elevation. Blooms March–May. Annual.	Not expected to occur. The project site does not contain shale or serpentine soils.
Seaside bird's-beak <i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	–	SE	1B.1	Sandy, often disturbed sites, usually within chaparral or coastal scrub. 98–1,706 feet in elevation. Blooms April–October. Annual.	Not expected to occur. The project site does not contain chaparral or coastal scrub habitat.
Hall's tarplant <i>Deinandra halliana</i>	–	–	1B.2	Reported from a variety of substrates including clay, sand, and alkaline soils. 509–2,986 feet in elevation. Blooms April–May. Annual.	Not expected to occur. The project site is outside of the current range of this species.
Hospital Canyon larkspur <i>Delphinium californicum</i> ssp. <i>interius</i>	–	–	1B.2	In wet, boggy meadows, openings in chaparral and in canyons. 640–3,593 feet in elevation. Blooms April–June. Perennial.	Not expected to occur. The project site does not contain meadows or chaparral habitat.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence
Santa Clara Valley dudleya <i>Dudleya abramsii</i> ssp. <i>setchellii</i>	FE	–	1B.1	On rocky serpentine outcrops and on rocks within grassland or woodland. 197–1,493 feet in elevation. Blooms April–October. Perennial.	Not expected to occur. The project site does not contain serpentine soils.
Eastwood's goldenbush <i>Ericameria fasciculata</i>	–	–	1B.1	In sandy openings. 98–902 feet in elevation. Blooms July–October. Perennial.	Not expected to occur. The project site is outside of the current range of this species.
Pinnacles buckwheat <i>Eriogonum nortonii</i>	–	–	1B.3	Sandy soils; often on recent burns; western Santa Lucias. 984–3,199 feet in elevation. Blooms May–August. Annual.	May occur. Ruderal grassland habitat adjacent to riparian woodland areas on the project site may provide habitat suitable for this species.
Hoover's button-celery <i>Eryngium aristulatum</i> var. <i>hooveri</i>	–	–	1B.1	Alkaline depressions, vernal pools, roadside ditches, and other wet places near the coast. 3–164 feet in elevation. Blooms July. Annual/Perennial.	May occur. The drainage ditch on the project site may provide habitat suitable for this species.
San Joaquin spearscale <i>Extriplex joaquinana</i>	–	–	1B.2	In seasonal alkali wetlands or alkali sink scrub with <i>Distichlis spicata</i> , <i>Frankenia</i> , etc. 3–2,740 feet in elevation. Blooms April–October. Annual.	Not expected to occur. The project site does not contain alkali wetland or alkali sink scrub habitats.
Fragrant fritillary <i>Fritillaria liliacea</i>	–	–	1B.2	Often on serpentine; various soils reported though usually on clay, in grassland. 10–1,312 feet in elevation. Blooms February–April. Geophyte.	Not expected to occur. The project site does not contain serpentine soils.
Loma Prieta hoita <i>Hoita strobilina</i>	–	–	1B.1	Serpentine; mesic sites. 197–3,199 feet in elevation. Blooms May–July. Perennial.	Not expected to occur. The project site does not contain serpentine soils.
Santa Cruz tarplant <i>Holocarpha macradenia</i>	FT	SE	1B.1	Light, sandy soil or sandy clay; often with nonnatives. 33–722 feet in elevation. Blooms June–October. Annual.	Not expected to occur. The project site is outside of the current range of this species.
Kellogg's horkelia <i>Horkelia cuneata</i> var. <i>sericea</i>	–	–	1B.1	Old dunes, coastal sandhills; openings. 16–705 feet in elevation. Blooms April–September. Perennial.	Not expected to occur. The project site does not contain dune or sandhill habitat.
Legenere <i>Legenere limosa</i>	–	–	1B.1	In beds of vernal pools. 3–2,887 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The project site does not contain vernal pool habitat.
Smooth lessingia <i>Lessingia micradenia</i> var. <i>glabrata</i>	–	–	1B.2	Serpentine; often on roadsides. 394–1,378 feet in elevation. Blooms July–November. Annual.	Not expected to occur. The project site does not contain serpentine soils.
Indian Valley bush-mallow <i>Malacothamnus aboriginum</i>	–	–	1B.2	Granitic outcrops and sandy bare soil, often in disturbed soils. 492–3,707 feet in elevation. Blooms April–October. Perennial.	Not expected to occur. The project site does not contain granitic outcrops or bare soil.
Arcuate bush-mallow <i>Malacothamnus arcuatus</i>	–	–	1B.2	Gravelly alluvium. 3–2,411 feet in elevation. Blooms April–September. Perennial.	Not expected to occur. The project site does not contain gravelly alluvium habitat.
Woodland woollythreads <i>Monolopia gracilens</i>	–	–	1B.2	Grassy sites, in openings; sandy to rocky soils. Often seen on serpentine after burns but may have only weak affinity to serpentine. 328–3,937 feet in elevation. Blooms March–July. Annual.	May occur. Ruderal grassland habitat adjacent to the riparian woodland areas on the project site may provide habitat suitable for this species.
Prostrate vernal pool <i>Navarretia prostrata</i>	–	–	1B.2	Alkaline soils in grassland, or in vernal pools. Mesic, alkaline sites. 10–4,052 feet in elevation. Blooms April–July. Annual.	Not expected to occur. The project site does not contain vernal pool habitat.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence
Santa Cruz Mountains beardtongue <i>Penstemon rattanii</i> var. <i>kleei</i>	–	–	1B.2	Sandy shale slopes; sometimes in the transition between forest and chaparral. 1,312–3,609 feet in elevation. Blooms May–June. Perennial.	Not expected to occur. The project site does not contain sandy shale slopes.
Monterey pine <i>Pinus radiata</i>	–	–	1B.1	Three primary stands are native to California. Dry bluffs and slopes. 197–410 feet in elevation. Perennial.	Not expected to occur. The project site is outside of the current range of this species and no Monterey pines were observed on the project site during the reconnaissance level survey for biological resources on May 16, 2022.
Yadon's rein orchid <i>Piperia yadonii</i>	FE	–	1B.1	Endemic to a narrow range of coastal habitat in northern Monterey County, California. On sandstone and sandy soil, but poorly drained and often dry. 33–1,657 feet in elevation. Blooms May–August. Perennial.	Not expected to occur. The project site is outside of the current range of this species.
San Francisco popcornflower <i>Plagiobothrys diffusus</i>	–	SE	1B.1	Historically from grassy slopes with marine influence. 148–1,181 feet in elevation. Blooms March–June. Annual.	Not expected to occur. The project site is outside of the current range of this species.
Hairless popcornflower <i>Plagiobothrys glaber</i>	–	–	1A	Coastal salt marshes and alkaline meadows. 16–591 feet in elevation. Blooms March–May. Annual.	Not expected to occur. The project site does not contain salt marsh habitat or alkaline meadows.
California alkali grass <i>Puccinellia simplex</i>	–	–	1B.2	Alkaline, vernal mesic. Sinks, flats, and lake margins. 3–3,002 feet in elevation. Blooms March–May. Annual.	Not expected to occur. The project site does not contain vernal pools or lakes.
Pine rose <i>Rosa pinetorum</i>	–	–	1B.2	Closed-cone coniferous forest, cismontane woodland. 16–3,576 feet in elevation. Blooms May–July. Perennial.	Not expected to occur. The project site does not contain coniferous forest or cismontane woodland habitat.
Most beautiful jewelflower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	–	–	1B.2	Serpentine outcrops, on ridges and slopes. 312–3,281 feet in elevation. Blooms April–September. Annual.	Not expected to occur. The project site does not contain serpentine soils.
Saline clover <i>Trifolium hydrophilum</i>	–	–	1B.2	Mesic, alkaline sites. 0–984 feet in elevation. Blooms April–June. Annual.	Not expected to occur. The project site does not contain alkaline soils.

Notes: CRPR = California Rare Plant Rank; CEQA = California Environmental Quality Act; ESA = Endangered Species Act; NPPA = Native Plant Protection Act

1 Legal Status Definitions

Federal:

FE Federally Listed as Endangered (legally protected by ESA)

FT Federally Listed as Threatened (legally protected by ESA)

California Rare Plant Ranks (CRPR):

1A Plants presumed to be extinct in California

1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA).

CRPR Threat Ranks:

0.1 Seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)

0.2 Moderately threatened in California (20–80% occurrences threatened; moderate degree and immediacy of threat)

0.3 Not very threatened in California (less than 20% of occurrences threatened/ low degree and immediacy of threat or no current threats known)

State:

SE State Listed as Endangered (legally protected by CESA)

SR State Listed as Rare (legally protected by NPPA)

Sources: CNDDDB 2022; CNPS 2022.

Table 3.4-3 Special-Status Wildlife Species Known to Occur in the Vicinity of the Project Site and Their Potential for Occurrence on the Project Site

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Amphibians and Reptiles				
Blunt-nosed leopard lizard <i>Gambelia sila</i>	FE	SE FP	Resident of sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows, under shrubs or structures such as fence posts; they do not excavate their own burrows.	Not expected to occur. The project site is outside of the current range of this species.
California giant salamander <i>Dicamptodon ensatus</i>	–	SSC	Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected to occur. The project site is outside of the current range of this species and there are no nearby documented occurrences.
California red-legged frog <i>Rana draytonii</i>	FT	SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	May occur. There are many documented occurrences of California red-legged frog in the vicinity of the project site, and the nearest occurrence is approximately 0.4 mile northwest of the project site (CNDDDB 2022). In total, there are approximately 13 California red-legged frog occurrences within 2 miles of the project site (including occurrences in the Pajaro River), which is the typical dispersal distance for the species (CNDDDB 2022).
California tiger salamander - central California DPS <i>Ambystoma californiense</i> pop. 1	FT	ST	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	May occur. There are several documented occurrences of California tiger salamander in the vicinity of the project site, and the nearest occurrence is approximately 0.75 mile southwest of the project site (CNDDDB 2022). Small rodent burrows suitable for California tiger salamanders are present throughout the un-disked ruderal grassland habitat on the project site.
Coast horned lizard <i>Phrynosoma blainvillii</i>	–	SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	May occur. The nearest documented occurrence of coast horned lizard is approximately 15 miles northeast of the project site (CNDDDB 2022). However, the project site is located within the current range of this species. The project site contains sandy soils and sparse vegetation (i.e., un-disked ruderal grassland) that may provide habitat suitable for coast horned lizard.
Coast Range newt <i>Taricha torosa</i>	–	SSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats and will migrate over 0.5 mile to breed in ponds, reservoirs and slow-moving streams.	Not expected to occur. The project site is outside of the current range of this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Foothill yellow-legged frog <i>Rana boylei</i>	–	SE SSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis.	May occur adjacent to the site. The project site is within the range of foothill yellow-legged frog, and habitat suitable for the species is present in the segment of the Pajaro and Benito Rivers adjacent to the project site.
Northern California legless lizard <i>Anniella pulchra</i>		SSC	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. They prefer soils with a high moisture content.	May occur. The nearest documented occurrence of northern California legless lizard is approximately 10 miles southwest of the project site (CNDDDB 2022). However, the project site is located within the current range of this species. The project site contains sandy soils and sparse vegetation (i.e., un-disked ruderal grassland) that may provide habitat suitable for northern California legless lizard.
San Francisco gartersnake <i>Thamnophis sirtalis tetrataenia</i>	FE	SE FP	Vicinity of freshwater marshes, ponds and slow-moving streams in San Mateo County and extreme northern Santa Cruz County. Prefers dense cover and water depths of at least one foot. Upland areas near water are also very important.	Not expected to occur. The project site is outside of the current range of this species.
San Joaquin coachwhip <i>Masticophis flagellum ruddocki</i>	–	SSC	Open, dry habitats with little or no tree cover. Found in valley grassland and saltbush scrub in the San Joaquin Valley. Needs mammal burrows for refuge and oviposition sites.	May occur. The nearest documented occurrence of San Joaquin coachwhip is approximately 8 miles southeast of the project site (CNDDDB 2022). However, the project site is located within the current range of this species. The project site contains un-disked ruderal grassland habitat with many rodent burrows and sandy soils that may provide habitat suitable for San Joaquin coachwhip.
Santa Cruz black salamander <i>Aneides niger</i>	–	SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara counties. Adults found under rocks, talus, and damp woody debris.	Not expected to occur. The project site is outside of the current range of this species.
Santa Cruz long-toed salamander <i>Ambystoma macrodactylum croceum</i>	FE	SE FP	Wet meadows near sea level in a few restricted locales in Santa Cruz and Monterey counties. Aquatic larvae prefer shallow (<12 inches) water, using clumps of vegetation or debris for cover. Adults use mammal burrows.	Not expected to occur. The project site is outside of the current range of this species and there are no nearby documented occurrences.
Western pond turtle <i>Actinemys marmorata</i>	–	SSC	Ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.3 mile (0.5 km) from water for egg-laying.	May occur. The segment of the Pajaro and San Benito Rivers adjacent to the project site provides aquatic habitat suitable for western pond turtle, and grassland areas within approximately 0.3 mile of these rivers may provide upland habitat suitable for the species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Western spadefoot <i>Spea hammondi</i>	–	SSC	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Not expected to occur. Vernal pool or seasonal wetland habitat suitable for western spadefoot is not present on the project site.
Birds				
Bald eagle <i>Haliaeetus leucocephalus</i>	FD	SE FP	Ocean shore, lake margins, and rivers for both nesting and wintering. Most nests within 1 mile of water. Nests in large, old-growth, or dominant live tree with open branches, especially ponderosa pine. Roosts communally in winter.	Not expected to occur. Nesting habitat suitable for bald eagles (i.e., large conifer trees adjacent to open water) is not present on the project site.
Bank swallow <i>Riparia riparia</i>	–	ST	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not expected to occur. There is one historic (1931) occurrence of nesting bank swallows approximately 0.2 mile west of the project site, associated with the bank of a railroad cut (CNDDDB 2022). The project site otherwise does not contain nesting habitat suitable for bank swallows (i.e., banks, cliffs).
Burrowing owl <i>Athene cunicularia</i>	–	SSC	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	May occur. The nearest documented occurrence of nesting burrowing owls is approximately 1 mile east of the project site (CNDDDB 2022). Ruderal grassland habitat on the project site may provide habitat potentially suitable for burrowing owls.
California (Ridgway's) clapper rail <i>Rallus obsoletus obsoletus</i>	FE	SE FP	Salt-water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not expected to occur. The project site is outside of the current range of this species.
California brown pelican <i>Pelecanus occidentalis californicus</i>	FD	SD FP	Colonial nester on coastal islands just outside the surf line. Nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators. Roosts communally.	Not expected to occur. The project site is outside of the current range of this species.
California condor <i>Gymnogyps californianus</i>	FE	SE FP	Require vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.	Not expected to occur. The project site is outside of the current range of this species.
Golden eagle <i>Aquila chrysaetos</i>	–	FP	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	May occur. While the project site does not contain nesting habitat suitable for golden eagles (i.e., large trees in open areas), the species may forage on the project site. One juvenile golden eagle was observed soaring over the project site during the reconnaissance-level survey for biological resources on May 16, 2022.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE	SE	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, <i>Baccharis</i> , mesquite.	Not expected to occur. There is one historic (1932) documented occurrence of least Bell's vireo within approximately 1.6 miles of the project site (CNDDDB 2022). However, the current range of this species does not include the project site.
Loggerhead shrike <i>Lanius ludovicianus</i>	–	SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	May occur. The riparian woodland habitat and associated shrubs (e.g., coyote brush) on and adjacent to the project site may contain nesting habitat suitable for loggerhead shrike.
Marbled murrelet <i>Brachyramphus marmoratus</i>	FT	SE	Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas-fir.	Not expected to occur. The project site is outside of the current breeding range of this species.
Northern harrier <i>Circus hudsonius</i>	–	SCC	Nests and forages in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	May occur. Habitat potentially suitable for northern harrier is present within shrubby vegetation in the riparian woodland habitat on and adjacent to the project site.
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	FE	SE	Riparian woodlands in Southern California.	Not expected to occur. The project site is outside of the current range of this species.
Swainson's hawk <i>Buteo swainsoni</i>	–	ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Not expected to occur. The project site is outside of the current range of this species.
Tricolored blackbird <i>Agelaius tricolor</i>	–	ST SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	May occur. There are several documented occurrences of tricolored blackbird in the vicinity of the project site, the nearest of which is approximately 1 mile northwest of the project site within cattails and willows adjacent to Sargent Creek (CNDDDB 2022). During the reconnaissance-level survey for biological resources on May 16, 2022, a red-winged blackbird colony was observed within a large patch of poison hemlock present in the drainage ditch on the project site. While the habitat requirements for these species don't overlap completely, the presence of a red-winged blackbird colony indicates that this habitat may also be suitable for tricolored blackbirds.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
White-tailed kite <i>Elanus leucurus</i>	–	FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	May occur. Trees within the riparian woodland habitat on the project site may provide nesting habitat suitable for white-tailed kite.
Yellow warbler <i>Setophaga petechia</i>	–	SSC	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	May occur. During the reconnaissance-level survey for biological resources on May 16, 2022, a yellow warbler was observed within the riparian woodland habitat adjacent to the project site. This riparian woodland habitat may provide nesting habitat suitable for yellow warbler.
Yellow-breasted chat <i>Icteria virens</i>	–	SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 feet of ground.	May occur. Riparian woodland habitat on the project site may provide nesting habitat suitable for yellow-breasted chat.
Fish				
Monterey hitch <i>Lavinia exilicauda harengus</i>	–	SSC	Occupies a wide variety of habitats, although they are most abundant in lowland areas with large pools or in small reservoirs that mimic such conditions.	Known to occur adjacent to site. Monterey hitch has been documented within the Pajaro and San Benito Rivers, which runs adjacent to the project site.
Pacific lamprey <i>Entosphenus tridentatus</i>	–	SSC	Found in Pacific Coast streams north of San Luis Obispo County, however regular runs in Santa Clara River. Size of runs is declining. Swift-current gravel-bottomed areas for spawning with water temperatures between 12-18 degrees C. Ammocoetes need soft sand or mud.	May occur adjacent to site. The segment of the Pajaro and San Benito Rivers, which runs adjacent to the project site, is within the current range of Pacific lamprey.
Riffle sculpin <i>Cottus gulosus</i>	–	SSC	Found in headwater streams with cold water and rocky or gravelly substrate. Prefers permanent streams.	May occur adjacent to site. The segment of the Pajaro and San Benito Rivers, which runs adjacent to the project site, is within the current range of riffle sculpin.
Sacramento hitch <i>Lavinia exilicauda exilicauda</i>	–	SSC	Most often found in slow, warm water, including lakes and quiet stretches of rivers. Sometimes found in cool and clear, low-gradient streams, hiding among aquatic vegetation in sandy runs or pools.	Not expected to occur. The project site is outside of the current range of this species.
Southern coastal roach <i>Hesperoleucus venustus subditus</i>	–	SSC	Found in the drainages of Tomales Bay and northern San Francisco Bay in the north, and drainages of Monterey Bay in the south.	Not expected to occur. The project site is outside of the current range of this species.
Steelhead - south-central California coast DPS <i>Oncorhynchus mykiss irideus</i> pop. 9	FT	–	Coastal basins from the Pajaro River south to, but not including the Santa Maria River.	May occur. The segment of the Pajaro and San Benito Rivers, which runs adjacent to the project site, is within the current range of riffle sculpin.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Invertebrates				
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	FT	–	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Orthocarpus densiflorus</i> and <i>Orthocarpus purpurascens</i> are the secondary host plants.	Not expected to occur. The project site is outside of the current range of this species.
Crotch bumble bee <i>Bombus crotchii</i>	–	–	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Not expected to occur. The nearest documented occurrences are approximately 12 miles west and 12 miles north of the project site, from 1994 and 1959, respectively (CNDDDB 2022). The project area is within the historic range of this species. However, crotch bumble bee has recently undergone a decline in abundance and distribution and is no longer present across much of its historic range. There have been no recent observations of the species in the region of the project site, and it is unlikely that species would occur.
Monarch <i>Danaus plexippus</i>	FC	–	Closed-cone coniferous forest. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby. Along migration routes and within summer ranges, monarch butterflies require two suites of plants: (1) host plants for monarch caterpillars, which are primarily milkweeds (<i>Asclepias</i> spp.) within the family Apocynaceae upon which adult monarchs lay eggs; and (2) nectar-producing flowering plants of many other species that provide food for adult butterflies. Having both host and nectar plants available from early spring to late fall and along migration corridors is critical to the survival of migrating pollinators.	May occur. The project site is outside of the overwintering range of this species. However, the project site contains flowering plants that may provide foraging opportunities for monarch, and may contain milkweed plants, although none were observed during the reconnaissance-level survey for biological resources on May 16, 2022.
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	–	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Not expected to occur. The project site does not contain vernal pool habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Western bumble bee <i>Bombus occidentalis</i>	–	–	Bumble bees have three basic habitat requirements: suitable nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and suitable overwintering sites for the queens.	Not expected to occur. The project area is within the historic range of this species. However, western bumble bee has recently undergone a dramatic decline in abundance and distribution and is no longer present across much of its historic range. In California, western bumble bee populations are currently largely restricted to high elevation sites in the Sierra Nevada (Xerces Society 2018).
Mammals				
American badger <i>Taxidea taxus</i>	–	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	May occur. Habitat potentially suitable for American badger dens is present within un-disked ruderal grassland habitat adjacent to riparian woodland habitat on the project site.
Monterey dusky-footed woodrat <i>Neotoma macrotis luciana</i>	–	SSC	Forest habitats of moderate canopy and moderate to dense understory. Also in chaparral habitats. Nests constructed of grass, leaves, sticks, and feathers. Population may be limited by availability of nest materials	Not expected to occur. The project site is outside of the current range of this subspecies of dusky-footed woodrat (Matocq 2002).
Monterey shrew <i>Sorex ornatus salarius</i>	–	SSC	Riparian, wetland and upland areas in the vicinity of the Salinas River delta. Prefers moist microhabitats. feeds on insects and other invertebrates found under logs, rocks and litter.	Not expected to occur. The project site is outside of the current range of this species.
Mountain lion <i>Puma concolor</i>	–	SC	Mountain lions inhabit a wide range of ecosystems, including mountainous regions, forests, deserts, and wetlands. Mountain lions establish and defend large territories and can travel large distances in search of prey or mates. The Central Coast and Southern California Evolutionarily Significant Units (ESUs) were granted emergency listing status in April of 2020, and CDFW is currently reviewing a petition to list these ESUs as threatened under CESA. The project site is located within the Central Coast ESU.	Not expected to occur. The region surrounding the project site contains relatively undeveloped open space and riparian corridors that are likely used by mountain lions. However, the project site is disturbed and adjacent to significant sources of human disturbance (e.g., US 101) which would likely prevent mountain lions from using the site more than very rarely.
Pallid bat <i>Antrozous pallidus</i>	–	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	May occur. Roosting habitat potentially suitable for pallid bat (e.g., trees) is present within riparian woodland habitat on and adjacent to the project site.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence
Ringtail <i>Bassariscus astutus</i>	–	FP	Riparian habitats, forest habitats, and shrub habitats in lower to middle elevations.	Not expected to occur. The riparian woodland habitat on the project site is marginal due to its density and surrounding level of human disturbance. While the riparian woodland adjacent to the San Benito River and Pajaro River may provide habitat suitable for this species, no project activities would occur within this habitat.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	–	SSC	Forest habitats of moderate canopy and moderate to dense understory. May prefer chaparral and redwood habitats. Constructs nests of shredded grass, leaves and other material. May be limited by availability of nest-building materials.	Not expected to occur. The project site is outside of the current range of San Francisco dusky-footed woodrat.
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE	ST	Annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose-textured sandy soils for burrowing, and suitable prey base.	Not expected to occur. The project site is outside of the current range of San Joaquin kit fox.
Southern sea otter <i>Enhydra lutris nereis</i>	FT	FP	Nearshore marine environments from about Año Nuevo, San Mateo County to Point Sal, Santa Barbara County. Needs canopies of giant kelp and bull kelp for rafting and feeding. Prefers rocky substrates with abundant invertebrates.	Not expected to occur. Marine habitat suitable for this species is not present on the project site.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	–	SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur. Roost habitat potentially suitable for Townsend's big-eared bat (e.g., buildings, bridges, mines, caves) is not present on the project site.
Western mastiff bat <i>Eumops perotis californicus</i>	–	SSC	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	May occur. Roosting habitat potentially suitable for western mastiff bat (e.g., trees) is present within riparian woodland habitat on and adjacent to the project site.
Western red bat <i>Lasiurus blossevillei</i>	–	SSC	Roosts primarily in trees, 2-40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	May occur. Roosting habitat potentially suitable for western red bat (e.g., foliage in broad leaf trees) is present within riparian woodland habitat on and adjacent to the project site.

Notes: CNDDDB = California Natural Diversity Database; CEQA = California Environmental Quality Act; ESU = Evolutionarily Significant Unit

1 Legal Status Definitions

Federal:

FC Federal Candidate for listing (no formal protection)
 FE Federally Listed as Endangered (legally protected)
 FT Federally Listed as Threatened (legally protected)
 FD Federally Delisted

State:

FP Fully protected (legally protected)
 SSC Species of special concern (no formal protection other than CEQA consideration)
 SE State Listed as Endangered (legally protected)
 ST State Listed as Threatened (legally protected)
 SC State Candidate for listing (legally protected)
 SD State Delisted

Sources: CNDDDB 2022; Matocq 2002; USFWS 2022; Xerces Society 2018.

Wildlife Movement Corridors

A wildlife movement corridor is generally a topographical/landscape feature or movement zone that connects two or more natural habitat areas. Wildlife corridors link areas of suitable wildlife habitat that are separated by variation in vegetation, rugged terrain, human disturbance and habitat fragmentation, or other biophysical factors. Movement corridors may provide favorable locations for wildlife to travel between different habitat areas, such as foraging sites, breeding sites, cover areas, and preferred summer and winter range locations. They may also function as dispersal corridors allowing animals to move between various locations within their range. Therefore, wildlife movement and migration corridors are considered an important ecological resource by CDFW and other agencies and are protected by many local governments in California.

Some of the important areas for habitat connectivity in California were mapped as Essential Connectivity Areas (ECA) for the California Essential Habitat Connectivity Project, which was commissioned by the California Department of Transportation and CDFW with the purpose of making transportation and land-use planning more efficient and less costly, while helping reduce dangerous wildlife-vehicle collisions (Spencer et al. 2010). The ECAs were not developed for the purposes of defining areas subject to specific regulations by CDFW or other agencies. The project site does not contain any portion of a modeled ECA or natural landscape block. Natural landscape blocks have been identified west of the project site (i.e., within the rolling hills west of the railroad tracks) and a modeled ECA is present along the Pajaro River north of the project site. The project site contains some natural habitat (e.g., riparian woodland) and is adjacent to natural habitat to the west (i.e., San Benito River, Pajaro River), which likely function as wildlife movement corridors. However, the project site is also adjacent to development to the north and US 101 to the east; a significant barrier to wildlife movement. Wildlife moving through the vicinity of the project site would likely use the existing riparian corridors west of the project site rather than the disturbed habitat on the project site. Therefore, it is unlikely that the project site currently functions as a critical habitat linkage; however, it likely functions as a movement corridor for some wildlife species.

Wildlife Nursery Sites

Nursery sites are locations where fish or wildlife concentrate for hatching and/or raising young, such as nesting rookeries for birds (e.g., herons, egrets), spawning areas for native fish, fawning areas for mule deer (*Odocoileus hemionus*), and maternal roosts for bats. The riparian woodland habitat on the project site may provide roosting habitat potentially suitable for special-status bats (e.g., pallid bat) or common bat species (e.g., big brown bat [*Eptesicus fuscus*], silver-haired bat [*Lasionycteris noctivagans*]).

3.4.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

This impact evaluation is based on an existing biological resource assessment, review of aerial photographs, and review of existing databases that address biological resources in the project vicinity as described above.

THRESHOLDS OF SIGNIFICANCE

An impact on biological resources is considered significant if implementation of the project would do any of the following:

- ▶ have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- ▶ have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS;
- ▶ have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- ▶ interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- ▶ conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- ▶ conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ISSUES NOT DISCUSSED FURTHER

Golden Eagle

While golden eagle may forage within the project site, there is no suitable nesting habitat on the project site (e.g., large trees in open areas). Project implementation would not result in significant loss of foraging habitat or a substantial change in the character of the foraging habitat in the vicinity of the project area. Because project implementation would not result in direct loss of golden eagles because nesting habitat is not present on the project site, this species is not discussed further.

Conflict with Local Policies and Ordinance

The San Benito County Interim Woodlands Management Ordinance provides for the preservation of woodlands within the unincorporated areas of the County (See Section 3.4.1, "*Regulatory Setting*"). Construction of new wells and associated pipelines on the project site could include tree removal, or damage to root systems, within the riparian woodland on the project site. However, removal of these trees would result in retention of a canopy cover percentage greater than the standards outlined in the Interim Woodlands Management Ordinance, and removal of trees would not occur on slopes greater than 30 percent. Therefore, a discretionary permit from the County would not be required and there would be no conflict with this ordinance. This impact is not discussed further.

Consistency with Habitat Conservation Plans

The project site is not located within the plan area of any adopted habitat conservation plan, NCCP, or other approved local, regional, or state habitat conservation plan. The San Benito County Conservation Plan, a proposed HCP/NCCP, is in development; however, this plan has not been adopted and will not be adopted through the life of this project. Therefore, this impact is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Result in Disturbance or Loss of Special-Status Plant Species

Development of the project site, including ground disturbance associated with construction of roads, parking areas, or buildings, could result in direct removal, or damage that results in eventual death or loss of special-status plants, if present on the project site. Because the loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a significant impact.

A total of 38 special-status plant species were identified as having potential to occur within the vicinity of the project site (Table 3.4-2; CNDDDB 2022, CNPS 2022). Of these 38 species, four have potential to occur on the project site: big-scale balsamroot, Pinnacles buckwheat, Hoover's button-celery, and woodland woollythreads. While much of the project site is regularly disked and likely does not provide habitat suitable for these species, some areas of un-disked ruderal grassland habitat is present on the project site that may provide habitat suitable for big-scale balsamroot, Pinnacles buckwheat, and woodland woollythreads and the drainage ditch on the project site may also provide habitat suitable for Hoover's button-celery.

Development of the project site, including ground disturbance associated with construction of roads, parking areas, or buildings, could result in direct removal of special-status plants, if present on the project site, or in habitat

alterations or plant damage that leads to the ultimate death of special-status plants or failure to successfully reproduce. Loss of special-status plants could substantially affect the abundance, distribution, and viability of local and regional populations of these species; thus, this would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-1: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation

- ▶ Prior to commencement of project construction activities and during the blooming period for the special-status plant species with potential to occur in the development area, a qualified botanist shall conduct protocol-level surveys for special-status plants within the development area following survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities* (CDFW 2018a or most recent version). The qualified botanist shall: 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the Sierra Nevada region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW 2018a, 4) be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at <http://vegetation.cnps.org/>), and 5) be familiar with federal and state statutes and regulations related to plants and plant collecting.
- ▶ If special-status plants are not found, the botanist shall document the findings in a report to the applicant and San Benito County, and no further mitigation shall be required.

Typical Blooming Period for Special-Status Plants That May Occur within the Project Site¹

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Big-scale balsamroot												
Pinnacles buckwheat												
Hoover's button-celery												
Woodland woollythreads												

¹ This is the published blooming period for the species across their entire range and through history. The actual blooming period for any species at a given location in a given year is variable and should be based on observations of nearby reference populations, as required under CDFW's *Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities* (CDFW 2018a).

Source: Data compiled by Ascent Environmental in 2022; CNPS 2022

- ▶ If special-status plants are found during special-status plant surveys and cannot be avoided, the applicant shall, in consultation with CDFW, develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations (e.g., offsite), establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to offset loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the development area. Habitat and individual plants lost (e.g., direct removal, trampling, root damage) shall be mitigated at a minimum 1:1 ratio through implementation of the above measures, considering acreage as well as function and value. Success criteria for preserved and compensatory populations shall include:
 - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.
 - Compensatory and preserved populations shall be self-producing. Populations would be considered self-producing when:
 - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
 - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

- If off-site mitigation includes dedication of conservation easements or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-1 would reduce significant impacts on special-status plants to a less-than-significant level by requiring protocol-level surveys for special-status plants and implementation of avoidance measures and compensation for impacts on special-status plants if present on the project site to maintain viable plant populations consistent with General Plan Policy NCR-2.8.

Impact 3.4-2: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat

Project implementation would include land use conversion and development activities including ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in disturbance, injury, or mortality of several special-status wildlife species if present, reduced breeding productivity of these species, and loss of species habitat. This would be a significant impact.

A total of 24 special-status wildlife species have potential to occur on or immediately adjacent to the project site: California red-legged frog, California tiger salamander, foothill yellow-legged frog, coast horned lizard, northern California legless lizard, San Joaquin coachwhip, western pond turtle, burrowing owl, loggerhead shrike, northern harrier, tricolored blackbird, white-tailed kite, yellow warbler, yellow-breasted chat, Monterey hitch, Pacific lamprey, riffle sculpin, steelhead (south-central California coast DPR), monarch, American badger, pallid bat, western mastiff bat, and western red bat. Additionally, native birds without special status protected by California Fish and Game Code and the federal MBTA may also nest on the project site. Project activities (i.e., tree removal, vegetation clearing, ground disturbance, staging, heavy equipment use) may result in direct loss of special-status wildlife species, loss of or disturbance to nests or dens, disturbance leading to abandonment of active nests or dens, or degradation of water quality in adjacent aquatic habitat. This would be a significant impact.

California Red-Legged Frog and California Tiger Salamander

California Red-Legged Frog

The nearest documented California red-legged frog occurrence to the project site is approximately 0.4 mile northwest of the project site within a stock pond (CNDDDB 2022). California red-legged frogs have also been documented within Sargent Creek west of the project site, the Pajaro River north of the project site, and stock ponds east of the project site (CNDDDB 2022). In total, there are 13 California red-legged frog occurrences within 2 miles of the project site, which is the typical dispersal distance for the species (CNDDDB 2022).

There are several human-made barriers to movement between some of the documented occurrences of California red-legged frog and the project site, including US 101 east of the project site and railroad tracks west of the project site. However, ponds, arroyos, and creeks in the vicinity of the project site drain into the San Benito River and Pajaro River and as a result are connected hydrologically to the segments of these rivers that run adjacent to the project site. Additionally, California red-legged frogs have been documented in the Pajaro River, where there are no barriers to dispersal (CNDDDB 2022).

Habitat suitable for California red-legged frog is typically characterized by aquatic breeding areas (e.g., pools within streams and creeks, ponds, marshes, stock ponds) within a matrix of riparian and upland dispersal habitat (USFWS 2002). Adult frogs are nearly always associated with permanent bodies of water (Amphibiaweb 2022). During rainy weather, California red-legged frogs may move overland through upland habitat; however, in general, the species is rarely observed far from water (USFWS 2002). The project site does not contain breeding habitat suitable for California red-legged frogs (e.g., stock ponds, streams). During the wet season, the drainage ditch on the project site

would not be capable of holding enough water for a long enough period of time to support breeding California red-legged frogs.

Adult and juvenile California red-legged frogs are known to travel through upland habitat (e.g., riparian, woodland, grassland) to move between breeding and nonbreeding sites (e.g., other ponds, deep pools in streams, moist and cool riparian understory, burrows) for access to refugia and foraging habitat, or to disperse to new breeding locations. Movements through upland habitat are typically up to approximately 1.6 kilometers (1 mile) over the course of a wet season (Bulger et al. 2003). During migration, California red-legged frogs may travel long distances from aquatic habitat and typically travel in straight lines irrespective of vegetation types and have been documented to move over 1.7 miles between aquatic habitat sites (Bulger et al. 2003). The distance between the nearest documented California red-legged frog occurrences and the project site is within the typical dispersal distance of the species.

Studies have demonstrated that California red-legged frogs remain very close to breeding ponds during the nonbreeding season and typically do not move more than approximately 500 feet into upland habitats (Bulger et al. 2003; Fellers and Kleeman 2007). However, during migration to other suitable ponds in the region, California red-legged frogs may travel long distances from aquatic habitat (i.e., greater than 1,600 feet) and typically travel in straight lines irrespective of vegetation types and have been documented to move over 1.7 miles between aquatic habitat sites (Bulger et al. 2003).

California red-legged frog migratory and dispersal movements from documented occurrences surrounding the project site are expected to be primarily along the Pajaro River, San Benito River, and Sargent Creek. However, while the drainage ditch on the project site does not provide breeding habitat suitable for California red-legged frogs, it may be used as nonbreeding aquatic habitat (e.g., foraging, refugia) or dispersal habitat. If the concrete culverts on the west end of the drainage ditch connect this feature to the east side of US 101, then the ditch may provide connectivity between California red-legged frog occurrences east of US 101 to those associated with the San Benito River and Pajaro River. The riparian woodland corridor on the project site may also provide dispersal habitat suitable for California red-legged frogs. Overland movements through the ruderal grassland and developed portion of the project site are less likely to occur due to the level of human disturbance on the project site (e.g., disking) and lack of cover (e.g., shrubs, downed woody debris). However, especially during the wet season, it is possible that California red-legged frogs could be present in these areas.

The project site does not contain breeding habitat suitable for California red-legged frogs and direct loss of breeding habitat would not occur as a result of project implementation. However, the drainage ditch on the project site may provide nonbreeding aquatic habitat (e.g., aestivation, refuge) when water is present in the ditch and the ruderal grassland habitat on the project site may provide upland migration or dispersal habitat during the wet season. Development of the project site would result in loss of this upland and nonbreeding aquatic habitat through conversion to impervious surfaces (e.g., parking areas) and buildings. However, the conversion of this upland and nonbreeding aquatic habitat would not result in substantial loss of aestivation or breeding habitat. As described above in Section 3.4.2, *"Environmental Setting,"* the majority of the project site is disturbed or disked and has been farmed and disked regularly since at least 1993. While California red-legged frog individuals could enter the site, frogs are more likely to occur within the Pajaro and San Benito rivers and the associated riparian corridor. Conversion of disturbed habitat on the project site would not result in significant loss of habitat in the vicinity of the project site or preclude California red-legged frogs from occurring in the vicinity of the project site.

However, development of the project site, which would include ground disturbance and vegetation removal, could result in direct loss of or injury to California red-legged frogs if present within upland migration or dispersal habitat within the project site. Frogs could be inadvertently crushed by construction equipment or entombed in underground burrows. Direct loss of or injury to California red-legged frogs would be a significant impact.

California Tiger Salamander

The nearest documented California salamander occurrence to the project site is approximately 0.8 mile southwest of the project site (CNDDDB 2022). In total, there are four California tiger salamander occurrences within approximately 1.2 miles of the project site, which is the typical dispersal distance for the species (CNDDDB 2022).

There are several human-made barriers to movement between some of the documented occurrences of California tiger salamander and the project site, including US 101 east of the project site and railroad tracks west of the project site. However, ponds, arroyos, and creeks in the vicinity of the project site drain into the San Benito River and Pajaro River and as a result are connected hydrologically to the segments of these rivers that run adjacent to the project site. While large rivers may be impassible by California tiger salamanders, the segment of the San Benito River adjacent to the project site is narrow, shallow, and slow-moving, and would likely be passable by dispersing salamanders.

Habitat suitable for California tiger salamander is typically characterized by aquatic breeding areas (e.g., vernal pools, ephemeral ponds and pools, stock ponds) within a matrix of annual grassland upland habitat. The project site does not contain ephemeral ponds or pools that would provide breeding habitat for California tiger salamander. While the drainage ditch on the project site may hold water during the wet season, it likely does not hold water for a long enough period of time (i.e., at least 10 weeks, extending into April) to support breeding California tiger salamanders.

California tiger salamanders generally use upland habitat within approximately 1.2 miles of a breeding pond. As noted above, there are several documented breeding occurrences of California tiger salamander within approximately 1.2 miles of the project site. The project site contains ruderal grassland habitat with many rodent burrows (including California ground squirrel burrows) that may provide aestivation habitat potentially suitable for California tiger salamander. Much of the project site is disturbed due to historic and ongoing disking, and California tiger salamanders are less likely to use these ruderal grassland areas as a result. However, some ruderal grassland areas have not been routinely disked, and USFWS and CDFW generally do not consider disked fields as significant physical barriers to California tiger salamanders (USFWS and CDFW 2003).

Development of the project site would result in loss of ruderal land cover through conversion to impervious surfaces (e.g., parking areas) and buildings. However, the conversion of this habitat is not expected to result in substantial loss of upland habitat for California tiger salamanders because there are no breeding ponds or pools on the project site and the historic and ongoing disturbance (e.g., routine disking) has resulted in low-quality upland habitat for this species (e.g., crushed rodent burrows, lack of vegetative cover). As described above in Section 3.4.2, "*Environmental Setting*," the majority of the project site is disturbed or disked and has been farmed and disked regularly since at least 1993. While California tiger salamander individuals could enter the site, they would use the site for moving between unknown off-site aquatic habitats that could support breeding, such as standing bodies of fresh water, pond, or vernal pools. Conversion of disturbed habitat on the project site would not result in significant loss of habitat in the vicinity of the project site or preclude California tiger salamanders from occurring in the vicinity of the project site.

Development of the project site, which would include ground disturbance, vegetation removal, and removal of the drainage ditch on the project site, could result in direct loss of or injury to California tiger salamanders if present. Salamanders could be inadvertently crushed by construction equipment or entombed in underground burrows. This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2a: Implement Conservation Measures for California Red-Legged Frog and California Tiger Salamander and Consult with CDFW and USFWS

Prior to and during project construction, the following measures shall be implemented to minimize the likelihood of take of California red-legged frogs and California tiger salamanders.

Conservation Measures

- ▶ A biologist approved by CDFW and USFWS (approved biologist) shall supervise and implement all conservation measures. All construction contracts shall expressly include language requiring compliance with the conservation measures.
- ▶ At least 30 days prior to the start of project construction activities, the project applicant shall submit to CDFW and USFWS the names and credentials of all biologists proposed to work on the project for approval. No project work shall begin until the project applicant has received approval from CDFW and USFWS that biologists are qualified to implement the proposed conservation measures.

- ▶ The approved biologist shall provide mandatory worker awareness training for all project construction personnel before work begins, that shall include, at a minimum, the biology, identification, and habitat needs of California red-legged frog and California tiger salamander and the conservation measures required to protect them.
- ▶ Amphibian exclusion fencing shall be installed around the entire perimeter of the development area under the direction of the approved biologist. The exclusion fencing shall be maintained through the life of the project construction and shall be inspected by the biologist at least once per week.
- ▶ The approved biologist shall survey the development area for California red-legged frog and California tiger salamander no more than 48 hours before the start of project construction work. If California red-legged frogs or California tiger salamanders are detected during the survey, all project construction activities shall cease, and CDFW and USFWS shall be notified.
- ▶ Each morning before work begins, the approved biologist shall inspect all vehicles, heavy equipment, and stored pipes for the presence of California red-legged frogs and California tiger salamanders.
- ▶ The approved biologist shall be present at work areas during all ground disturbing activities and shall be available to visit work areas at all other times in the event a California red-legged frog or California tiger salamander is encountered.
- ▶ The approved biologist may designate biological monitors to oversee on-site compliance with all conservation measures. The approved biologist shall ensure that monitors receive appropriate training, including identification of California red-legged frogs and California tiger salamanders. If these species are encountered in work areas, biological monitors shall be authorized to stop any construction activities which may pose a threat to the animal, all equipment shall be turned off, and the approved biologist shall be notified immediately. Work shall not continue until the biologist has contacted CDFW and USFWS for guidance.
- ▶ Project construction activities shall not occur during the rainy season when California red-legged frogs and California tiger salamanders may be active (typically November through March), unless the entire development area has been graded and has been completely enclosed with amphibian exclusion fence prior to the onset of winter rains. For any work activities occurring after the onset of winter rains (i.e., usually mid-November, but variable from year to year), the approved biologist or biological monitor trained by the approved biologist shall be present at all times, even if ground disturbing activities have been completed.
- ▶ No construction work shall be performed during rain. If a rain event results in accumulation of less than 0.2 inch in a 24-hour period, work may resume after precipitation ceases. If a rain event results in accumulation of 0.2 inch or greater in a 24-hour period, work may resume after precipitation ceases, a drying-out period of 24 hours is observed, and the approved biologist inspects all work areas to verify the absence of California red-legged frogs and California tiger salamanders.
- ▶ If a work area is to be dewatered by pumping (e.g., the drainage ditch), intakes shall be completely screened with mesh not larger than 0.2 inch to prevent California red-legged frogs and California tiger salamanders from entering the pump system.
- ▶ Nighttime construction work shall not occur.
- ▶ All food-related trash items shall be disposed of in secure, closed containers and removed regularly to reduce the potential to attract predators. After construction, all trash and construction debris shall be removed from work areas for construction and operation of the project.
- ▶ All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from habitat adjacent to the development area (i.e., Pajaro River, San Benito River, riparian woodland habitat adjacent to these rivers) that may be occupied by any life stage of the California red-legged frog or California tiger salamander.

Wildlife Agency Consultation

- ▶ Prior to implementation of project construction activities, the project applicant shall initiate consultation with CDFW (for California tiger salamander) and USFWS (for California tiger salamander and California red-legged

frog). If it is determined, in consultation with CDFW and USFWS, that take of these species could occur after implementation of the conservation measures described above, then the project applicant may be required to obtain incidental take authorization through the through Section 7 consultation or a Section 10 permit pursuant to ESA and through Section 2081 of California Fish and Game Code pursuant to CESA. Additional conservation measures may be recommended by CDFW or USFWS during the consultation process and these measures shall be implemented by the project applicant.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2a would reduce potential impacts on California red-legged frog and California tiger salamander to a less-than-significant level by requiring implementation of conservation measures to reduce the likelihood of take of these species, consultation with CDFW (for California tiger salamander) and USFWS (for California red-legged frog and California tiger salamander), and potential incidental take permitting from USFWS and CDFW. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Foothill Yellow-Legged Frog

The nearest documented occurrence of foothill yellow-legged frog is approximately 9.9 miles northwest of the project site (CNDDDB 2022). Aquatic habitat potentially suitable for foothill yellow-legged frog is present within the San Benito River and the Pajaro River. Foothill yellow-legged frogs are known to occur within upland habitat up to approximately 200 feet away, but typically no more than 50 to 70 feet away, from aquatic habitat (CDFW 2018b). The drainage ditch on the project site would not provide breeding habitat suitable for foothill yellow-legged frog and is unlikely to provide upland habitat for the species because it is approximately 400 feet away from the nearest suitable aquatic habitat, and because foothill yellow-legged frogs would be far more likely to disperse along the Pajaro River or San Benito River. The closest project feature to the San Benito River or Pajaro River that would require grading or ground disturbance is greater than 300 feet east of these features. As a result, project implementation is not expected to result in injury or mortality of foothill yellow-legged frogs in aquatic or upland habitats.

While most project activities would avoid impacts on the San Benito River and Pajaro River, ground disturbance associated with construction activities could result in discharge of silt into the rivers, which could result in temporary reduction in in-stream water quality, and potential adverse effects on survival of foothill yellow-legged frogs or tadpoles, if present. Water quality could be indirectly affected by grading, trenching, vehicle use, and creation of impervious surfaces proposed for adjacent uplands and encroachment of developed land uses. Indirect adverse effects on foothill yellow-legged frogs would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2b: Implement Protection Measures to Avoid Impacts on Water Quality in the Pajaro and San Benito Rivers

The project applicant shall implement the following protection measures before and during construction activities:

- ▶ Silt fencing shall be installed as appropriate along the edges of the Pajaro River and San Benito River riparian corridors that are within 200 feet of the disturbance area to prevent excess fill from entering the water during construction. All silt fences shall be maintained and checked for efficacy as necessary, but not less frequently than once per week.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2b would reduce potential indirect impacts on foothill yellow-legged frog to a less-than-significant level by requiring implementation of protection measures to prevent discharge of silt into the Pajaro River and San Benito River during construction. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Coast Horned Lizard, Northern California Legless Lizard, and San Joaquin Coachwhip

Documented occurrences of coast horned lizard, northern California legless lizard, and San Joaquin coachwhip range from 8 to 15 miles from the project site (CNDDDB 2022); however, the project site is located within the current range of all

three species. Habitat potentially suitable for coast horned lizard, northern California legless lizard, and San Joaquin coachwhip is present within ruderal grassland habitat that has not been recently disked and shrub habitat adjacent to riparian woodlands on and adjacent to the project site. Project activities (i.e., vegetation clearing, ground disturbance, staging, heavy equipment use) may result in direct loss of these species if present on the project site. This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2c: Conduct Preconstruction Surveys for Coast Horned Lizard, Northern California Legless Lizard, and San Joaquin Coachwhip; Implement Avoidance Measures; and Relocate Individuals

- ▶ Within 48 hours of project construction activities (e.g., vegetation removal, ground disturbance), a qualified biologist would conduct a focused visual survey of habitat suitable for coast horned lizard, northern California legless lizard, and San Joaquin coachwhip within the development area, which would include walking linear transects of the development area.
- ▶ If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are not detected during the focused survey, the qualified biologist would submit a report summarizing the results of the survey to the applicant and San Benito County, and further mitigation would not be required.
- ▶ If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are detected, a qualified biologist would be present during initial ground disturbance activities and would inspect the development area before initiation of project activities. If coast horned lizard, northern California legless lizard, and San Joaquin coachwhip are detected, the qualified biologist would move individuals into nearby habitat and out of harm's way.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2c would reduce potential impacts on coast horned lizard, northern California legless lizard, and San Joaquin coachwhip to a less-than-significant level by requiring focused surveys for the species, implementation of measures to avoid injury or mortality of western pond turtles if detected, and relocation of individual turtles by a qualified biologist. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Western Pond Turtle

Western pond turtle can be found in many different aquatic habitats, including ponds (natural or human-made), marshes, rivers, and irrigation ditches. Western pond turtle uses upland habitat for basking and egg-laying. Upland habitat may include grasslands, scrub, or woodland habitats. Western pond turtles are known to travel into uplands up to 0.3 mile (approximately 1,600 feet) from aquatic habitat (Reese and Welsh 1997). Aquatic habitat suitable for western pond turtle is present within the San Benito River and Pajaro River adjacent to the project site. Upland habitat potentially suitable for this species is present within ruderal grassland areas up to approximately 0.3 mile away from these rivers, which includes most of the project site.

Project activities (i.e., vegetation clearing, ground disturbance, staging, heavy equipment use, fill of wetlands and other waters) may result in direct loss of western pond turtles and occupied burrows if present on the project site. This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2d: Conduct Preconstruction Surveys for Western Pond Turtle, Implement Avoidance Measures, and Relocate Individuals

- ▶ Within 24 hours of commencement of ground disturbing activities, a qualified biologist familiar with the life history of western pond turtle and experienced in performing surveys for western pond turtle shall conduct a focused survey of aquatic and upland habitat suitable for the species within the development area. The qualified biologist shall inspect the development area for western pond turtles as well as suitable burrow habitat.

- ▶ If western pond turtles are not detected during the focused survey, the qualified biologist shall submit a report summarizing the results of the survey to the applicant and San Benito County, and further mitigation shall not be required.
- ▶ If western pond turtles are detected, a no-disturbance buffer of at least 100 feet shall be established around any identified nest sites or overwintering sites until the nest is no longer active as determined by a qualified biologist, and no project activities shall occur within the no-disturbance buffer. A qualified biologist shall be present during initial ground disturbance activities and shall inspect the development area before initiation of project activities. If western pond turtles are detected, the qualified biologist shall move the turtles to the Pajaro or San Benito River or its tributaries that provide suitable aquatic habitat for western pond turtle.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-2d would reduce potential impacts on western pond turtle to a less-than-significant level by requiring focused surveys for the species, implementation of measures to avoid injury or mortality of western pond turtles if detected, and relocation of individual turtles by a qualified biologist. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Burrowing Owl

Ruderal grassland habitat on the project site may provide habitat suitable for burrowing owl. California ground squirrels and their burrows are present on the project site, and while no sign of burrowing owl (e.g., individuals, whitewash, scat, pellets) was observed during the reconnaissance-level survey for biological resources on May 16, 2022, it is possible that a burrowing owl could occupy the project site prior to project implementation. Project activities (i.e., vegetation clearing, ground disturbance, staging, heavy equipment use) may result in direct loss of burrowing owls or active burrows if present on the project site. This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2e: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows

- ▶ A qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet (500 meters) of the development area no less than 14 days prior to initiating ground disturbance activities using survey methods described in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012).
- ▶ If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and San Benito County, and no further mitigation shall be required.
- ▶ If an active burrow is found within 1,500 feet of pending construction activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). The protection buffer may be adjusted if, in consultation with CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of the CDFW Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a compensatory habitat mitigation plan (see below).
- ▶ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 164 feet unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the

buffer may be adjusted depending on the time of year and level of disturbance as outlined in the CDFW Staff Report. The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW Staff Report.

- ▶ If burrowing owls are evicted from burrows and the burrows are destroyed by implementation of project construction activities, the applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW Staff Report, which states that permanent impacts on nesting, occupied and satellite burrows, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) shall be mitigated such that habitat acreage and number of burrows are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:
 - Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species throughout its range.
 - If feasible, mitigation lands shall be provided adjacent or proximate to the development area so that displaced owls can relocate with reduced risk of injury or mortality. Feasibility of providing mitigation adjacent or proximate to the development area depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.
 - If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the development area, mitigation lands can be secured offsite and shall aim to consolidate and enlarge conservation areas outside of planned development areas and within foraging distance of other conservation lands. Mitigation may be also accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in consultation with CDFW.
 - If burrowing owl habitat mitigation is completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW Staff Report, shall include site tenacity, number of adult owls present and reproducing colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2e would reduce potential impacts on burrowing owl to a less-than-significant level by requiring protocol-level surveys for the species, implementation of measures to avoid injury or mortality of burrowing owls and destruction of active burrows if detected, and compensation for loss of burrows. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Special-Status Birds and Other Native Nesting Birds

Six special-status bird species (other than burrowing owl) have potential to occur on the project site: loggerhead shrike, northern harrier, tricolored blackbird, white-tailed kite, yellow warbler, and yellow-breasted chat (Table 3.4-3). Most of these species may nest in vegetation associated with the drainage ditch and riparian woodland habitat on adjacent to the project site. Additionally, other raptor species (e.g., Cooper's hawk [*Accipiter cooperi*], red-tailed hawk [*Buteo jamaicensis*], red-shouldered hawk [*Buteo lineatus*]) and other native nesting birds could nest on the project site, and these species and their nests are protected under California Fish and Game Code and MBTA. During the

reconnaissance-level survey for biological resources on May 16, 2022, a large raptor nest was observed in a willow tree on the project site and a red-tailed hawk was observed exhibiting territorial behavior.

Project activities (i.e., tree removal, vegetation clearing, ground disturbance, staging, heavy equipment use) may result in direct loss of special-status birds or active nests if present on the project site. Additionally, operation of heavy equipment and other construction activities could result in noise or visual stimuli that could result in disturbance to nearby nesting birds, which may result in nest abandonment and potential loss of eggs or chicks. This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2f: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

- ▶ To minimize the potential for loss of special-status bird species, raptors, and other native birds, project activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1-January 31, as determined by a qualified biologist), if feasible. If project construction activities are conducted during the nonbreeding season, no further mitigation shall be required.
- ▶ Within 14 days before the onset of project construction activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas within 0.25 mile of the development area for white-tailed kite, within 500 feet of the development area for other raptor species and special-status birds, and within 50 feet of the development area for non-raptor common native bird nests.
- ▶ If no active nests are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and San Benito County, and no further mitigation shall be required.
- ▶ If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project construction activity shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffers typically shall be 0.25 mile for white-tailed kite, and 500 feet for other raptors. Buffer size for non-raptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project construction activities. Generally, buffer size for these species shall be at least 20 feet. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status species shall require consultation with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2f would reduce potential impacts on special-status birds, raptors, and other native nesting birds to a less-than-significant level by requiring focused surveys for the nesting birds and implementation of measures to avoid disturbance, injury, or mortality of the species if nests are detected. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Special-Status Fish

Four special-status fish species have potential to occur within the San Benito River and Pajaro River adjacent to the project site: Monterey hitch, Pacific lamprey, riffle sculpin, and Steelhead (south-central California coast DPS). Habitat

suitable for special-status fish is not present on the project site. The closest project feature to the San Benito River or Pajaro River that would require grading or ground disturbance is greater than 300 feet east of these features.

While most project activities would avoid impacts on the San Benito River and Pajaro River, ground disturbance associated with construction activities could result in discharge of silt into the rivers, which could result in temporary reduction in in-stream water quality, and potential adverse effects on survival of special-status fish, if present. The river and its water quality could be indirectly affected by grading, trenching, and creation of impervious surfaces proposed for adjacent uplands and encroachment of developed land uses. Indirect adverse effects on special-status fish would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-2g: Implement Mitigation Measure 3.4-2b: Implement Protection Measures to Avoid Impacts on Water Quality in the Pajaro and San Benito Rivers

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2g would reduce potential indirect impacts on special-status fish to a less-than-significant level by requiring implementation of protection measures to prevent discharge of silt into the Pajaro River and San Benito River during construction. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Monarch

While monarch butterfly is not currently listed under ESA, the species is a candidate for listing and may become listed during the life of the project. Although monarch is not currently listed under ESA and is not formally protected as a candidate for listing under ESA, the species is imperiled and considered sufficiently rare by the scientific community to be considered a special-status species under CEQA. There are no documented occurrences of monarchs on the project site and the nearest documented sighting of a monarch is approximately 3 miles south of the project site in San Juan Bautista (Western Monarch Milkweed Mapper 2022). However, the project site is within the range of this species and floral resources on the project site may provide foraging or breeding habitat suitable for monarchs. Project activities, including ground disturbance or vegetation removal, could result in disturbance of monarchs and habitat suitable for the species. Milkweed host plants and breeding monarch butterflies could be disturbed, injured, or lost during construction activities if present on the project site.

While project implementation could result in loss of individual monarchs and loss of foraging and breeding habitat for the species, the project site is not expected to support large numbers of monarch butterflies due to the lack of documented occurrences nearby and the disturbed nature of the project site. As a result, project implementation is not expected to substantially reduce the number of monarchs, restrict the range of the species, or cause the population to drop below self-sustaining levels. Further, the project site is relatively small compared to natural habitat areas surrounding the project site, and development of the site is not expected to result in a significant loss of foraging or breeding habitat for the local and statewide populations of monarchs. Therefore, impacts on monarchs would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

American Badger

Un-disked grassland habitat on the project site may provide den habitat suitable for American badgers. While no sign of American badger use was observed during the reconnaissance-level survey for biological resources on May 16, 2022 (e.g., large burrows), the project site is surrounded by annual grassland habitat optimal for American badgers, and it is possible that a badger could occupy the project site prior to project implementation. Project activities (i.e., vegetation clearing, ground disturbance, staging, heavy equipment use) may result in direct loss of American badgers or active dens if present on the project site. This would be a significant impact.

Mitigation Measure 3.4-2h: Conduct Focused American Badger Survey and Establish Protective Buffers

- ▶ Within 30 days before commencement of project construction activities, a qualified wildlife biologist with familiarity with American badger and experience using survey methods for the species shall conduct focused surveys of habitat suitable for the species within the development area to identify any American badger dens.
- ▶ If occupied dens are not found, the qualified biologist shall submit a letter report summarizing the results of the survey to the project applicant and San Benito County, and further mitigation shall not be required.
- ▶ If occupied dens are found, impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens, the size of which shall be determined by the qualified biologist. No project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within the exclusion zone until the den is abandoned, as confirmed by a qualified biologist. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. Other methods, including but not limited to remote cameras, may be used to determine that the den is no longer occupied. When the den is no longer occupied, the den may be collapsed, and project activities within the exclusion zone may occur.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-2h would reduce potential impacts on American badger to less than significant by requiring focused surveys for the species, and implementation of measures to avoid injury or mortality of American badger and destruction of active dens if detected. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Special-Status Bats

Three special-status bat species have potential to occur on the project site: pallid bat, western mastiff bat, and western red bat. Roosting habitat potentially suitable for these species on the project site is present within large trees in riparian woodland habitat on and adjacent to the project site (i.e., crevices, cavities, exfoliating bark, foliage). Project activities (i.e., tree removal, either direct or indirect) may result in direct loss of roosting special-status bats if present on the project site. This would be a significant impact.

Mitigation Measures**Mitigation Measure 3.4-2i: Conduct Focused Bat Surveys and Implement Avoidance Measures**

- ▶ Prior to the start of project construction activities, a qualified biologist familiar with bats and bat ecology, and experienced in conducting bat surveys, shall conduct surveys for bat roosts in suitable habitat (e.g., large trees, crevices, cavities, exfoliating bark, foliage) within and adjacent to the development area.
- ▶ If no evidence of bat roosts is found, the qualified biologist shall submit a report summarizing the results of the survey to the applicant and San Benito County, and no further study shall be required.
- ▶ If evidence of bat roosts is observed, the species and number of bats using the roost shall be determined by a qualified biologist. Bat detectors shall be used if deemed necessary to supplement survey efforts by the qualified biologist.
- ▶ A no-disturbance buffer of 250 feet shall be established around active pallid bat or western red bat roosts, and project activities shall not occur within this buffer until after the roosts are unoccupied.
- ▶ If roosts of pallid bat, western mastiff bat, or western red bat are determined to be present and must be removed, the bats shall be excluded from the roosting site before the tree is removed. A program addressing compensation, exclusion methods, and roost removal procedures shall be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter) or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) shall be replaced in consultation with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size excluded from the original

roosting site. If determined necessary during consultation with CDFW, replacement roosts shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site by a qualified biologist, the roost tree may be removed.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2i would reduce potential impacts on pallid bat, western mastiff bat, and western red bat to less than significant by requiring focused surveys for bat roosts and implementation of no-disturbance buffers around active special-status bat roosts. This mitigation measure would also be consistent with General Plan Policy NCR-2.8.

Impact 3.4-3: Result in Degradation or Loss of Riparian Habitat or Other Sensitive Natural Communities

Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal of riparian woodland and sensitive natural communities. This would be a significant impact.

The project site contains approximately 25 acres of riparian woodland, approximately 0.2 acre of which is within the disturbance area (Table 3.4-1; Figure 3.4-1). Most project activities would avoid the riparian woodland habitat; however, two wells would be constructed near this habitat and pipelines connecting these wells to the motel and outdoor event area would also be constructed. Additionally, project features associated with the livestock corral would be constructed in close proximity to the riparian woodland associated with the Pajaro River. Construction of new wells and associated pipelines would include ground disturbance and tree and other vegetation removal, which would result in removal or disturbance of some riparian woodland on the project site. Construction of features near the riparian woodland associated with the Pajaro River may result in inadvertent disturbance to riparian habitat (e.g., vegetation removal). This would be a significant impact.

Mitigation Measures

Mitigation Measure 3.4-3: Provide Riparian Setbacks, Best Management Practices, and Compensate for Unavoidable Loss of Riparian Habitat

The project applicant shall implement the following protection measures prior to implementation of project activities (e.g., construction, staging) within 50 feet of riparian woodland habitat on the project site:

- ▶ Setbacks shall be established around all riparian woodland habitat on the development area and shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist and no project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within these areas. Setback distances shall be determined by a qualified biologist in consultation with the appropriate agency (e.g., CDFW), but will be a minimum of 50 feet. Foot traffic by personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species or inadvertent crushing of plants and soil compaction. Periodic inspections (e.g., once per week at a minimum) during construction shall be conducted by a qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
- ▶ If project implementation cannot avoid and thus may adversely affect riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, the following measures shall apply.
 - A Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1602 of the California Fish and Game Code. If proposed project activities are determined to be subject to CDFW jurisdiction, the project applicant shall abide by the measures to protect fish and wildlife resources required by any executed agreement prior to any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include a combination of the following mitigation.

- The project applicant shall compensate for the loss of riparian habitat and habitat function and value of this habitat by:
 - restoring riparian habitat function and value within the project site;
 - restoring degraded riparian habitat outside of the project site;
 - purchasing riparian habitat credits at a CDFW-approved mitigation bank; or
 - preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement at a sufficient ratio to offset the loss of riparian habitat function (at least 1:1).
- The project applicant shall prepare and implement a Compensatory Mitigation Plan that shall include the following:
 - For preserving existing riparian habitat outside of the project site in perpetuity, the Compensatory Mitigation Plan shall include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The project applicant shall provide evidence in the plan that the necessary mitigation has been implemented or that the project applicant has entered into a legal agreement to implement it and that compensatory habitat shall be preserved in perpetuity.
 - For restoring or enhancing riparian habitat within the project site or outside of the project site, the Compensatory Mitigation Plan shall include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
 - Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project applicant (e.g., Lake and Streambed Alteration Agreement), if these requirements are equally or more effective than the mitigation identified above.
- Fencing and signage shall be installed between the development footprint and the riparian woodland habitat associated with the Pajaro River to discourage trespassing into stream and riparian habitat. Fencing design shall be at the discretion of the project applicant and may include permeable, symbolic fencing (e.g., post and cable).

Significance after Mitigation

Implementation of Mitigation Measure 3.4-3 would reduce potential impacts on riparian woodland habitat to a less-than-significant level by requiring implementation of avoidance measures, compensation for permanent loss of these to offset the loss with a minimum 1:1 ratio, potentially including a streambed alteration agreement with CDFW, and installation of fencing and signage to prevent trespassing into this habitat after project construction is completed. This mitigation measure would also be consistent with General Plan policies NCR-2.8 and NCR-2.10.

Impact 3.4-4: Result in Degradation or Loss of State or Federally Protected Wetlands

Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal (fill) of potential wetlands within a drainage ditch on the project site. This would be a potentially significant impact.

A drainage ditch that is oriented southeast to northwest bisects the project site (Figure 3.4-1). While the ditch did not contain water during the reconnaissance-level survey for biological resources on May 16, 2022, the ditch has a defined bed and bank, may be hydrologically connected with the Pajaro River and San Benito River to the west, and may qualify as a water of the United States or state. Project construction activities would include ground disturbance, vegetation removal, and land development. These activities would result in removal of a portion of the drainage ditch. This would be a potentially significant impact.

Mitigation Measures

Mitigation Measure 3.4-4: Identify State or Federally Protected Wetlands, Implement Avoidance Measures, and Obtain Permits for Unavoidable Impacts on Wetlands

- ▶ The project applicant would retain a qualified biologist, hydrologist, or wetland ecologist to prepare a formal delineation of the boundaries of potential state or federally protected wetlands within the development area according to methods established in the USACE wetlands delineation manual (Environmental Laboratory 1987) and the Arid West regional supplement (USACE 2008), as well as the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2021). The qualified biologist would also delineate the boundaries of wetlands that may not meet the definition of waters of the United States, but would qualify as waters of the state, according to the state wetland procedures (SWRCB 2021). If the project could not be designed to avoid state or federally protected wetlands and other waters, the delineation report would be submitted by the applicant to USACE and a preliminary jurisdictional determination would be requested.
- ▶ If state or federally protected wetlands are determined to be present within the development area that can be avoided, the qualified biologist would establish a buffer around wetlands and mark the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). The buffer would be a minimum width of 25 feet but may be larger if deemed necessary. The appropriate size and shape of the buffer zone would be determined in coordination with the qualified biologist and would depend on the type of wetland present (e.g., stream, fresh emergent wetland), the timing of project construction activities (e.g., wet or dry time of year), environmental conditions and terrain, and the project activity being implemented.

Project construction activities (e.g., ground disturbance, vegetation removal, staging) would be prohibited within the established buffer. The qualified biologist would periodically inspect the materials demarcating the buffer to confirm that they are intact and visible, and wetland impacts are being avoided.

- ▶ If it is determined that fill of waters of the United States would result from project implementation, authorization for such fill would be secured from USACE and the RWQCB through the Clean Water Act Sections 401 and 404 permitting processes. In association with the Section 404 permit (if applicable) and prior to the issuance of any grading permit, Section 401 Water Quality Certification from the Central Valley RWQCB would be obtained. For impacts on waters of the state that are not also waters of the United States and are therefore not covered by the 401 Water Quality Certification, the applicant would apply to the RWQCB for Waste Discharge Requirements following the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2021). Any waters of the United States or waters of the state that are affected by the project shall be replaced or restored on a no-net-loss basis in accordance with the applicable USACE and California Water Board mitigation standards in place at the time of construction.
- ▶ Prior to implementing any vegetation removal, grading, earth moving, or dredge or fill activities that could alter aquatic resources on the project site (i.e., activities within a close enough proximity to directly remove the resource or indirectly affect the hydrology of the resource through ground disturbance), the applicant would notify CDFW, through issuance of a Lake and Streambed Alteration Notification (notification), before commencing activity that may divert the natural flow or otherwise alter the bed or bank, of any lake or stream. If CDFW determines, based on the notification, project construction activities trigger the need for a Lake and Streambed Alteration Agreement, the proponent would obtain an agreement from CDFW before the activity commences. The applicant would conduct project construction activities in accordance with the agreement, including implementing reasonable measures in the agreement necessary to protect fish and wildlife resources, when working within the bed or bank of waterways or in riparian habitats associated with those waterways. These measures may include but not be limited to demarcation of the construction area, biological monitoring, environmental awareness training for construction crews, and compensatory measures (e.g., restoration, long-term habitat management).

Significance after Mitigation

Implementation of Mitigation Measure 3.4-4 would reduce significant impacts on state and federally protected wetlands to a less-than-significant level by requiring delineation of state or federally protected wetlands within the drainage ditch on the project site and permitting and compensation for unavoidable impacts on state or federally protected wetlands such that there is no net loss of these resources. This mitigation measure would be consistent with General Plan Policy NCR-2.5 and NCR-4.1.

Impact 3.4-5: Interfere with Wildlife Movement Corridors or Impede the Use of Wildlife Nurseries

While the project site contains some riparian woodland habitat that may provide habitat for roosting bats and provide some habitat connectivity for wildlife, the project site is largely disturbed and located adjacent to significant barriers to wildlife movement (e.g., US 101). Further, there are no modeled ECAs or natural landscape blocks on the project site. As a result, the project site likely does not currently function as a significant wildlife nursery site or wildlife movement corridor. Therefore, the impact related wildlife movement corridors or wildlife nurseries would be less than significant.

The riparian woodland habitats on the project site may provide roosting habitat potentially suitable for common bat species. However, based on the number and size of the trees on the project site, it is unlikely that the project site would support a large colony of common bats. Further, as discussed above in Impact 3.4-2, while implementation of the project may affect special-status birds and bats, mitigation measures, including preconstruction surveys and avoidance of active bird nests and bat roosts, would be implemented to reduce impacts to less than significant. These mitigation measures would also result in protection of active bat roosts that would be considered nursery sites.

The project site does not contain any portion of a modeled ECA or natural landscape block. While the project site contains some natural habitat (e.g., riparian woodland), most of the development area of the project site is disturbed and is located adjacent to US-101 to the east, which is a significant barrier to wildlife movement. Wildlife moving through the vicinity of the project site would likely use the existing riparian corridors and undisturbed habitat in the undeveloped area (approximately 80 acres) on the project site that would not be developed. The retention of the 80 acres of undeveloped area would be consistent with General Plan policies NCR-2.1, NCR-2.4, and NCR-4.4. Project construction activities are not expected to significantly impede wildlife movement in the vicinity of the project site or the region, and this impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

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3.5 CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric resources and historic-period resources. Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-period physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

No comment letters regarding cultural resources were received in response to the Notice of Preparation (see Appendix A).

3.5.1 Regulatory Setting

FEDERAL

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
 - Criterion A Is associated with events that have made a significant contribution to the broad patterns of history (events).
 - Criterion B Is associated with the lives of persons significant in the past (persons).
 - Criterion C Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
 - Criterion D Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. This is an intangible quality evoked by physical features

that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee consideration in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin series was developed to assist evaluators in the application of NRHP criteria. For example, National Register Bulletin #36 provides guidance in the evaluation of archaeological site significance. If a property cannot be placed within a particular theme or time period, and thereby lacks "focus," it will be unlikely to possess characteristics which would make it eligible for listing in the NRHP. Evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, and flumes) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length, (2) presence of distinctive engineering features and associated properties, (3) structural integrity, and (4) setting. The highest probability for NRHP eligibility exists in the intact, longer segments, where multiple criteria coincide.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources," and "unique archaeological resources." Pursuant to PRC Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

"Historical resource" is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(g) states that "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Public Resources Code Section 21083.2

Treatment options under PRC Section 21083.2(b) to mitigate impacts to archaeological resources include activities that preserve such resources in place in an undisturbed state. PRC Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.
- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
 - (1) Planning construction to avoid archaeological sites.
 - (2) Deeding archaeological sites into permanent conservation easements.
 - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.

- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.
- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
 - (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
 - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
 - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to archaeological and historical resources:

- ▶ **Policy NCR-7.11: Prohibit Unauthorized Grading.** The County shall prohibit unauthorized grading, collection, or degradation of Native American, tribal, archaeological, or paleontological resources, or unique geological formations.
- ▶ **Policy NCR-7.12: Archaeological Artifacts.** The County shall require an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the county's archaeological report guidelines available at the County Planning Department.

San Benito County Code of Ordinances

County Code Chapter 19.05, Archaeological Site Review

The purpose of this ordinance is to protect, preserve, and show respect for Native American, Spanish, Mexican, Euroamerican, and other archaeological sites and resources within the County. There are areas in the County that are known to contain significant cultural and archaeological sites which contain unique, irreplaceable, or religious resources significant to the history of the County. These archaeological resources are quickly disappearing as a result of public and private land development. It is the policy of the County to preserve the County's historic identity and integrity, and this ordinance establishes regulations for the protection, enhancement, and perpetuation of archaeological sites in order to promote the public welfare, and to implement General Plan policy and state law. Additionally, County Code Chapter 19.05.007 outlines the procedures that must be followed if human remains are encountered during ground disturbing activities, consistent with Section 7050.5 of the Health and Safety Code and PRC Section 5097.

3.5.2 Environmental Setting

REGIONAL PREHISTORY

The majority of the local archaeological record can be divided into three time periods: Early (4500-2500 before present [BP]), Middle (2500-850 BP), and Late (post-850 BP).

Early Period

Early Period occupation of the southern Santa Clara Valley is best documented at three sites located on the western edge of the valley. All components appear to represent some kind of residential base, given the wide range of tools, diversified sets of floral and faunal remains, and in some cases, human burials. A high degree of mobility is indicated by the abundance of bay mussel, probably reflecting regular trips to Elkhorn Slough through the Pajaro River gap. Other subsistence resources include deer, rabbits, acorns, a variety of grasses, wild cucumber, and chenopods. Wetland-oriented resources such as tule elk, waterfowl, freshwater mussel, fish, turtle, and tule seed were of marginal importance. Seasonality indicators reflect occupations beginning in spring and continuing through fall (i.e., spring/summer small seeds and fall acorns), while sites appear to have been abandoned or minimally used in winter due to the lack of migratory waterfowl. This general pattern of winter abandonment is consistent with data from the Monterey coast, where winter indicators, such as northern fur seals and a variety of waterfowl, are usually abundant in Early and Middle period sites (Far Western 2010:28).

Middle Period

Well-developed Middle Period components have been identified at four sites along the western edge of the valley, and at a large site complex at San Felipe Lake. A reduction in the amount of bay mussel in these components probably indicates that access to the coast was limited during this interval. Perhaps in response to this development, use of local wetland areas appears to have intensified. At San Felipe Lake, for example, elk, fish, and freshwater mussel are added to a diet previously dominated by a more dryland assemblage of deer, rabbit, and a variety of carnivores. The addition of probable winter indicators (i.e., ducks and geese) suggests year-round settlement of the area, further evidence of a decrease in mobility. Longer-term occupations may also be indicated by the presence of more substantial structures at some Middle Period sites (e.g., well-developed house floors) (Far Western 2010:28).

Late Period

By the Late Period, most sites on the west side of the valley were abandoned or minimally used, while occupations on the shores of San Felipe Lake continued. Evidence for visits to the coast disappears, as bay mussel essentially drops from the record, while exploitation of wetland resources continued to intensify. The frequency of waterfowl, freshwater mussel, turtle, and tule seed all increased relative to terrestrial mammals and acorns during this interval. This expansion in the use of wetland resources was accompanied by an increase in the relative frequency of ground and battered stone tools, also suggesting more intensive use of local plant products. Although few single-component assemblages post-dating 500 BP have been reported from the local area, the Late Period adaptation represented by these data is fully consistent with the Spanish accounts outlined below, which document lowland villages focused on lacustrine resources and a relatively low degree of inter-regional movement on the part of local populations (Far Western 2010:31).

Archaeologists also attempted to identify cultural shifts in the local archaeological record and assign them to major population movements hypothesized for the central California region. For example, many people have argued that the Berkeley Pattern (Middle Period) archaeological record of the San Francisco Bay Area represents the arrival of proto-Costanoan/Ohlone speakers, who ultimately spread south into Monterey (and the current Study Limits), replacing indigenous proto-Esselen speakers. Archaeological analysis of artifact assemblages from these areas, however, indicates that connections with the Bay Area were quite marginal for at least the last 3,000 to 4,000 years, even though people occupying both areas spoke dialects of the same language. Given these findings, it seems possible that the indigenous people of Monterey and southern Santa Clara Valley, where archaeological assemblages are actually quite similar to one another, intermarried with Costanoan/Ohlone groups, accepting their language but maintaining much of their own original cultural traditions intact (Far Western 2010:31).

This idea is well supported by the ethno-linguistic record. Linguistic reconstructions indicate strong differences between Costanoan/Ohlone dialects/languages spoken around San Francisco Bay and the more southern group of dialects spoken on the south side of Monterey Bay and up to San Juan Bautista. The differences between local neighboring dialects has been characterized as being equivalent to Castilian and Andalucian Spanish, while differences between the northern- and southern-most groups are more comparable to Spanish and French. These differences seem to indicate a rather gradual assimilation of cultural traits by an indigenous population, rather than an abrupt population replacement like that seen among Numic speakers in the western Great Basin (Far Western 2010:31).

HISTORIC SETTING

Regional History

Spanish and Mexican Period

The first Europeans to explore the southern Santa Clara Valley were Spanish explorers from Monterey looking for a route north to San Francisco in 1770. The Spaniards first encountered two groups of the Ohlone, the Unijaima in the Gilroy area, and the Ausaima on the eastern side near San Felipe sink, during this and subsequent expeditions through the area in 1772, 1774, and 1776. The Spanish founded Mission San Carlos Borromeo del río Carmelo in Carmel in 1770, Misión San Francisco de Asís (Mission Dolores) in San Francisco in 1776, and Misión Santa Clara de Asís in Santa Clara in 1777. Early mission efforts were directed toward tribes close to the missions, not reaching the

southern Santa Clara Valley until the 1790s, after the founding of Mission Santa Cruz. Tribal disintegration resulting from incorporation into the missions did not occur in the area until the construction of Mission San Juan Bautista in 1797 (William Self Associates 2014:11).

Mexican control over the southern Santa Clara Valley resulted in the secularization and conversion of mission land into large private holdings. Mexican authority in Alta California began about 1822, but it was not until 10 years later that an active colonization plan was implemented and division of land was begun. Mission and pueblo lands were divided into ranchos between 1833 and 1845. Boundaries of ranchos were based on estimated measurements between natural features. Since the land was to be used extensively for open grazing, these indefinite boundaries caused few problems. Large quantities of hides and tallow were exported to European markets. Meat was used locally, but no attempts were made to improve the quality of cattle as a source of beef. The economic system followed seasonal cycles in which cattle were grazed alternately on the flatlands and in the foothills. The large Native American population of Mission San Juan Bautista rapidly dispersed after secularization in 1834. By 1836 there was no sign of the once flourishing Native American community. The classic rancho period lasted only about a decade in the southern Santa Clara Valley (William Self Associates 2014:11).

Gilroy's namesake-John Gilroy-arrived in Monterey from Scotland in 1814 and was baptized in Carmel in 1817 under the name of Juan Bautista Gilroy. He made his way to Rancho San Ysidro (in the Gilroy area), where he was employed by Ygnacio Ortega and, in 1821, married his employer's daughter, Clara Ortega. The Gilroys had 17 children, nine of whom survived (William Self Associates 2014:11).

Rancho Lomerias Muertas

The project site is located on the former Rancho Lomerias Muertas. The 6,600-acre Rancho Lomerias Muertas was granted by Governor Juan B. Alvarado to Jose Antonio Castro on August 16, 1842. Its western boundary was formed by the banks of the Pajaro and San Benito rivers, extending upstream and downstream of their confluence (a place called "La Poza") and stretching out to the east to embrace an expanse of low hilly terrain known as the "barren [or dead] hills." One of the less-valuable places for pasturing livestock or cultivating crops, it was one of the latest land grants to be issued in the region. In 1844 Castro sold Lomerias Muertas to Juan Maria Sanchez. (Far Western 2010:22)

In 1844 Sanchez built a two-story adobe residence in an open field located just north of the confluence of the Parajo and San Benito rivers. Located along a major route of overland migration from Mexico and the port at Monterey to San Jose and the Sierran gold fields, Sanchez's adobe became a well-known resting place for travelers destined for the mines, or miners returning to their homes in Mexico (Far Western 2010:23).

California Period

In 1848, at the end of the Mexican American War, the area became part of the United States. Santa Clara County was one of the original 27 counties of California, formed in 1850 at the time of statehood. In the 1850s, the Overland Mail came to the area. More commonly known as the Butterfield Line after the founder, John Butterfield, this stage line connected St. Louis to San Francisco, via El Paso, Texas. The route entered the Valley through Pacheco Pass and continued north through Coyote Narrows into the Bay Area. The town of Gilroy got its start in 1850 as a stage stop along the San Jose to Monterey Road. By the time it was incorporated by the State as a charter city in 1870, it was the third largest community in Santa Clara County, with a brewery, a flouring mill, and a distillery. The railroad arrived in Gilroy in 1869 and made the community the hub of south Santa Clara Valley (William Self Associates 2014:12).

The first American settlers were the Martin family, who arrived in 1843 in the first California-bound wagon train. Following the gold rush years, pioneers flooded the fertile Gilroy area with farms of every size and description. Americans, English, Irish, and German settlers joined the Spanish and Mexican pioneers in stock raising and grain farming, and the Gilroy area, growing from the small settlement of San Ysidro into the village of Pleasant Valley, became known as the "Hay and Grain Capital of California." Soon after the arrival of American settlers there was a shift to more intensive land use of the Valley markets (William Self Associates 2014:12).

Swiss and other middle- Europeans arrived in the 1880s and began dairying and cheese making. When Gilroy began producing four-fifths of California's cheese, the town began to be known as the "Dairy and Cheese Capital of California." In the 1880s, Italians and other southern Europeans also began arriving, bringing with them orchard crops

such as apples, apricots, cherries, peaches, pears, plums, and nuts, as well as row crops such as tomatoes, peppers, beans, sugar beets, onions, and garlic. The valley developed a diversified agricultural economy based on the cultivation of wheat and fruit (William Self Associates 2014:12).

From approximately 1876-1950s, fruit production became a major industry. Prune and seed farms became dominant by the early 20th century. This predominance of fruit production/processing continued until after World War II and the Hamlet of Coyote, near Gilroy, served as a shipping and receiving point for the surrounding agricultural area. After the war, Coyote was used less for agricultural business as the southern cities of Morgan Hill and Gilroy became more developed (William Self Associates 2014:12).

Orchard crops flourished well into the 1950s, when Gilroy was known as the "Prune Capital of California." Garlic production for the commercial market only started after the arrival of Japanese farmers in 1918. By 1940, the largest grower of garlic in the U.S. was Kiyoshi Hirasaki of Gilroy. Today, the Gilroy Garlic Festival, started in 1978, celebrates Gilroy's role as the "Garlic Capital of the World" (William Self Associates 2014:13).

Southern Pacific Railroad

The Southern Pacific Railroad (SPRR) extended its railroad line from the Bay Area south through the Santa Clara Valley in 1869, with the southern terminus at the Pajaro River crossing. At the rail terminus, the railroad company established Sargent Station. A small community, named Sargent, with a saloon and a scattering of houses was established where the river, railroad, and wagon road met some distance south of the Sargent Ranch complex. Agricultural shipments from Sargent Station consisted principally of hay, grain, fruit, cheese, butter, and eggs (Far Western 2010:31-32). When the SPRR's Coast Division mainline was first constructed through the Pajaro Valley in 1871, it skirted the northern side of the Santa Cruz Mountains before cutting south to Salinas from Pajaro. Unfortunately, this stranded many of Claus Spreckels' (king of the sugar-beet business in the San Juan, Pajaro, and Salinas Valleys) fields in between. For many years, nothing was done about this issue and the local farmers just had to regularly cart their goods to Chittenden or Sargent stations along the mainline (Whaley 2015a).

Betabel was the short-term solution to this problem. The station, named after an uncommon Spanish name for a sugar-beet, first entered the scene at some point in 1896. By 1897, it had become the primary shipping hub for all San Juan Valley sugar-beets farmers. The SPRR agency books listed the station in 1899 as a class-B station indicating that it had a freight platform and a holding spur or siding, but no other services. The station, located on the north bank of the Pajaro River and above the confluence of the San Benito and Pajaro rivers meant that a long spur was required that crossed over the confluence via a truss bridge and stopped immediately beside the county road (modern Betabel Road), making delivery of goods especially easy for farmers. As a result, Betabel became the primary shipping hub for all San Juan Valley sugar beets farmers from 1897 until 1907 when the San Juan Pacific Railway was built. The San Juan Pacific Railway connected the Chittenden Station on the SPRR mainline with San Juan Bautista along the western edge of the San Juan Valley, eliminating the need for a separate station at Betabel (Whaley 2015b).

RECORDS SEARCHES, AND SURVEYS

On April 28, 2022, a records search of the project site and a 0.25-mile buffer was conducted at the Northwest Information Center (NWIC), at Sonoma State University (NWIC File No. 21-1725). The following information was reviewed as part of the records search:

- ▶ NRHP and CRHR,
- ▶ California Office of Historic Preservation Historic Property Directory,
- ▶ California Inventory of Historic Resources,
- ▶ California State Historic Landmarks,
- ▶ California Points of Historical Interest, and
- ▶ Historic properties reference map.

The NWIC search results identified no previously recorded cultural resources within the project site. In the 0.25-mile search radius, one precontact indigenous site, one historic-era archaeological site, and one built environment feature were identified.

An archaeological survey of the project site was conducted on May 12th and 13th, 2022. The survey consisted of a pedestrian inspection, with the surveyors walking 20-meter intervals, when possible, to ensure maximum ground coverage. Surface visibility was varied; some areas were recently tilled and therefore had 100 percent visibility, while other areas were vegetated with thick grasses. All deeply incised furrows, rodent back-dirt piles, and excavated areas encountered were examined. No evidence of midden or other anthropogenic soils, such as hearths, were observed.

The survey resulted in the recordation of one historic feature road segment, two new archaeological sites, a road spur, an expansion to the previous recordation to the SPRR in San Benito County, the expansion of a previously recorded archaeological site, and one isolate. Isolates are defined as one or two artifacts occurring by themselves and not associated with an archaeological site. Because they have no historical context, isolates are generally not eligible for listing in CRHR or NRHP and, therefore, were not evaluated for significance and not discussed further in this Draft EIR.

In addition to the archaeological survey, the Amah Mutsun Tribal Band conducted an integrative archaeological survey of Native American cultural resources and vegetation. This integrative archaeological survey included "catch-and-release" dry screen processing of topsoil at systematic intervals (termed surface survey units or SSUs) to identify artifacts. A grid of SSUs was systematically collected at 25- to 50-meter intervals to ensure as much aerial survey coverage as possible. In locations where archaeological isolates were detected through observation of lithic debitage, marine shell, or other artifacts, additional SSUs were placed in transects with 5- to 10-meter intervals to document site boundaries and constituents. Limited Auger Unit linear transects were judgmentally and opportunistically placed using approximately 50-meter intervals according to SSU findings, landform, and general condition of the area to detect evidence of any deeply buried archaeological deposits. Augers were dug to a target depth of 1 meter or until obstructed by large objects. This integrative archaeological survey did not identify any new indigenous archaeological sites on the project site. Isolated artifacts were encountered in one section of the southern portion of the disturbance area (see Figure 2-1 in Chapter 2, "Project Description") and near the existing greenhouse (Apodaca 2022).

Historic Features

Betabel Road Segment

This historic feature is a segment of Betabel Road, which is a remnant of old State Highway 2. Available research has failed to provide any association between this road segment and significant events (Criterion A/1) or people (Criterion B/2). This segment of the Betabel Road possesses no intact portions of State Highway 2 or other attributes of its construction or workmanship which indicate that it embodies distinctive characteristics of a type, period, or method of construction. Research has also failed to indicate that the road was the work of a master engineer. As such, the road segment is not significant under NRHP/CRHR Criterion C/3. Because there are no intact portions and due to the amount of disturbance which has occurred to the location of the feature, it does not retain the integrity required to answer questions about the past or contain information that cannot be gained in other ways; the road segment is not significant under NRHP/CRHR Criterion D/4. Therefore, the Betabel Road Segment is not recommended as eligible for listing in either the NRHP or CRHR. Additionally, it is not included on a local list of historical resources and the County has determined in its judgment that the nature of the feature does not merit it being considered historic. For these reasons, it is not a resource for the purpose of CEQA.

Archaeological Sites

Betabel Site 1

This site, located within the agricultural field north of the PG&E easement, consists of a refuse scatter dominated by post-World War II building debris with some historic-age domestic refuse and a single chert tool of indigenous origin. This site is highly disturbed and association with any structures or occupations past or present could not be drawn with any certainty. Available research has failed to provide any association between this refuse scatter and significant events (Criterion A/1) or people (Criterion B/2). The site is surficial only, dispersed across a 3.41-acre area,

and has no indication of a subsurface deposit. It is mainly comprised of temporally undiagnostic items and is likely the result of the intermixing of two separate deposits. As such, Betabel Site 1 does not contain the diagnostic materials nor integrity required to answer important questions about the past and is not significant under Criterion D/4. Therefore, Betabel Site 1 is not recommended eligible for listing in either the NRHP or CRHR and is not a resource for the purpose of CEQA.

Betabel Site 2

This site, located within the agricultural field south of the PG&E easement, contains a low-density scatter of historic-period glass, ceramic, and clam shell spread across a 0.73-acre area. This site most likely represents the dispersed remains of a discrete domestic refuse deposit from 1880 to 1920. All constituents are fragmentary and display scraping; some have fresh breaks from farm equipment. Available research has failed to provide any association between this refuse scatter and significant events (Criterion A/1) or people (Criterion B/2). The site is surficial only, dispersed across a 0.73-acre area, and has no indication of a subsurface deposit. As such, the Betabel Site 2 does not retain the integrity required to answer questions about the past or contain information that cannot be gained in other ways. As such, this site is not significant under Criterion D/4. Therefore, Betabel Site 2 is not recommended eligible for listing in either the NRHP or CRHR and is not a resource for the purpose of CEQA.

Betabel-Pescadero Creek Canyon Road Segment

This historic-era archaeological feature consists of several concentrations of fragmented concrete and asphalt located in a 703-foot-long by 18-foot corridor. This debris trail is located between two active agricultural fields and a heavily vegetated ditch (this ditch is the former alignment of the SPRR Betabel Spur, described below). The alignment is consistent with the location of a road first documented on the 1915 topographic map; it appears that the road started at the junction with State Highway 2, then followed the railroad spur over the Pajaro River, continued up Pescadero Creek Canyon, and finally meet up with the highway again near the community of Nema.

Available research has failed to provide any association between the refuse scatter of this road segment and significant events (Criterion A/1) or people (Criterion B/2). This segment of the Betabel-Pescadero Creek Canyon Road possesses no intact portions or other attributes of its construction or workmanship which indicate that it embodies distinctive characteristics of a type, period, or method of construction. Research has also failed to indicate that the road was the work of a master engineer. As such, the road segment is not significant under NRHP/CRHR Criterion C/3. Because there are no intact portions and due to the amount of disturbance which has occurred to the location of the feature, it does not retain the integrity required to answer questions about the past or contain information that cannot be gained in other ways; the road segment is not significant under NRHP/CRHR Criterion D/4. Therefore, the Betabel-Pescadero Creek Canyon Road Segment is not recommended as eligible for listing in either the NRHP or CRHR and is not a resource for the purpose of CEQA.

P-35-000334 - SPRR Betabel Spur (Update)

This historic-era archaeological feature is a previously undocumented railroad spur of the SPRR in San Benito County. The majority of the spur was located in San Benito County; however, the spur did start in Santa Clara County on the north side of the Pajaro River. The spur ran east/west then northwest/southeast over a metal truss bridge across the Pajaro River. The spur ended at a point adjacent to the El Camino Real/State Highway 2 (now Betabel Road). A road (recorded as Betabel-Pescadero Creek Canyon Road, described above) also ran adjacent to the spur. Today, the alignment of the former spur is still discernable on the south/southeast side of the river. Fieldwork found that the alignment appears to have been excavated and is now being used as an irrigation ditch or drainage. All elements of the spur on both sides of the river appear to have been removed sometime between 1947 and 1952, if not earlier.

For the Betabel Spur to be considered significant under NRHP/CRHR Criterion A/1, it must be associated with events that have made a significant contribution to the broad patterns of our nation's, California's, or local history. The Betabel Spur was an important asset to the local farming community, particularly the sugar beet farmers of the San Juan Valley, at the end of the 19th Century. It provided these farmers with a vital transportation link for the distribution of their products. Therefore, the Betabel Spur has significance under Criterion A/1 at the local level as an important resource related to the growth and economy of agriculture for the San Juan Valley in the late 19th century. Under NRHP/CRHR Criterion B/2, a resource must be associated with the lives of persons significant in our past; the

Betabel Spur does not appear to be significant under Criterion B/2. Under Criterion C/3, a resource must embody distinctive characteristics of a type, period, or method of, installation or represent the work of a master, or possess high artistic values. Little to nothing physical is left of the spur other than its former alignment, therefore the Betabel Spur is not significant under Criterion C/3. The alignment is also sufficiently documented in the historic record with no potential to provide additional information; therefore, the Betabel Spur is not significant under NRHP/CRHR Criterion D/4.

For a property to retain and convey historic integrity it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Because no elements of the spur, specifically its grade, ties, rails, signage, station, siding, and bridge are remaining, the Betabel Spur no longer retains its design, materials, or workmanship. Further, because it is lacking in the majority of its physical attributes and because the alignment has been excavated, the spur also does not retain its association and feeling as a railroad feature. For this reason, the Betabel Spur does not possess sufficient integrity to convey its historic significance and is not recommended eligible for listing in either the NRHP or CRHR and is not a resource for the purpose of CEQA.

P-35-000143 - Sanchez Adobe (update)

In 1844, Juan Maria and Encarnacion Sanchez built a two-story adobe residence in the open fields along the Pajaro River, where they raised their five children. Sanchez's adobe became a well-known resting place for travelers destined for the mines, or miners returning to their homes in Mexico. In 1855 John W. Crane moved into the home as Encarnacion's fourth husband, renovating and modernizing the dwelling. The family resided there until 1866 when they sold to Miller and Lux and retired to San Juan Bautista. This historic era-archaeological site was originally recorded as being outside the current project site. The location of this site was originally recorded in 1973 as "a dense concentration of roof tiles, glass and pottery" and the surmise that the buried adobe foundations lay nearby. In 1985 trenches were excavated within the portion of the site located in an orchard, uncovering a large trash deposit dating to the 1820s-1860s time period. The deposit was reburied. It was concluded that the adobe building lay within 200 feet of the deposit, likely to the north, where the Betabel RV Park now stands.

The pedestrian survey conducted for the current project found a large pile of what appears to be degraded brick building debris in the northwest corner of the project site. It is unknown at this time if this debris represents adobe material or the remains of a later brick structure. Minor amounts of additional historic-era refuse were found spread out across the parcel. The current study also identified several indigenous material finds, adding a previously unrecorded prehistoric component to the Sanchez Adobe site. This also expanded the Sanchez Adobe site's boundary, so it is now in the current project site.

Based on the results of the current investigation and past researcher conclusions, this site appears to be eligible for listing in the both the NRHP and CRHR. The site is significant under Criterion A/1 for its association with the settlement and economic development during the Mexican Period of California, the Gold Rush, and the development of agriculture in the San Juan Valley. It is significant under Criterion B/2 for its association with Jose Maria Sanchez, an important rancher, soap manufacturer, and *alcade* for the town of San Juan, and his wife Encarnacion Ortega de Sanchez, as well as Encarnacion's 4th husband, George W. Crane, Parajo River ferry then toll bridge owner and Monterey County State Assemblyman (1858 to 1860). Lastly, the site is significant under Criterion D/4 for the information it contains regarding the Sanchez and Crane households and for our understanding of the life and adaptation of a *Californio* family during secularization and Americanization of Mexican California.

Archaeological Sensitivity Analysis

The project site is underlain by alluvial deposits associated with erosion from the nearby mountains, flooding of the Pajaro and San Benito rivers, and Pleistocene Lake San Benito. When coupled with the project site's land-use history, the following conclusions regarding the project site's potential to contain buried archaeological deposits can be made (Ascent 2022):

- ▶ All of the riparian corridor along the west and south edges of the project site, except for a small portion at the south edge near the San Benito River, are considered to have a very high likelihood of containing buried archaeological deposits.

- ▶ All the northern portion of the project site above the drainage ditch (which is the former alignment of the SPRR Betabel Spur) are considered to have a high to very high sensitivity for buried archaeological deposits.
- ▶ Most of the northern and western portions of the southern area of the project site below the drainage ditch, have a very high sensitivity around the edges, but has a low sensitivity in the interior of this portion of the site, except a tiny location near the southeastern corner of the drainage ditch where soils indicate it has moderate sensitivity.

3.5.3 Impacts and Mitigation Measures

METHODOLOGY

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the *Cultural Resources Inventory and Evaluation for the Betabel Commercial Development Project* (Ascent 2022). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

PRC Section 21083.2(g) defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following CRHR-related criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a resource that is not unique is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines; or
- ▶ disturb any human remains, including those interred outside of formal cemeteries.

ISSUES NOT DISCUSSED FURTHER

As described above, no built-environment historical resources were identified on the project site. Betabel Road was evaluated and recommended not eligible for listing in the CRHR or NRHP. As a result, it would not be considered significant for the purposes of CEQA. Therefore, project construction and operation would have no impact on historical resources. This issue is not analyzed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

The NWIC records search and pedestrian survey resulted in one archaeological site being recommended eligible for NRHP- and CRHR-listing. Therefore, the Sanchez Adobe site is a resource pursuant to Section 15064.5. Because project-related ground-disturbing activities could result in damage to this resource, this would be a **significant** impact.

The Sanchez Adobe is a significant archaeological resource that had been previously identified as being located on the Betabel RV Park property. The pedestrian survey located additional archaeological materials and expanded the boundaries onto the current project site. The site has been recommended as eligible for the NRHP and CRHR and is therefore considered an archaeological resource for the purposes of CEQA.

The site is considered to be in fair to poor condition because it has been disturbed over the years by the following activities: agricultural use, including as an orchard, development into the RV park on the north, and warehouses on the southeast which included grading, paving, infrastructure, and landscaping; and demolition and additional grading, as well as “clean-up” efforts by a local citizens group on the southeast portion. Numerous push piles, trailer pads, and imported gravels are present in newly recorded portion of the site. It should be noted that two auger units were carried out in the area adjacent to the Betabel RV storage parking lot fence line. These augers along the fenceline were placed in an effort to encounter historical refuse deposits related to the location of the Sanchez Adobe. Soils in the RV Park vicinity consisted of dark clay loam with relatively high amounts of gravel and artificial inclusions, from the surface to 60 centimeters below. After 60 centimeters in depth, the soil generally transitioned to a slightly lighter clay, with a range of modern refuse throughout. Nevertheless, it is possible that an intact deposit, of either historic-era or indigenous materials, of up to six feet in depth or more may be present in discrete concentrations across the site. Subsurface structural remains of the adobe itself and other structures are more likely be present under the RV park, instead of being located within the project site. Components of the project that require earth-moving and excavation may disturb or destroy previously undisturbed and significant archaeological deposits. Therefore, the impact would be **significant**.

Mitigation Measures

Mitigation Measure 3.5-1a: Prepare and Implement a Treatment Plan for the Sanchez Adobe

Before ground disturbance associated with the project, the County and the applicant shall finalize a treatment plan specific to the Sanchez Adobe site. The treatment plan shall include, but is not limited to:

- ▶ A research design which includes both pre-contact and historic-era questions;
- ▶ excavation strategy;
- ▶ monitoring;
- ▶ resource significance assessment methods;
- ▶ discovery, preservation, and evaluation methods;
- ▶ acquisition of a curation agreement and identification of the party responsible for paying the fees,
- ▶ reporting requirements; and
- ▶ health and safety procedures.

Mitigation Measure 3.5-1b: Archaeological Monitor

Before the start of ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to monitor construction activities. The monitor shall

complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified.

Before any ground disturbing construction activities, the monitor shall develop a construction worker awareness brochure for all construction personnel and supervisors who will have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program will include, at a minimum:

- ▶ types of cultural resources expected in the project area;
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

Mitigation Measure 3.5-1c: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), and concentrations of charcoal, flaked stone, glass, metal, or ceramic, that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the find shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. (This is described in Mitigation Measure 3.16-1c.) If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall develop, and applicant shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan).

Significance after Mitigation

Implementation of Mitigation Measures 3.5-1a through 3.5-1c would reduce impacts associated with archaeological resources to a **less-than-significant** level by requiring the preparation of a data recovery plan, implementation of a worker cultural resources awareness and respect program, performance of professionally accepted and legally compliant procedures in the event of a discovery, as well as the protection of any previously undocumented significant prehistoric archaeological resources.

Impact 3.5-2: Disturb Human Remains

Based on documentary research, no evidence suggests that any precontact or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097, and County Code Chapter 19.05.007 would make this impact **less than significant**.

Based on documentary research, no evidence suggests that any precontact or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native

American human remains are contained in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097, and County Code Chapter 19.05.007 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.6 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126 and Appendix F of the State CEQA Guidelines, which require that EIRs include a discussion of the potential energy impacts of projects. The analysis considers whether the Betabel Commercial Development Conditional Use Permit Project would result in inefficient, wasteful, and unnecessary consumption of energy.

No comments in response to the Notice of Preparation were received that identified concerns regarding energy impacts.

3.6.1 Regulatory Setting

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the U.S. Environmental Protection Agency's [EPA] EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Code of Regulations sets forth energy standards for buildings. Further, the State provides rebates/tax credits for installation of renewable energy systems, and offers the Flex Your Power program promotes conservation in multiple areas. At the local level, individual cities and counties establish policies in their general plans and climate action plans (CAPs) related to the energy efficiency of new development and land use planning and to the use of renewable energy sources.

FEDERAL

Energy Policy and Conservation Act, and CAFE Standards

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this Act, the National Highway Traffic and Safety Administration, part of the U.S. Department of Transportation (DOT), is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, DOT is authorized to assess penalties for noncompliance. Under the Energy Independence and Security Act of 2007 (described below), the CAFE standards were revised for the first time in 30 years.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 (EPAAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally-fueled fleets in metropolitan areas. EPAAct requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce U.S. dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change. The Energy Independence and Security Act of 2007 increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over current levels; and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent.

By addressing renewable fuels and the CAFE standards, the Energy Independence and Security Act of 2007 builds upon progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

On August 2, 2018, DOT and EPA proposed the Safer Affordable Fuel Efficient Vehicles Rule (SAFE Rule), which would amend existing CAFE standards for passenger cars and light trucks, and retaining the current model year 2020 standards through model year 2026, establish new standards covering model years 2021 through 2026. Vehicles operating in the County would be subject to the CAFE standards. However, at the time of writing this Draft EIR, the SAFE Rule has not been formally adopted by EPA, and 17 states—including California—have filed a lawsuit against EPA. The timing for ultimate approval of the SAFE Rule and the outcome of any pending or potential lawsuits (and how such could delay or affect its implementation) are unknown at this time. The SAFE Rule's impact on future motor vehicle emissions is also unknown..

STATE

Warren-Alquist Act

The 1975 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, now known as the California Energy Commission (CEC). The Act established state policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. The California Public Utilities Commission (CPUC) regulates privately-owned utilities in the energy, rail, telecommunications, and water fields.

State of California Energy Action Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the 2003 California Energy Action Plan (2008 update). The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs; and encouragement of urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, *Reducing California's Petroleum Dependence*. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003). Further, in response to the CEC's 2003 and 2005 *Integrated Energy Policy Reports*, Governor Davis directed CEC to take the lead in developing a long-term plan to increase alternative fuel use.

Integrated Energy Policy Report

Senate Bill (SB) 1389 (Chapter 568, Statutes of 2002) required CEC to: "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The

Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (Public Resources Code Section 25301(a)). This work culminated in the Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every two years and an update every other year. The 2017 IEPR is the most recent IEPR, which was adopted March 16, 2018. The 2017 IEPR provides a summary of priority energy issues currently facing the State, outlining strategies and recommendations to further the State's goal of ensuring reliable, affordable, and environmentally-responsible energy sources. Energy topics covered in the report include progress toward statewide renewable energy targets and issues facing future renewable development; efforts to increase energy efficiency in existing and new buildings; progress by utilities in achieving energy efficiency targets and potential; improving coordination among the State's energy agencies; streamlining power plant licensing processes; results of preliminary forecasts of electricity, natural gas, and transportation fuel supply and demand; future energy infrastructure needs; the need for research and development efforts to statewide energy policies; and issues facing California's nuclear power plants.

Senate Bill 1078: California Renewables Portfolio Standard Program

SB 1078 (Chapter 516, Statutes of 2002) establishes a renewable portfolio standard (RPS) for electricity supply. The RPS requires that retail sellers of electricity, including investor-owned utilities and community choice aggregators, provide 20 percent of their supply from renewable sources by 2017. This target date was moved forward by SB 1078 to require compliance by 2010. In addition, electricity providers subject to the RPS must increase their renewable share by at least 1 percent each year. The outcome of this legislation will impact regional transportation powered by electricity. As of 2016, the State has reported that 21 percent of electricity is sourced from certified renewable sources.

Senate Bill X1-2: California Renewable Energy Resources Act

SB X1-2 of 2011 requires all California utilities to generate 33 percent of their electricity from renewables by 2020. SB X1-2 sets a three-stage compliance period requiring all California utilities, including independently owned utilities, energy service providers, and community choice aggregators, to generate 20 percent of their electricity from renewables by December 31, 2013; 25 percent by December 31, 2016; and 33 percent by December 31, 2020. SB X1-2 also requires the renewable electricity standard to be met increasingly with renewable energy that is supplied to the California grid from sources within, or directly proximate to, California. SB X1-2 mandates that renewables from these sources make up at least 50 percent of the total renewable energy for the 2011-2013 compliance period, at least 65 percent for the 2014-2016 compliance period, and at least 75 percent for 2016 and beyond.

Senate Bill 100: California Renewables Portfolio Standard Program

SB 100 requires that all California utilities, including independently-owned utilities, energy service providers, and community choice aggregators, supply 44% of retail sales from renewable resources by December 31, 2024, 50 percent by December 31, 2026, 52 percent by December 31, 2027, and 60- percent by December 31, 2030. The law requires that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

Energy Action Plan

The first Energy Action Plan (EAP) emerged in 2003 from a crisis atmosphere in California's energy markets. The State's three major energy policy agencies (CEC, CPUC, and the Consumer Power and Conservation Financing Authority [established under deregulation and now defunct]) came together to develop one high-level, coherent approach to meeting California's electricity and natural gas needs. It was the first time that energy policy agencies formally collaborated to define a common vision and set of strategies to address California's future energy needs and emphasize the importance of the impacts of energy policy on the California environment.

In the October 2005 *Energy Action Plan II*, CEC and CPUC updated their energy policy vision by adding some important dimensions to the policy areas included in the original EAP, such as the emerging importance of climate change, transportation-related energy issues and research and development activities. CEC recently adopted an update to the EAP II in February 2008 that supplements the earlier EAPs and examines the State's ongoing actions in the context of global climate change.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other State, federal, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-state production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce greenhouse gas (GHG) emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the state's Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). The California Energy Code was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption, and provide energy efficiency standards for residential and non-residential buildings. CEC updates the California Energy Code every 3 years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2019 California Energy Code was adopted by CEC on May 9, 2018 and will apply to projects constructed after January 1, 2020. The 2019 California Energy Code is designed to move the State closer to its zero-net energy goals for new residential development. It does so by requiring all new residences to install enough renewable energy to offset all the electricity needs of each residential unit (CCR, Title 24, Part 6, Section 150.114). CEC estimates that the combination of mandatory on-site renewable energy and prescriptively-required energy efficiency standards will result in a 53 percent reduction in new residential construction as compared to the 2016 California Energy Code. Non-residential buildings are anticipated to reduce energy consumption by 30 percent as compared to the 2016 California Energy Code primarily through prescriptive requirements for high-efficiency lighting (CEC 2018a). The Energy Code is enforced through the local plan check and building permit process. Local government agencies may adopt and enforce additional energy standards for new buildings as reasonably necessary due to local climatologic, geologic, or topographic conditions, provided that these standards exceed those provided in the California Energy Code.

Assembly Bill 32, Senate Bill 32, and Climate Change Scoping Plan and Update

In December 2008, CARB adopted its Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons (MMT) of carbon dioxide-equivalent (CO₂e) emissions, or approximately 21.7 percent from the State's projected 2020 emission level of 545 MMT of CO₂e under a business-as-usual scenario (this is a reduction of 47 MMT CO₂e, or almost 10 percent, from 2008 emissions). In May 2014, CARB released and has since adopted the *First Update to the Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals and evaluate progress that has been made between 2000 and 2012 (CARB 2014). According to the update, California is on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 (CARB 2014). The update also reports the trends in GHG emissions from various emissions sectors (e.g., transportation, building energy, agriculture).

In August 2016, Governor Brown signed SB 32 and AB 197, which serve to extend California's GHG reduction programs beyond 2020. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize CARB to achieve a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by EO B-30-15 for 2030, which set the next interim step in the State's continuing efforts to pursue the long-term target expressed in EOs S-3-05 and B-30-15 of 80 percent

below 1990 emissions levels by 2050. Achievement of these goals will have the co-benefit of reducing California's dependency of fossil fuels and making land use development and transportation systems more energy efficient.

California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), prepared by CARB, outlines the main strategies California will implement to achieve the legislated GHG emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2017:1, 3, 5, 20, 25–26). It identifies the reductions needed by each GHG emission sector (e.g., transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste). In 2015, electricity generation accounted for 11 percent of the State's GHG emissions. California plans to significantly reduce GHG emissions from the energy through the development of renewable electricity generation in the form of solar, wind, geothermal, hydraulic, and biomass generation. The State is on target meet the SB X1-2-33 percent renewable energy target by 2020 and will continue to increase statewide renewable energy to 50 percent by 2030, as directed by SB 350. Additionally, the State will further its climate goals through improving the energy efficiency of residential and non-residential buildings by continual updates (i.e., every 3 years) to the California Energy Code, which contains mandatory and prescriptive energy efficiency standards for all new construction.

More details about the statewide GHG reduction goals and 2017 Scoping Plan measures are provided in the regulatory setting of Section 3.8, "Greenhouse Gas Emissions."

Senate Bill 375

SB 375, signed by the Governor in September 2008, aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. SB 375 requires metropolitan planning organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy, showing prescribed land use allocation in each MPO's Regional Transportation Plan. CARB, in consultation with the MPOs, is to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in their respective regions for 2020 and 2035. Implementation of SB 375 will have the co-benefit of reducing California's dependency of fossil fuels and making land use development and transportation systems more energy efficient.

The Association of Monterey Bay Area Governments (AMBAG) serves as the MPO for San Benito, Santa Cruz, and Monterey Counties. The project site is in San Benito County. AMBAG adopted its most recent 2045 *Metropolitan Transportation Plan/Sustainable Communities Strategy* in June 2022.

Executive Order B-30-15

On April 20, 2015 Governor Edmund G. Brown Jr. signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32, discussed above). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius, the warming threshold at which major climate disruptions are projected, such as super droughts and rising sea levels.

Advanced Clean Cars Program

In January 2012, CARB approved the Advanced Clean Cars program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle

manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

LOCAL

San Benito County General Plan

San Benito County General Plan includes the following policies applicable to the energy efficiency of new development and reducing community-wide energy consumption in San Benito County:

- ▶ **Policy LU-2.1: Sustainable Building Practices.** The County shall promote, and where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.
- ▶ **Policy LU-2.2: Green Sustainable Building Practices.** The County shall encourage sustainable building practices that go beyond the minimum requirements of the Title 24 CalGreen Code (i.e., Tier 1 or Tier 2 measures) and to design new buildings to achieve a green building standard such as Leadership in Energy and Environmental Design.
- ▶ **Policy LU-2.3: Energy Conservation Standards for New Construction.** The County shall cooperate with the local building industry, utilities, and air district to promote enhanced energy conservation standards for new construction.
- ▶ **Policy LU-2.4: Solar Access.** The County shall encourage new residential subdivisions and new commercial, office, industrial, and public buildings to be oriented and landscaped to enhance natural lighting and solar access in order to maximize energy efficiency.
- ▶ **Policy LU-2.7: Sustainable Location Factor.** The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.

3.6.2 Environmental Setting

PHYSICAL SETTING

Energy Facilities and Services in the Project Area

The Pacific Gas & Electric Company (PG&E) provides electric and natural gas services in San Benito County. There are existing electrical and natural gas infrastructure facilities near Betabel Road and U.S. Highway 101. Also, Central Coast Community Energy provides the county with renewable energy sources. Central Coast Community Energy has contracted for 453.3 megawatts of renewable energy sources and 192.7 megawatts of battery storage to meet existing and future energy needs (Central Coast Community Energy 2022).

Energy Types and Sources

California relies on a regional power system comprised of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. One-third of energy commodities consumed in California is natural gas. In 2014, approximately 35 percent of natural gas consumed in the state was used to generate electricity. Residential land uses represented approximately 17 percent of California’s natural gas consumption with the balance consumed by the industrial, resource extraction, and commercial sectors (EIA 2014). Power plants in California generate approximately 70 percent of the in-state electricity demand, with large hydroelectric in the Pacific Northwest and power plants in the Southwestern U.S. generating the remaining electricity (CEC 2017). The contribution of in- and out-of-state power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric

power that is available, and other factors. PG&E is the primary electricity supplier in San Benito County. As of 2022, PG&E was powered by 33 percent renewables, including biomass, geothermal, small hydroelectric, solar, and wind (CEC 2018b).

Alternative Fuels

A variety of alternative fuels are used to reduce demand for petroleum-based fuel. The use of these fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan). Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many transportation fuels, including:

- ▶ biodiesel,
- ▶ electricity,
- ▶ ethanol (E-10 and E-85),
- ▶ hydrogen,
- ▶ natural gas (methane in the form of compressed and liquefied natural gas),
- ▶ propane,
- ▶ renewable diesel (including biomass-to-liquid),
- ▶ synthetic fuels, and
- ▶ gas-to-liquid and coal-to-liquid fuels.

California has a growing number of alternative fuel vehicles through the joint efforts of CEC, CARB, local air districts, federal government, transit agencies, utilities, and other public and private entities. As of June 2022, California contained over 43,000 alternative fueling stations (AFDC 2022).

COMMERCIAL AND RESIDENTIAL ENERGY USE

Homes built between 2000 and 2015 used 14 percent less energy per square foot than homes built in the 1980s, and 40 percent less energy per square foot than homes built before 1950. However, the increase size of newer homes has offset these efficiency improvements. Primary energy consumption in the residential sector total 21 quadrillion Btu in 2009 (the latest year the EIA's *Residential Energy Consumption Survey* was completed), equal to 54 percent of consumption in the buildings sector and 22 percent of total primary energy consumption in the U.S. Energy consumption increased 24 percent from 1990 to 2009. However, because of projected improvements in building and appliance efficiency, the EIA 2017 Annual Energy Outlook forecast a 5 percent increase in energy consumption from 2016 to 2040 (EIA 2017).

In aggregate, commercial buildings consumed 46 percent of building energy consumption and approximately 19 percent of U.S. energy consumption. In comparison, the residential sector consumed approximately 22 percent of U.S. energy consumption (U.S. Department of Energy 2012).

ENERGY USE AND CLIMATE CHANGE

Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences, and commercial facilities has led to an increase of the earth's temperature. For an analysis of greenhouse gas production and the project's impacts on climate change, refer to Section 3.8, "Greenhouse Gas Emissions."

3.6.3 Impacts and Mitigation Measures

METHODOLOGY

Levels of construction- and operation-related energy consumption by the project, measured in megawatt-hours of electricity, therms of natural gas, gallons of gasoline, and gallons of diesel fuel. Energy consumption estimates were calculated using the California Emissions Estimator Model (CalEEMod) version computer program. Where project-specific information was not known, CalEEMod default values based on the project's location were used. Table 3.6-1 summarizes the levels of energy consumption for each year of construction and Table 3.6-2 summarizes the levels of energy consumption for the first year of operation. Table 3.6-3 summarizes the gasoline and diesel consumption estimated for the project.

THRESHOLDS OF SIGNIFICANCE

The following significance criteria area based on CEQA Guidelines Appendix F (energy), under which implementation of the project would have a potentially significant adverse impact if the project would:

- ▶ result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation; and/or
- ▶ conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.6-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Project Construction or Operation and Conflict with State and County Plans for Renewable Energy and Energy Efficiency

Construction and operation of the project features would result in consumption of fuel (gasoline and diesel), and electricity. While the project would be required to comply with the California Energy Code for energy efficiency in building design, the project would not include renewable energy or additional energy efficiency measures identified by the state and in the San Benito County General Plan. This impact would be **significant**.

Appendix G of the State CEQA Guidelines requires the consideration of the energy implications of a project. CEQA requires mitigation measures to reduce "wasteful, inefficient, and unnecessary energy usage" (PRC Section 21100[b][3]). Neither the law nor the State CEQA Guidelines establish criteria that define wasteful, inefficient, or unnecessary use. Compliance with the California Energy Code would result in energy-efficient buildings. However, compliance with the California Energy Code would not address all potential energy impacts during construction and operation of the project. In addition, Appendix G also requires consideration of a project's consistency with state and local plans for use of renewable energy and energy efficiency.

Construction-Related Energy

Energy would be required to grade the project site and construct each project building. Energy would also be required to operate and maintain construction equipment and to produce and transport construction materials. The one-time energy expenditure required to construct buildings would be nonrecoverable. Most energy consumption would result from the use of construction equipment and vehicle trips associated with commutes by construction workers and haul trucks carrying supplies. The modeled level of energy consumption associated with construction would be 35,815 gallons of gasoline and 424,906 gallons of diesel (Table 3.6-1). Details about construction phasing can be found in Appendix C. The energy needs for project construction would be temporary and would not require additional capacity or increase peak or base period demands for electricity or other forms of energy. There would be no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities.

Building Energy

The operation of new buildings and facilities would result in the consumption of electricity and natural gas for lighting, space heating, water heating, and appliances. Indirect energy use would include onsite wastewater treatment, groundwater pumping, and solid waste removal. This energy use would be in addition to the energy use of the approved farm stand on the project site that is currently under construction. The project would be required to be constructed consistent with Title 24 (California Energy Code). However, the project includes no additional energy efficiency measures or a commitment to the use of renewable energy. As identified in Section 3.6.1, State regulations and San Benito General Plan (policies LU-2.1, LU-2.2, and LU-2.4) would apply to the project to promote additional energy efficiency and use of renewable energy.

Transportation Energy

Fuel use estimates provided in Table 3.6-1 were calculated from the combination of consumption rates and fuel mix by vehicle class based on modeling provided in Appendix C.

Table 3.6-1 Construction and Operational Energy Consumption

Phase	Fuel Type	Quantity
Construction	Off-road Diesel	410,759 gallons
	On-road Diesel	14,147 gallons
	On-road Gasoline	35,815 gallons
Operation	Mobile Diesel	351,607 gallons
	Mobile Gasoline	1,161,050 gallons
	Building Energy	2,428,068 KBTU/year

Source: Calculations by Ascent Environmental in 2022.

Summary

The project would increase energy demand during construction activities for project buildings and facilities and because of increased transportation rates associated with project operation. Construction activities would not increase long-term, ongoing demand for energy or fuel because the project's construction period is anticipated to last two years and would be both temporary and intermittent.

According to the State CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on oil, and increasing reliance on renewable energy sources. As noted above, the project operations would be required to comply with the California Energy Code, but, absent mitigation, would not include additional energy efficiency measures or the use of renewable energy as promoted by the State or the General Plan. This impact would be **significant**.

Mitigation Measures

Mitigation Measure 3.6-1a: Implement Mitigation Measure 3.8-1a (Install Photovoltaics)

Mitigation Measure 3.6-1b: Implement Mitigation Measure 3.8-1b (Electrify All Operations)

Mitigation Measure 3.6-1c: Implement Mitigation Measure 3.8-1c (Install Electric Vehicle Chargers)

Mitigation Measure 3.6-1d: Implement Mitigation Measure 3.8-1d (Obtain Electrical Service From Central Coast Community Energy)

Mitigation Measure 3.6-1e: Implement Mitigation Measure 3.8-1e (Implement Building and Development Efficiency Measures)

Significance after Mitigation

Implementation of mitigation measures 3.6-1a through 3.6-1e would improve the energy efficiency of the project as well as ensure electricity used onsite is obtained from 100 percent renewable source through onsite solar and electrical service from Central Coast Community Energy. This would be consistent with State regulations and San Benito General Plan (policies LU-2.1, LU-2.2, and LU-2.4) that promote additional energy efficiency and use of renewable energy. Thus, implementation of these mitigation measures would reduce this impact to a **less-than-significant level**.

3.7 GEOLOGY, SOILS, AND MINERAL RESOURCES

This section describes current conditions relative to geology and soils at the Betabel project site. It includes a description of soils and mineral resources, analysis of environmental impacts, and recommendations for mitigation measures for any significant or potentially significant impacts. The primary source of information used for this analysis is the Geotechnical Engineering Report prepared by Earth Systems (Earth Systems 2019), as well as publicly available information from the California Department of Conservation and California Geological Survey for the project area.

No comments related to geology, soils, or mineral resources were received during public review of the Notice of Preparation.

3.7.1 Regulatory Setting

FEDERAL

National Earthquake Hazards Reduction Act

In October 1977, the U.S. Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States. To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). The mission of NEHRP includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRP designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities.

STATE

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Public Resources Code [PRC] Section 2621-2630) intends to reduce the risk to life and property from surface fault rupture during earthquakes by regulating construction in active fault corridors, and by prohibiting the location of most types of structures intended for human occupancy across the traces of active faults. The act defines criteria for identifying active faults, giving legal support to terms such as active and inactive, and establishes a process for reviewing building proposals in Earthquake Fault Zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across these zones is strictly regulated if they are "sufficiently active" and "well-defined." A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the act as within the last 11,000 years). A fault is considered well defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment (Bryant and Hart 2007). Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone.

California Building Code

The California Building Code (CBC) (California Code of Regulations, Title 24) is based on the International Building Code. The CBC has been modified from the International Building Code for California conditions, with more detailed and/or more stringent regulations. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, while Chapter 18A regulates construction on

unstable soils, such as expansive soils and areas subject to liquefaction. Appendix J of the CBC regulates grading activities, including drainage and erosion control. The CBC contains a provision that provides for a preliminary soil report to be prepared to identify "...the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects" (CBC Chapter 18 Section 1803.1.1.1).

California Onsite Wastewater Treatment Standards

Assembly Bill 885 amended California Water Code Section 13290, which required the State Water Resources Control Board (SWRCB) to develop statewide standards for permitting and operation of Onsite Wastewater Treatment Systems, septic systems. The SWRCB adopted the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Systems which became effective on May 13, 2013. This policy established a statewide risk-based tiered approach for the regulation and management of Onsite Wastewater Treatment Systems.

Seismic Hazards Mapping Act

The intention of the Seismic Hazards Mapping Act of 1990 (PRC Section 2690–2699.6) is to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The act's provisions are similar in concept to those of the Alquist-Priolo Act: The State is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones. Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development.

Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act of 1975 (PRC Sections 2710–2796) provides for the classification of non-fuel mineral resources in the state to show where economically significant mineral resources occur or are likely to occur. Classification is carried out under the Mineral Land Classification Project under the direction of the State Geologist. Once lands have been classified, they may be designated by the State Mining and Geology Board as mineral-bearing areas of statewide or regional significance if they are in areas where urban expansion or other irreversible land uses may occur that could restrict or preclude future mineral extraction. Designation is intended to prevent future land use conflicts and occurs only after consultation with lead agencies and other stakeholders.

The California Department of Conservation, Division of Mines and Geology (Conservation) has developed guidelines for the classification and designation of mineral lands. These guidelines contain information on what are known as Mineral Resource Zones (MRZs), which together comprise a system of classifying lands based on their economic importance. The MRZ system consists of four categories into which lands may be classified based on the degree of available knowledge about the resource, and the level of economic significance of the resource:

- ▶ **MRZ-1:** Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence
- ▶ **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence
- ▶ **MRZ-3:** Areas containing mineral deposits for which the significance cannot be determined from available data
- ▶ **MRZ-4:** Areas where available information is inadequate for assignment of any other MRZ category

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to geology, soils, and mineral resources:

- ▶ **Policy LU-1.8: Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year

floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.

- ▶ **Policy LU-1.10: Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- ▶ **Policy PFS-5.5: Individual Onsite Septic Systems.** The County shall permit onsite septic systems only when connection to an existing wastewater system or sewer system is not reasonably available. Approval, installation, and use of individual septic systems shall be consistent with Regional Water Quality Control Board regulations.
- ▶ **Policy PFS-5.6: Septic System Design.** The County shall require individual septic systems to be properly designed, constructed, and maintained to avoid degradation of ground and surface water quality.
- ▶ **Policy PFS-6.8: Reduce Erosion and Sedimentation.** The County shall ensure that drainage systems are designed and maintained to minimize soil erosion and sedimentation and maintain natural watershed functions.
- ▶ **Policy NCR-4.15: Septic Systems.** The County shall require septic systems to be limited to areas where sewer services are not available and where it can be demonstrated that septic systems will not contaminate groundwater.
- ▶ **Policy NCR-4.16: Develop in Existing Areas.** The County shall encourage development to occur in or near existing developed areas in order to reduce the use of individual septic systems in favor of domestic wastewater treatment in an effort to protect groundwater quality.
- ▶ **Policy NCR-5.1: Mineral Resource Preservation.** The County shall preserve for future use areas with potentially-important mineral resources by limiting residential or urban uses that would be incompatible with mining operations.
- ▶ **Policy NCR-5.2: Significant Mineral Resources.** The County shall recognize areas classified Mineral Resource Zone 2 (MRZ-2) or Scientific Zone (SZ) pursuant to the Guidelines for Classification and Designation of Mineral Lands as mineral resources of statewide and regional significance and shall protect these mineral resources from premature development incompatible with mining.
- ▶ **Policy HS-3.2: Subsidence or Liquefaction.** The County shall require that all proposed structures, utilities, or public facilities within recognized near-surface subsidence or liquefaction areas be located and constructed in a manner that minimizes or eliminates potential damage.
- ▶ **Policy HS-3.6: Unstable Soils.** The County shall require and enforce all standards contained in the current California Building Code related to construction on unstable soils, and shall make a determination as to site suitability of all development projects during the building permit review process. The County shall not approve proposed development sited within areas of known or suspected instability until detailed area studies are completed that evaluate the extent and degree of instability and its impact on the overall development of the area.
- ▶ **Policy HS-3.7: Setback from Fault Traces.** The County shall require setback distances from fault traces to be determined by individual site specific surface rupture investigations.
- ▶ **Policy HS-3.8: Liquefaction Studies.** The County shall require proposals for development in areas with high liquefaction potential to include detailed site specific liquefaction studies.
- ▶ **Policy HS-3.9: Seismic Safety Evaluations.** The County shall require buildings three stories or higher, and locations zoned for multifamily housing, to include in development proposals measures to determine ground shaking characteristics, evaluate potential for ground failure, identify any other geologic hazards that might exist on the site, and mitigate for these hazards.

3.7.2 Environmental Setting

REGIONAL GEOLOGY

San Benito County, inclusive of the project site, is within the Coast Range Geomorphic Province of California, which is typified by northwest-southeast trending mountains ranges and fault systems. The Coast Ranges Geomorphic Province consists of land between the Pacific Ocean and the Sacramento–San Joaquin Valley and trends northwesterly along the California coast for approximately 600 miles between the City of Santa Maria and the southern border of Oregon (CGS 2015).

LOCAL GEOLOGY AND SOILS

The project site is underlain by Quaternary (present time to 1.6 million years ago) alluvial deposits (CGS 2002). The California Geological Survey indicates that the following soil mapping units occur beneath the project site:

- ▶ Alluvium (Q): This is a series of unconsolidated stream and basin deposits, ranging in size and content from fine clay material to boulder size particles. This is the primary soil map unit for the site. This was confirmed through subsurface testing of the site which identified the presence of a mix of clayey sands and silt with sands (Earth Systems 2019).
- ▶ Stream Gravel (Qg): The presence of this mapping unit is limited to the western edge of the project site and associated with the beds of the Pajaro and San Benito rivers. Materials associated with this mapping unit range in size from sand to boulder size particles.

TOPOGRAPHY AND DRAINAGE

The topography of the project site is predominantly flat, sloping gently to the west towards the Pajaro and San Benito rivers that represent the western boundary of the project site. The majority of the project site is unpaved and onsite soils are loosely consolidated due to historic agricultural and farmers market activities.

GROUNDWATER

As noted in the County's General Plan (San Benito County 2010a) and the North San Benito Subbasin Groundwater Sustainability Plan (Todd Groundwater 2021), groundwater is the major source of water supply in San Benito County. Groundwater is generally available throughout the county for limited domestic and livestock supplies. The county includes all or portions of 12 groundwater basins where groundwater is more readily available. The groundwater basins drain northward as part of the San Benito River and Pajaro River systems, with the exception of Bitter Water Valley, which drains generally south to the Salinas River Valley, and the Panoche and Vallecitos valleys, which drain to the east toward the San Joaquin River. Most groundwater production occurs in the northern part of San Benito County in the Gilroy-Hollister groundwater basin. While the amount of groundwater used in other basins is unknown, it is assumed to be limited to domestic and small irrigation use. For management purposes the basin is divided into several groundwater subbasins. Of these, the project site is located within the North San Benito Subbasin, which is hydrologically connected via groundwater flows to the Llagas subbasin in Santa Clara County (Todd Groundwater 2021). These subbasin boundaries are based on a combination of infrastructure (CVP subsystems), political boundaries, major roads, and geologic structures (faults). In general, groundwater elevations change in response to wet years and droughts, groundwater pumping, importation of water, and managed aquifer recharge programs. The groundwater basin provides not only supply, but also storage. In terms of groundwater management, the key issue is to avoid long term depletion of storage, commonly understood as overdraft, which has been accomplished within the basin through the use of groundwater supplies when surface water supplies are diminished and replenishing groundwater storage when surface water supplies are more readily available. Based on annual groundwater reports prepared for the basin, groundwater storage has been stable since 1987 (Todd Groundwater 2021).

SUBSIDENCE

Land subsidence is the gradual settling or sinking of an area with very little horizontal motion. Subsidence can be induced by both natural and human phenomena. Natural phenomena include shifting of tectonic plates and dissolution of limestone resulting in sinkholes. Subsidence related to human activity includes pumping water, oil, and gas from underground reservoirs; collapse of underground mines; drainage of wetlands; and soil compaction. The results of a geotechnical investigation conducted at the project site identified a mix of soil material ranging from very soft to very stiff, with finer grained soils exhibiting the greater stiffness (Earth Systems 2019). Although the project site and surrounding area is located in an area of potential subsidence if there is sufficient groundwater withdrawal, there is no reported evidence of subsidence in the immediate area of the project site, as noted above with respect to groundwater conditions.

EXPANSIVE SOILS

Expansive soils (also known as shrink-swell soils) are soils that contain expansive clay minerals that can absorb significant amounts of water. The presence of these clay minerals makes the soil prone to large changes in volume in response to changes in water content. When an expansive soil becomes wet, water is absorbed and it increases in volume, and as the soil dries it contracts and decreases in volume. This repeated change in volume over time can produce enough force and stress on buildings, underground utilities, and other structures to damage foundations, pipes, and walls.

The quantity and type of expansive clay minerals affects the potential for the soil to expand or contract. Where native soils still exist, soil types may be expected to be similar to those of the nearby areas. Based on the geotechnical study performed for the project site, onsite soils indicate a high expansion potential for the site, due to the potential for onsite soils to swell and shrink with changes in soil moisture (Earth Systems 2019).

MASS WASTING AND LANDSLIDES

Mass wasting refers to the collective group of processes that characterize down slope movement of rock and unconsolidated sediment overlying bedrock. These processes include landslides, slumps, rockfalls, flows, and creeps. Many factors contribute to the potential for mass wasting, including geologic conditions as well as the drainage, slope, and vegetation of the site. The project site is not located within an area identified as a potential landslide hazard area (CGS 2022). In addition, land sliding is not expected due to the site being located on a topographically flat area on the valley floor within the floodplain of the Pajaro and San Benito rivers.

SEISMICITY

Most earthquakes originate along fault lines. A fault is a fracture in the Earth's crust along which rocks on one side are displaced relative to those on the other side due to shear and compressive crustal stresses. Most faults are the result of repeated displacement that may have taken place suddenly and/or by slow creep (Bryant and Hart 2007). The state of California has a classification system that designates faults as either active, potentially active, or inactive, depending on how recently displacement has occurred along them. Faults that show evidence of movement within the last 11,000 years (the Holocene geologic period) are considered active, and faults that have moved between 11,000 and 1.6 million years ago (comprising the later Pleistocene geologic period) are considered potentially active.

A review of available published geologic and seismic hazards maps indicates that there are no known active faults identified in or immediately adjacent to the project site. However, the region has experienced numerous instances of ground shaking originating from faults in other areas. The closest known potentially active fault is the Sargent Fault, located approximately 1.9 miles to the northeast of the project site. In addition, the closest branches of the seismically active San Andreas Fault System is located approximately 2.2 miles to the southwest of the project site (Earth Systems 2019). Seismic hazards resulting from earthquakes include surface fault rupture, ground shaking, and liquefaction. Each of these potential hazards is discussed below.

Surface Fault Rupture

Surface rupture is the surface expression of movement along a fault. Structures built over an active fault can be torn apart if the ground ruptures. The potential for surface rupture is based on the concepts of recency and recurrence. Surface rupture along faults is generally limited to a linear zone a few meters wide. The Alquist-Priolo Act (see the Regulatory Setting discussion above) was created to prohibit the location of structures designed for human occupancy across, or within 50 feet of, an active fault, thereby reducing the loss of life and property from an earthquake. The project site is not located within an Alquist-Priolo active fault zone (Bryant and Hart 2007; Earth Systems 2019), and there is no evidence of active faulting within or near the project site.

Ground Shaking

The intensity of seismic shaking, or strong ground motion, during an earthquake is dependent on the distance and direction from the epicenter of the earthquake, the magnitude of the earthquake, and the geologic conditions of the surrounding area. Ground shaking could potentially result in the damage or collapse of buildings and other structures. The probable seismic ground shaking expected at the project site is anticipated to produce peak ground accelerations of 0.867g (Earth Systems 2019). Earthquake intensities generally associated with this amount of ground shaking fall within Class XI on the Modified Mercalli Intensity Scale (Table 3.7-1). An expected characteristic earthquake on the entire San Andreas Fault System is a Moment Magnitude scale of 7.9 and is probably the largest earthquake that would be felt in the project site. Given the relatively short distance between the San Andreas Fault and the project site, the felt intensity would be expected to be strong (Earth Systems 2019).

Table 3.7-1 The Modified Mercalli Scale of Earthquake Intensities

If most of these effects are observed	Then the intensity is
Earthquake shaking not felt but people may observe marginal effects of large distance earthquakes without identifying these effects as earthquake-caused. Among them: trees, liquids, bodies of water sway slowly, or doors swing slowly.	I
Effect on people: Shaking felt by those at rest, especially if they are indoors, and by those on upper floors.	II
Effect on people: Felt by most people indoors. Some can estimate duration of shaking but many may not recognize shaking of building as caused by an earthquake; the shaking is like that caused by the passing of light trucks.	III
Other effects: Hanging objects swing. Structural effects: Windows or doors rattle. Wooden walls and frames creak.	IV
Effect on people: Felt by everyone indoors and by most people outdoors. Many now estimate not only the duration of shaking but also its direction and have no doubt as to its cause. Sleepers awakened. Other effects: Hanging objects swing. Standing autos rock. Crockery clashes, dishes rattle or glasses clink. Structural effects: Doors close, open or swing. Windows rattle.	V
Effect on people: Felt by everyone indoors and by most people outdoors. Many now estimate not only the duration of shaking but also its direction and have no doubt as to its cause. Sleepers awakened. Other effects: Hanging objects swing. Shutters or pictures move. Pendulum clocks stop, start, or change rate. Standing autos rock. Crockery clashes, dishes rattle or glasses clink. Liquids disturbed, some spilled. Small unstable objects displaced or upset. Structural effects: Weak plaster and Masonry D* crack. Windows break. Doors close, open, or swing.	VI
Effect on people: Felt by everyone. Many are frightened and run outdoors. People walk unsteadily. Other effects: Small church or school bells ring. Pictures thrown off walls, knickknacks and books off shelves. Dishes or glasses broken. Furniture moved or overturned. Trees, bushes shaken visibly, or heard to rustle. Structural effects: Masonry D* damaged; some cracks in Masonry C*. Weak chimneys break at roof line. Plaster, loose bricks, stones, tiles, cornices, unbraced parapets, and architectural ornaments fall. Concrete irrigation ditches damaged.	VII
Effect on people: Difficult to stand. Shaking noticed by auto drivers. Other effects: Waves on ponds; water turbid with mud. Small slides and caving in along sand or gravel banks. Large bells ring. Furniture broken. Hanging objects quiver. Structural effects: Masonry D* heavily damaged; Masonry C* damaged, partially collapses in some cases; some damage to Masonry B*; none to Masonry A*. Stucco and some masonry walls fall. Chimneys, factory stacks, monuments, towers, elevated tanks twist or fall. Frame houses move on foundation if not bolted down; loose panel walls thrown out. Decayed piling broken off.	VIII

If most of these effects are observed	Then the intensity is
Effect on people: General fright. People thrown to ground. Other effects: Changes in flow or temperature of springs and wells. Cracks in wet ground and on steep slopes. Steering of autos affected. Branches broken from trees. Structural effects: Masonry D* destroyed; Masonry C* heavily damaged, sometimes with complete collapse; Masonry B* is seriously damaged. General damage to foundations. Frame structures, if not bolted, shifted off foundations. Frames cracked. Reservoirs seriously damaged. Underground pipes broken.	IX
Effect on people: General panic. Other effects: Conspicuous cracks in ground. In areas of soft ground, sand is ejected through holes and piles up into a small cone, and, in muddy areas, water fountains are formed. Structural effects: Most masonry and frame structures destroyed along with their foundations. Some well-built wooden structures and bridges destroyed. Serious damage to dams, dikes, and embankments. Railroads bent slightly.	X
Effect on people: General panic. Other effects: Large landslides. Water thrown on banks of canals, rivers, lakes, etc. Sand and mud shifted horizontally on beaches and flat land. Structural effects: General destruction of buildings. Underground pipelines completely out of service. Railroads bent greatly.	XI
Effect on people: General panic. Other effects: Same as for Intensity X. Structural effects: Damage nearly total, the ultimate catastrophe. Other effects: Large rock masses displaced. Lines of sight and level distorted. Objects thrown into air.	XII

* Masonry A: Good workmanship and mortar, reinforced, designed to resist lateral forces.

* Masonry B: Good workmanship and mortar, reinforced.

* Masonry C: Good workmanship and mortar, unreinforced.

* Masonry D: Poor workmanship and mortar and weak materials, like adobe.

Liquefaction and Lateral Spreading

Liquefaction is a phenomenon in which loose, saturated, granular soil deposits lose a significant portion of their shear strength because of excess pore water pressure buildup. An earthquake typically causes the increase in pore water pressure and subsequent liquefaction. These soils are behaving like a liquid during seismic shaking and re-solidify when shaking stops. The potential for liquefaction is highest in areas with high groundwater and loose, fine, sandy soils at depths of less than 50 feet. Liquefaction may also lead to lateral spreading. Lateral spreading (also known as expansion) is the horizontal movement or spreading of soil toward an "open face," such as a streambank, the open side of fill embankments, or the sides of levees. It often occurs in response to liquefaction of soils in an adjacent area. The potential for failure from lateral spreading is highest in areas where there is a high groundwater table, where there are relatively soft and recent alluvial deposits, and where creek banks are relatively high.

Based on mapping conducted pursuant to the Alquist-Priolo Act, the project site and surrounding area are not identified as located within an area of potential liquefaction (CGS 2022). However, the geotechnical investigation conducted for the project site did identify groundwater at approximately 17 feet below ground surface, and using methodology suggested by the National Center for Earthquake Engineering Research and Southern California Earthquake Center, it was determined that liquefaction and lateral spreading may occur at the site, up to 4 inches with a differential settlement of 2 inches (Earth Systems 2019).

MINERAL RESOURCES

As noted above, The California Department of Conservation, Division of Mines and Geology has developed guidelines for the classification and designation of mineral lands, known as MRZs, and retains publications of the SMARA Mineral Land Classification Project dealing with mineral resources in California. The project site is designated MRZ-1, areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (Conservation 1999). Further, no aggregate mining operations are currently conducted onsite, which is the primary type of mining operation in San Benito County (San Benito County 2015).

PALEONTOLOGICAL RESOURCES

As noted above, the project site is underlain by Quaternary alluvium and (underneath the Pajaro and San Benito rivers) stream gravel deposits of the Coast Ranges. Within San Benito County, paleontological discoveries have been largely limited to older soil types (i.e., greater than 5.4 million years ago or prior to and including the Pliocene Epoch) (San Benito County 2010b). As a result and due to the age of onsite soil types, the potential to find paleontological resources at the project site is considered low.

3.7.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The examination of geology, soils, and mineral resources is based on information obtained from reviews of:

- ▶ the project description;
- ▶ available literature, including documents published by San Benito County, State and federal agencies, and published information dealing with geotechnical conditions in the County;
- ▶ applicable elements from the San Benito County General Plan; and
- ▶ Geotechnical Engineering Report prepared for the McDowell Trust Development – Betabel Road, San Juan Bautista, San Benito County, California.

THRESHOLDS OF SIGNIFICANCE

A geology and soils impact is considered significant if implementation of the project would do any of the following:

- ▶ directly or indirectly expose people or structures to potential substantial adverse impacts, including the risk of loss, injury, or death through the rupture of a known earthquake fault, strong seismic shaking, seismic-related ground failure, soil liquefaction, or landslides;
- ▶ result in substantial soil erosion or the loss of topsoil;
- ▶ locate project facilities on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse;
- ▶ locate project facilities on expansive soil, creating substantial direct or indirect risks to property;
- ▶ have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater;
- ▶ directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- ▶ result in the loss of a known mineral resource that would be of value to the region and the residents of the state; and/or
- ▶ result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

ISSUES NOT DISCUSSED FURTHER

Fault Rupture

Although the project site is located in a seismically active region that includes two active earthquake faults of local and regional significance, the project site is not located within a designated Alquist-Priolo Earthquake Fault Zone and there are no known fault traces that extend through, or in the immediate vicinity of, the project site. Therefore, fault

rupture is not anticipated to occur. Compliance with the CBC requirements would minimize any potential impacts related to fault rupture in the region that could create ground shaking at the site. Thus, buildout of the project would not expose people or structures to potential substantial adverse effects related to the rupture of a known earthquake fault; and this issue is not discussed further.

Paleontological Resources

As noted above, the project site is located in an area that does contain Quaternary alluvium deposits and based on where other paleontological resources have been found within the County, the potential for the discovery of resources at the project site considered to be low. Further, there are no known paleontological resources or unique geologic formations such that discovery of resources is considered likely. As a result, impacts related to paleontological resources are not anticipated, and this issue is not discussed further herein.

Mineral Resources

As noted above, the project site is located in an area that does not contain significant mineral resources deposits (Conservation 1999). Additionally, the site is not considered a locally important mineral resource site and is not currently utilized as an aggregate mining operation, which is the primary mining operation in the county (San Benito County 2015). As a result, impacts related to mineral resources are not anticipated, and this issue is not discussed further herein.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.7-1: Directly or Indirectly Cause Potential Substantial Adverse Effects, including the Risk of Loss, Injury, or Death Involving Seismic Ground Shaking or Seismic-Related Ground Failure

Although the project site is located in a seismically active region that includes several active earthquake faults of local and regional significance, none of these faults extend directly through or immediately adjacent (i.e., less than one mile) to the project site. All structures proposed to be constructed or redeveloped would be required to comply with the current CBC requirements, to ensure that all new and modified buildings would be capable of withstanding anticipated levels of ground shaking. For this reason, the potential impacts related to ground shaking would be **less than significant**.

As discussed in Section 3.7.2 above, the project site is located in a seismically active region that includes several active earthquake faults of local and regional significance. However, none of these faults extend directly through the project site. Strong ground shaking from an earthquake can result in damage associated with ground lurching, structural damage, and liquefaction, all of which could occur at the project site. The severity of ground shaking at the project site during a seismic event would be influenced by the distance from the seismic source (depending on which fault and where on the fault the seismic source occurs). Similarly, and due in part to the presence of groundwater at a depth of 17 feet below ground surface, combined with some softer/condensable soil material, liquefaction and/or other seismic-related ground failure could occur if onsite soils are not properly compacted and moisture conditioned (Earth Systems 2019).

However, all structures proposed to be constructed at the project site would be required to comply with current CBC requirements, to ensure that all new buildings would be capable of withstanding anticipated levels of ground shaking. Further, the study conducted in 2019 by Earth Systems included several site-specific considerations/recommendations to be implemented as part of the project and in order to ensure compliance with CBC requirements for the project. These include overexcavation by a minimum of 2 feet below existing grade and five feet beyond the planned building footprint, moisture conditioning to slightly above optimum moisture content, the use of nonexpansive imported material within areas where concrete floor slabs are to be employed, specific load considerations for foundations, and the use of rebar no greater than 18-inches apart for interior slabs and foundations. Thus, compliance with CBC requirements would reduce the potential impact related to seismic ground shaking through the identification of site-

specific seismic hazards and implementation of responsive structural design in accordance with peer-reviewed earthquake loads and seismic performance requirements.

It is also important to note that environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the proposed project might cause or risk exacerbating environmental hazards or conditions that already exist (CCR Section 15126.2[a]). In those specific instances, it is the project's impact on the environment and not the environment's impact on the project that compels an evaluation of how future residents or users may be affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* [2015] 62 Cal. 4th 369). Project construction and operation would not create new seismic events or exacerbate existing seismic hazards, because the project improvements would involve limited excavation that would not alter seismic and fault conditions in the region.

Therefore, the potential impact related to ground shaking and seismic-related ground failure would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.7-2: Be Located on Expansive Soil, Creating Substantial Direct or Indirect Risks to Property

The project site includes soils with shrink-swell and lateral spreading potential. Ground-disturbing construction activities on soils that have a shrink-swell potential and/or lateral spreading could result in adverse effects such as damage to foundations from ground movement. However, compliance with CBC requirements related to soil compaction/treatment would ensure that any impacts related to expansive soils do not result in substantial direct or indirect risks to property, including the project. Thus, this impact would be **less than significant**.

As noted above, the project site and vicinity contain expansive soils (Earth Systems 2019). Buildings constructed on expansive soils often require specialized building techniques to protect foundations from damage caused by the expanding and contracting movement of the soil. Similarly, the potential hazards associated with building on soils that may experience lateral spreading can be reduced through soil modification or specialized engineering practices. The risk associated with these soils can be minimized if they are identified during the planning phase of a project and design accommodations are made in accordance with CBC requirements.

Currently, the CBC requires a geotechnical report for any structure that exceeds 4,000 square feet or is more than one story. Several of the structures, including the motel, proposed for the project site trigger this requirement and therefore require the completion of a geotechnical report that expands upon the analysis and conclusions of the 2019 Earth Systems report. The CBC requires this report to evaluate the potential for expansive or unstable soils and provide recommendations for incorporation into final design of appropriate project components. As required by CBC Chapter 18, the report has to be prepared by a Registered Professional Geologist, or Registered Civil or Geotechnical Engineer and shall ensure that all applicable codes and seismic standards are adequately addressed in the design and construction of the project. The geotechnical report would include recommendations on the following:

- ▶ retaining wall and roadway design;
- ▶ structural foundations;
- ▶ grading practices;
- ▶ erosion/winterization;
- ▶ best practices to address groundwater and expansive or unstable soils;
- ▶ slope stability; and
- ▶ post-construction restoration.

Through completion of the required geotechnical report and adherence to its recommendations, the potential to expose users to risk related to expansive soils would be minimized. Because continued planning and design would include site-specific design requirements to ensure consistency with the CBC and its requirements related to soil stabilization, the development of the project site would have a **less-than-significant** impact relative to expansive or otherwise unstable soils.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.7-3: Result in Substantial Erosion or Loss of Topsoil

Construction activities associated with development of the project site would create ground disturbance and soil compaction which could lead to increased erosion. However, due to the topography of the site, the area is not considered to be highly susceptible to erosion. Additionally, the development of the project site would be required to comply with San Benito County construction permitting and Central Coast Regional Water Quality Control Board NPDES permit conditions requiring temporary and permanent erosion control best management practices (BMPs). Therefore, the potential for development of the project site to result in increased erosion would be a **less-than-significant** impact.

Development of the project site could involve up to approximately 32 acres of ground disturbance. Construction activities would include vegetation removal and grading. Excavation and compaction of onsite soils would be required for the installation of storm drains, utilities (including leach fields), and foundations. These activities would result in temporary disturbance of soil and would potentially further expose disturbed areas of the project site to storm events. Rain of sufficient intensity and duration could dislodge soil particles, generate runoff, and cause localized erosion. Soil disturbance during the summer months could result in loss of topsoil because of wind erosion. Heavy equipment traffic on the site could result in soil compaction which would reduce the water holding capacity of the soil, increasing the potential for runoff and erosion.

Consistent with State requirements and as discussed in Section 3.10, "Hydrology and Water Quality," a stormwater pollution prevention plan (SWPPP) would be developed for the project by a qualified SWPPP developer. The objectives of the SWPPP are to identify pollutant sources that may affect the quality of stormwater associated with construction activity and identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. Therefore, the SWPPP would include a description of potential pollutants, the management of dredged sediments, and hazardous materials present on the site during construction (including vehicle and equipment fuels). The SWPPP would also include details of how BMPs for sediment and erosion control would be implemented.

Furthermore and as noted above and in Chapter 2, "Project Description," the project would be required to construct all new onsite structures in accordance with CBC standards. These standards require that appropriate soil and geotechnical reports be prepared and that site-specific engineering design measures, including those related to general site grading, clearing and grubbing, soil stabilization, and general erosion control (e.g., those suggested in the 2019 study prepared by Earth Systems for the site), be implemented to appropriately minimize potential adverse impacts related to erosion at the project site. This, coupled with preparation of a site-specific SWPPP, would minimize potential adverse impacts related to erosion and loss of topsoil at the project site.

Because the project applicant would be required to implement appropriate stormwater controls in accordance with applicable requirements that would reduce potential runoff, development of the project site would result in **less-than-significant** impacts related to erosion.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.7-4: Have Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

As currently proposed, the project would involve the expansion of existing onsite septic and wastewater disposal systems. Based on the presence of an existing septic system and taking into consideration permitting requirements, as well as General Plan policy requirements, onsite soils are considered to be capable of adequately supporting the use of septic tanks and/or alternative wastewater disposal systems as proposed by the project. Impacts would be **less than significant**.

Similar to many areas of the unincorporated county (San Benito County 2015), the project site currently uses onsite septic and leach fields to address the wastewater treatment and disposal needs associated with the farm stand. As part of the project, these facilities would be expanded to include several acres of additional leach fields within the southern portion of the project site and five additional septic tanks, two of which would have a capacity of 18,000 gallons while the remaining three tanks would provide 3,500 gallons or less of capacity per tank. However, the presence of onsite septic facilities is a preliminary indication that onsite soils are capable of adequately supporting the use of septic tanks and alternative wastewater disposal systems.

Further, any new, expanded, or replacement septic systems within the county are required to obtain a permit from the County Environmental Health Division (consistent with County General Plan policy requirements) that must demonstrate the ability for the onsite system to meet the operational demand with minimal maintenance. More specifically, General Plan policy LU 1.10 prohibits the installation of septic systems within areas with unsuitable soils. Additionally, as part of compliance with California Water Code Section 13290 and SWRCB Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Systems, would be required to demonstrate that onsite wastewater disposal is addressed efficiently and does not result in offsite pollution or nuisance. Percolation tests and analysis of the tests would also be conducted as part of the in-depth geotechnical review of the project site to be conducted for CBC-compliance purposes. Combined with the presence of a septic system at the project site currently, the project site and onsite soils are considered capable of adequately supporting the use of septic tanks and/or alternative wastewater disposal systems. Impacts would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.8 GREENHOUSE GAS EMISSIONS

This section presents a summary of regulations applicable to greenhouse gas (GHG) emissions; a summary of climate change science and GHG sources in California; quantification of project-generated GHGs and discussion about their contribution to global climate change; and analysis of the project's resiliency to climate change-related risks. In addition, mitigation measures are recommended to reduce the project's contribution to climate change.

No comments regarding greenhouse gases were received in response to the Notice of Preparation.

3.8.1 Regulatory Setting

FEDERAL

In *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497 (2007), the Supreme Court of the United States ruled that carbon dioxide (CO₂) is an air pollutant as defined under the federal Clean Air Act and that the U.S. Environmental Protection Agency (EPA) has the authority to regulate GHG emissions.

In 2010, EPA started to address GHG emissions from stationary sources through its New Source Review permitting program, including operating permits for "major sources" issued under Title V of the federal Clean Air Act.

Regulations for Greenhouse Gas Emissions from Passenger Cars and Trucks and Corporate Average Fuel Economy Standards

In October 2012, EPA and the National Highway Traffic Safety Administration, on behalf of the U.S. Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). These rules would increase fuel economy to the equivalent of 54.5 miles per gallon, limiting vehicle emissions to 163 grams of CO₂ per mile for the fleet of cars and light-duty trucks by model year 2025 (77 FR 62630). However, on April 2, 2018, the EPA administrator announced a final determination that the current standards are not appropriate and should be revised.

In December 2021, EPA finalized revised national GHG emissions standards for passenger cars and light trucks for model years 2023 through 2026. The final standards leverage advances in clean car technology to unlock \$190 billion in net benefits to Americans, including reducing climate pollution, improving public health, and saving drivers money at the pump. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than 3 billion tons of GHG emissions through 2050.

These standards set the light-duty vehicle GHG program on track to provide a strong launch point for the Agency's next phase of standards for MY 2027 and beyond. EPA is planning to initiate a separate rulemaking to establish multi-pollutant emission standards under the Clean Air Act for MY 2027 and later that will speed the transition of the light-duty vehicle fleet toward a zero-emissions future consistent with President Biden's Executive Order, "Strengthening American Leadership in Clean Cars and Trucks."

STATE

Statewide GHG Emission Targets and the Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the state government for approximately two decades (State of California 2018). GHG emission targets established by the state legislature include reducing statewide GHG emissions to 1990 levels by 2020 (Assembly Bill 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 of 2016). Executive Order S-3-05 calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. Executive Order B-55-18 directs California to achieve carbon neutrality by 2045 and achieve and maintain net negative GHG emissions thereafter. These targets are in line with the scientifically

established levels needed in the United States to limit the rise in global temperature to no more than two degrees Celsius, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (United Nations 2015:3).

California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), prepared by the California Air Resources Board (CARB), outlines the main strategies California will implement to achieve the legislated GHG emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2017:1, 3, 5, 20, 25–26). It identifies the reductions needed by each GHG emission sector (e.g., transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste). CARB and other state agencies also released the 2030 Draft Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal of Executive Order B-55-18. The Plan furthers the state's goals through improving the carbon sequestration potential of the state's natural and working lands through improved soil health and forest management strategies.

The state has also passed more detailed legislation addressing GHG emissions associated with industrial sources, transportation, electricity generation, and energy consumption, as summarized below.

Cap-and-Trade Program

CARB administers the state's cap-and-trade program, which covers GHG emission sources that emit more than 25,000 metric tons of carbon dioxide equivalent per year (MTCO₂e/year), such as refineries, power plants, and industrial facilities. This market-based approach to reducing GHG emissions provides economic incentives for achieving GHG emission reductions.

Transportation-Related Standards and Regulations

As part of its Advanced Clean Cars program, CARB established more stringent GHG emission standards and fuel efficiency standards for fossil fuel-powered on-road vehicles. In addition, the program's zero-emission vehicle (ZEV) regulation requires battery, fuel cell, and plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025 (CARB 2016a:15). By 2025, when the rules will be fully implemented, GHG emissions from the statewide fleet of new cars and light-duty trucks will be reduced by 34 percent and cars will emit 75 percent less smog-forming pollution than the statewide fleet in 2016 (CARB 2016b:1).

Executive Order B-48-18, signed into law in January 2018, requires all state entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen fueling stations and 250,000 electric vehicle-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

CARB adopted the Low Carbon Fuel Standard in 2007 to reduce the carbon intensity of California's transportation fuels. The Low Carbon Fuel Standard applies to fuels used by on-road motor vehicles and by off-road vehicles, including construction equipment (Wade, pers. comm., 2017).

In addition to regulations that address tailpipe emissions and transportation fuels, the state legislature has passed regulations to address the amount of driving by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations (MPOs) to adopt plans showing reductions in GHG emissions from passenger cars and light trucks in their respective regions for 2020 and 2035 (CARB 2018a:1). These plans link land use and housing allocation to transportation planning and related mobile-source emissions. The Association of Monterey Bay Area Governments (AMBAG) serves as the MPO for San Benito, Santa Cruz, and Monterey Counties. The project site is in San Benito County. Under SB 375, AMBAG adopted its most recent 2045 *Metropolitan Transportation Plan/Sustainable Communities Strategy* (MTP/SCS) in June 2022. Under federal law, AMBAG will be required to complete another updated MTP/SCS by June 2024, and every 4 years afterward.

Legislation Associated with Electricity Generation

The state has passed legislation requiring the increasing use of renewables to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011);

52 percent by 2027 (SB 100 of 2018); 60 percent by 2030 (also SB 100 of 2018); and 100 percent by 2045 (also SB 100 of 2018).

Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the state's Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). The California Energy Commission (CEC) updates the California Energy Code every 3 years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions. The current California Energy Code (2016) is scheduled to be replaced by the 2019 standards on January 1, 2020. The 2019 California Energy Code will require builders to use more energy-efficient building technologies for compliance with increased restrictions on allowable energy use. Additionally, new residential units will be required to include solar panels, sized to offset the estimated electrical requirements of each unit (CCR, Title 24, Part 6, Section 150.1[c]14). CEC estimates that the combination of required energy-efficiency features and mandatory solar panels in the 2019 California Energy Code will result in new residential buildings that use 53 percent less energy than those designed to meet the 2016 California Energy Code. The CEC also estimates that the 2019 California Energy Code will result in new commercial buildings that use 30 percent less energy than those designed to meet the 2016 standards, primarily through the transition to high-efficacy lighting (CEC 2018a).

Executive Order S-03-05

Executive Order S-3-05, issued in June of 2005 by Governor Arnold Schwarzenegger, established GHG reduction targets for the State of California. The order called for reducing emissions to 1990 levels by 2020, and 80 percent below 1990 levels by 2050. In addition, the order authorized the production of statewide reports on GHG reduction and climate adaptation.

Executive Order S-1-07, Low Carbon Fuel Standard

Executive order S-1-07, signed by Governor Arnold Schwarzenegger in 2007, calls for a reduction of at least 10 percent in the carbon intensity of California's transportation fuels by 2020. This executive order "instructed the Cal EPA to coordinate activities between the University of California, the California Energy Commission and other state agencies to develop and propose a draft compliance schedule to meet the 2020 target" (CARB 2008).

Assembly Bill 4420

Assembly Bill (AB) 4420 directs the CEC to prepare and maintain the State's inventory of GHG emissions. AB 4420 was adopted in 1988, and it was the first time greenhouse gases were inventoried and assessed in the State of California. The results from this assessment were reported in two documents: "The Impacts of Global Warming on California" and "Climate Change Potential Impacts and Policy Recommendations" (Ecometrica 2010).

Renewable Energy Portfolio

California's renewable energy portfolio, established in 2002 under SB 1078 and accelerated in 2006 under SB 107, obligates investor-owned utilities, energy service providers, and community choice aggregators to procure an additional 1 percent of retail sales per year from renewable sources until 20 percent is reached, no later than 2010 (CEC 2015).

Assembly Bill 1493, the Pavley Bill

AB 1493 supersedes federal corporate average fuel economy standards for GHG emissions from motor vehicles. AB 1493, adopted in 2002, does not mandate any particular technology for meeting emissions standards.

Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008

According to AB 32, CARB must establish a framework to meet the goals established in AB 32. SB 375 is the implementation tool for AB 32 and establishes individualized GHG emissions targets for regional and metropolitan planning organizations (MPOs). CARB mandates MPOs to develop a sustainable communities strategy (SCS), which details how the MPO will meet the emissions target established by CARB (CARB 2011).

LOCAL

Monterey Bay Unified Air Pollution Control District

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the primary agency responsible for addressing air quality concerns in San Benito County. In February 2008, MBUAPCD issued revised adopted guidance for assessing and reducing the impacts of project-specific air quality emissions in NCCAB. This document includes a section addressing GHG emissions at the project level.

The MBUAPCD has also considered thresholds for GHG emissions, although these are not yet formally adopted as of the date of this EIR (MBUAPCD 2014). For land-use projects, the thresholds under consideration are:

- ▶ 2,000 MT CO₂e per year.
- ▶ Incorporate mitigation measures to reduce GHG emissions by 16 percent, relative to business as usual (2014).
- ▶ Compliance with an adopted Climate Action Plan.

San Benito County General Plan

The San Benito County General Plan specifically includes policies intended to reduce GHG emissions. These policies include the following:

- ▶ **Policy HS-5.7: Greenhouse Gas Emission Reductions.** The County shall promote GHG emission reductions by supporting carbon efficient farming methods (e.g., methane capture systems, no-till farming, crop rotation, cover cropping); supporting the installation of renewable energy technologies; and protecting grasslands, open space, oak woodlands, riparian forest and farmlands from conversion to urban uses.
- ▶ **Policy HS-5.8: GHG Reduction Targets.** The County acknowledges that the state endeavors to achieve 1990 GHG emission levels and establish a long-term goal to reduce GHG emissions by 80 percent below 1990 levels by 2050. The County will encourage projects that support these goals, recognizing that these goals can be met only if the state succeeds in decarbonizing its fuel supply.

The general plan also includes countywide goals and policies aimed at improving energy efficiency, transportation efficiency, and reducing air emissions, all of which would sequester GHGs. These are discussed further in Sections 3.3, "Air Quality," 3.6, "Energy," and 3.15, "Transportation."

3.8.2 Environmental Setting

THE PHYSICAL SCIENTIFIC BASIS OF GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected toward space. The absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. The earth has a much lower temperature than the sun; therefore, the earth emits lower frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is "extremely likely" that more

than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic forcing (IPCC 2014:5).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent are estimated to be sequestered through ocean and land uptake every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remain stored in the atmosphere (IPCC 2013:467).

The quantity of GHGs in the atmosphere responsible for climate change is not precisely known, but it is enormous. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

GREENHOUSE GAS EMISSION SOURCES

As discussed previously, GHG emissions are attributable in large part to human activities. The total GHG inventory for California in 2016 was 429 million metric tons of carbon dioxide equivalent (MMTCO₂e) (CARB 2018b). This is less than the 2020 target of 431 MMTCO₂e (CARB 2018c:1). Table 3.8-1 summarizes the statewide GHG inventory for California.

Table 3.8-1 Statewide GHG Emissions by Economic Sector

Sector	Percent
Transportation	41
Industrial	23
Electricity generation (in state)	10
Electricity generation (imports)	6
Agriculture	8
Residential	7
Commercial	5
Not specified	<1

Source: CARB 2018b.

As shown in Table 3.8-1, transportation, industry, and electricity generation are the largest GHG emission sectors.

Emissions of CO₂ are byproducts of fossil fuel combustion. Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Nitrous oxide is also largely attributable to agricultural practices and soil management. CO₂ sinks, or reservoirs, include vegetation and the ocean, which absorb CO₂ through sequestration and dissolution (CO₂ dissolving into the water), respectively, two of the most common processes for removing CO₂ from the atmosphere.

EFFECTS OF CLIMATE CHANGE ON THE ENVIRONMENT

According to the IPCC, which was established in 1988 by the World Meteorological Organization and the United Nations Environment Programme, global average temperature will increase by 1.5 degrees Celsius (°C) (2.7 degrees Fahrenheit [°F]) by 2040. This change represents a global average indicating that portions of the earth will experience

more dramatic warming than others. Oceans, which supports high specific heat, will experience less dramatic warming as compared to continents, particularly in inland regions.

According to *California's Fourth Climate Change Assessment*, if global GHGs are reduced at a moderate rate, California will experience average daily high temperatures that are warmer than the historic average by 2.5 °F from 2006 to 2039, by 4.4 °F from 2040 to 2069, and by 5.6 °F from 2070 to 2100; and if GHG emissions continue at current rates then California will experience average daily high temperatures that are warmer than the historic average by 2.7 °F from 2006 to 2039, by 5.8 °F from 2040 to 2069, and by 8.8 °F from 2070 to 2100 (OPR 2019:23). The potential effects of this warming in California are well documented.

Since its previous climate change assessment in 2012, California has experienced several of the most extreme natural events in its recorded history: a severe drought from 2012–2016, an almost non-existent Sierra Nevada winter snowpack in 2014–2015, increasingly large and severe wildfires, and back-to-back years of the warmest average temperatures (OPR 2019:56). According to the California Natural Resources Agency's (CNRA) *Safeguarding California Plan: 2018 Update*, California experienced the driest 4-year statewide precipitation on record from 2012 through 2015; the warmest years on average in 2014, 2015, and 2016; and the smallest and second smallest Sierra snowpack on record in 2015 and 2014 (CNRA 2018:55). In contrast, the northern Sierra Nevada experienced its wettest year on record during the 2016–2017 water year (CNRA 2018:64). The changes in precipitation exacerbate wildfires throughout California through a cycle of high vegetative growth coupled with dry, hot periods which lowers the moisture content of fuel loads. As a result, the frequency, size, and devastation of forest fires increases. In November 2018, the Camp Fire completely destroyed the town of Paradise in Butte County and caused 85 fatalities, becoming the State's deadliest fire in recorded history. Moreover, changes in the intensity of precipitation events following wildfires can also result in devastating landslides. In January 2018 following the Thomas Fire, 0.5 inches of rain fell over just 5 minutes in Santa Barbara causing destructive mudslides formed from the debris and loose soil left behind by the fire. These mudslides resulted in 21 deaths.

As temperatures increase, the amount of precipitation falling as rain rather than snow also increases, which could lead to increased flooding because water that would normally be held in the snowpack of the Sierra Nevada and Cascade Range until spring would flow into the Central Valley during winter rainstorm events. This scenario would place more pressure on California's levee/flood control system (CNRA 2018:190–192).

Temperature increases and changes to historical precipitation patterns will likely affect ecologically productivity. Existing habitats may migrate from climatic changes where possible, and those that lack the ability to retreat will be severely threatened. Altered climatic conditions dramatically endangers the survival of arthropods which could have cascading effects throughout ecosystems. Conversely, a warming climate may support the populations of other insects such as ticks and mosquitos, which transmit diseases harmful to human health such as the Zika virus, West Nile virus, and Lyme disease (Lister and Garcia 2018).

Changes in temperature, precipitation patterns, extreme weather events, wildfires, and sea-level rise have the potential to threaten transportation and energy infrastructure, crop production, forests and rangelands, and public health (CNRA 2018:64, 116–117, 127; OPR 2019:63). The effects of climate change will also have an indirect adverse impact on the economy as more severe natural disasters cause expensive, physical damage to communities and the state.

Additionally, adjusting to the physical changes associated with climate change can produce mental health impacts such as depression and anxiety.

Cal-Adapt is a climate change scenario planning tool developed by CEC that downscales global climate model data to local and regional resolution under two emissions scenarios. The Representative Concentration Pathway (RCP) 8.5 scenario represents a business-as-usual future emissions scenario, and the RCP 4.5 scenario represents a future with reduced GHG emissions. According to Cal-Adapt, annual average maximum temperatures in the project area are projected to rise by 4.9°F to 8.1°F by 2099, with the low and high ends of the range reflecting the lower and higher emissions increase scenarios (CEC 2018b). Annual average minimum temperatures are expected to rise within a similar range.

3.8.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Short-term construction-generated and long-term operational GHG emissions were calculated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 computer program, as recommended by MBUAPCD.

Construction modeling was based on project-specific information (e.g., size, area to be graded, area to be paved) where available; reasonable assumptions based on typical activities; and default values in CalEEMod that are based on the project's location and land use type. Project construction is assumed to start in 2023 and be completed in 2 years. However, market conditions would ultimately determine the rate and extent of construction.

Long-term operational GHG emissions were estimated for all applicable emissions sectors anticipated for the project. Mobile-source emissions were estimated using estimates of project-generated vehicle trips that were developed as part of the traffic analysis presented in Section 3.15, "Transportation," and emission factors contained in CalEEMod. Emissions from energy (including natural gas) and water consumption were estimated using the applicable modules in CalEEMod.

Detailed model assumptions and inputs for these calculations are presented in Appendix C.

THRESHOLDS OF SIGNIFICANCE

The issue of global climate change is inherently a cumulative issue because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Thus, the project's impact on climate change is addressed only as a cumulative impact.

State CEQA Guidelines Section 15064 and relevant portions of Appendix G recommend that a lead agency consider a project's consistency with relevant, adopted plans and discuss any inconsistencies with applicable regional plans, including plans to reduce GHG emissions. Under Appendix G of the State CEQA Guidelines, implementing a project would result in a cumulatively considerable contribution to climate change if it would:

- ▶ generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or
- ▶ conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

MCUAPCD has not adopted thresholds for CEQA analysis of GHGs from non-stationary source projects. San Benito County has not adopted a plan for the reduction of GHGs, consistent with CEQA Guidelines Section 15183.5, that could be used for the proposed project's GHG analysis. CEQA ultimately allows lead agencies the discretion to determine whether an environmental impact would be considered significant, as evidenced by scientific or other factual data.

As discussed above, the proposed 2017 Scoping Plan Update contains the following related to project-level CEQA analyses (CARB 2017:136):

Absent conformity with an adequate geographically specific GHG reduction plan, [CARB] recommends that all new land use development implement all feasible measures to reduce GHG emissions....

[CARB] believes that achieving no net increase in GHG emissions is the correct overall objective, but it may not be appropriate or feasible for every development project. An inability to mitigate a project's GHG emissions to zero does not necessarily imply a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies may develop evidenced-based bright-line numeric thresholds—consistent with the [2017 Scoping Plan Update] and the State's long-term GHG goals—and projects with emissions over that amount may be required to incorporate on-site design features and mitigation measures that avoid or minimize project emissions to the degree feasible. Otherwise, a performance-based metric using a climate action plan or other plan to reduce GHG emissions is appropriate.

MCUAPCD has not developed an evidence-based bright-line numeric threshold consistent with the State long-term GHG goals. Therefore, comparing project-generated emissions to a bright-line threshold is not an option for this project analysis. A locally applicable climate action plan or another plan to reduce GHGs is also not available to use for the project analysis. Consequently, based on the overall objective of the proposed 2017 Scoping Plan Update, a "no net increase" threshold is applied for the purposes of this project analysis. The intent of this analysis is not to present the use of a no net increase threshold as a generally applied threshold of significance for GHG impacts. Its use herein is related directly to the facts surrounding the project and availability of reliance on other threshold options.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.8-1: Project-Generated Greenhouse Gas Emissions

The project is estimated to generate maximum annual construction and operational emissions of 1,448 MTCO₂e and 13,591 MTCO₂e, respectively. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with statewide GHG reduction targets established for 2030 and 2045. This cumulative impact would be **significant**, and the project's contribution would be **cumulatively considerable**.

Short-Term Construction

Project construction-related activities would result in emissions CO₂e from the use of off-road equipment, material delivery, worker commute trips, and other miscellaneous activities. As described in Chapter 2, "Project Description," it is estimated that up to 50 workers would be onsite during each construction phase of the project and a variety of heavy-duty equipment would be required (e.g., forklifts, loaders, backhoes, excavators, dozers, scrapers, pavement compactors, welders, concrete pumps, concrete trucks, and off-road haul trucks, as well as other diesel-fueled equipment as necessary). As identified in Chapter 2, "Project Description," the project would use diesel construction equipment powered by Tier 4 engines as recommended by CARB and EPA and, if available for onsite delivery, diesel construction equipment would be powered with renewable diesel fuel that is compliant with California's Low Carbon Fuel Standards and certified as renewable by CARB.

Using the parameters described above, construction-generated emissions associated with project implementation were modeled and are summarized in Table 3.8-2. Project implementation would result in maximum annual emissions of 1,448 MTCO₂e/year during construction.

Long-Term Operational

Operation of the project would result in mobile-source GHG emissions associated with vehicle trips to and from the project, area-source emissions from the operation of landscape maintenance equipment, energy-source emissions from the consumption of electricity and natural gas, water-related energy consumption associated with water use and the conveyance and treatment of wastewater, and waste-generated emissions from the transport and disposal of solid waste.

Using the parameters described above, operational-generated emissions associated with project implementation were modeled and are summarized in Table 3.8-2. Project implementation would result in maximum annual emissions of 13,591 MTCO₂e/year during operation. This would be in addition to the GHG emissions generated by the onsite farm stand that was under construction at the time of the preparation of this EIR.

In summary, the project is estimated to generate maximum annual construction and operational emissions of 1,448 MTCO₂e and 13,591 MTCO₂e, respectively. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with statewide GHG reduction targets established for 2030 and 2045. This cumulative impact would be **significant**, and the project's contribution would be **cumulatively considerable**. For a discussion of the impacts of climate-change related hazards on the project see Section 3.18, "Wildfire."

Table 3.8-2 Maximum Annual Project-Generated Greenhouse Gas Emissions

Emissions Source	GHG Emissions (MTCO ₂ e)
Construction GHG Emissions	1,448
Threshold of Significance	0
Exceed Significance Threshold (Construction)?	Yes
Operational GHG Emissions	
Area (Landscape Equipment)	<0.1
Energy Consumption	201
Vehicle Trips	13,300
Solid Waste Generation	77
Water Consumption	12
Total Operational GHG Emissions	13,591
Threshold of Significance	0
Exceed Significance Threshold (Operation)?	Yes

Notes: GHG = greenhouse gas; MTCO₂e = metric tons of carbon dioxide-equivalent

Source: Modeled by Ascent Environmental 2022.

Mitigation Measures

Mitigation Measure 3.8-1a: Install Photovoltaics

As part of site development, the project applicant shall include solar photovoltaics onsite capable of generating at least the equivalent of electricity required for project consumption per year. The amount of megawatt hours that would be installed to offset electricity consumption would be based on feasibility of siting solar on the project site. If complete offset is not feasible, the project applicant shall provide documentation demonstrating infeasibility to the satisfaction of the County. Solar photovoltaics may be installed on building rooftops and ground-mounted over parking areas and other areas. Evidence of solar generation shall be included in final overall site plans and building plans to the County prior to issuance of building permits.

Mitigation Measure 3.8-1b: Electrify All Operations

All project buildings and appliances shall be required to only use electricity. No natural gas or propane use will be allowed.

Mitigation Measure 3.8-1c: Install Electric Vehicle Chargers

The final project design shall include electric vehicle (EV) EV charging stations on the project site. The number of charging stations shall serve 10 percent of the parking spaces which is based on the 2019 California Green Building Standards Code ("CALGreen", Title 24, Part 11) Tier 2 for nonresidential uses. The 22 parking spaces described in the Draft EIR Chapter 2, "Project Description, " shall also include the installing of charging stations and count towards the 10 percent requirement

Mitigation Measure 3.8-1d: Obtain Electrical Service From Central Coast Community Energy

The project shall obtain commercial electrical service from Central Coast Community Energy and select the least GHG-emitting option (e.g., currently 100 percent renewable [3Cprime]). Evidence of enrollment in Central Coast Community Energy shall be provided to the County prior to issuance of certificates of occupancy.

Mitigation Measure 3.8-1e: Implement Building and Development Efficiency Measures

The final project design shall incorporate the following features:

- ▶ Cool pavement materials such as lighter-colored pavement materials, porous materials, or permeable or porous pavement, shall be installed for all internal roadways and walkways to the project site, to minimize the absorption of solar heat and subsequent transfer of heat to its surrounding environment.
- ▶ High-efficiency air-conditioning with smart thermostats shall be installed in all buildings.
- ▶ Use of Energy Star® lighting and signage shall be installed in all buildings as defined by the California Energy Code.
- ▶ Low-flow faucets and fixtures shall be installed that comply with CALGreen non-residential measures.

Mitigation Measure 3.8-1f: Purchase Carbon Offset Credits

To reduce the remaining emissions after Implementation of Mitigation Measures 3.8-1a through 3.8-1e, the applicant shall compensate by purchasing offset GHG reduction credits for the remaining mass emissions associated with construction and operations after implementation of onsite GHG reductions associated with Mitigation Measure 3.8-1a through 3.8-1e. The level of GHG offsets needed to achieve the threshold may be calculated prior to approval of final construction drawings, so long as GHG estimates are prepared by a qualified GHG specialist retained by the County and based on substantial evidence. Further, to comply with this measure, any GHG offset purchased shall comply with the following parameters.

The GHG reductions achieved through an offset or through the purchase of a carbon credit must meet the following criteria:

- ▶ Real: They represent reductions actually achieved (not based on maximum permit levels).
- ▶ Additional/surplus: They are not already planned or required by regulation or policy (i.e., not double counted).
- ▶ Quantifiable: They are readily accounted for through process information and other reliable data.
- ▶ Enforceable: They are acquired through legally binding commitments/agreements.
- ▶ Validated: They are verified through the accurate means by a reliable third party.
- ▶ Permanent: They will remain as GHG reductions in perpetuity.

The purchase of GHG offsets shall prioritize implementation of offsets generated within or as close to San Benito County as possible but may also include offsets from the rest of California and from other states with offset validity laws at least as strict as California's, in order of preference. All carbon offsets must be purchased from programs verified by a major third-party registry; examples include, but are not limited to, Climate Action Reserve (CAR), American Carbon Registry, and Verra (formally the Verified Carbon Standard). The purchase and retirement of the GHG offsets consistent with the requirements of this mitigation measure must be demonstrated to the satisfaction of the County prior to construction activities and issuance of any building permits.

Significance after Mitigation

Implementation of onsite mitigation measures would reduce onsite emissions and ensure electricity used onsite is obtained from 100 percent renewable source through solar and electrical service from Central Coast Community Energy. Mitigation Measure 3.8-1f would further reduce GHG emissions by offsetting remaining emissions. These mitigation measures would be consistent with General Plan Policy HS-5.8 related to greenhouse gas reductions. Thus, the contribution of GHG emissions associated with the project to cumulative GHG emissions would be reduced to a **less-than-significant** level and would not substantially contribute to a significant cumulative impact.

3.9 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for existing hazards on the project site and provides a qualitative evaluation of the project's potential to create a significant hazard for the public or the environment, or conflict with airspace. Wildfire and evacuation is addressed in Section 3.18, "Wildfire." The analysis includes a description of the existing environmental conditions, the methods used for assessment, and the potential direct and indirect impacts of project implementation.

For the purpose of this document, the term "hazardous material" is used in reference to any material or waste with physical, chemical, or other characteristics that could pose a risk to human health or safety, or could result in degradation of the environment if released.

The California Department of Toxic Substances Control (DTSC) submitted comments in response to the Notice of Preparation regarding hazards. DTSC recommended that the EIR identify the potential for historic and future uses on the project site to result in the release of hazardous materials; consider the potential for aerially deposited lead from vehicle emissions; address whether building materials on the site could contain hazardous materials including polychlorinated biphenyls from electrical transformers; use of contaminated fill during construction; and pesticide contamination from previous land uses. These issues are addressed below.

3.9.1 Regulatory Setting

FEDERAL

The Environmental Protection Agency (EPA) has primary responsibility for enforcing and implementing federal laws and regulations pertaining to hazardous materials. Applicable regulations are contained mainly in Titles 29, 40, and 49 of the Code of Federal Regulations (CFR). Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. Management of hazardous materials is governed by the following laws:

- ▶ **Resource Conservation and Recovery Act of 1976:** The Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S. Code [U.S.C.] 6901 et seq.) established a federal regulatory program for the generation, transport, and disposal of hazardous substances. Under RCRA, EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. RCRA was amended by the Hazardous and Solid Waste Amendments of 1984, which banned the disposal of hazardous waste on land and strengthened EPA's reporting requirements.
- ▶ **Comprehensive Environmental Response, Compensation, and Liability Act of 1980:** Also called the Superfund Act, the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) provided broad federal authority and created a trust fund for addressing releases and threatened releases of hazardous substances that could endanger public health or the environment. EPA is responsible for compiling the National Priorities List for known or threatened release sites of hazardous substances, pollutants, or contaminants (commonly referred to as "Superfund sites"). EPA provides oversight of, and supervision for, Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.
- ▶ **Superfund Amendments and Reauthorization Act of 1986:** Also called SARA Title III or the Emergency Planning and Community Right-to-Know Act of 1986, the Superfund Amendments and Reauthorization Act (Public Law 99-499; U.S.C. Title 42, Chapter 116) imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.
- ▶ **Clean Air Act:** Regulations under the Clean Air Act (42 U.S.C. 7401 et seq., as amended) are designed to prevent accidental releases of hazardous materials. The regulations require facilities that store a threshold quantity or greater of regulated substances to develop a risk management plan that includes hazard assessments and response programs to prevent accidental releases of listed chemicals.

- ▶ **Spill Prevention, Control, and Countermeasure Rule:** The Spill Prevention, Control, and Countermeasure (SPCC) rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans. The SPCC rule is part of the Oil Pollution Prevention regulation, which also includes the Facility Response Plan rule.

Transport of Hazardous Materials

The U.S. Department of Transportation (DOT) regulates transport of hazardous materials between states and is responsible for protecting the public from dangers associated with such transport. The basic statute regulating transport of hazardous materials in the United States, addressed in 49 USC 5101 et seq. (formerly the Hazardous Materials Transportation Act, 49 USC 1801 et seq.), regulates intrastate and interstate transport by rail car, aircraft, motor vehicle, and vessel and includes requirements related to the appropriate packaging and labeling of the hazardous material for transit. There are registration requirements for individuals that offer and accept hazardous wastes, and hazardous materials must be properly classed, described, packaged, marked, and labeled. Hazardous materials transport regulations are enforced by the Federal Highway Administration, the U.S. Coast Guard, the Federal Railroad Administration, and FAA.

Occupational Safety and Health Administration Worker Safety Requirements

The Occupational Safety and Health Administration (OSHA) is responsible for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for handling hazardous substances and addressing other potential industrial hazards. OSHA also establishes criteria by which each state can implement its own health and safety program. The Hazard Communication Standard (CFR Title 29, Part 1910) requires that workers be informed of the hazards associated with the materials they handle. Workers must be trained in safe handling of hazardous materials, use of emergency response equipment, and building emergency response plans and procedures. Containers must be labeled appropriately, and material safety data sheets must be available in the workplace.

STATE

The Hazardous Waste Control Act

The Hazardous Waste Control Act (Health and Safety Code [HSC] Section 25100 et seq.) is the seminal hazardous waste control law in California. It establishes standards for regulating the generation, handling, processing, storage, transportation, and disposal of hazardous wastes. The hazardous waste control program is administered by California DTSC and local Certified Unified Program Agencies (CUPAs). Within the California Environmental Protection Agency (CalEPA), DTSC is primarily responsible for regulating the generation, transport, and disposal of hazardous substances under the authority of the Hazardous Waste Control Act; enforcement is delegated to local jurisdictions. Regulations implementing the Hazardous Waste Control Act list hazardous chemicals and common substances that may be hazardous; establish criteria for identifying, packaging, and labeling hazardous substances; prescribe hazardous substances management; establish permit requirements for the treatment, storage, disposal, and transportation of hazardous substances; and identify hazardous substances prohibited from landfills. These regulations apply to the protection of human health and the environment during construction.

Unified Program

CalEPA has adopted regulations implementing the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program). The six program elements of the Unified Program are hazardous waste generation and onsite treatment, underground storage tanks (USTs), aboveground storage tanks, hazardous material release response plans and inventories, risk management and prevention programs, and Uniform Fire Code hazardous materials management plans and inventories. The program is implemented at the local level by a local agency, referred to as the CUPA, which is responsible for consolidating the administration of the six program elements within its jurisdiction. San Benito County Environmental Health Division of the Health Department is the CUPA pursuant to San Benito Code of Ordinances Section 11.07.002.

Emergency Response to Hazardous Materials Incidents

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Response to hazardous material incidents is one part of this plan. The plan is managed by the California Emergency Management Agency, which coordinates the responses of other agencies, including CalEPA, the California Highway Patrol, the California Department of Fish and Wildlife, and regional water quality control boards (RWQCBs).

California Government Code Section 65962.5 (Cortese List)

The provisions of California Government Code Section 65962.5 are commonly referred to as the "Cortese List" (after the legislator who authored the law). The Cortese List is a planning document used by State and local agencies to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The list, or a site's presence on the list, has bearing on the local permitting process. DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies in California, such as the State Water Resources Control Board (SWRCB), also must provide additional release information.

Government Code Section 65962.5 requires CalEPA to develop an updated Cortese List at least annually. However, because this statute was enacted more than 20 years ago, some of the provisions refer to agency activities that are no longer being implemented, and in some cases, the information to be included in the Cortese List does not exist. Further, although Government Code Section 65962.5 makes reference to the preparation of a "list," many changes have occurred related to web-based information access since 1992, and this information is now largely available on the internet sites of the responsible organizations. A centralized list is no longer compiled.

California Hazardous Materials Release Response Plans and Inventory Law

The California Hazardous Materials Release Response Plans and Inventory Law requires preparation of hazardous materials Business Plans and disclosure of hazardous materials inventories. Such plans must include an inventory of hazardous materials handled, facility floor plans showing where hazardous materials are stored, and an emergency response plan, and they must establish emergency response procedures that include employee training (HSC, Division 20, Chapter 6.95, Article 1). The business plan program is administered by the California Emergency Management Agency.

California Accidental Release Prevention Program

The goal of the California Accidental Release Prevention Program (CCR Title 19, Division 2, Chapter 4.5) is to reduce the likelihood and severity of consequences of any releases of extremely hazardous materials. Any business that handles regulated substances (chemicals that pose a major threat to public health and safety or the environment because they are highly toxic, flammable, or explosive, including ammonia, chlorine gas, hydrogen, nitric acid, and propane) must prepare a risk management plan. The risk management plan is a detailed engineering analysis of the potential accident factors present at a business and the measures that can be implemented to reduce this accident potential. The plan must provide safety information, hazard data, operating procedures, and training and maintenance requirements. The list of regulated substances is found in Article 8, Section 2770.5 of the program regulations.

Porter-Cologne Water Quality Control Act

Through the Porter-Cologne Water Quality Control Act and the National Pollutant Discharge Elimination System (NPDES) program, RWQCB have the authority to require proper management of hazardous materials during project construction. For a detailed description of the Porter-Cologne Water Quality Control Act, the NPDES program, and the role of the RWQCB, see Section 3.10, "Hydrology and Water Quality."

SWRCB adopted the Statewide NPDES General Permit in August 1999. The State requires that projects disturbing more than 1 acre of land during construction file a notice of intent with the RWQCB to be covered under this permit. Construction activities subject to the general permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce nonstormwater discharges to storm sewer systems and other waters. A stormwater pollution prevention plan must be developed and implemented for each site covered by the permit. The plan must identify best management practices (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

California Occupational Safety and Health Administration Worker Safety Requirements

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations for the use of hazardous materials in the workplace (CCR Title 8) require safety training, available safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and preparation of emergency action and fire prevention plans. Cal/OSHA enforces regulations on hazard communication programs and mandates specific training and information requirements. These requirements include procedures for identifying and labeling hazardous substances, providing hazard information about hazardous substances and their handling, and preparing health and safety plans to protect workers and employees at hazardous waste sites. Employers must make material safety data sheets available to employees and document employee information and training programs.

California State Aeronautics Act

At the State level, the California Department of Transportation's Division of Aeronautics administers FAA regulations (Stats. 1951, Ch. 764; Public Utilities Code Section 21001 et seq.). The division issues permits for public-use airports. In addition, the Division of Aeronautics administers noise regulation and land use planning laws, which regulate the operational activities and provides for the integration of aviation planning on a regional basis. Airports in the County near the project site consist of the Frazier Lake Airpark and the Hollister Municipal Airport. However, the project is located outside of both airports' safety zones and noise contours set forth in both airport land use compatibility plans (San Benito County Airport Land Use Commission 2019 and 2012).

LOCAL

San Benito County General Plan

The following General Plan policies are applicable to this analysis:

- ▶ **Policy HS-1.11 Road Capacity.** The County shall require roads to be of adequate capacity for use in times of emergency.
- ▶ **Policy HS-1.14 Development Restrictions in High Risk Areas.** The County shall discourage development in areas that may be more severely impacted by climate change, including areas at high risk of wildfire or flooding, unless proper design mitigation is included in the project.
- ▶ **Policy HS-4.4 Development in Fire Hazard Zones.** The County shall require development in highfire-hazard areas to be designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards.
- ▶ **Policy HS-4.5 Fire Resistant Vegetation.** The County shall require development in highfire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management.
- ▶ **Policy HS-6.1 Hazardous Materials Storage and Disposal.** The County shall require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- ▶ **Policy HS-6.7 Small Business Hazardous Waste Program.** The County shall continue to work with small businesses that generate, store, or accumulate hazardous waste to help them comply with regulations for the proper treatment, storage, and disposal of these wastes.

San Benito County Multi-Jurisdiction Local Hazard Mitigation Plan

The purpose of hazard mitigation and this plan is to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The plan is based on a hazard identification and risk assessment of all the potential natural hazards that could impact San Benito County. The plan also includes a review of the County's current capabilities with regards to reducing hazard impacts. The plan includes recommended additional action items for the County and its jurisdictions to reduce their vulnerability to potential disasters.

San Benito County Operational Area Emergency Operations Plan

The San Benito County Operational Area Emergency Operations Plan addresses the County's response to extraordinary emergency situations associated with natural disasters or human-caused emergencies. In accordance with the California Emergency Services Act, the plan describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental agencies, how resources are mobilized, how the public will be informed (including information on evacuation routes to be used), and the process to ensure continuity of government during an emergency or disaster.

San Benito County Code of Ordinances Chapter 11.07 (Hazardous Substances)

This chapter adopted by reference the requirements of California Health and Safety Code Chapter 6.7 of Division 20, Sections 25280 through 25299 inclusive, and the regulations pursuant thereto as adopted by the State's Water Resources Control Board for the underground storage of hazardous substances. This chapter also requires that land use decisions concerning offsite hazardous waste facilities be consistent with the approved San Benito County Hazardous Waste Management Plan.

3.9.2 Environmental Setting

The project site consists mostly of ruderal, regularly disturbed land which historically has been used for row crops. The northern portion of the project site is currently being developed with a farm stand, restroom building, a septic tank, and a storm water retention pond; a greenhouse/plant nursery is also located in the central portion of the project site. The remainder of the site is undeveloped with dirt roads and nonnative plants along the periphery.

Land uses near the project include the Betabel RV Resort adjacent to the north of the site, truck repair facility (DMS Mechanix) along San Juan Highway and construction equipment storage facility (Willis Construction) along Chittenden Road south of the site, and open space and agricultural uses east and west of the site.

PREVIOUS LAND USES ON THE SITE

The following is an overview of previous land uses on the proposed development site (project site - Assessor Parcel Numbers 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033) based on review of historical aerial photography (Google Earth 2022 and Historic Aerials 2022):

From 1952 to 2005, the primary land uses in the project site consisted of agricultural activities that included row crops and orchards. By 1982, two large buildings and accessory structures exist in the northern portion of the project site in the general location of the proposed gas station, convenience store, and restaurant. This area also was used for the storage of trailers and vehicles. Structures are also identified near the riparian corridor of the Pajaro River.

By 2006, orchard production has ceased in the northern and central portions of the project site. Additional structures appear on the site near the end of Betabel Road as well as adjacent to the row crops in the southern portion of the project site. In 2010 row crop activities replace the previous orchards in the northern and central portions of the project site. Trailer and vehicle storage expands in the northern and central portions of the project site. A greenhouse appears adjacent to the riparian corridor of the Pajaro River in the central portion of the project site. Hoop houses for crop production appear in the southern portion of the project site.

In 2019 all onsite structures and trailer/vehicle storage are removed from the project site with the exception of the greenhouse and structures adjacent to the riparian corridor of the Pajaro River. Row crops are no longer in production. Construction activities for the farmstand and retention basin are visible.

As noted above, a majority of the project site has been used for agricultural purposes. Past use of agricultural chemicals used as pesticides can result in residual chemicals in the soil that can expose people to possible health risks. In general, over-the-counter insecticides and herbicides generally do not persist in soils for greater than one year from application. However, certain types of agricultural chemicals can be persistent and remain in soils for years. Cultivated irrigated row crops may have been subject to applications of restricted agricultural chemicals, which could

be persistent. Orchards and orchard-cultivated soils may have been contaminated through the repeated application of agricultural chemicals to fruit or nut trees. If any soils or groundwater contaminated with persistent chemicals from past agricultural practices are encountered during ground disturbing activities associated with project construction, it could create a potential hazard to human health and the environment if not properly contained and cleaned up.

Debris and discarded building materials from previously removed structures has been identified on the site. These debris could possibly contain asbestos containing building materials, lead, petroleum products, or other hazardous materials. Project site and Betabel Road soil could also contain lead from emissions associated with vehicles using leaded gasoline (aerially deposited lead [ADL]).

No evaluation of potential onsite contamination or soil sampling has been conducted for the project.

ELECTRICAL POWER LINES AND TRANSFORMERS PCB POTENTIAL

In 1976, the United States Congress enacted the Toxic Substance Control Act (TSCA) which reviewed all industrial chemicals, including polychlorinated biphenyls (PCBs). Since the TSCA, the production and use of PCBs has been prohibited, limited, or phased out. Potential sources of PCBs onsite include fluorescent light ballast and electrical transformers. Power lines and transformers have been identified as being located within the project site along Betabel Road.

DOCUMENTED SITES OF CONTAMINATION

The project is not on any of the lists of hazardous waste and substances site maintained by CalEPA pursuant to Government Code Section 65962.5 (DTSC 2022). It is not currently on the Cortese List of hazardous waste and substance sites or SWRCB's list of open, active leaking UST sites based on review of the agency databases as of May 11, 2022 (SWRCB 2022). The project is not on or adjacent to a solid waste disposal site with waste constituents above hazardous waste levels outside of the waste management unit or a site that is the location of an active cease and desist or cleanup and abatement order.

TRANSPORT OF HAZARDOUS MATERIALS

Hazardous materials, hazardous wastes, and petroleum products are a subset of the goods routinely shipped along the transportation corridors in the project area. In California, unless specifically exempted, it is unlawful for any person to transport hazardous wastes unless the person holds a valid registration issued by DTSC. DTSC maintains a list of active registered hazardous waste transporters throughout California, and California Department of Public Health regulates the haulers of hazardous waste.

SCHOOLS

Children are particularly susceptible to long-term effects from emissions of hazardous materials. Therefore, locations where children spend extended periods, such as schools, are sensitive to hazardous air emissions and accidental release associated with the handling of extremely hazardous materials, substances, or wastes. This risk is considered substantial where the potential release is within 0.25 mile of the school. No existing or proposed schools are within 0.25 mile of the project site. The nearest school is Anzar High School located approximately 0.7 mile southwest of the proposed development area.

AIRPORTS AND AIRSTRIPS

There are no active public airports or private airstrips within 2 miles of the project site. The closest public airport is the Hollister Municipal Airport, approximately 7 miles west of the project site.

3.9.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The following reports and data sources document potential hazardous conditions at the project site and were reviewed for this analysis:

- ▶ review of historic aerial photography of the project area;
- ▶ available literature, including documents and databases published by Federal, State, and County agencies; and
- ▶ review of the San Benito County General Plan and its EIR.

Project construction and operation were evaluated against the hazardous materials information gathered from these sources to determine whether any risks to public health and safety or other conflicts would occur.

THRESHOLDS OF SIGNIFICANCE

An impact related to hazards and hazardous materials is considered significant if implementation of the project would do any of the following. The reader is referred to Section 3.18, "Wildfire," for an analysis of wildfire and evacuation impacts associated with the project.

- ▶ create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- ▶ create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment;
- ▶ emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- ▶ be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- ▶ for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;

ISSUES NOT DISCUSSED FURTHER

Emission or Handling of Hazardous Materials, Substances, or Wastes within 0.25 Mile of an Existing or Proposed School

There are no existing or proposed schools within 0.25 mile of the project site. Therefore, this impact is not discussed further.

Hazards Related to Proximity to Existing Sites of Known Contamination

Neither SWRCB nor DTSC identified sites of known contamination on or near the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, there is no potential to create a significant hazard to the public or the environment, and this impact is not discussed further.

Safety Hazard or Excessive Noise Related to Proximity to an Airport

The project site is not located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. There would be no impact associated with exposing future employees to potential safety hazards or excessive noise generated by established aviation uses in the area.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.9-1: Create a Hazard through the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents during Construction

Project construction would involve the use of materials that may create a hazard if released into the environment. Use, transport, and disposal of materials in compliance with established regulations would effectively address hazards associated with the use of these materials. However, the disturbance of undocumented hazardous wastes or release of onsite contamination from historic land uses during grading or excavation activities may result in hazards to the environment and human health. This impact would be **significant**.

Common hazardous materials used in construction include fuels, solvents, caulking, tar, concrete curing compounds, asphalt products, paints, asbestos-containing building materials, architectural coatings, light bulbs, mercury switches, and batteries. Construction-related activities, such as pumping, pouring, emptying, injecting, spilling, and dumping, may also release hazardous materials into the environment. The severity of potential effects varies with the activity conducted and with the concentration and type of hazardous material present. Generally, incidents involving construction-related hazardous materials are small fuel or oil spills that would have a negligible impact on public health. All hazardous materials would be stored, handled, and disposed of according to the manufacturers' recommendations, and spills would be cleaned up in accordance with applicable regulations.

Further, the project would be required to prepare a spill prevention and treatment plan for rapidly, effectively, and safely cleaning up and disposing of any spills or releases that may occur during construction. As required under State and federal law, notification and evacuation procedures for site workers and local residents in the event of a hazardous materials release during onsite construction would be included as part of the plan. In addition, SWRCB Construction General Permit (2009-0009 DWQ) requires spill prevention and containment plans to avoid spills and releases of hazardous materials and wastes into the environment. Inspections would be conducted to verify consistent implementation of general construction permit conditions and the best management practices (BMPs) intended to avoid and minimize the potential for spills and releases and to ensure a response to them, including their immediate cleanup. BMPs include, for example, the designation of special storage areas and labeling, containment berms, coverage from rain, and concrete washout areas. Compliance with the aforementioned regulations would minimize the potential risk of a spill or accidental release of hazardous materials during construction.

Trucks transporting hazardous materials use many of the same freeways, arterials, and local streets as other traffic, which creates a risk of accidents and associated release of hazardous materials for other drivers and for people along these routes. Although the transport of hazardous materials may result in accidental spills, leaks, toxic releases, fire, or explosion, the DOT Office of Hazardous Materials Safety prescribes regulations for the safe transportation of hazardous materials, as described in Title 49 of the CFR, that specify packaging and labeling requirements for hazardous materials. The standard accident and hazardous materials recovery training and procedures are enforced by the State and followed by private State-licensed, -certified, and -bonded transportation companies and contractors.

As stated previously, the project site is not identified as a hazardous materials site on any list maintained by the California Environmental Protection Agency pursuant to Government Code Section 65962.5. Nevertheless, the disturbance of undocumented hazardous wastes during grading or excavation activities may result in hazards to the environment and human health. As noted above, no evaluation of potential onsite contamination or soil sampling has been conducted for the project. Potential hazards to human health include potential for soil and groundwater contamination from past use of persistent agricultural chemicals, building debris that could contain hazardous materials, ADL soil contamination, PCBs from leaking electrical transformers, ignition of flammable liquids or vapors, inhalation of toxic vapors in confined spaces, such as trenches, and skin contact with contaminated soil or water. Therefore, the potential impact of exposure to undocumented onsite contamination during construction would be **significant**.

Mitigation Measures

Mitigation Measure 3.9-1a: Onsite Contamination Evaluation and Remediation of Identified Contamination Issues

Prior to approval of building permits and grading activities on the project site and Betabel Road, a Phase 1 Environmental Site Assessment and a Phase II (if required based on the result of the Phase I and to determine the presence of aerially deposited lead in soils or other contaminants) shall be conducted to determine whether onsite and Betabel Road soil conditions and previous building sites contain contamination that present impacts to public health. Remediation measures shall be identified to address any identified contamination to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site.

Mitigation Measure 3.9-1b: Soil Evaluation and Remediation for Pesticide/Herbicide Contamination

Prior to grading activities on the project site and Betabel Road, project applicant shall include a detailed assessment of soil contamination associated with previous herbicide/pesticide use on the site. Soil sampling shall be conducted in a manner consistent with Department of Toxic Substances Control's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision). If substances are detected at concentrations that could pose a health hazard and/or violate local, State, or federal health standards, remediation of the affected areas shall be undertaken to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site.

Mitigation Measure 3.9-1c: Manage Accidental Discovery of Hazardous Materials

If previously unknown contaminated soils or potentially hazardous materials are discovered during earthmoving activities, all ground-disturbing activities within 50 feet of the discovery will be halted until the San Benito County Environmental Health Division of the Health Department can assess the conditions on the site. The County will notify the appropriate enforcement agency (e.g., Department of Toxic Substances Control and Regional Water Quality Control Board), if appropriate, to determine the actions needed to remediate any potentially hazardous conditions to protect public health consistent with applicable requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Actions to remediate potentially hazardous conditions may include sampling potentially contaminated soils and excavating and removing contaminated soils and/or other potentially hazardous materials.

Mitigation Measure 3.9-1d: Prepare and Implement Site-Specific Worker Health and Safety Plan

Before construction begins, the project applicant shall prepare a project-specific worker health and safety plan. The plan shall include site-specific information, requirements, and guidelines to be followed while activities that may disturb the existing hazardous materials of concern are conducted. These activities may include grading, excavation, trenching, boring, dewatering, stockpiling, reusing, handling, or disposing of wastes, as well as other applicable site activities. The worker health and safety plan shall be prepared in accordance with the federal and State OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) standards (29 CFR 1910.120 and 8 CCR 5192) and implemented throughout the duration of ground-disturbing construction activities. The worker health and safety plan shall include contingencies (i.e., if unknown or unanticipated environmental conditions may exist at the site) for a variety of situations that may arise. The plan shall ensure that site workers potentially exposed to site contamination in soil, groundwater, or vapor are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR 1910.1000. The worker health and safety plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

Significance after Mitigation

Mitigation Measures 3.9-1a through 3.9-1c requires that the site be investigated for the potential for undocumented hazardous materials, which would identify if any hazards exist, and if so, how those hazards can be remediated to protect human health. Mitigation Measure 3.9-1d would ensure that construction workers are properly trained and protected from hazards. Implementation of these mitigation measures, combined with compliance with all applicable federal, State, and local regulations pertaining to hazardous materials, would reduce this impact to **less than significant**.

Impact 3.9-2: Create a Hazard through the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents during Operation

Operation of the project would require the routine use of hazardous materials. Federal, State, and local regulations provide protection to the public and the environment from hazardous materials. This impact would be **less than significant**.

Operation of the project would require the routine use of hazardous materials. These materials generally consist of, but are not limited to, petroleum products, fertilizer, and other household hazardous products may be used during landscaping and site maintenance activities. The project includes a 16-position car fueling station. The fueling positions would be supplied by USTs for gasoline and diesel fuels.

The project would be subject to standard regulations related to the routine transportation, storage, and dispensing of gasoline. Fuel pump dispensers would be required to be equipped with automatic shutoffs and other safety device and signage, as required by applicable state requirements. All USTs would be double walled. In accordance with Title 23, Section 2635(b) of the CCR, USTs would be required to have spill containment and overfill prevention systems. Fuel tank storage areas will have appropriate safety design, equipment, and signage to protect public health and safety from leaks, fires, or spills involving vehicle fuel if any were to occur on the project site. This would be consistent with General Plan Policy HS-6.1.

As described in Impact 3.9-1, the DOT Office of Hazardous Materials Safety prescribes regulations for the safe transportation of hazardous materials, as described in Title 49 of the CFR, that specify packaging and labeling requirements for hazardous materials. The standard accident and hazardous materials recovery training and procedures are enforced by the State and followed by private State-licensed, -certified, and -bonded transportation companies and contractors.

As previously stated, the State of California requires all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials, to submit a Business Plan to its local CUPA. The Business Plan must include an inventory of the hazardous materials used in the facility, and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. The Business Plan must also include the Material Safety Data Sheet for each hazardous and potentially hazardous substance used, which summarizes the physical and chemical properties of the substances and their health impacts. In the event of an accidental release of hazardous materials, the Business Plan requires immediate notification to all appropriate agencies and personnel of a release, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information of all company emergency coordinators of the business, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

Compliance with applicable regulations would address impacts associated with the use, transport, storage, and sale of hazardous materials would reduce this impact to **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.10 HYDROLOGY AND WATER QUALITY

This section identifies the regulatory context and policies related to hydrology and water quality, describes the existing hydrologic conditions at the project site, and evaluates potential hydrology and receiving water-quality impacts of the Betabel Commercial Development Conditional Use Permit project. Potential effects on the capacity of water supply and sewer/wastewater facilities are addressed in Section 3.15, "Utilities and Service Systems."

One comment letter regarding hydrology and water quality was received in response to the Notice of Preparation from the California Water Board. Comments related to water supply are addressed in Section 3.15, "Utilities and Service Systems." Comments related to wastewater discharge, groundwater recharge, and the potential for increased flooding risk are addressed below.

3.10.1 Regulatory Setting

FEDERAL

Clean Water Act

The U.S. Environmental Protection Agency (EPA) is the lead federal agency responsible for water quality management. The Clean Water Act (CWA) is the primary federal law that governs and authorizes water quality control activities by EPA as well as the states. Various elements of the CWA address water quality. These are discussed below.

CWA Water Quality Criteria/Standards

Pursuant to federal law, EPA has published water quality regulations under Title 40 of the Code of Federal Regulations (CFR). Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the act, water quality standards consist of designated beneficial uses of the water body in question and criteria that protect the designated uses. Section 304(a) requires EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. As described in the discussion of state regulations below, the State Water Resources Control Board (SWRCB) and its nine regional water quality control boards (RWQCBs) have designated authority in California to identify beneficial uses and adopt applicable water quality objectives.

CWA Section 303(d) Impaired Waters List

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that do not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) requires that the state develop a total maximum daily load (TMDL) for each of the listed pollutants. The TMDL is the amount of the pollutant that the water body can receive and still comply with water quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water quality objectives. In California, implementation of TMDLs is achieved through water quality control plans, known as Basin Plans, of the State RWQCBs. See "State" regulations, below. The Pajaro and San Benito rivers in the project area currently designated impaired waters for sediment, metals, pathogens, pesticides, turbidity, and salinity.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint source stormwater runoff. Each NPDES permit identifies limits on allowable concentrations and mass emissions of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits.

“Nonpoint source” pollution originates over a wide area rather than from a definable point. Nonpoint source pollution often enters receiving water in the form of surface runoff and is not conveyed by way of pipelines or discrete conveyances. Two types of nonpoint source discharges are controlled by the NPDES program: discharges caused by general construction activities and the general quality of stormwater in municipal stormwater systems. The goal of the NPDES nonpoint source regulations is to improve the quality of stormwater discharged to receiving waters to the maximum extent practicable. The RWQCBs in California are responsible for implementing the NPDES permit system (see the discussion of State plans, policies, and regulations below).

CWA Section 404 Discharge of Dredged or Fill Materials

Under Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE) has primary responsibility for administering regulations for disposal of dredged or fill material in waters of the U.S., including jurisdictional wetlands. Activities in waters of the United States regulated under this program include dredging and filling of waters of the U.S. associated with a development project, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects.

National Flood Insurance Act

The Federal Emergency Management Agency (FEMA) is tasked with responding to, planning for, recovering from and mitigating against disasters. The Federal Insurance and Mitigation Administration within FEMA is responsible for administering the National Flood Insurance Program (NFIP) and administering programs that aid with mitigating future damages from natural hazards.

FEMA prepares Flood Insurance Rate Maps that delineate the regulatory floodplain to assist local governments with the land use planning and floodplain management decisions needed to meet the requirements of NFIP. Floodplains are divided into flood hazard areas, which are areas designated per their potential for flooding, as delineated on Flood Insurance Rate Maps. Special Flood Hazard Areas are the areas identified as having a one percent chance of flooding in each year (otherwise known as the 100-year flood). In general, the NFIP mandates that development is not to proceed within the regulatory 100-year floodplain if the development is expected to increase flood elevation by 1 foot or more.

STATE

California Porter-Cologne Act

California’s primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and each of the nine RWQCBs power to protect water quality, and is the primary vehicle for implementation of California’s responsibilities under the Clean Water Act. The applicable RWQCB for the proposed project is the Central Coast RWQCB. The SWRCB and the Central Coast RWQCB have the authority and responsibility to adopt plans and policies, regulate discharges to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substances, sewage, or oil or petroleum products.

Under the Porter-Cologne Act, each RWQCB must formulate and adopt a water quality control plan (known as a “Basin Plan”) for its region. The Basin Plan for the Central Coast Region includes a comprehensive list of waterbodies within the region and detailed language about the components of applicable Water Quality Objectives (WQOs). The Basin Plan recognizes natural water quality, existing and potential beneficial uses, and water quality problems associated with human activities throughout the San Benito and Pajaro River Basins. Through the Basin Plan, the Central Coast RWQCB executes its regulatory authority to enforce the implementation of TMDLs, and to ensure compliance with surface WQOs. The Basin Plan includes both narrative, and numerical WQOs designed to provide protection for all designated and potential beneficial uses in all its principal streams and tributaries. Applicable beneficial uses include municipal and domestic water supply, irrigation, non-contact and contact water recreation,

groundwater recharge, fresh water replenishment, hydroelectric power generation, and preservation and enhancement of wildlife, fish, and other aquatic resources.

The Central Coast RWQCB also administers the adoption of waste discharge requirements, manages groundwater quality, and adopts projects within its boundaries under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit).

NPDES Construction General Permit for Stormwater Discharges Associated with Construction Activity

The SWRCB adopted the statewide NPDES General Permit in August 1999. The state requires that projects disturbing more than one acre of land during construction file a Notice of Intent with the RWQCB to be covered under this permit. Construction activities subject to the General Permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non stormwater discharges to storm sewer systems and other waters. A stormwater pollution prevention plan (SWPPP) must be developed and implemented for each site covered by the permit. The SWPPP must include best management plans (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

NPDES Stormwater Permit for Discharges from Small Municipal Separate Storm Sewer Systems

The Municipal Stormwater Permitting Program regulates stormwater discharges from municipal separate storm sewer systems (MS4s). Stormwater is runoff from rain or snow melt that runs off surfaces such as rooftops, paved streets, highways or parking lots and can carry with it pollutants such as oil, pesticides, herbicides, sediment, trash, bacteria and metals. The runoff can then drain directly into local natural and man-made waterbodies. Often, the runoff drains into storm drains which eventually drain, untreated, into a waterbody.

MS4 permits are issued in two phases: Phase I, for medium and large municipalities, and Phase II for small ones. The Phase II Small MS4 General Permit provides coverage for small municipalities, and covers permittees statewide. The Phase II Small MS4 General Permit requires the discharger to develop and implement best management practices through a coordinated storm water program with the goal of reducing the discharge of pollutants to the maximum extent practicable, which is the performance standard specified in Section 402(p) of the CWA. The City of Hollister is a current participant in the Phase II municipal NPDES program, but no communities in unincorporated areas participate in the Phase II program (San Benito County 2015).

State Water Resources Control Board

In California, the SWRCB has broad authority over water quality control issues for the state. The SWRCB is responsible for developing statewide water quality policy and exercises the powers delegated to the state by the federal government under the CWA. Other state agencies with jurisdiction over water quality regulation in California include the California Department of Health Services (for drinking water regulations), the California Department of Pesticide Regulation, the California Department of Fish and Wildlife, and the Office of Environmental Health and Hazard Assessment. Regional authority for planning, permitting, and enforcement is delegated to the nine regional water boards. The regional boards are required to formulate and adopt water quality control plans for all areas in the region and establish water quality objectives in the plans. The Central Coast RWQCB is responsible for the water bodies in the project area.

Central Coast Low Impact Development Initiative

The Central Coast RWQCB established the Low Impact Development (LID) Initiative to support healthy watersheds throughout the Central Coast region through the implementation of LID design principles, hydromodification controls, and sustainable development.

Central Coast Basin Plan

As noted above, the project site is located within the jurisdiction of the Central Coast RWQCB (Region 3). The Central Coast RWQCB has the authority to implement water quality protection standards through the issuance of permits for

discharges to waters located within its jurisdiction. Beneficial uses of inland surface waters and water quality objectives for the region are specified in the Water Quality Control Plan for the Central Coast Basin (Basin Plan) prepared by the Central Coast RWQCB in compliance with the federal CWA and the state Porter-Cologne Water Quality Control Act. Table 3.10-1 lists the beneficial uses of creeks and other water bodies near the project site. The objective of the Basin Plan is to show how the quality of the surface and ground waters in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges can affect water quality. These requirements can be either State waste discharge requirements for discharges to land, or federally delegated permits for discharges to surface water.

Table 3.10-1 Beneficial Uses of Surface Water Bodies Near the Project Site

Water Body	Beneficial Uses in the Basin Plan
Pajaro River	MUN, AGR, IND, GWR, REC1, REC2, WILD, COLD, WARM, MIGR, SPWN, FRESH, COMM
San Benito River	MUN, AGR, IND, GWR, REC1, REC2, WILD, WARM, SPWN, FRESH, COMM

Notes: Beneficial Use Definitions: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Ground Water Recharge (GWR); Freshwater Replenishment (FRSH); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Warm Fresh Water Habitat (WARM); Cold Fresh Water Habitat (COLD); Wildlife Habitat (WILD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN).

Source: Central Coast RWQCB 2019.

California Water Code

The California Water Code is enforced by the California Department of Water Resources (DWR). The mission of DWR is "to manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments." DWR is responsible for promoting California's general welfare by ensuring beneficial water use and development statewide.

Groundwater Management

Groundwater Management is outlined in the California Water Code, Division 6, Part 2.75, Chapters 1-5, Sections 10750 through 10755.4. The Groundwater Management Act was first introduced in 1992 as Assembly Bill (AB) 3030, and has since been modified by Senate Bill (SB) 1938 in 2002, AB 359 in 2011, and the Sustainable Groundwater Management Act (SB 1168, SB 1319, and AB 1739) in 2014. The intent of the Acts is to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions and to provide a methodology for developing a Groundwater Management Plan. The Sustainable Groundwater Management Act of 2014 (SGMA) became law on January 1, 2015, and applies to all groundwater basins in the state (Water Code Section 10720.3). By enacting the SGMA, the legislature intended to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (Water Code Section 10720.1).

Pursuant to the SGMA, any local agency that has water supply, water management or land use responsibilities within a groundwater basin may elect to be a "groundwater sustainability agency" for that basin (Water Code Section 10723). The San Benito County Water District (SBCWD) is the groundwater sustainability agency for the basin (SBCWD 2021a).

The SGMA also requires DWR to categorize each groundwater basin in the state as high-, medium-, low-, or very low priority (CWC Sections 10720.7, 10722.4). All basins designated as high- or medium-priority basins must be managed by a groundwater sustainability agency under a groundwater sustainability plan that complies with Water Code Section 10727 et seq. If required to be prepared, groundwater sustainability plans must be prepared by January 31, 2020 for all high- and medium-priority basins that are subject to critical conditions of overdraft, as determined by DWR, or by January 31, 2022 for all other high- and medium-priority basins. Per the Strategic Groundwater Management Act Data Viewer, DWR has ranked the groundwater basin underlying the project site as "medium priority" (DWR 2022). SBCWD adopted the North San Benito Groundwater Sustainability Plan (GSP) for the project area in November 2021, consistent with SGMA requirements (SBCWD 2021b).

LOCAL

Pajaro River Watershed Integrated Regional Water Management Plan

In October 2004, SBCWD, the Pajaro Valley Water Management Agency, and Santa Clara Valley Water District entered into a Memorandum of Understanding for the purpose of coordinating water resources planning and implementation activities watershed-wide. The three agencies, collectively known as the Pajaro River Watershed Collaborative, led the development and implementation of the Pajaro River Watershed Integrated Regional Water Management (IRWM) Plan. The IRWM Plan represents a collaborative approach for the identification and implementation of projects to ensure adequate water supply, water quality, groundwater and surface water management, ecosystem restoration, flood management, and other watershed issues within the region.

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to hydrology and water quality:

- ▶ Policy LU-1.2: Sustainable Development Patterns. The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities and the New Community Study Areas. The County recognizes that the New Community Study Areas comprises locations that can promote such sustainable development.
- ▶ Policy LU-1.8: Site Plan Environmental Content Requirements. The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- ▶ Policy LU-1.10: Development Site Suitability. The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- ▶ Policy PFS-6.1: Adequate Stormwater Facilities. The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.
- ▶ Policy PFS-6.2: Best Management Practices. The County shall require best management practices (e.g., Low Impact Development) in the development, upgrading, and maintenance of stormwater facilities and services to reduce pollutants from entering natural water bodies while allowing stormwater reuse and groundwater recharge.
- ▶ Policy PFS-6.4: Development Requirements. The County shall require project designs that minimize stormwater drainage concentrations and impervious surfaces, complement groundwater recharge, avoid floodplain areas, and use natural watercourses in ways that maintain natural watershed functions and provide wildlife habitat.
- ▶ Policy PFS-6.5: Stormwater Detention Facilities. Where necessary, the County shall require onsite detention/retention facilities and/or velocity reducers to maintain predevelopment runoff flows and velocities in natural drainage systems.
- ▶ Policy PFS-6.7: Runoff Water Quality. The County shall require all drainage systems in new development and redevelopment to comply with applicable State and Federal non-point source pollutant discharge requirements.
- ▶ Policy PFS-6.8: Reduce Erosion and Sedimentation. The County shall ensure that drainage systems are designed and maintained to minimize soil erosion and sedimentation and maintain natural watershed functions.

- ▶ Policy NCR-4.5: Groundwater Recharge. The County shall encourage new development to preserve, where feasible, areas that provide important groundwater recharge and stormwater management benefits such as undeveloped open spaces, natural habitat, riparian corridors, wetlands, and natural drainage areas.
- ▶ Policy NCR-4.7: Best Management Practices. The County shall encourage new development to avoid significant impacts and protect the quality of water resources and natural drainage systems through site design, source controls, runoff reduction measures, and best management practices (BMPs).
- ▶ Policy NCR-4.4: Open Space Conservation. The County shall encourage conservation and, where feasible, creation or restoration of open space areas that serve to protect water quality such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, and drainage canals.
- ▶ Policy HS-2.1: Minimum Flood Protection. The County shall require a minimum 100- year flood protection for all new development in accordance with local, State, and Federal requirements to avoid or minimize the risk of flood damage.

San Benito County Code of Ordinances

Chapter 15.07: Sewers and Sewage Disposal

The purpose of this chapter in the County Code of Ordinances (County Code) is to ensure the adequate provision of sewage disposal systems, including septic, to ensure the protection of human health and water quality. Specific requirements are provided for the construction and maintenance of sewage disposal systems and septic tanks within Chapter 15.07, Sewers and Sewage Disposal of Title 15 (Public Works) of the San Benito County Code.

Chapter 19.17: Grading, Drainage, and Erosion Control

This chapter of the County Code regulates grading, drainage, and erosion control on private and public property, and requires grading, erosion, and drainage control plans to prevent water pollution and sedimentation of the County's water resources. Grading permits from the Building Inspection and Planning Department are required for grading activities, aside from exemptions listed in San Benito County Code Section 19.17.004. Permits are required primarily for activities not otherwise regulated or having reasonable extent (>50 cubic yards) and risk (e.g., crossing or affecting natural drainages). Grading is not permitted within 50 feet of the top of bank of a stream, creek, river or other water body; in areas of active landslides; or areas over 30 percent slope. The grading permit applications require an erosion and drainage control plan that specifies measures to minimize construction phase water quality risks.

Chapter 23.31, Article 3: Storm Drainage Design Standards

This chapter of the County Code sets standards and methods of analysis by which onsite storm drainage must be provided. The storm water drainage system for any proposed development within the County must be designed in accordance with the standards, which establish guidelines for the design of storm for various locations and systems (ranging from the 10-year to 100-year storm) and hydraulic methods for calculations; identifies construction requirements to address alignment, easements, use and design of closed conduits and open channels; and specifies the drainage reports necessary for subdivisions larger than two acres. The County's ordinance is more strict than typical state requirements, requiring that the post-development 100-year storm peak flow discharged offsite be limited to the pre-development 10-year storm peak flow or channel capacity, whichever is the lesser. This requirement is intended to help prevent adverse changes in localized or downstream flooding, and to accommodate the existing conveyance system in undeveloped areas, which is primarily unlined earthen ditches.

Chapter 25.15, Article III: Floodplain District

This article of the County Code regulates allowed uses and requirements for floodplain (FP) districts. Floodplain areas are those areas shown on the Flood Insurance Rate Map, published by the United States Federal Emergency Management Agency, or its successor, as adopted by the San Benito County Board of Supervisors. Sections 25.15.045 and 25.15.046 outline construction plan requirements for any development within a floodplain.

3.10.2 Environmental Setting

HYDROLOGY AND DRAINAGE

Regional Hydrology

The region (San Benito County and portions of Santa Clara County) includes valley areas characterized by productive agriculture, urban areas including the City of Hollister and the City of San Juan Bautista, rural communities, and upland areas with grazing land. The area has a moderate California coastal climate with a hot and dry summer season typically lasting from May through October. Average annual rainfall ranges from 7 inches to 27 inches per year, depending on elevation. Most of the annual rainfall occurs in the fall, winter, and to a lesser extent spring, generally between November and April. As a result, agricultural operations require significant irrigation during summer months (San Benito County 2015).

Within the region, groundwater is the main source of water supply. Groundwater provides supply to municipal, agricultural, and domestic users through numerous production wells located throughout the region. The other major source is imported water from the Central Valley Project, which is delivered to municipal water suppliers and to agricultural customers within SBCWD. Local surface water also is a supply, made available through groundwater recharge.

Local Hydrology

The confluence of the San Benito and Pajaro rivers is located along the project site's western boundary. The majority of runoff in the area generally tends towards the two rivers, as well as tributaries to them. Although the drainage area for the San Benito River is over 600 square miles, the river is dry most of the year, flowing mainly during wet winter conditions. Local surface water from the San Benito River is captured and stored that are operated and maintained by SBCWD in two reservoirs. The Pajaro River forms the northern boundary of the county. This watershed covers approximately 1,300 square miles and part of four different counties. Flow in the river is controlled by Pacheco Pass Dam operated by Pacheco Pass Water District (SBWCD 2021b).

Both the San Benito and Pajaro rivers, which are located along the project site's western boundary, are "waters of the United States," under the jurisdiction of the USACE. Waters of the United States generally include navigable waters (waters used for transport or commerce) and their tributaries, including wetlands with a clear connection to these waters, and all impoundments of these waters. The USACE distinguishes between wetland and non-wetland waters (commonly referred to as "other waters"). Wetlands are defined as areas that are inundated or saturated by surface or groundwater for a sufficient duration to support a prevalence of vegetation adapted for life in saturated soil conditions (Title 33 CFR Section 328.3[b]).

Stormwater Drainage

Stormwater drainage in the area is generally site-specific. No major stormwater drainage improvements (i.e., collection systems) exist at or in the vicinity of the project site. Due to the pervious nature of much of the surrounding area and the site, as well as the generally flat topography, stormwater generally collects onsite and is allowed to percolate back into onsite soils. Drainage ditches adjacent to US 101 allow for stormwater to runoff from the paved highway and are detained to allow for percolation. Any offsite runoff in the project area is generally collected by the existing river courses located along the site's western boundary.

Flood Conditions

FEMA prepares maps of the 100-year floodplains for communities in the United States. For areas within the 100-year floodplain, there is a 1 percent chance of flooding for any given year and these areas are considered to be at high-risk. Maps are also available for 500-year floods, which mean that in any given year, the risk of flooding in the designated area is 0.2 percent. Areas within the 100-year floodplain that are financed by federally-backed mortgages are subject to mandatory federal insurance requirements and building standards to reduce flood damage.

As noted above, the San Benito and Pajaro rivers extend along the western boundary of the project site, separating the project site from agricultural land to the west. Due in part to the relatively flat topography and shallow channel associated with both rivers, the western portion of the site, similar to other parcels in the area that are located adjacent to either river channel, is located within the 100-year flood zone (FEMA 2009). Figures 2-2 through 2-4 in Chapter 2, "Project Description," map the extent of the floodplain in the proposed development area.

Groundwater Hydrology

The project site lies within the North San Benito Basin, a subbasin of the Gilroy-Hollister Groundwater Basin per DWR Bulletin 118 (SBCWD 2021b). The basin covers approximately 200 square miles situated between and including portions of the Diablo Range to the east and the Gabilan Range to the west. It is adjoined on the north by the Llagas Subbasin, which is the northern extension of the Gilroy-Hollister Basin in Santa Clara County. SBCWD collects groundwater elevation data from numerous wells throughout the basin on an annual basis (e.g., 100 wells provided data in 2020) (SBCWD 2020). The nearest monitoring wells to the project site are located to the southeast (across US 101) and southwest (across San Benito River) from the project site. Generally, groundwater balances are characterized as positive (indicating net increases in storage), although some small declines are anticipated within the basin (SBCWD 2021b). At the project site, groundwater was encountered at a depth of 17-20 feet below ground surface (Earth Systems 2019).

WATER QUALITY

Surface Water Quality

Development (both urban and agricultural) is widely regarded as a leading cause of pollution throughout California and the nation, by altering the watershed hydrology and introducing pollutants. Such development alters the natural hydrology in the watershed in several ways. Natural drainage systems are replaced with pipes and ditches, the land is graded, and impervious surfaces are created, all of which may reduce natural percolation, increase surface runoff, and damage aquatic habitat. Further, removal of vegetation increases erosion potential. In addition, urbanization tends to bring more pollutants. At the same time, the changes to the land's natural hydrology may reduce the land's natural capacity to remove pollutants, further heightening the problem of pollutants being washed into surface waters. In summary, development produces runoff that may be substantially greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area. Increased runoff volume and velocity can also significantly affect beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels.

Total dissolved solids (TDS) is a key constituent of concern for the Basin and are naturally high because of local geology. However, TDS also is affected by human activities (e.g., infiltration of urban runoff, agricultural return flows, and wastewater disposal). Nitrate also is a key constituent of concern. Elevated nitrate levels in groundwater are found in valley areas throughout the Basin, reflecting agricultural activities, septic systems, confined animal facilities, landscape fertilization, and wastewater treatment facility discharges. Other constituents are described in this GSP including hardness, boron, perchlorate, and metals including arsenic, chromium, iron, manganese, and selenium (SBCWD 2021b). Both the Pajaro and San Benito Rivers are listed as impaired waters by the SWRCB because of high levels of these elements (SWRCB 2022).

Groundwater Quality

Groundwater quality can be affected by many things, but the chief controls on the characteristics of groundwater quality are the source and chemical composition of recharge water, properties of the host sediment, and history of discharge or leakage of pollutants. Groundwater quality in the Basin has been described as highly mineralized and of marginal water quality for drinking and agricultural purposes. The mineralized water quality is typical of other relatively small groundwater basins in the area and reflects the geology of the watershed and relatively low permeability of groundwater basin sediments. Groundwater in the Basin has also been impacted by human activities including agricultural, urban, and industrial land uses, including regulated sites with soil and groundwater

contamination, septic tanks, an oil and gas field, and non-point sources (e.g., nitrates from agricultural and landscaping applications) (SBCWD 2021b).

SBCWD currently monitors a distributed network of 18 wells for water quality and maintains a comprehensive water quality database, created in 2004 and updated every three years with reporting through the SBCWD Annual Groundwater Reports. In addition, all potable water systems relying on groundwater are required to participate in SWRCB's Drinking Water Source Assessment and Protection program, which provides regular monitoring of groundwater conditions to prevent local contamination.

3.10.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential hydrologic and water quality impacts is based on a review of existing documents and studies that address water resources in the vicinity of the project. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects, based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations.

THRESHOLDS OF SIGNIFICANCE

An impact on hydrology or water quality is considered significant if implementation of the project would do any of the following:

- ▶ violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- ▶ substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- ▶ substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would
 - result in substantial erosion or siltation on- or offsite;
 - result in flooding onsite or offsite;
 - create or contribute runoff water that would exceed the capacity of existing or planned stormwater- drainage systems or provide substantial additional sources of polluted runoff;
 - impede or redirect flood flows
- ▶ in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; and/or
- ▶ conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

ISSUES NOT DISCUSSED FURTHER

Inundation by Tsunami or Seiche

Tsunamis are large waves created by earthquakes, undersea landslides, or volcanic eruptions. Low-lying coastal areas such as tidal flats, marshes, and former bay margins that have been artificially filled are susceptible to inundation. The California Department of Conservation prepares tsunami inundation maps for coastal areas and all populated areas at risk to tsunami within the state based on the maximum tsunami threat for that area. As no such maps have been created by the California Department of Conservation for San Benito County and based on the location of the project

site with respect to the California coastline, the risk of inundation due to tsunamis is considered minimal. Similarly, no large reservoirs or lakes are located near the project site, which (as a result of a seismic event) could subject the project site to inundation by seiche. Therefore, this issue is not evaluated further.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

The project would be designed in compliance with applicable regulations related to stormwater flows and runoff conditions such that conflicts with the Basin Plan are not anticipated and the project would be consistent with the Basin Plan. With respect to the recently adopted GSP (SBCWD 2021b), its primary objectives are:

1. to provide a long-term, reliable, and efficient groundwater supply for agricultural, domestic, and municipal and industrial uses;
2. to provide reliable storage for water supply resilience during droughts and shortages;
3. to protect groundwater quality;
4. to prevent subsidence;
5. to support beneficial uses of interconnected surface waters; and
6. to support integrated and cooperative water resource management.

Through adherence to applicable regulations and requirements, the project would ensure that development of the project site, although it would increase impermeable surfaces onsite, would retain stormwater flows onsite, appropriately treat/store such flows, and allow for percolation into the groundwater table within the boundaries of the site. For this reason, the project would not conflict with the goals or objectives of SBCWD's GSP. The impact discussions below provide further analysis of how the project would specifically comply with existing regulations and requirements, and as provided in Impact 3.10-3, address the potential for the project to affect groundwater recharge and supplies. Nonetheless, the project would be consistent with the adopted GSP. As discussed in Section 3.17, "Utilities and Service Systems," the draft North San Benito Subbasin Groundwater Sustainability Plan indicates that the San Juan Management Area, which underlies the project site, has a sustainable yield of 19,017 AFY. The sustainable yield is based upon the future baseline (2050) simulated conditions that incorporates current land use, Central Valley Project operating rules, and other management activities for the North San Benito Subbasin. Because the project is consistent with currently land use designations and zoning district, it has been factored into the sustainable yield. Under the existing conditions, 7,454 AFY of groundwater is produced in the San Juan Management Area. The difference between the current groundwater production level and the sustainable yield is 11,563 AFY. The project's demand of 32 AFY would be less than available groundwater under sustainable conditions (11,563 AFY). Therefore, this issue is not evaluated further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.10-1: Violate Any Water Quality Standards or Waste Discharge Requirements or Substantially Degrade Surface Water or Groundwater Quality during Construction Activities

Development of the project site could impact water quality through ground disturbance and erosion leading to sediment delivery, and the potential release of hazardous materials during construction. Compliance with construction storm water quality requirements would minimize the potential water quality impacts related to construction activities, thereby resulting in a less-than-significant impact.

Although the project site and Betabel Road are currently disturbed (as a result of construction of the farm stand and associated facilities), development of the project site would result in additional soils disturbance during construction. Removal of vegetation, excavation, grading, and stockpiling of soils during the installation of utilities and foundations would create soil disturbance which could lead to accelerated erosion and transport of sediment into the Pajaro River and San Benito River channels. Development of the project site and improvements to Betabel Road would require the

use of hazardous materials such as fuels, lubricants, coolants, hydraulic fluids, and cleaning solvents. The use and handling of these materials presents the potential to degrade water quality through accidental spills.

The disturbance associated with development of the project would exceed one acre and would therefore be required to comply with the statewide NPDES General Construction Permit (Order No. 2010-0014 DWQ). This permit requires the development of a site-specific SWPPP that would have to comply with established regulatory standards and would include site-specific BMPs which reduce the potential for impacts to water quality resulting from stormwater runoff. Additionally, a hazardous materials spill response plan is a required component of the NPDES permit SWPPP and would reduce the potential of directly and indirectly affecting water quality through construction-related hazardous material spills. The SWPPP would be prepared by a Qualified SWPPP Practitioner and would be designed to meet the stormwater control needs of the project. The following is a list of standard BMPs that may be incorporated into the projects SWPPP and are based on practices described in the California Stormwater Quality Association's Best Management Practice Handbook Portal (California Stormwater Quality Association 2019):

- ▶ *Runoff control BMPs:* These measures include grading surfaces to control sheet flow, barriers or berms that force sheet flows around protected areas, and stormwater conveyances such as channels, drains, and swales. These practices and features collect runoff and redirect it to prevent contamination to surface waters. Calculations will be made for anticipated runoff, and the stormwater conveyances would be constructed, designed, and located to accommodate these flows.
- ▶ *Erosion control blankets/mats, geotextiles, plastic covers:* These erosion control methods will be used on flat or sloped surfaces to keep soil in place and can be used to cover disturbed soil to prevent runoff.
- ▶ *Gravel/sandbag barrier:* A temporary sediment barrier will be constructed using gravel or sand filled bags to prevent sediment from disturbed areas from reaching existing drainages by reducing the volume of sheet flows.
- ▶ *Hydraulic, straw, and wood mulch:* The use of these various mulches will temporarily stabilize soil on surfaces with little or no slope.
- ▶ *Preservation of existing vegetation:* Preserving the existing vegetation to the maximum extent possible will provide protection of exposed surfaces from erosion and can keep sediment in place. Sensitive areas defined in Section 4.4, "Biological Resources," of this volume will be clearly indicated and protected during and after construction.
- ▶ *Scheduling and planning:* Appropriate scheduling and planning provide ways to minimize disturbed areas, which reduces the amount of activity in the project area that requires protection and minimizes the duration of exposure of disturbed soils to erosion.
- ▶ *Stabilized construction entrance/exit.* A graveled area or pad can be built at points where vehicles enter and leave a construction site. This BMP provides a buffer area where vehicles can drop their mud and sediment to avoid transporting it onto public roads, to control erosion from surface runoff and to help control dust.
- ▶ *Storm drain inlet protection:* Protection consists of devices and procedures that detain or filter sediment from runoff, thereby preventing them from reaching drainage systems that will be used following construction, as well as surface waters.
- ▶ *Spill prevention and control:* Any spills or releases of materials will be cleaned up immediately and comprehensively. Appropriate and easily accessible cleanup equipment, including spill kits containing absorbents, will be located in several areas around the site. Used cleanup materials will be disposed of properly and in accordance with applicable regulations. Hazardous or toxic material spills must be treated as hazardous waste and be treated and disposed of accordingly.

The SWPPP will also identify responsibilities for site inspection and monitoring, and any necessary maintenance of construction BMPs. Because construction on the site would require implementation of adequate measures to control onsite stormwater and protect water quality as part of the planning and design phase of implementation, the potential for construction related impacts to water quality would not be substantial. This would be consistent with General Plan policies PFS-6.4, PFS-6.7, PFS-6.8, and NCR-4.7.

Any permitting for disturbance or fill of waters of the United States would require permitting under Section 404 and 401 (certification) of the Clean Water Act. Compliance with the conditions of the 404 permitting would address water quality, including limiting the amount of channel modification or disturbance to the minimum necessary to construct the project; placement of excavated or dredged materials in an area that has no waters of the United States; limiting riprap to the minimum necessary to protect any necessary structures; and restoration or stabilization of temporarily disturbed areas. Of note, a Section 401 water quality certification, if necessary, would be issued by the Central Coast RWQCB, and in order to receive this certification the project must show that it would not create a violation of any water quality standards.

The development of the project could impact water quality through ground disturbance and erosion leading to sediment delivery, and the potential release of hazardous materials during construction. However, compliance with County Code Chapter 19.17 Grading, Drainage, and Erosion Control, Central Coast RWQCB, and USACE permit conditions would minimize the potential water quality impacts related to construction activities, resulting in a less-than-significant impact.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-2: Violate Any Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality from Polluted Stormwater Runoff

Development of the project site could result in an increase in pollutants carried in stormwater runoff. However, drainage from the site would not be discharged to a surface water and the project would be required to meet the stormwater quality management standards of the Central Coast RWQCB and NPDES programs, which include low impact development site design, source control, stormwater treatment, and regular maintenance of stormwater system components. Compliance with these standards would minimize potential for stormwater runoff generated at the project site to adversely impact water quality. Therefore, this would be a less-than-significant impact.

Development and operation of the project would increase the footprint of development within the site boundaries, adding to the level of impervious surfaces currently onsite, including roadways and parking areas, which could potentially increase the level of urban contaminants discharged into the stormwater drainage system and adjacent river channels. In accordance with federal and state stormwater management regulations (i.e., Central Coast RWQCB and NPDES requirements), new construction and significant redevelopment must maintain pre-project hydrology and incorporate proper pollutant source controls, minimize pollutant exposure outdoors, and treat stormwater runoff through proper BMPs, when source control or exposure protection are insufficient for reducing runoff pollutant loads. In accordance with Central Coast RWQCB compliance guidelines, development at the project site would be required to incorporate BMPs and LID stormwater management principles. These would include onsite detention systems and other suitable stormwater pollutant control BMPs, such as conservation of natural areas and construction/maintenance of swales and infiltration basins, to reduce the discharge of pollutants into stormwater to the maximum extent practicable. This would be consistent with General Plan policies LU-1.2, PFS-6.1, PFS-6.2, PFS-6.4, PFS-6.5, PFS-6.7, PFS-6.8, NCR-4.4, and NCR-4.7. Further, the project would be required to obtain a waste discharge permit from the Central Coast RWQCB for the onsite wastewater treatment system and leach fields. The permit would include additional conditions to ensure that operation of the onsite wastewater treatment system and leach fields would occur in accordance with federal and state requirements, as noted above.

While the potential for development of the proposed project to cause or contribute to long-term discharges of urban contaminants into the stormwater drainage system could increase compared to existing condition, the project would be required to comply with federal and state stormwater management regulations, which would require the incorporation of appropriate BMPs into the design of the development to prevent long-term water quality degradation. As a result, this would be a less-than-significant impact.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-3: Impacts to Groundwater Recharge

Development of the project site would create impervious surfaces which could increase runoff and reduce groundwater recharge within the vicinity of the project. However, the LID stormwater management components of the project would allow for onsite percolation of stormwater flows, which would minimize potential impacts to groundwater recharge. This would be a less-than-significant impact.

This discussion is focused on the potential for the project to interfere with groundwater recharge through the addition of impervious surfaces. Potential impacts related to the sufficiency of groundwater resources and the water demand of the project are addressed in Section 4.15, "Utilities and Service Systems." The development of the project site would create new impervious surfaces within the approximately 26 acres of development area, which could reduce the ability of the site to capture rainwater and could affect groundwater recharge in the immediate vicinity. However, the project also includes several areas of onsite detention/retention, leach fields, and natural/pervious areas (including the southern third of the project site and the western portion of the project site that consists of approximately 80 acres). Excluding the currently-under-construction farm stand, more than 90 percent of the project site is currently permeable. With project implementation, approximately 80 percent of the project site would remain permeable with the remaining 20 percent (i.e., approximately 12 acres) converting to impermeable surfaces (e.g., structure roofs, parking lots, walkways, concrete associated with the outdoor event center, other onsite infrastructure, etc.) (C3 Engineering 2022).

Although the addition of impervious surfaces would concentrate runoff and increase the runoff from the developed areas of the site, the project would incorporate LID stormwater management measures that would infiltrate stormwater onsite to the maximum extent possible. The proposed onsite retention pond would be designed and constructed to capture and infiltrate the additional runoff generated by the proposed development during a 100-year storm event, in combination with the onsite retention pond that is currently under construction for the approved farm stand development. These two onsite retention ponds would address overall site development (approved farm stand and associated parking and the proposed project). Additional LID features would be integrated into the project design to capture and infiltrate stormwater at the source of runoff. The LID stormwater management components included in the site design would continue to allow rainwater infiltration and would minimize the potential affects to groundwater recharge. This would be consistent with General Plan policies LU-1.2, PFS-6.2, PFS-6.4, and NCR-4.5.

Therefore, although development of the site would create impervious surfaces, which could (in and of itself) increase runoff and reduce groundwater recharge within the vicinity of the project, the stormwater management components of the project would allow for percolation and infiltration of precipitation on site, which would minimize potential impacts to groundwater recharge. This would be a less-than-significant impact.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-4: Increase Localized Flooding Risk Because of Changes in Site Drainage

The project would construct several structures in an area that is located within the 100-year floodplain. Construction of the project would alter onsite grading conditions and place structures within the floodplain that could alter the floodplain area which could increase flooding upstream or downstream of the site. This impact would be significant.

As noted above, construction and operation of the proposed project would increase impervious land cover which would increase the potential for stormwater runoff. However, the project site would include onsite measures and permeable surfaces consistent with NPDES and Central Coast RWQCB requirements such that onsite and offsite flooding as a result of development of the project site (i.e., increase in impermeable surfaces) would not occur. Refer to Impacts 3.10-1 and 3.10-2. Adherence to the various local (e.g., Chapter 23.31, Article 3, and Chapter 25.15, Article 3 of County Code summarized above), state, and NPDES program requirements would ensure that additional increases in stormwater runoff resulting from development are adequately managed and do not result in a substantial increase in the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.

However, the project would alter onsite grading and include the development of the proposed motel buildings, visitor center, amusement buildings, and water tanks within the estimated extent of the 100-year floodplain (see Figures 2-2 through 2-4). The project proposes to elevate all structures two feet above the base flood elevation (Jerome 2022). The County requires plans for proposed structures within lands identified as FEMA 100-year floodplain to establish living, manufacturing, or storage areas at a minimum of one foot above the 100-year flood elevation. As such, the potential risk to onsite structures and people would be minimized. With respect to the potential change in flood flows as a result of elevation of structures within the floodplain, the southern and western portions of the development area would be recontoured as part of the project (refer to Chapter 2, "Project Description") in order to maintain the current flood capacity of the site so as to prevent offsite changes in flood levels and prevent the potential redirection of flood flows to offsite areas. However, no final drainage and grading details have provided to verify the effectiveness of these design features to address changes to the floodplain. Therefore, this impact would be significant.

Mitigation Measures

Mitigation Measure 3.10-4: Maintain Floodplain Elevation and Extent to Pre-Project Conditions

Prior to grading activities, the project applicant shall provide final grading, building, structure, and drainage details that demonstrate compliance with storm drainage design standards under County Code of Ordinances Chapter 23.31 as well as no increase in offsite floodplain area or its elevation. This may be accomplished through grading, use of the onsite stormwater retention pond, or other measures acceptable to the County.

Significance after Mitigation

Mitigation Measure 3.10-4 would ensure that the final design of the project do not alter the floodplain conditions that would result in offsite floodplain in a manner consistent with the requirements of General Plan Policy LU-1.8, LU-1.10, and HS-2.1, and County Code of Ordinances Chapter 23.31 through retention, grading, and other appropriate measures. Implementation of this mitigation measure would reduce this impact to less than significant.

Impact 3.10-5: Release of Pollutants Due to Inundation by Floodwaters

Portions of the development area of the project are located within the 100-year floodplain and would include onsite improvements that may house fuels, lubricants, and other pollutants that could be released from the project site during a flood event. This impact would be significant.

As noted in Impact 3.10-4, the project would locate facilities and buildings within the 100-year floodplain that could contain new potential sources of pollution during flood events such as fuels, lubricants, and other chemicals that may affect water quality during a flood. This impact would be significant.

Mitigation Measures

Mitigation Measure 3.10-5: Elevate Fuel and Chemical Storage above the 100-Year Floodplain

Any underground fuel tanks in the floodplain shall be protected by dry floodproofing consistent with American Society of Civil Engineers (ASCE) standard ASCE 24, *Flood Resistant Design and Construction*. Other chemical storage shall be elevated outside of the 100-year floodplain. All project building fuel and chemical storage shall be shown in building plans prior to issuance of building permits.

Significance after Mitigation

Implementation of Mitigation Measure 3.10-5 would ensure that any fuel or chemical storage in the floodplain is protected from accidental release during a flood event. With mitigation, this impact would be less than significant.

3.11 LAND USE AND PLANNING

This land use analysis evaluates consistency of the Betabel Commercial Development Conditional Use Permit Project with applicable land-use plans and policies. The physical environmental effects associated with the project, many of which pertain to issues of land use compatibility (e.g., noise, aesthetics, air quality) are evaluated in other sections of Chapter 3 of this Draft EIR.

There were no comments related to land use and planning were submitted in response to the NOP circulated on April 21, 2022.

3.11.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to land use are applicable to the project.

STATE

No state plans, policies, regulations, or laws related to land use are applicable to the project.

LOCAL

Association of Monterey Bay Area Governments

The Association of Monterey Bay Area Governments (AMBAG) was organized in 1968 for the purpose of regional collaboration and problem solving. AMBAG was formed as a Joint Powers Authority governed by a 24-member Board of Directors composed of elected officials from each city and county within the region. The AMBAG region includes Monterey, San Benito, and Santa Cruz Counties. AMBAG serves as both a federally designated Metropolitan Planning Organization and Council of Governments. Among its many duties, AMBAG prepares regional housing, population, and employment forecasts that are used in a variety of regional plans, including the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

The 2040 MTP/SCS was adopted in 2018 and is the current MTP/SCS for the Monterey Bay Area. As part of the 2040 MTP/SCS, AMBAG worked closely with stakeholders to develop a new growth forecast and an updated multimodal transportation network with land use patterns and strategies based on reasonably available revenues. AMBAG is currently preparing a 2045 MTP/SCS, which it is anticipating to adopt before the end of 2022.

San Benito County General Plan

The 2035 County General Plan identifies the project site as Rangeland (RG) use and provide the following guidance:

Rangeland (RG): The purpose of this designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation allows support uses that directly support agricultural operations and one principal residential dwelling unit per lot. Secondary dwellings are allowed for relative, caretaker/employee, and farm worker housing.

The General Plan also designates the project area as a Commercial Regional node within the County. Commercial Regional is defined as follows within the County General Plan:

Commercial Regional (CR): The purpose of this designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.

Land Use Element

The following policies from the Land Use Element of the San Benito County General Plan are relevant to the proposed project:

- ▶ **Policy LU-1.8: Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- ▶ **Policy LU-1.10: Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- ▶ **Policy LU-5.2: New Commercial Thoroughfare Nodes.** The County shall encourage new Commercial Thoroughfare (CT) nodes, as shown on the Land Use Diagram, serving travelers and tourists along state routes. The County shall require these uses to have adequate public services, be compatible with surrounding land uses, and respect the scenic character of the county.
- ▶ **Policy LU-5.5: Strip Commercial.** The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.
- ▶ **Policy LU-5.6: Visitor-Oriented Commercial Uses.** The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.
- ▶ **Policy ED-5.3: New Events.** The County shall encourage the creation of sporting tournaments and entertainment events such as cycling, baseball, soccer, field hockey, tennis, golf, art and wine festivals, and outdoor concerts.
- ▶ **Policy ED-5.4: Destination Attractions.** The County should encourage the development of destination attractions that celebrate San Benito County's unique heritage, including contemporary and performing arts, winemaking culture, agritourism, and Spanish Mission history.

San Benito County Code of Ordinances

San Benito County Zoning Ordinance

The County Zoning Ordinance (County Code, Title 25) establishes land use and residential zoning designations corresponding with the General Plan. The Zoning Ordinance also establishes development standards for the range of allowable uses, including, but not limited to, maximum building heights, lot coverage and floor area ratios, as well as minimum standards for building setbacks. The project site is zoned Agricultural Rangeland/Floodplain (AR/FP) and Commercial Thoroughfare (C-1) Combining District. The County Zoning Ordinance provides the following guidance for the Agricultural Rangeland, Floodplain, and Commercial Thoroughfare districts:

Agricultural Rangeland (AR): The intent of the AR district is to provide for areas within the county to be used for agricultural rangeland purposes as set forth in the general plan. The regulations, except to the extent that they may be modified by this title or combining or overlay districts, shall apply to every lot and building in an AR district.

Floodplain (FP): Floodplain areas are those areas shown on the Flood Insurance Rate Map, published by the United States Federal Emergency Management Agency, or its successor, as adopted by the San Benito County Board of Supervisors. The uses permitted in the floodplain area shall be identical to the uses permitted in the base zoning district, together with additional floodplain conditions herein specified.

Commercial Thoroughfare (C-1): The C-1 district is specifically intended to provide establishments offering accommodations, supplies or services especially to motorists, and for certain uses such as commercial amusement and specialized automotive and related sales and service establishments which serve persons coming to them from large trading areas by automobile. The uses ordinarily do not seek locations in shopping centers, and therefore, must be provided for at independent locations. The C-1 district, when appropriate, will be located along major thoroughfares. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize traffic hazards.

3.11.2 Environmental Setting

Land use planning is used to direct the amount, type, and location of different land uses and to coordinate regional land use guidance with local land use plans. This section describes land use policies and plans applicable to the project site and existing conditions related to land use.

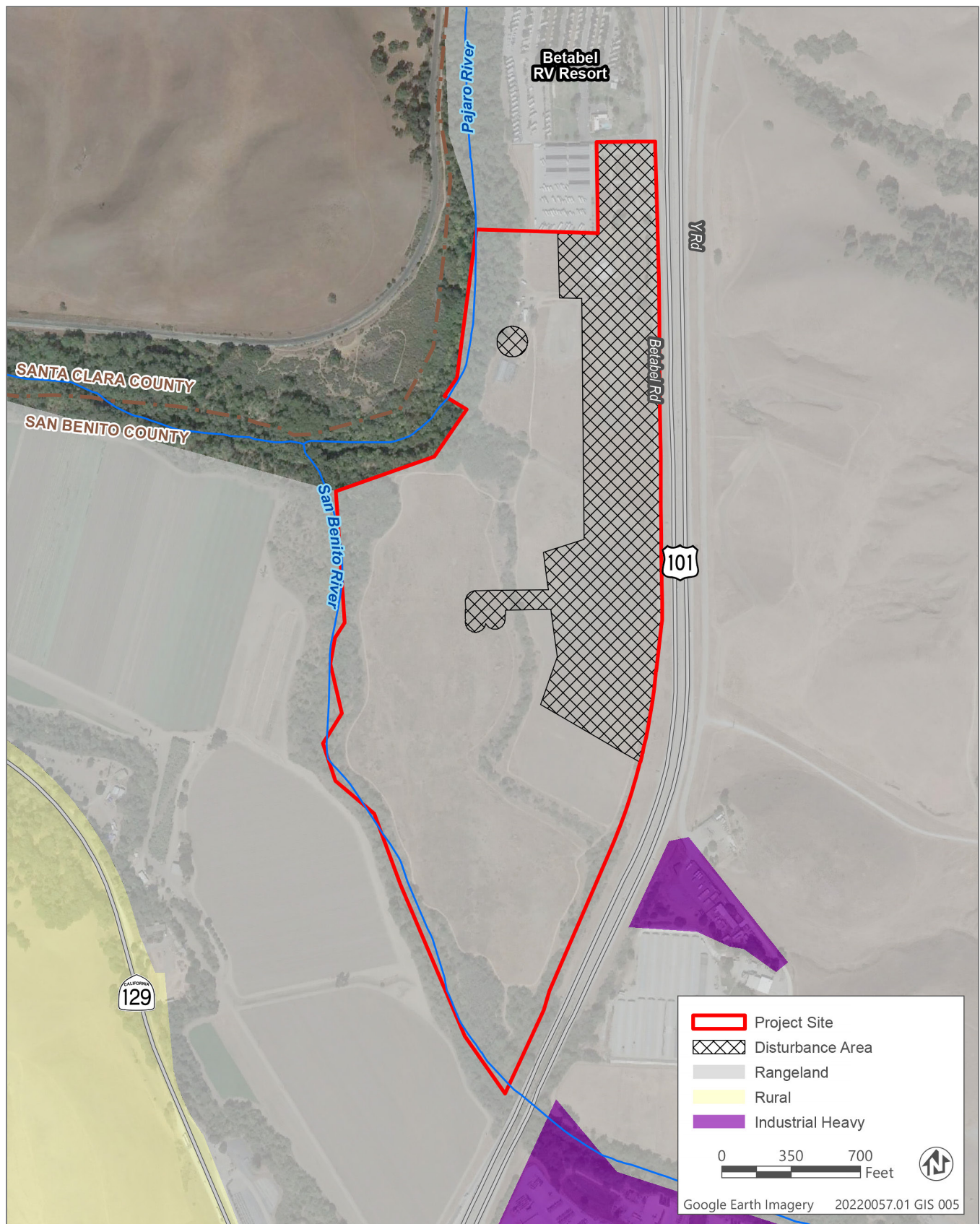
PROJECT SITE

The project site is located at 9644 Betabel Road, at the interchange of U.S. Highway 101 and Betabel Road in unincorporated San Benito County. Historic land uses within the project site include agricultural uses and riparian open space. The 2035 County General Plan identifies the project site as Commercial Regional (CR) and Agriculture (A) use.

The project site is zoned C-1 (Commercial Thoroughfare) and AR/FP (Agricultural Rangeland / Floodplain District) and contains an existing 7,141 sq ft native plant nursery/greenhouse, and a 6,800 sq ft farm stand and 900 sq ft restroom building, both of which are currently under construction. Also under construction is a 100,000-gallon water storage tank to supplement two existing producing wells for fire protection and water service, as well as a septic tank with leach fields, and a stormwater retention pond. A majority of the project site consists of open land that is not currently in agricultural production. These land use designations are illustrated in Figure 3.11-1.

SURROUNDING LAND USES

The property is bordered by the Betabel RV Park to the north, agricultural/open space to the south and west, and Betabel Road and US 101 to the east. More agricultural/open space is located to the east, beyond US 101. The Pajaro and San Benito Rivers are located to the west and south of the property. From a more regional perspective, the project site is approximately 2 miles south of Sargent, 4 miles north of San Juan Bautista, and three miles north of the junction of US 101 and State Route 156.



Sources: Data downloaded from County of San Benito in 2022

Figure 3.11-1 Land Use

3.11.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential land use impacts is based on a review of the planning documents pertaining to the project study area, the San Benito County General Plan, the San Benito County Code of Ordinances, the applicant's project description, and application materials.

THRESHOLDS OF SIGNIFICANCE

A land use impact is considered significant if implementation of the Betabel Commercial Development Conditional Use Permit Project would do any of the following:

- ▶ physically divide an established community; and/or
- ▶ cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

ISSUES NOT DISCUSSED FURTHER

Physical Division of an Established Community

The physical division of an established community refers to the construction of a physical feature such as an interstate highway, major roadway, utility infrastructure expansion, or the removal of access features that would impair connections within a community. The project site is not part of, adjacent to, or unto itself represent a community. Since there are no established or proposed communities near the proposed project site, the development would not result in a physical division of such a community. This issue is not discussed further in this EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.11-1: Conflict With Land Use Plans, Policies, Or Existing Zoning

The project would also be consistent with land use policies in the General Plan, including the designation of the project area as a Commercial Regional node. Therefore, the proposed project would not conflict with land use plans, policies, or existing zoning. This impact would be **less than significant**.

The project that includes the development of a commercially-zoned site with a variety of local and regional serving commercial uses. While the project site is designated Rangeland (RG) within the County General Plan, the project area is also designated as part of one of the Commercial Regional nodes, which encourages the development of local and regional commercial uses that acknowledge and enhance the history and character of the County. With respect to County planning provisions, the portion of the project site that would be developed with local and regional commercial uses is currently zoned C-1 and would be consistent with General Plan policies LU-5.2, LU-5.5, LU-5.6, ED-5.3, and ED-5.4. Project application materials and this EIR address environmental conditions for development suitability consistent with General Plan policies LU-1.8 and LU-1.10. As part of the project, a conditional use permit would be required for the local and regional commercial uses, including the outdoor event area, consistent with County Code Chapter 25.16, Section 25.16.023, applicable to the C-1 District.

The remaining undeveloped areas (approximately 80 acres) of the project site are zoned AR/FP (Agricultural Rangeland/Floodplain) and would remain in their current state or be used agricultural/open space uses (including the proposed animal/livestock corral). Therefore, through the approval of a conditional use permit, the proposed project would not conflict with land use plans, policies, or existing zoning. The project, as noted above, and in other sections of this EIR would be required to comply with applicable land use policies and regulations to thereby ensuring that development of the project site would not conflict with the County General Plan.

With respect to the AMBAG MTP/SCS, the project would not involve modifications to or conflict with the planned efforts of the MTP/SCS, including facility improvements and transportation demand management. The project would be intended to serve an existing need and provide a commercial attraction for the benefit of San Benito County and the region. As a result, impacts would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.12 NOISE

This section includes a summary of applicable regulations related to noise and vibration, a description of ambient-noise conditions, and an analysis of potential short-term construction and long-term operational-source noise impacts associated with the Betabel Commercial Development Conditional Use Permit (project). Mitigation measures are recommended as necessary to reduce significant noise impacts. Additional data is provided in Appendix D, "Noise and Vibration Impact Assessment."

3.12.1 Regulatory Setting

FEDERAL

U.S. Environmental Protection Agency Office of Noise Abatement and Control

The U.S. Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate Federal noise control activities. In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at more local levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to state and local governments. However, documents and research completed by the EPA Office of Noise Abatement and Control continue to provide value in the analysis of noise effects.

Federal Interagency Commission on Noise

Because San Benito County does not have a specific policy for assessing noise impacts associated with increases in ambient noise levels resulting from a project, the Federal Interagency Commission on Noise (FICON) criteria are utilized in this EIR.

The use of the FICON criteria is considered conservative relative to thresholds used by other agencies in the State of California. For example, the California Department of Transportation (Caltrans) requires a project related traffic noise level increase of 12 decibels (dB) for a finding of significance, and the California Energy Commission considers project related noise level increases between 5 to 10 dB significant, depending on local factors. Therefore, the use of the FICON criteria, which set the threshold for finding of significant noise impacts as low as 1.5 dB, provides a conservative approach to impact assessment for the project.

Based on the FICON criteria shown in Table 3.12-1, a 5 dB increase in baseline noise levels due to a project is required for a finding of significant noise impact where ambient noise levels without the project are less than 60 dB day/night average levels (DNL). Where pre-project ambient conditions are between 60 and 65 DNL, a 3 dB increase is applied as the standard of significance for a finding of noise impact. Finally, in areas exposed to higher baseline noise levels, specifically pre-project noise levels in excess of 65 DNL, a 1.5 dB increase is considered by FICON as the threshold of significance for a finding of significant noise impact.

Table 3.12-1 Criteria for Assessing the Significance of Project-Related Noise Level Increases

Ambient Noise Level Without Project (day/night average levels)	Change in Ambient Noise Level Due to Project Considered to be Significant
<60 dB	+5.0 dB or more
60 to 65 dB	+3.0 dB or more
>65 dB	+1.5 dB or more

Source: Appendix D.

Federal Transit Administration

As discussed below under the local regulations for San Benito County General Plan, Health and Safety Element Policies HS-8.6 and HS-8.7 identify criteria established by the Federal Transit Administration (FTA) for the assessment

of vibration impacts within the County. The FTA criteria referenced in these General Plan Policies are contained within the FTA publication, Transit Noise and Vibration Impact Assessment Manual (FTA 2018).

San Benito County General Plan Health and Safety Element Policy HS-8.6 requires the FTA vibration screening distance criteria be utilized to determine if a detailed vibration assessment is required for a project. The FTA screening distances are provided within Table 6-8 of the FTA guidelines. The screening distance within which a detailed vibration analysis is required depends on the type of vibration source (roadway traffic in this case), and the land use categories of the sensitive receptors. According to the FTA guidelines, the screening distance for residential and motel uses (Land Use Category 2), affected by significant sources of roadway vibration is 50 feet. In other words, if noise-sensitive land uses are proposed within 50 feet of a major roadway a detailed vibration analysis would be required for the project. For commercial uses (Category 3), affected by roadway vibration, no screening distance is provided, indicating that a detailed vibration analysis would not be required.

San Benito County General Plan Health and Safety Element Policy HS-8.7 requires vibration generated by project construction to satisfy the FTA's criteria for acceptable vibration levels within sensitive uses. Table 6-3 of the FTA guidelines provides groundborne vibration impact assessment criteria for a range of land uses depending on the frequency of occurrence of the vibration events. Table 6-3 of the FTA guidelines has been reproduced below as Table 3.12-2.

Table 3.12-2 FTA Ground-Borne Vibration Impact Criteria for General Assessment

Land Use Category	Ground-Borne Vibration Impact Levels (VdB re 1 micro-inch/second)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
<i>Category 1:</i> Buildings where vibration would interfere with interior operations.	65 ⁴	65 ⁴	65 ⁴
<i>Category 2:</i> Residences and buildings where people normally sleep.	72	75	80
<i>Category 3:</i> Institutional land uses with primarily daytime uses.	75	78	83

Notes: VdB = vibration decibels referenced to 1 μ inch/second and based on the root mean square (RMS) velocity amplitude.

- 1 "Frequent Events" is defined as more than 70 vibration events of the same source per day.
- 2 "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
- 3 "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.
- 4 This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define acceptable vibration levels.

Source: FTA 2006.

LOCAL

San Benito County 2035 General Plan

The Health and Safety Element of the San Benito County 2035 General Plan contains policies and actions to ensure that County residents are not subjected to noise and vibration beyond acceptable levels. The County General Plan policies and actions which are applicable to the project's noise impact evaluation include:

- Policy HS-8.1: Project Design – The County shall require new development to comply with the noise standards shown in Tables 9-1 & 9-2 [Tables 3.12-3 and 3.12-4] through proper site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms), and building construction practices. The County shall only consider the use of soundwalls after all design-related noise mitigation measures have been evaluated or integrated into the project or found infeasible. San Benito County General Plan Tables 9-1 and 9-2 [Tables 3.12-3 and 3.12-4] are provided below.

Table 3.12-3 Non-Transportation Noise Level Performance Standards for Noise-Sensitive Uses





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

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

Table 3.12-4 Land use Compatibility Guidelines for Community Noise Environments

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

Notes:

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

- Policy HS-8.2: Acoustical Analysis – The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be exposed to noise levels exceeding the “normally acceptable” criteria (e.g., “conditionally acceptable”, “normally acceptable”) shown in Table 9-2 [Table 3.12-4]. Land uses should be prohibited from locating, or required to mitigate, in areas with a noise environment within the “unacceptable” range.
- Policy HS-8.3: Construction Noise – The County shall control the operation of construction equipment at specific sound intensities and frequencies during daytime hours between 7 a.m. and 6 p.m. on weekdays and 8 a.m. and 5 p.m. on Saturdays. No construction shall be allowed on Sundays or federal holidays.
- Policy HS-8.6: Vibration Screening Distances – The County shall require new residential and commercial uses located adjacent to major freeways or railroad tracks to follow the Federal Transit Administration (FTA) screening distance criteria.
- Policy HS-8.7: Acceptable Vibration Levels – The County shall require construction projects anticipated to generate a significant amount of vibration to ensure acceptable interior vibration levels at nearby sensitive uses based on FTA criteria.

- ▶ Policy HS-8.8: Noise Exemptions – The County shall support the exemption of the following noise sources from the standards in this element:
 - a. Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and generators which are activated during power outages. The routine testing of such warning devices and equipment shall also be exempt provided such testing occurs during the hours of 7 a.m. to 10 p.m.
 - b. Activities at schools, parks, or playgrounds, provided such activities occur during daytime hours.
 - c. Activities associated with County-permitted temporary events and festivals
- ▶ Policy HS-8.9: Interior Noise Standards – Adopt the State of California Code of Regulations' (Title 24) minimum noise insulation interior performance standard of 45 dBA [A-weighted decibels] DNL for all new residential construction including hotels, motels, dormitories, apartment houses, and single-family dwellings.
- ▶ Policy HS-8.10: Reduction in Noise Levels at Existing Land Uses – Reduce traffic noise levels where expected to significantly impact sensitive receptors through the installation of noise control measures such as quiet pavement surfaces, noise barriers, traffic calming measures, and interior sound insulation treatments.
- ▶ Policy HS-8.11: New Project Noise Mitigation Requirements – Require new projects to include appropriate noise mitigation measures to reduce noise levels in compliance with the Table 9-1 and 9-2 [Tables 3.12-3 and 3.12-4] standards within sensitive areas. If a project includes the creation of new non-transportation noise sources, require the noise generation of those sources to be mitigated so they do not exceed the interior and exterior noise level standards of Table 9-2 [Table 3.12-4] at existing noise-sensitive areas in the project vicinity, unless an exception is made by the County on a case-by-case basis. However, if a noise-generating use is proposed adjacent to lands zoned for residential uses, then the noise-generating use shall be responsible for mitigating its noise generation to a state of compliance with the standards shown in Table 9-2 [Table 3.12-4] at the property line of the generating use in anticipation of the future residential development, unless an exception is made by the County on a case-by-case basis.
- ▶ Policy HS-8.12: Construction Noise Control Plans – Require all construction projects to be constructed within 500 feet of sensitive receptors to develop and implement construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical:
 - Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses.
 - Locate staging areas and construction material areas as far away as possible from adjacent land uses.
 - Prohibit all unnecessary idling of internal combustion engines.
 - Notify all abutting land uses of the construction schedule in writing.
 - Designate a "disturbance coordinator" (e.g., contractor foreman or authorized representative) who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation Program HS-N: Update Noise Ordinance – The County shall review and update the Noise Ordinance to be consistent with the noise standards contained in Table 9-1, to include standards regulating noise from construction activities, and to facilitate a procedure for exemptions for special events, such as concerts and festivals.

San Benito County Code of Ordinances

Section 19.39.030 of the San Benito County Code of Ordinances (County Code) (Maximum Permissible Sound Pressure Levels) sets limits for exterior noise levels according to land use designation (reproduced below in Table 3.12-5). However, the County Code 50 dBA daytime and 40 dBA nighttime noise standards shown in Table 3.12-5 which are applicable to residential uses are 5 dBA more restrictive than the County General Plan standards shown in Table 9-1 [Table 3.12-3]. In light of Implementation Program HS-N which requires an update to the County Code (Noise Ordinance) in order for the Code standards to be consistent with the General Plan standards, this EIR utilizes the General Plan noise standards shown in Tables 9-1 and 9-2 [Tables 3.12-3 and 3.12-4] for the assessment of project noise impacts at existing noise-sensitive uses rather than the County Code standards shown in Table 3.12-5.

Table 3.12-5 San Benito County Noise Ordinance Maximum Sound Level Standards

Land Use	Noise Level (dBA)	
	Day	Night
Ag Rangeland	45	35
Ag Productive		
Rural		
Rural Transitional	45	35
Rural Residential		
Single-Family (R1)	50	40
Residential Multiple (RM)		
Planned Unit Development		
Commercial (C-1)	65	55
Commercial (C-2)		
Controlled Manufacturing (CM)	70	60
Light Industrial (M-1)		
Heavy Industrial (M-2)		

Source: Appendix D.

Section 19.39.051 of the County Code provides exemptions from the noise level limits identified in Table 3.12-5 for certain activities. The exemptions that would be applicable to the project are provided below.

19.39.051 Exemptions

The following activities shall be exempt from the provisions of this chapter:

- B. Activities conducted on parks, public playgrounds and school grounds, provided such parks, playgrounds and school grounds are owned and operated by a public entity or private school.
- C. Noise sources associated with a lawful commercial or industrial activity caused by mechanical devices or equipment, including air conditioning or refrigeration systems.
- H. Temporary construction, demolition or maintenance of structures between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and federal holidays.

3.12.2 Environmental Setting

ACOUSTIC FUNDAMENTALS

Prior to discussing the noise setting for the project, background information about sound, noise, vibration, and common noise descriptors is needed to provide context and a better understanding of the technical terms referenced throughout this section.

Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is defined as loud, unexpected, annoying, or unwanted sound.

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. The field of acoustics deals primarily with the propagation and control of sound.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz, or thousands of hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals. One micro-Pascals is approximately one hundred billionth (0.0000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 micro-Pascals. Because of this large range of values, sound is rarely expressed in terms of micro-Pascals. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of dB.

Addition of Decibels

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when two identical sources are each producing sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if one idling truck generates an SPL of 70 dB, two trucks idling simultaneously would not produce 140 dB; rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level approximately 5 dB louder than one source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside of this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds. Thus, noise levels are typically reported in terms of A-weighted decibels. All sound levels discussed in this section are expressed in A-weighted decibels. Table 3.12-6 describes typical A-weighted noise levels for various noise sources.

Table 3.12-6 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1,000 feet	— 100 —	
Gas lawn mower at 3 feet	— 90 —	
Diesel truck at 50 feet at 50 miles per hour	— 80 —	Food blender at 3 feet, Garbage disposal at 3 feet
Noisy urban area, daytime, Gas lawn mower at 100 feet	— 70 —	Vacuum cleaner at 10 feet, Normal speech at 3 feet
Commercial area, Heavy traffic at 300 feet	— 60 —	
Quiet urban daytime	— 50 —	Large business office, Dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime	— 30 —	Library, Bedroom at night
Quiet rural nighttime	— 20 —	
	— 10 —	Broadcast/recording studio
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013a: Table 2-5.

Human Response to Changes in Noise Levels

The doubling of sound energy results in a 3-dB increase in the sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different from what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency (“pure-tone”) signals in the mid-frequency (1,000–8,000 Hz) range. In general, the healthy human ear is most sensitive to sounds between 1,000 and 5,000 Hz and perceives both higher and lower frequency sounds of the same magnitude with less intensity (Caltrans 2013a:2-18). In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2013a:2-10). Therefore, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dB increase in sound would generally be perceived as barely detectable.

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, (e.g., operating factory machinery) or transient in nature (e.g., explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocity are normally described in inches per second (in/sec) or in millimeters per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2006:7-5; Caltrans 2013a:6).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2006:7-4; Caltrans 2013b:7). This is based on a reference value of 1 micro inch per second.

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006:7-8; Caltrans 2013b:27).

Typical outdoor sources of perceptible ground vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur to fragile buildings. Construction activities can generate sufficient ground vibrations to pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2006:7-5).

Vibrations generated by construction activity can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations are generated by vibratory pile drivers, large pumps, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment.

Table 3.12-7 summarizes the general human response to different ground vibration-velocity levels.

Table 3.12-7 Human Response to Different Levels of Ground Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Notes: VdB = vibration decibels referenced to 1 μ inch/second and based on the root mean square (RMS) velocity amplitude.

Source: FTA 2006:7-8.

Common Noise Descriptors

Noise in our daily environment fluctuates over time. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors used throughout this section.

Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average of the sound energy occurring over a specified period. In effect, L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2013a:2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq} , is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by Caltrans and FTA (Caltrans 2013a:2-47; FTA 2006:2-19).

Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2013a:2-48; FTA 2006:2-16).

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which a noise level decreases with distance depends on the following factors:

Geometric Spreading

Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roads and

highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources, thus propagating at a slower rate in comparison to a point source. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

Ground Absorption

The propagation path of noise from a source to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective-wave canceling provides additional attenuation associated with geometric spreading. Traditionally, this additional attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 feet. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuate rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels, as wind can carry sound. Sound levels can be increased over large distances (e.g., more than 500 feet) from the source because of atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also affect sound attenuation.

Shielding by Natural or Human-Made Features

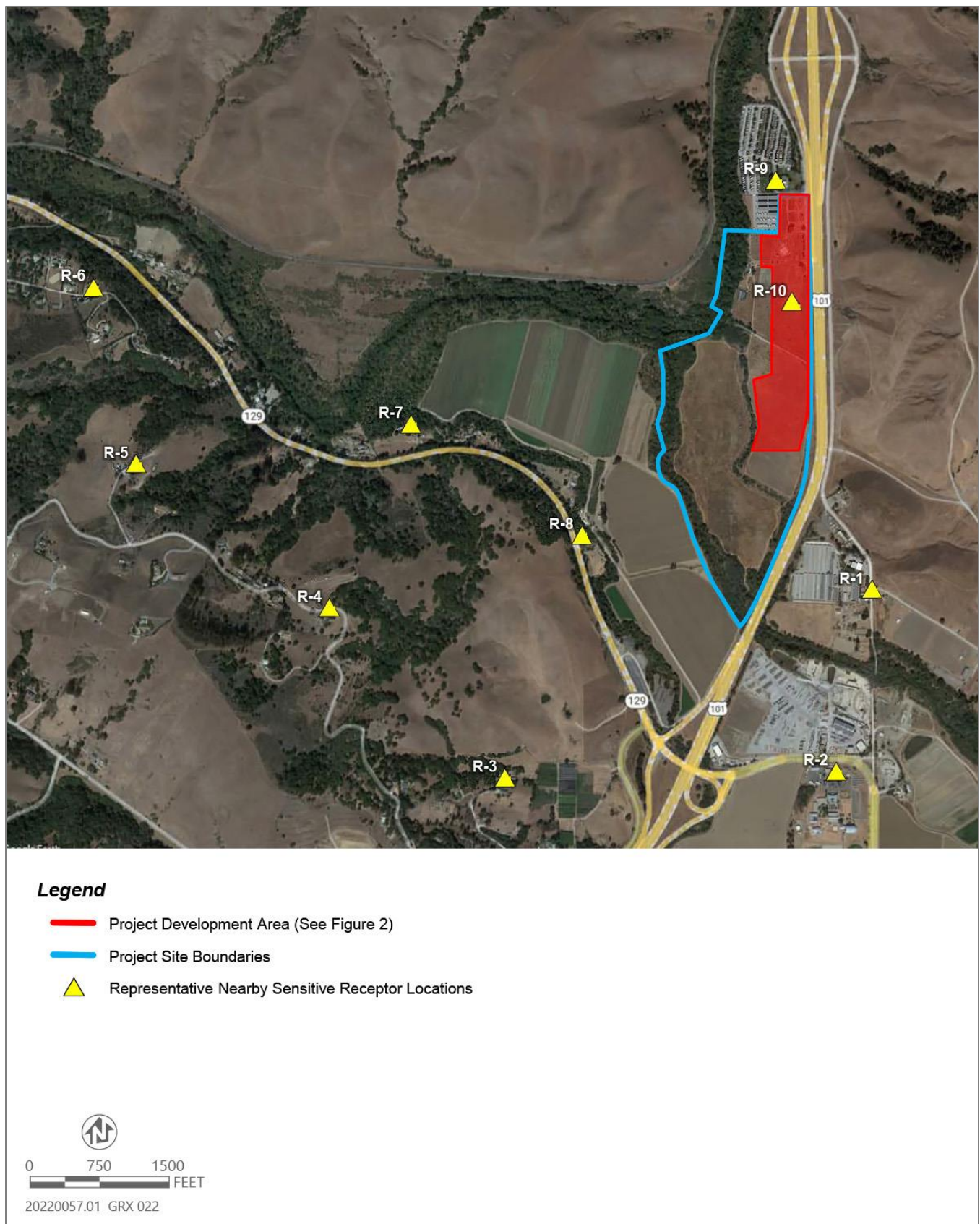
A large object or barrier in the path between a noise source and a receiver attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. A barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction (Caltrans 2013a:2-41; FTA 2006:5-6, 6-25). Barriers higher than the line of sight provide increased noise reduction (FTA 2006:2-12). Vegetation between the source and receiver is rarely effective in reducing noise because it does not create a solid barrier unless there are multiple rows of vegetation (FTA 2006:2-11).

EXISTING NOISE ENVIRONMENT

Existing Noise- and Vibration-Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because of the potential for nighttime noise to result in sleep disruption. Additional land uses such as schools, transient lodging, historic sites, cemeteries, and places of worship are also generally considered sensitive to increases in noise levels. These land use types are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

Figure 3.12-1 shows the locations of representative sensitive receptors in the immediate project vicinity. The nearest existing receptors to the project site consist primarily of residences to the south and west (Receptors R-1, and R-3 - R-8 on Figure 3.12-1), Anzar High School to the south (R-2), and the Betabel RV Resort to the north (R-9). Receptor R-10 represents the nearest sensitive receptor proposed within the project development (motel).



Source: Image produced and provided by Bollard Acoustical Consultants in 2022, adapted by Ascent Environmental in 2022.

Figure 3.12-1 Project Area and Representative Sensitive Receptor Locations

This analysis recognizes that there are many residences located to the southwest and west of the project site. In such cases, it is common practice to evaluate a sample of residential receptors which are representative of the larger population of residences in the project area. Such was the case in this evaluation, with 6 residences selected as being representative of the noise exposure at the remaining residences.

Existing Noise Sources and Ambient Levels

The existing ambient noise environment in the immediate project vicinity is dominated by traffic on US 101. Traffic on State Route 129 (SR 129) and other local roadways contribute to ambient conditions at more distant receptors from the project site, but ambient conditions at the nearest receptors to the project site (R-1, R-9, and R-10) are defined almost exclusively by US 101 traffic noise. To quantify existing ambient noise conditions a combination of long-term and short-term noise surveys were conducted. Figure 3.12-2 shows the ambient noise survey locations.

The long-term noise survey was conducted on the project site at location 1 shown on Figure 3.12-2. This location was selected to specifically quantify noise generated by US 101, with the noise meter located approximately 150 feet from the centerline of US 101. The long-term survey extended for a period of 98 consecutive hours from 11 a.m. on Thursday, May 12th through 1 p.m. on Monday, May 16th, 2022. Photographs of the long-term noise monitoring site are provided in Appendix D.

The short-term noise surveys were conducted at 7 locations representative of the sensitive receptors nearest to the project site or sensitive receptors with elevated positions relative to the project site. The short-term noise surveys were conducted on Monday, May 16th between the hours of 11 a.m. and 2 p.m.

Larson Davis Laboratories Model 820 precision integrating sound level meters were used to conduct the long and short-term noise surveys. The meters were calibrated immediately before and after use with a Larson Davis Laboratories Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

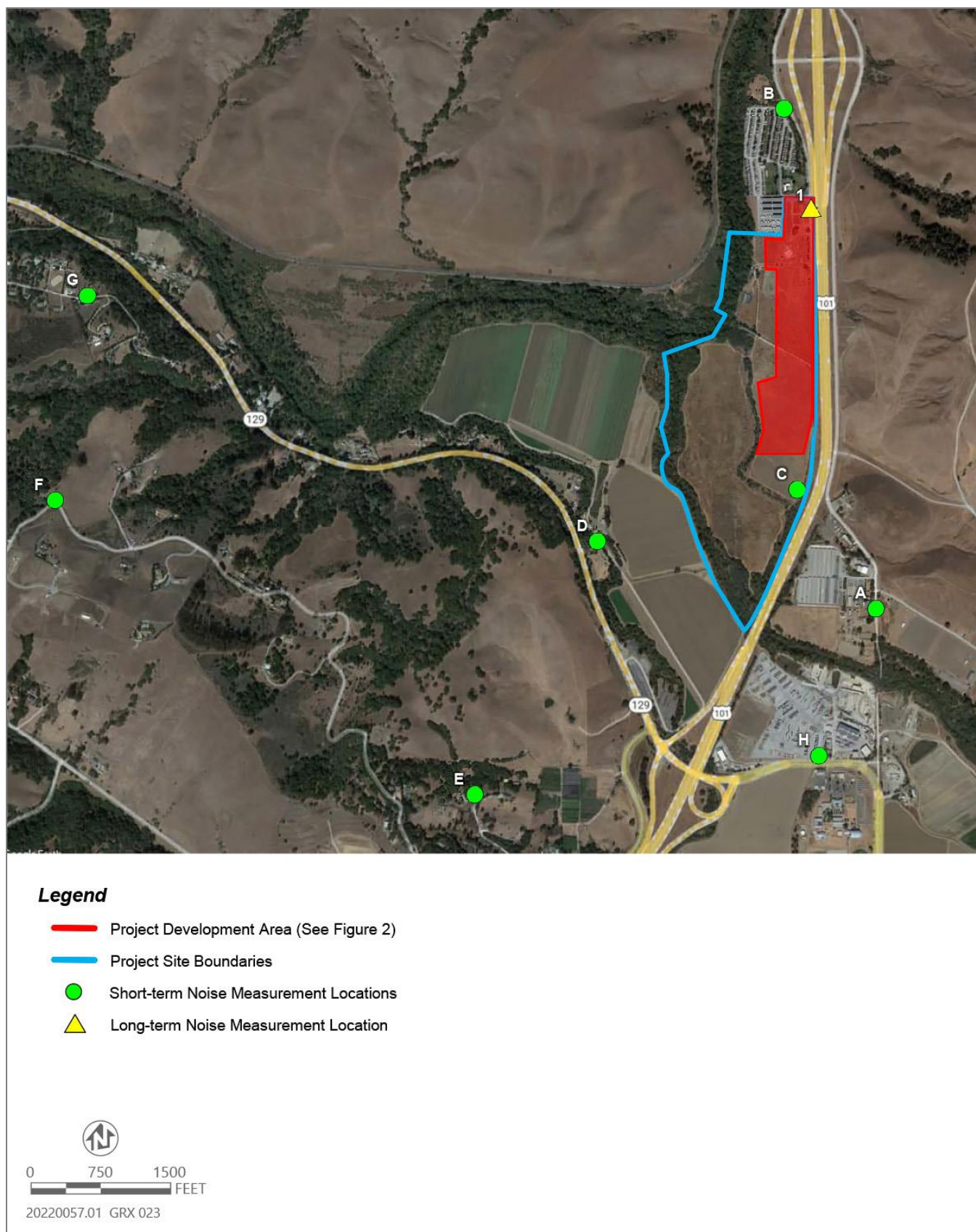
The results of the long-term noise level measurements are summarized in Table 3.12-8 with the complete long-term survey results shown numerically and graphically in Appendix D. The short-term noise survey results are provided in Table 3.12-9.

Table 3.12-8 Summary of Long-Term Noise Survey Results

Location ¹	Date	DNL (dB)	Average of Measured Hourly Noise Levels (dB)			
			Daytime (7am – 10pm)		Nighttime (10pm to 7am)	
			L _{eq}	L _{max}	L _{eq}	L _{max}
Site 1: Northern portion of the project site, approximately 150 feet west of US 101 centerline.	Thursday May 12, 2022	71	67	80	65	83
	Friday May 13, 2022	72	68	83	65	78
	Saturday May 14, 2022	71	67	83	64	79
	Sunday May 15, 2022	69	66	81	62	78
	Monday May 16, 2022	72	67	78	65	77

¹ Refer to Figure 3.12-2 for ambient noise level measurement locations; ST = short-term measurement; LT = long-term measurement

Source: Appendix D



Source: Image produced and provided by Bollard Acoustical Consultants in 2022, adapted by Ascent Environmental in 2022.

Figure 3.12-2 Ambient Noise Measurement Locations

Table 3.12-8 data indicate that existing US 101 traffic noise exposure was consistently 71-72 DNL during weekday and Saturday periods, and slightly lower during the Sunday period. Hourly average and maximum noise levels were also fairly consistent throughout the monitoring period, with slightly lower levels observed during the Sunday period.

Table 3.12-9 Summary of Existing Ambient Noise Measurements

Location ¹	Time	Duration	Measured Ambient Noise Level (dB)	
			L _{eq}	L _{max}
A	11:19 a.m.	5 min	56	68
B	11:38 a.m.	5 min	54	64
C	11:52 a.m.	5 min	63	69
D	12:17 p.m.	5 min	66	78
E	12:40 p.m.	5 min	47	60
F	1:02 p.m.	5 min	45	59
G	1:25 p.m.	5 min	47	58
H	1:45 p.m.	5 min	67	77

¹ Refer to Figure 3.12-2 for ambient noise level measurement locations; ST = short-term measurement; LT = long-term measurement

Source: Appendix D.

The short-term ambient noise level data presented in Table 3.12-9 indicate that ambient conditions varied considerably between the noise monitoring sites. Sites C, D, and H exhibited the highest ambient conditions due to their proximity to US 101, SR 129, and Chittenden Road. At monitoring sites more removed from the major local roadways (i.e., Sites E-G), ambient conditions were considerably lower as expected.

Existing Traffic Noise Environment in Project Vicinity

Traffic Noise Prediction Model:

To predict noise levels generated by local traffic on the roadways in the immediate project vicinity in terms of DNL, The Federal Highway Administration (FHWA) Traffic Noise Model (FHWA-RD-77-108) was used. Inputs to the FHWA Model include the average daily traffic volume, the day/night distribution of traffic, percentages of medium-duty (2-axle) trucks, percentages of heavy-duty (3 or more axles) trucks, vehicle speed, distance to the roadway centerline, and the acoustical characteristics of the ground adjacent to the roadways (hard or soft).

Traffic Noise Prediction Model Inputs:

The traffic study (Appendix E) prepared for this project provided existing (2022), peak hour traffic volumes for Betabel Road, Y Road, the US 101 access ramps at the Lomerias Overcrossing, and the Lomerias Overcrossing between Betabel Road and Y Road. The peak hour traffic volumes were provided for both weekday and weekend periods. Average daily traffic volumes for the local roadway segments evaluated in the project traffic analysis were computed by multiplying peak hour volumes by a factor of 10. Existing US 101 traffic volumes and truck usage percentages were obtained from annual traffic survey information published by Caltrans. Vehicle speeds used to model local traffic noise levels were obtained from field surveys. The acoustical characteristics of the areas located adjacent to the local roadways were identified through field surveys as being acoustically "soft" in nature (i.e., 4.5 dBA decrease in noise levels for each doubling of distance from the roadway centerlines).

Traffic Noise Prediction Model Calibration:

To check the accuracy of the FHWA Model existing traffic noise levels from each nearby roadway were predicted at the long-term noise measurement site and the combined traffic noise levels for each roadway were compared against the long-term noise measurement results shown in Table 3.12-8. The results of this calibration procedure indicated that the FHWA Model overpredicted weekday and weekend traffic noise levels by 2.5 and 4.5 DNL, respectively. As a result, calibration offsets of -2.5 and -4.5 dB were applied to the model for the prediction of existing and future traffic noise exposure at the project site and nearest sensitive receptors to the project site.

Predicted Existing Traffic Noise Levels at Nearest Sensitive Receptors

The focus of the traffic noise analysis was the modeling of traffic noise generation from each roadway segment included in the project traffic study, and US 101 (which was not included in the traffic study), individually at the nearest sensitive receptors to the project site and to those roadways included in the traffic analysis (R-1: Residences to the south and R-9: Betabel RV Resort). These receptors were the focus of the traffic noise analysis due to their being the nearest sensitive receptors to US 101 (R-1 and R-9), and the nearest to Betabel Road (R-9) where the project traffic generation would be most concentrated. The noise levels from each roadway segment were modeled individually at both receptors then combined to arrive at a cumulative existing traffic noise exposure from all roadways. Complete listings of FHWA Model Inputs for existing conditions at Receptors R-1 and R-9 are provided in Appendix D. The predicted existing traffic noise exposure at those receptors is presented in Table 3.12-10.

Table 3.12-10 Existing Traffic Noise Modeling Results at Nearest Sensitive Receptors

Receptor	Roadway	Segment	Predicted DNL, dBA	
			Weekday	Weekend
R-1	Betabel Rd	North of Lomerias Overcrossing	15	13
R-1	Betabel Rd	South of Lomerias Overcrossing	19	20
R-1	Lomerias Overcrossing (O/C)	Betabel Rd to US 101 S/B Ramps	18	18
R-1	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	17	15
R-1	Lomerias O/C	US 101 N/B Ramps to Y Road	13	13
R-1	Y Road	North of Lomerias Overcrossing	13	1
R-1	Y Road	South of Lomerias Overcrossing	40	42
R-1	US 101 S/B Ramp	North of Lomerias Overcrossing	24	24
R-1	US 101 S/B Ramp	South of Lomerias Overcrossing	25	22
R-1	US 101 N/B Ramp	North of Lomerias Overcrossing	23	23
R-1	US 101 N/B Ramp	South of Lomerias Overcrossing	22	22
R-1	US 101	Lomerias Overcrossing to SR 129	60	58
R-1	Combined Traffic Noise at R-1 from All Roadways		60	58
R-9	Betabel Rd	North of Lomerias Overcrossing	30	28
R-9	Betabel Rd	South of Lomerias Overcrossing	46	47
R-9	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	34	34
R-9	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	32	30
R-9	Lomerias O/C	US 101 N/B Ramps to Y Road	25	24
R-9	Y Road	North of Lomerias Overcrossing	23	12
R-9	Y Road	South of Lomerias Overcrossing	30	32
R-9	US 101 S/B Ramp	North of Lomerias Overcrossing	36	37
R-9	US 101 S/B Ramp	South of Lomerias Overcrossing	48	44
R-9	US 101 N/B Ramp	North of Lomerias Overcrossing	35	34
R-9	US 101 N/B Ramp	South of Lomerias Overcrossing	40	41
R-9	US 101	Lomerias Overcrossing to SR 129	68	66
R-9	Combined Traffic Noise at R-9 from All Roadways		68	66

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

As shown in Table 3.12-10, noise generated by US 101 is essentially responsible for the total traffic noise exposure at receptors R-1 and R-9. Although it is not visible in Table 3.12-10 due to the DNL values being rounded to the nearest whole decibel, all other roadways combined only contribute 0.1 dB DNL to the existing traffic noise environment generated by US 101.

Existing Ambient Vibration Environment

During site visits in May of 2022, vibration levels were observed to be below the threshold of perception at the project site and at each of the short-term noise monitoring locations. This is because traffic generates rolling force on the local roadway network rather than impact force, which generated negligible vibration levels beyond the roadway right of way. In addition, no other impact vibration sources were identified in the project vicinity. As a result, the baseline vibration environment within the project site and at the nearest representative receptor locations is considered to be below the threshold of perception and, therefore, negligible.

3.12.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Published literature, BAC file data, and accepted noise and vibration modeling procedures were used to predict project-generated noise and vibration levels and noise-level increases at existing, off-site, sensitive receptor locations. Similar literature and modeling were used to evaluate potential impacts upon the project site resulting from off-site traffic. The specific methodology used to evaluate each noise and vibration source related to this impact assessment is detailed in Appendix D and includes:

- ▶ Prediction of Traffic Noise Level Increases at Nearest Off-site Sensitive Receptors
- ▶ Prediction of Future Traffic Noise Levels at Receptors Proposed within the Betabel Development
- ▶ Prediction of On-Site Traffic Circulation / Parking Lot Noise at Off-Site Sensitive Receptors
- ▶ Prediction of Commercial Truck Circulation / Delivery Noise at Off-Site Sensitive Receptors
- ▶ Prediction of Outdoor Event Noise at Off-Site Sensitive Receptors
- ▶ Prediction of Mechanical Equipment Noise at Off-Site Sensitive Receptors
- ▶ Prediction of Combined Noise Exposure from All On-Site Noise Sources
- ▶ Prediction of Project Construction Noise at Off-Site Sensitive Receptors
- ▶ Prediction of Project Construction Vibration at Off-Site Sensitive Receptors

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, implementation of the project would result in a significant noise impact if it would result in any of the following:

- ▶ Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan, specific plan, or other land use plan, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans;
- ▶ Generation of excessive groundborne vibration or groundborne noise levels; or
- ▶ For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

ISSUES NOT DISCUSSED FURTHER

As discussed in Section 3.9, "Hazards and Hazardous Materials," the project site is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The nearest airports are Frazier Lake Airpark and Hollister Municipal Airport located approximately 6.3 miles northeast and 8.3 miles east of the project site, respectively. There is no potential for the project to expose people residing or working in the project area to excessive noise levels related to airports. No impact would occur and this impact is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.12-1: Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan, Specific Plan, or Other Land Use Plan, or a Substantial Temporary or Permanent Increase in Noise Levels Above Existing Ambient Levels That Could Result in an Adverse Effect on Humans

Project construction could result in potentially significant impacts if construction activities are proposed during the hours not exempted by County Code Section 19.39.051.H. Normal operation of the project would not exceed County General Plan noise standards or result in a substantial increase in noise that could impact sensitive receptors. Construction impacts would be significant.

Construction

During project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would temporarily increase ambient noise levels when in use and generate. Noise levels would vary depending on the number and type of equipment used, and the locations on the project site where that equipment is being operated.

The nearest noise-sensitive area of the nearest receptor to the project site, the pool area of the Betabel RV Resort (R-9), is approximately 100 feet from the nearest on-site construction activities, but the majority of project construction would occur significantly further away from that receptor.

Table 3.12-11 shows the range of maximum noise levels for equipment commonly used in general construction projects at full-power operation at a distance of 50 feet. Note that not all of the construction activities would be required for the project. Table 3.12-11 data also include predicted maximum equipment noise levels at the nearest identified noise-sensitive uses located approximately 100 feet away, which assume a standard spherical spreading loss of 6 dB per doubling of distance.

Based on the equipment noise levels provided in Table 3.12-11, worst-case on-site project construction equipment noise levels at the nearest existing noise-sensitive receptor (R-9) are expected to range from approximately 74-82 dBA L_{max}. Appendix D also indicates that measured existing daytime maximum noise levels in the immediate project vicinity frequently exceeded 80 dBA L_{max} and exceeded 90 dBA L_{max} during several periods. As a result, maximum noise generated during daytime project construction activities is not predicted to substantially exceed baseline maximum noise levels currently experienced at the nearest sensitive receptors to the project site or that would be perceptible by receptors at R-9.

As noted in Section 3.12.1, Regulatory Setting, Section 19.39.051.H of the San Benito County Municipal Code exempts construction noise provided the activities do not occur during set hours. Construction activities are not exempt outside of the hours of 7:00 a.m. to 7:00 p.m. as well as on Sundays or federal holidays. Thus, provided project construction activities do not occur outside of the hours of 7:00 a.m. to 7:00 p.m., construction activities would be exempt, and this impact would be considered less than significant.

Table 3.12-11 Construction Equipment Reference Noise Levels (50 feet) and Predicted Noise Levels at Nearest Sensitive Receptor (100 feet)

Equipment Description	Maximum Noise Level at 50 Feet, dB	Predicted Maximum Noise Level at 100 Feet, dB
Air compressor	80	74
Backhoe	80	74
Compactor	82	76
Concrete mixer	85	79
Concrete pump	82	76
Concrete vibrator	76	70
Crane, mobile	83	77
Dozer	85	79
Generator	82	76
Grader	85	79
Impact wrench	85	79
Jack hammer	88	82
Loader	80	74
Paver	85	79
Pneumatic tools	85	79
Scraper	85	79
Shovel	82	76
Truck	84	78

Source: Appendix D.

However, if construction activities are proposed during the hours not exempted by Municipal Code Section 19.39.051.H, noise levels generated by construction activities could exceed applicable County Code noise level standards at the nearest residences. As a result, noise impacts associated with construction activities could be significant.

Operation

Mechanical equipment (HVAC) systems would be utilized to maintain comfortable temperatures within future buildings of the project. Such systems typically consist of packaged rooftop air conditioning systems. Rooftop HVAC units typically stand 4-5 feet above the roof and would be shielded from view of nearby sensitive uses by the building parapets. Such rooftop HVAC units frequently generate a noise level of approximately 45 dB Leq at a reference distance of 100 feet from the building facade, including shielding by the building parapet.

The noise sensitive area of the nearest existing noise-sensitive use to the project site (R-9: Betabel RV Resort to the north), is located approximately 150 feet from the closet location where rooftop HVAC systems would be positioned (the proposed convenience store). When the reference level of 45 dBA Leq is projected to a distance of 150 feet, HVAC equipment noise exposure at that nearest receptor to the north computes to approximately 40 dB Leq, including the shielding provided by the building parapet. Noise levels at the next closest sensitive receptors identified on Figure 3.12-1 would be significantly lower due to the substantial distance between the project site and those sensitive receptors. For example, the next closest sensitive receptor (R-1), is in excess of 3,000 feet from the nearest location of project HVAC equipment. At that distance, HVAC noise levels are expected to be approximately 30 dBA lower than at receptor R-9, or 10 dBA Leq.

In addition, the noise generation of the individual on-site noise sources associated with the project were also combined to determine the overall project noise exposure at the nearest sensitive receptors to the project site. The

resulting average noise level at the nearest sensitive receptor (R-9) when all on-site noise sources are occurring simultaneously computes to approximately 51 dBA L_{eq} and 60 dBA L_{max} . At more distant receptors, the predicted average and maximum noise levels would be at least 15 dB lower than those occurring at Receptor R-9. It should be noted that the maximum project noise generation would occur during daytime hours.

The San Benito County General Plan establishes daytime and nighttime noise level standards of 55 dB and 45 dBA L_{eq} , respectively, at existing residential uses. The predicted worst-case HVAC noise level of 40 dBA L_{eq} is below the adopted County General Plan noise standards. In addition, predicted HVAC noise levels are well below existing ambient noise exposure in the project vicinity. Moreover, as noted in Section 3.12.1, Regulatory Setting, Section 19.39.051.C of the San Benito County Municipal Code exempts noise sources associated with a lawful commercial or industrial activity caused by mechanical devices or equipment, including air conditioning. The predicted worst-case combined noise exposure from all on-site noise sources of 51 dBA L_{eq} would satisfy the adopted County General Plan daytime noise standard. Furthermore, predicted overall project noise levels are well below existing ambient noise exposure in the project vicinity. As a result, operational noise impacts are considered less than significant. The reader is referred to Impact 3.12-3 and 3.12-4 for an analysis of operational noise impacts associated with traffic and outdoor events on the site.

Summary

Project construction could result in potentially significant impacts if construction activities are proposed during the hours not exempted by County Code Section 19.39.051.H. Operation of the project would not exceed County General Plan noise standards. However, if construction activities could occur outside the hours exempted by the County Code, this impact would be significant.

Mitigation Measures

Mitigation Measure 3.12-1: Comply with County Municipal Code and General Plan Policies

Prior to issuance of grading permits, the following shall be incorporated into project construction plans submitted for County review and approval to ensure compliance with County Municipal Code and General Plan Policies:

- ▶ Noise-generating construction activities shall be limited to the hours identified in General Plan Policy HS-8.3 (7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays). No construction shall be allowed on Sundays or federal holidays.
- ▶ Pursuant to General Plan Policy HS-8.12, all construction projects within 500 feet of sensitive receptors shall develop and implement construction noise control plans that consider the following available controls:
 - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists;
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
 - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
 - Locate staging areas and construction material areas as far away as possible from adjacent land uses;
 - Prohibit all unnecessary idling of internal combustion engines;
 - Notify all abutting land uses of the construction schedule in writing; and
 - Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise.

Significance after Mitigation

Implementation of Mitigation Measure 3.12-1 would reduce construction noise for the project and ensure that project construction complies with General Plan Policies HS-8.3 and HS-8.12 which regulate hours of construction and require preparation of a noise control plan for construction projects within 500 feet of sensitive receptors. As noted above,

existing daytime maximum noise levels in the immediate project vicinity frequently exceeded 80 dBA L_{max} and exceeded 90 dBA L_{max} during several periods. As a result, maximum noise generated during daytime project construction activities is not predicted to substantially exceed baseline maximum noise levels currently experienced at the nearest sensitive receptors to the project site or that would be perceptible by receptors at R-9. Therefore, project construction activities would be exempt from County noise standards, as described in the County's General Plan and noise impacts would be less than significant.

Impact 3.12-2: Generate Excessive Groundborne Vibration or Groundborne Noise Levels

Project construction and operation would not result in the exposure of persons to excessive groundborne vibration levels. Because vibration levels generated during project construction would satisfy the strictest San Benito County General Plan (and thereby FTA) groundborne impact vibration criteria at the nearest sensitive receptor location. Operation of the project would not involve land uses that would generate groundborne vibration levels that could impact sensitive receptors. This impact would be less than significant.

During project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction. As mentioned previously, the nearest sensitive receptor (R-9) is located approximately 100 feet from construction activities which would occur within the project area.

Table 3.12-12 provides a range of vibration levels for equipment commonly used in general construction projects at a distance of 25 feet. The Table 3.12-12 data also include predicted equipment vibration levels at the nearest existing sensitive receptor (R-9) to the proposed project area located approximately 100 feet away.

Table 3.12-12 Construction Equipment Reference Noise Levels and Predicted Levels

Equipment Description	Maximum Groundborne Vibration Impact Levels, RMS Lv ¹	
	Reference Vibration (Impact Level at 25 feet) ²	Predicted Vibration (Impact Level at 100 Feet)
Hoe ram	87	63
Large bulldozer	87	63
Loaded trucks	86	62
Jackhammer	79	57
Bulldozer	58	53

Notes:

¹ RMS velocity in decibels (VdB) re 1 micro-inch/second.

² Reference vibration level obtained from the 2018 Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual, Table 7-4, and were projected to 100 feet using equation 7-3.

Source: Appendix D.

As indicated in Table 3.12-12, vibration levels at the nearest sensitive receptor (R-9), are predicted to be approximately 53-63 VdB or less over the course of project construction. Construction-generated vibration levels of 63 VdB RMS or less would satisfy the strictest Federal Transportation Authority (FTA) groundborne vibration impact criteria of 72 VdB (regardless of number of vibration events which occur during any hour of project construction). Therefore, project construction would not result in the exposure of persons to excessive groundborne vibration levels. Project operations would include operation of the outdoor event center. The operation of this facility is not expected to generate groundborne vibration in excess of the 72 VdB FTA standard at R-9 because it would not involve use operation of large equipment, would be limited in size and intensity (500 seat facility), and is located approximately 1,800 feet from R-9.

Because vibration levels generated during project construction would satisfy the strictest San Benito County General Plan, and the San Benito County General Plan follows the same FTA criteria, groundborne impact vibration criteria at the nearest sensitive receptor location, this impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-3: Generate Excessive Long-Term Traffic-Generated Noise at Existing Sensitive Uses

The project would generate excessive long-term traffic-generated noise at existing sensitive uses on weekends only. Therefore, impacts would be significant.

With development of the proposed project, traffic volumes on the local roadway network would increase. Those increases in traffic volumes would result in a corresponding increase in traffic noise levels at existing sensitive receptors located near the roadways utilized by project traffic.

Traffic-Generated Noise

The focus of the traffic noise analysis in this EIR is the modeling of project traffic noise generation from each roadway segment included in the project traffic study (Appendix E), and US 101, individually at the nearest sensitive receptors to the project site and to those roadways included in the traffic analysis (R-1: Residences to the south and R-9: Betabel RV resort). These receptors were the focus of the traffic noise analysis due to their being the nearest sensitive receptors to US 101 (R-1 and R-9), and the nearest to Betabel Road (R-9) where the project traffic generation would be most concentrated. The noise levels from each roadway segment were modeled individually at both receptors then combined to arrive at a cumulative existing traffic noise exposure from all roadways. The detailed methodology for the traffic noise analysis and listings of FHWA Model Inputs for all project scenarios are provided in Appendix D. Tables 3.12-13 and show the predicted traffic noise levels for each project scenario and the increases in traffic noise levels at the nearest receptors for each project scenario.

Table 3.12-13 indicates that traffic noise level increases on some roadway segments in the immediate project vicinity would increase substantially as a result of the project. Specifically, traffic noise increases resulting from the project on individual roadway segments are predicted to range from 0.5 to 13.2 dBA DNL. However, the noise generation of traffic on US 101 is substantially higher than the noise generation of Betabel Road and Y Road, the Lomerias overcrossing, and the US 101 access ramps at the Lomerias overcrossing. As a result, the net traffic noise level increase resulting from the project at the two nearest sensitive receptors to the project site (receptors R-1 and R-9) would be 0.4 to 1.1 dB DNL on weekdays and 0.5 to 1.6 dB DNL on weekends. These increases are below the 5 dB FICON significance criteria shown in Table 3.12-1 for receptor 1 but would exceed the 1.5 dB FICON significance criteria at receptor R-9 (Betabel RV Resort). Although the exceedance of the threshold would only be 0.1 dB and would only occur on weekends, because the criteria is predicted to be exceeded that could create public health impacts related to this change in noise levels (e.g., stress and sleep deprivation), impacts related to increases in existing traffic noise levels resulting from the project would be significant.

Table 3.12-13 Existing Vs. Existing Plus Project Traffic Noise Levels at Nearest Sensitive Receptors (DNL, dBA)

Receptor	Roadway	Segment	Existing No Project		Existing + Project		Traffic Noise Increase	
			Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
R-1	Betabel Rd	North of Lomerias Overcrossing	14.6	13.2	14.6	13.8	0.0	0.5
R-1	Betabel Rd	South of Lomerias Overcrossing	19.1	19.9	32.2	32.8	13.2	12.9
R-1	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	17.8	17.7	29.7	30.2	11.9	12.5
R-1	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	16.6	15.0	26.9	27.2	10.3	12.2
R-1	Lomerias O/C	US 101 N/B Ramps to Y Road	13.5	12.7	13.5	13.3	0.0	0.6
R-1	Y Road	North of Lomerias Overcrossing	13.0	1.2	13.0	7.2	0.0	6.0
R-1	Y Road	South of Lomerias Overcrossing	40.4	42.0	40.4	42.0	0.0	0.0
R-1	US 101 S/B Ramp	North of Lomerias Overcrossing	23.6	24.2	33.0	33.7	9.4	9.5
R-1	US 101 S/B Ramp	South of Lomerias Overcrossing	24.7	21.7	32.4	32.2	7.7	10.6
R-1	US 101 N/B Ramp	North of Lomerias Overcrossing	23.2	22.6	31.2	31.2	8.1	8.6
R-1	US 101 N/B Ramp	South of Lomerias Overcrossing	22.1	22.4	31.8	34.6	9.6	12.2
R-1	US 101	Lomarias Overcrossing to SR 129	59.7	57.7	60.1	58.2	0.4	0.5
R-1	Combined Traffic Noise at R-1 from All Roadways:		59.8	57.8	60.2	58.4	0.4	0.5
R-9	Betabel Rd	North of Lomerias Overcrossing	41.3	28.2	41.3	28.8	0.0	0.5
R-9	Betabel Rd	South of Lomerias Overcrossing	45.7	46.6	58.9	59.5	13.2	12.9
R-9	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	33.9	33.9	45.9	46.4	11.9	12.5
R-9	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	31.6	30.0	41.9	42.2	10.3	12.2
R-9	Lomerias O/C	US 101 N/B Ramps to Y Road	25.2	24.4	25.2	25.0	0.0	0.6
R-9	Y Road	North of Lomerias Overcrossing	23.4	11.7	23.4	17.7	0.0	6.0
R-9	Y Road	South of Lomerias Overcrossing	29.9	31.5	29.9	31.5	0.0	0.0
R-9	US 101 S/B Ramp	North of Lomerias Overcrossing	36.4	37.0	45.8	46.5	9.4	9.5
R-9	US 101 S/B Ramp	South of Lomerias Overcrossing	47.5	44.5	55.2	55.0	7.7	10.6
R-9	US 101 N/B Ramp	North of Lomerias Overcrossing	34.8	34.3	42.9	42.9	8.1	8.6
R-9	US 101 N/B Ramp	South of Lomerias Overcrossing	40.3	40.6	49.9	52.8	9.6	12.2
R-9	US 101	Lomarias O/C to SR 129	68.2	66.2	68.6	66.7	0.4	0.5
R-9	Combined Traffic Noise at R-9 from All Roadways:		68.3	66.3	69.4	67.9	1.1	1.6

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

Onsite Traffic Noise

To predict worst-case noise generated by onsite circulation and parking lot movements, parking lot noise measurement data were utilized with forecasts of peak hour project trip generation. The noise measurement data consisted of a series of individual noise measurements of multiple vehicle types arriving and departing a parking area, including engines starting and stopping, car doors opening and closing, and persons conversing as they entered and exited the vehicles. The resulting typical (average) reference noise level for individual parking lot movements is a sound exposure level of 65 dBA at a reference distance of 50 feet from the parking lot operation. This would include parking lot noise for the approved farm stand onsite. See Appendix D for the detailed methodology related to on-site traffic circulation/parking lot noise at off-site sensitive receptors. The nearest sensitive receptor to the project site is receptor R-9, the Betabel RV Resort to the immediate north of the project site. The distance from the center of each parking area to the pool area of R-9 was scaled from aerial imagery and the average noise level (L_{eq}) for each parking area was computed. Using those distances and the assumptions and formula from Appendix D, results in a total peak hour parking lot noise generation of 36 dBA L_{eq} at the nearest sensitive receptor (R-9). Worst case maximum noise levels generated by on-site circulation and parking lot movements is expected to be approximately 10 dBA higher than predicted average noise levels, or 46 dBA L_{max} at the nearest receptor. The next closest receptors to the project site are receptors R-1 and R-8, located approximately 3,000 feet from the effective noise center of the parking areas. At that distance, on-site circulation and parking lot noise generation would be approximately 15 dBA lower than at receptor R-9, or 21 dBA L_{eq} and 31 dBA L_{max} . At more distant receptors noise generated by on site circulation and parking lot activities would be even lower.

In addition, truck deliveries would be required to provide retail merchandise, food, fuel, equipment, and other consumables to the project site (including operation of the approved farm stand). The specific number of peak hour truck deliveries to the project site is not precisely known at this time. As a result, the analysis of onsite truck circulation and unloading conservatively assumes 12 commercial heavy truck deliveries per hour, concentrated near the gas station/mini mart, restaurant, and motel (4 truck deliveries per hour at each location). Heavy truck arrivals and departures, and on-site truck circulation, would occur at low speeds. Based on a conservative 12 heavy truck trips per hour, and a sound exposure level of 83 dBA at 50 feet per pass by, the hourly average noise level generated by on-site circulation computes to 39 dB L_{eq} at the nearest sensitive receptor to the project site (R-9). Predicted maximum noise levels generated by heavy truck circulation on the project site computes to 58 dBA L_{max} at the nearest receptor (R-9). The next closest receptors to the project site are receptors R-1 and R-8, located approximately 3,000 feet from the effective noise center of the parking areas. At that distance, on-site heavy truck circulation would be approximately 15 dBA lower than at receptor R-9, or approximately 24 dBA L_{eq} and 43 dBA L_{max} . At more distant receptors noise generated by on site circulation and parking lot activities would be even lower.

The San Benito County General Plan establishes noise level standards of 55 dB L_{eq} and 70 dB L_{max} during the daytime hours in which the project noise generation would be highest. The predicted worst-case parking lot circulation noise levels of 21 dBA L_{eq} and 31 dBA L_{max} are more than 30 dBA below the adopted County General Plan noise standards. In addition, predicted parking lot circulation noise levels are well below existing ambient noise exposure in the project vicinity. The predicted worst-case truck delivery noise levels of 39 dBA L_{eq} and 58 dBA L_{max} are well below the adopted County General Plan noise standards. Furthermore, predicted truck delivery noise levels are well below existing ambient noise exposure in the project vicinity. Therefore, impacts related to parking lot and commercial truck circulation noise levels resulting from the project would be less than significant.

Traffic Noise Impacts to Onsite Receptors

The California Supreme Court issued an opinion in California Building Industry Association v. Bay Area Air Quality Management District (2015) holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents. Nevertheless, the County of San Benito has policies and standards that address existing/future conditions affecting the proposed project. Thus, the following includes an assessment of future traffic noise exposure at proposed noise-sensitive receptors within the project area.

The project includes a range of new commercial, lodging, and recreational uses on the site. Specifically, the project proposes a gas station and convenience store, a restaurant, amusement buildings, a visitor center, a motel, an outdoor event center and open space. The noise sensitivity of the proposed uses varies. The future traffic noise environment at the proposed uses would be defined by cumulative US 101 traffic (2030 + Betabel project + Strata Verde project [interim development]). Table 3.12-14 shows the predicted future traffic noise levels at the uses proposed within the project site. Table 3.12-14 also shows the noise standards of the San Benito County General Plan (General Plan Table 9-1 [Table 3.12-3]) which would be applicable to each of the proposed uses.

Table 3.12-14 Future Traffic Noise Levels at Proposed Uses within the Betabel Development

Period	Use	Future DNL	San Benito County General Plan Noise Standards			
			Land Use Category	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable
Weekday	Convenience Store	70	Commercial	65	75	80
Weekday	Restaurant	69	Commercial	65	75	80
Weekday	Motel Exterior	69	Motel	65	70	80
Weekday	Motel Interior	39	Motel	45	--	--
Weekday	Motel Pool	59	Motel	65	75	80
Weekday	Farm Stand (separately approved project)	68	Commercial	65	75	80
Weekday	Outdoor Events Ctr	68	Amphitheaters	--	60	70
Weekend	Convenience Store	70	Commercial	65	75	80
Weekend	Restaurant	69	Commercial	65	75	80
Weekend	Motel Exterior	69	Motel	65	70	80
Weekend	Motel Interior	39	Motel	45		
Weekend	Motel Pool	59	Motel	65	75	80
Weekend	Farm Stand (separately approved project)	68	Commercial	65	75	80
Weekend	Outdoor Events Ctr	68	Amphitheaters	--	60	70

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

As shown in Table 3.12-14, future US 101 traffic noise exposure at the proposed locations on the project where noise-sensitivity was identified is predicted to be within the acceptable and normally acceptable ranges. After consideration of the noise attenuation which would be provided by the envelopes of the various project buildings, interior noise levels would similarly be satisfactory. As a result, impacts related to future exterior traffic noise levels at proposed uses within the project site would be less than significant.

Summary

Impacts related to increases in cumulative traffic noise levels resulting from the project, parking lot and commercial truck circulation noise levels resulting from the project, and future exterior traffic noise levels at proposed uses within the project site would be less than significant. However, the project would generate excessive long-term traffic-generated noise at existing sensitive uses on weekends only. Therefore, impacts would be significant.

Mitigation Measures

Mitigation Measure 3.12-3: Repave Betabel Road with Noise-Reducing Asphalt

To reduce the effects of traffic-related noise impacts, project construction plans shall include repaving Betabel Road from the US 101 interchange crossing north of the Betabel RV Resort to the terminus of Betabel Road south of the project site with noise-reducing asphalt such as rubberized asphalt, gap-graded asphalt, or other materials providing 3-4 dB of traffic noise attenuation over time as compared to conventional asphalt overlays. The County shall review all project construction plans to ensure compliance prior to issuance of construction permits.

Significance after Mitigation

Implementation of Mitigation Measure 3.12-3 would reduce traffic-related noise impacts on weekends below the 1.5 dB FICON significance criteria at receptor R-9 (Betabel RV Resort). Noise-reducing pavement types, such as rubberized asphalt, have been shown to provide an appreciable noise level reduction relative to conventional pavement types (approximately 3-4 dB over conventional asphalt overlays over time). Because a 3-4 dB decrease in Betabel Road traffic noise levels would decrease the overall project-related increase in traffic noise at the Betabel RV Resort to below the 1.5 dB threshold of significance, and because the project proposes the repaving of Betabel Road, this measure would be sufficient to fully mitigate potentially significant impacts to less than significant.

Impact 3.12-4: Generate Excessive Outdoor Event Center Noise Levels at Existing Sensitive Uses

The project would not generate excessive outdoor event center noise levels at existing sensitive uses. Impacts would be less than significant.

The proposed outdoor event center component of the project is located in the southern portion of the site as indicated on Figure 2-2 in Chapter 2, "Project Description." The exact extent of special events has not yet been determined by the applicant. The outdoor event area would not include a permanent amplified sound system; all live entertainment and cultural events would bring their own temporary sound equipment.

Offsite Noise Impacts

The outdoor event center would provide entertainment and outdoor events for up to 500 people. The area is proposed as an open-air venue and would have a tiered lawn area with concrete audience seating and a raised presentation area. Typical events may include educational presentations, cultural events, music, and live performances. As identified in Chapter 2, "Project Description," all events at the outdoor event area would be required to end by 10:00 p.m. The County would include this time limitation with the Conditional Use Permit.

For purposes of providing a reasonable worst-case analysis of potential noise generation at the event center, it was assumed that the event would be a concert with 500 people in attendance. The event center stage is proposed to face east, away from the majority of the nearby sensitive receptors located to the west of the project site. With the exception of stage monitors, the speakers used during a concert at this venue would similarly face towards the east. This directionality of speakers would reduce the noise exposure at existing residences to the west of the project site.

As discussed in Appendix D, to provide reasonable worst-case assessment of amphitheater sound generation, reference sound pressure levels of 95 dB L_{eq} and 100 dB L_{max} were assumed at a distance of 100 feet from the front of the stage during a typical concert. Crowd noise generated during a concert event was modeled assuming 500 people in attendance clapping and talking/cheering during 50 percent of the hour at levels ranging from normal speech to loud shouting. The resulting reference sound levels for crowd noise during a concert event compute to 79 dBA L_{eq} and 93 dBA L_{max} at a distance of 50 feet from the effective center of the seating area. Figures 3.12-3 and 3.12-4 show the predicted noise generation of a typical concert held at the proposed outdoor event center. The two figures indicate that concert sound levels would be 50 dB L_{eq} or lower and 55 dB L_{max} or lower at each of the nearest sensitive receptors in the project vicinity.

The San Benito County General Plan establishes daytime noise level standards of 55 dBA L_{eq} and 70 dBA L_{max} at existing residential uses. The predicted worst-case event center noise generation of 50 dB L_{eq} and 55 dBA L_{max} would satisfy the adopted County General Plan noise standards at the nearest sensitive receptors to the project site. In

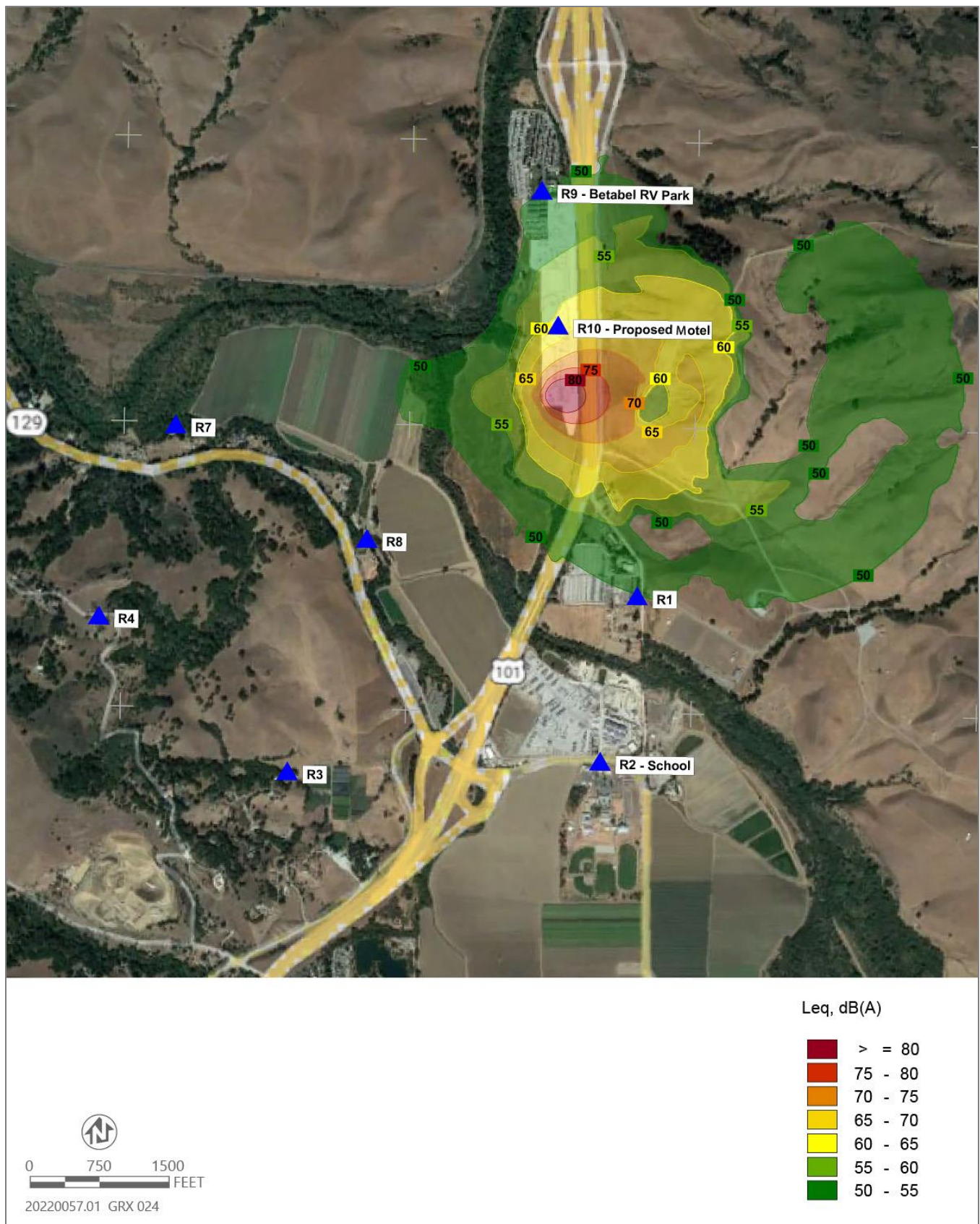
addition, predicted event center noise levels are below existing ambient noise exposure at the nearest sensitive receptors in the project vicinity. As a result, this impact would be less than significant.

Onsite Noise Impacts

As with the project, Figures 3.12-3 and 3.12-4 indicate that the noise exposure at the exterior facades of the proposed motel (receptor R-10) would be approximately 60-65 dBA L_{eq} and 65-70 dBA L_{max} during periods when concerts are held at the outdoor event center. At interior positions within the proposed motel, sound generated during concerts is predicted to be approximately 30 dBA lower than exterior levels. Resulting interior noise levels within the proposed motel during concert events would be approximately 30-35 dBA L_{eq} and 35-40 dBA L_{max} . Because concert events would be limited to daytime hours, and because the proposed motel building envelope would reduce sound generated during concert events to acceptable levels, no adverse impacts are identified within the proposed motel use during concert events. At the proposed motel pool area, sound levels generated during concert events would be audible but would not be expected to be objectionable to persons utilizing the pool. As a result, this impact would be less than significant.

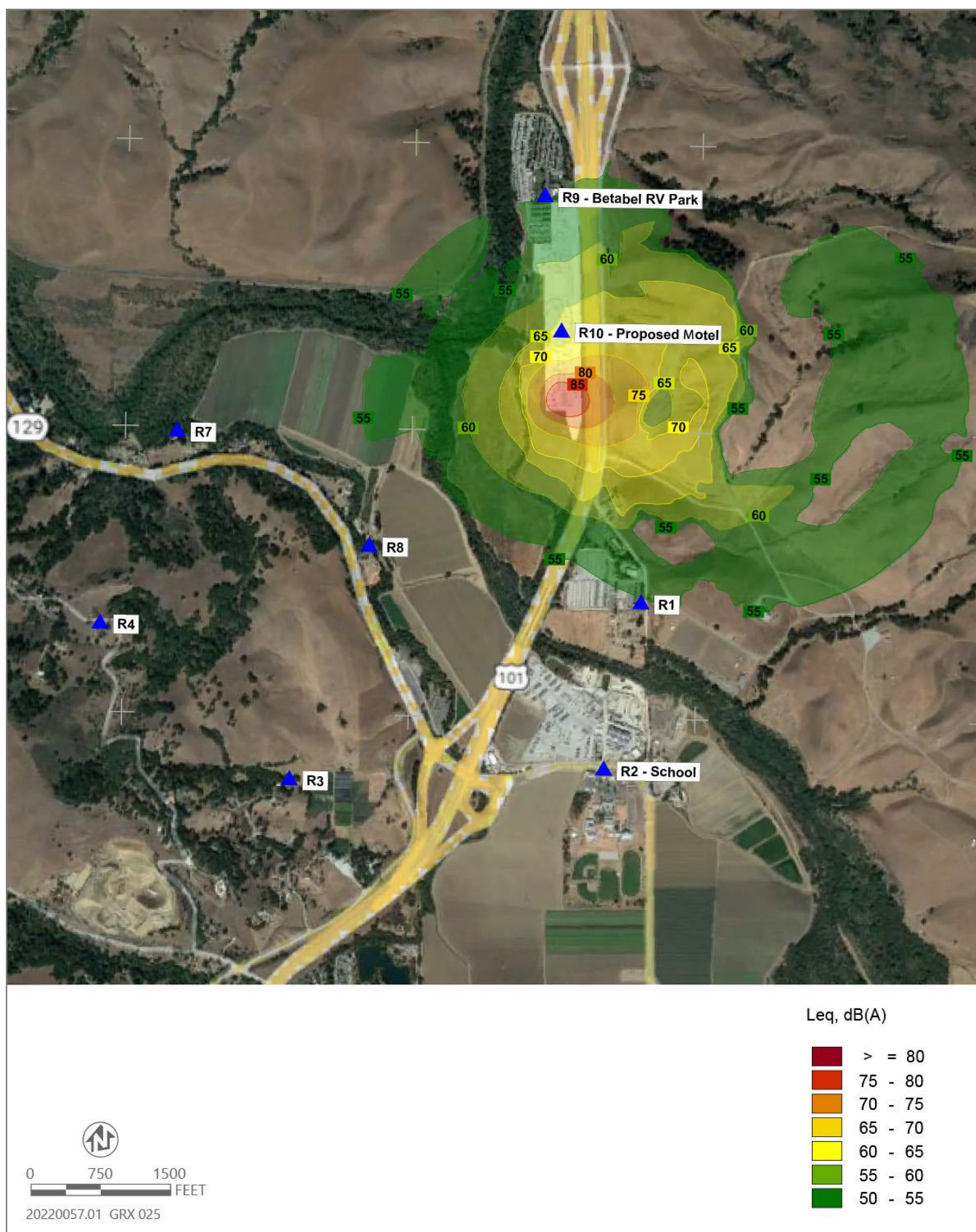
Mitigation Measures

No mitigation is required for this impact.



Source: Image produced and provided by Bollard Acoustical Consultants in 2022, adapted by Ascent Environmental in 2022.

Figure 3.12-3 Betabel Amphitheater Average Noise Contours (L_{eq})



Source: Image produced and provided by Bollard Acoustical Consultants in 2022, adapted by Ascent Environmental in 2022

Figure 3.12-4 Betabel Amphitheater Maximum Noise Contours (L_{max})

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3.13 POPULATION, EMPLOYMENT, AND HOUSING

This section provides an overview of existing population, employment, and housing in the project area and evaluates the potential for implementation of the Betabel Commercial Development Conditional Use Permit Project to affect population growth and the displacement of people or housing.

There were no comments related to land use and planning were submitted in response to the NOP. However, during the public scoping meetings on May 3, 2022, and May 5, 2022, one commentor asked why a housing section was going to be included in the EIR. This issue is discussed below.

3.13.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to population, employment, and housing are applicable to the Betabel Commercial Development Conditional Use Permit Project.

STATE

State California Environmental Quality Act Guidelines Section 15131

State CEQA Section 15131 provides that economic or social information may be included in an EIR, but those economic or social effects shall not be considered significant effects on the environment. In an EIR, the lead agency is responsible for researching economic or social changes resulting from a project, which may eventually lead to physical changes in the environment. These economic or social changes can be used to determine the significance of physical changes on the environment.

LOCAL

San Benito County General Plan

The San Benito County General Plan (San Benito County 2015) contains the following policies that are relevant to housing, population, and employment are presented below.

- ▶ **Policy ED-1.2: Jobs/Housing Balance.** The County shall strive to improve the housing balance countywide by providing sufficient employment-based land uses.
- ▶ **Policy ED-3.1: New Job Quality.** The County shall focus business expansion and industry attraction efforts on companies and institutions that bring quality jobs to the county that provide benefits and self-sufficiency wages for county residents.
- ▶ **Policy 1B:** The County shall ensure that housing is affordable to extremely low, very low, low, and moderate-income families and members of the local workforce (e.g. teachers, fire and police, farm workers). Affordable housing units shall continue to be exempt from growth management programs in San Benito County.
- ▶ **Policy 1I:** The County shall actively promote the development and rehabilitation of housing to meet the needs of special needs groups including the needs of seniors, people with disabilities, farm workers, the homeless, people with HIV/AIDS, people in need of mental health [services], single parent families, large families, and other persons identified as having special housing needs.

3.13.2 Environmental Setting

POPULATION GROWTH

San Benito County's total population as of April 1, 2020, was 64,209, according to the Census data, which is a 16.2 percent jump in population from 55,269 in April 2010 (US Census Bureau 2022). The Hispanic or Latino population has grown its majority in San Benito County in the past decade, by 21 percent from 31,186 to 39,241 residents (US Census Bureau 2022, CSU Humboldt 2015). The county's non-Hispanic/Latino population grew 3.7 percent from 2010 to 2020 (US Census Bureau 2022, CSU Humboldt 2015). The Census Bureau data also revealed continuing increases in the population of U.S. metro areas compared to a decade ago, as the bureau also released detailed databases of the 2020 numbers so governments across the country can begin redistricting efforts.

EMPLOYMENT

As of May 2022, the California Employment Development Department (EDD) noted the unemployment rate in San Benito County was at 4 percent (CEDD 2022). Approximately 29,300 people are employed within San Benito County. The largest industries in San Benito County are manufacturing (3,796 jobs), construction (3,356 jobs), and health care & social assistance (3,339 jobs), and the highest paying industries are utilities (\$106,667), mining, quarrying, and oil and gas extraction (\$106,061), and public administration (\$85,469) (US Census Bureau 2022). Per capita income levels are well below those in Santa Clara County and below the statewide average, while unemployment rates are higher than the state average (CEDD 2022; US Census Bureau 2022).

HOUSING UNITS AND VACANCY

The median property value of owner-occupied housing units in San Benito County between 2016 and 2020 was \$588,500 (US Census Data 2022). The homeownership rate in San Benito County is 63.7 percent, which is lower than the national average of 64.1 percent (US Census Bureau 2022). People in San Benito County have an average commute time of 34.6 minutes, and they drove alone to work. Car ownership in San Benito County is approximately the same as the national average, with an average of 2 cars per household. The newly released local data includes details on housing growth in states and counties throughout the U.S. In San Benito County, developers and property owners built 2,495 new homes from 2010 to 2020, a 14 percent increase in total housing units (US Census Bureau 2022).

3.13.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential population, housing, and employment impacts is based on a review of the planning documents pertaining to the project study area, the San Benito County General Plan, the San Benito County Code of Ordinances, the applicant's project description, and application materials. In determining the level of significance, this analysis assumes that the proposed project would comply with relevant state and local ordinances and regulations, as well as the General Plan policies presented above.

The evaluation of potential temporary and permanent impacts on population and housing is based on a review of U.S. Census data related to population and housing demographics near the project site and surrounding region. The information was reviewed and summarized to understand existing conditions and to identify potential environmental effects, based on the thresholds of significance. The impact evaluation considers the effect of the proposed project on population and housing in the project vicinity, as it relates to the significance criteria below, including the potential to displace residents and businesses.

THRESHOLDS OF SIGNIFICANCE

A population, employment, and housing impact is considered significant if implementation of the project would do any of the following:

- ▶ induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); and/or
- ▶ displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

ISSUES NOT DISCUSSED FURTHER

Displace People or Homes

The Betabel Commercial Development Conditional Use Permit Project would establish a range of new commercial, lodging, and recreational uses on the undeveloped site. There are no existing residences within the project site. The nearest residences are located in the foothills approximately 1 mile southeast of the project site and would not be affected by project construction or operation. The Betabel RV Park, located just north of the project site, is for lodging use and not for permanent residence (i.e., stays cannot exceed seven months). Therefore, the project would not have potential to displace people or homes and would not necessitate the construction of replacement housing. This issue is not discussed further in this EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.13-1: Result in Substantial Unplanned Population Growth In An Area, Either Directly Or Indirectly

The proposed project would not result in substantial unplanned population growth in an area as a result of the demand for employees of the commercial development. Additionally, the development's utilities would only be sized to serve the project and nothing further. Therefore, the project would be consistent with land use policies in the General Plan and would not conflict with any future growth patterns within the County. This impact would be **less than significant**.

The proposed project and approved farm stand would require a total of 136 employees and volunteers, in which staffing levels would vary for each use type. Twenty-four full-time staff would be needed to operate the restaurant. Sixteen full-time staff would operate the service station and convenience store; the farm stand currently under construction is anticipated to have the same staffing needs. The visitor center would be operated by two volunteers and would be open from 9:00 a.m. to 6:00 p.m., Wednesday through Sunday. It is anticipated a staff of 75 would be required to operate the motel. This need for employment is expected to be met with residents of San Benito County.

The San Benito County 2035 General Plan EIR identified that buildout of the county (assumed to be year 2035) would consist of 94,731 residents (54,581 residents in the unincorporated area and 40,150 residents within the incorporated cities whose growth is directed by their general plans), 20,269 residential units in the unincorporated area, and up to 13,470 jobs (San Benito County 2015: 4-5 – 4-13). The project would be consistent with General Plan and its associated planned employment growth.

Project utility improvements would be sized to only accommodate the project and would not provide capacity for future growth.

Therefore, the proposed project would not create an unplanned population growth in the area. As a result, impacts would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.14 PUBLIC SERVICES AND RECREATION

This section provides an overview of existing public services that would serve the project and evaluates the potential for implementation of the project to affect availability, service level, and/or capacity of public services, including fire-protection services, police-protection services, solid waste disposal, parks and recreation, and public schools, and, if such an effect is determined to occur, whether new or expanded facilities would be required that could result in a potentially significant impact to the environment. Other publicly provided utility services, such as water and wastewater treatment, stormwater management, and electricity are addressed in Section 3.17, "Utilities and Service Systems."

During the Notice of Preparation scoping period, the California Highway Patrol commented that the project would add to traffic congestion and increased service calls in the area. This comment is addressed in the analysis below.

3.14.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws are applicable to the provision of public services for the project.

STATE

California Fire Code

The California Fire Code (CFC) is contained within CCR Title 24. The CFC establishes requirements for development design to safeguard public health, safety and general welfare from the hazards of fire. This includes standards on building design, materials, fire flow, and other suppression provisions. The CFC also regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect life and provide fire safety. These measures may include applying construction standards, requiring separation between structures and property lines, and using specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code); fire protection and notification systems; fire protection devices, such as extinguishers and smoke alarms; high-rise building and childcare facility standards; and fire-suppression training.

Uniform Fire Code (Title 24, Part 9)

The Uniform Fire Code (Fire Code) (California Code of Regulations, Title 24, Part 9) contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The Fire Code also contains specialized technical regulations related to fire and life safety.

Leroy F. Greene School Facilities Act

The Leroy F. Greene School Facilities Act (Chapter 407, Statutes of 1998) places limitations on cities and counties with respect to mitigation requirements for school facilities. It permits school districts to levy fees, based on justification studies, for the purposes of funding construction of school facilities, subject to established limits. The act further

states that payment of these fees by a development project is considered adequate to reduce impacts of that project on schools to a less-than-significant level for the purposes of CEQA review and compliance.

School districts that can establish a need by completing an annually updated fee justification study are authorized to collect school impact fees on new residential and commercial/industrial development in accordance with Education Code Section 17620 and Government Code Section 65995. The development school impact fees are intended to provide the local school district's 50 percent share of the cost of new school construction.

LOCAL

San Benito County General Plan

The following General Plan policies are applicable to this analysis. The reader is referred to Section 3.18, "Wildfire," for a description of applicable fire hazard policies.

- ▶ Policy PFS-1.8: Public Facility Sizing. The County shall ensure that public facilities are designed to meet the projected capacity needs of existing and planned communities in order to reduce the need for future replacement. For facilities subject to incremental sizing, the County shall require the initial design to include adequate space or right-of-way to accommodate foreseeable future.
- ▶ Policy PFS-1.9: Development Review. The County shall evaluate facility capacity, levels of service, and/or funding needs during the development review process to ensure adequate levels of service and facilities are provided and maintained.
- ▶ Policy PFS-1.11: Pay Fair Share. The County shall require new development to pay its fair share of public facility and service costs.
- ▶ Policy PFS-1.12: New Development Requirements. The County shall require new development, in compliance with local, State, and Federal law, to mitigate project impacts associated with public facilities and services, including, but not limited to, fire, law enforcement, water, wastewater, schools, infrastructure, roads, and pedestrian and bicycle facilities through the use of annexation fees, connection fees, facility construction/expansion requirements, or other appropriate methods.
- ▶ Policy PFS-4.7: Consistent Fire Protection Standards for New Development. The County, in coordination with public and private water purveyors and fire protection agencies, shall ensure consistent and adequate standards for fire flows and fire protection for new development, with the protection of human life and property as the primary objectives.
- ▶ Policy PFS-10.5: School Impact Fees. The County shall support the efforts of school districts to obtain necessary funding, including school impact fees.
- ▶ Policy PFS-12.4: Fair Share. The County shall require new development to pay its fair share of the costs for providing law enforcement service facilities and equipment to new residents.
- ▶ Policy PFS-13.5: Water Service Standards. The County shall require all development within unincorporated communities to have adequate water supply, pressure, and capacity for fire protection.
- ▶ Policy PFS-13.6: Visible Signage. The County shall require that all roads and buildings are properly identified by name or number with clearly visible signs in order to promote faster response times.
- ▶ Policy PFS-13.7: Fire Facility Fees. The County shall require new development to pay its fair share of fees for new fire station facilities, equipment, and staffing necessary to maintain the County's service standards in that area. New development may also be required to create or join a special assessment district or other funding mechanism, to pay the costs associated with the operation of a fire station.
- ▶ Policy PFS-13.9: Fire Safety Standard Compliance. The County shall ensure that all proposed developments are reviewed for compliance with the California Fire Code and other applicable State laws.

San Benito County Parks and Recreation Facilities Master Plan

The purpose of the Parks and Recreation Facilities Master Plan is to define a vision for parks and recreation in the county for the next 20 years and beyond, to determine the role of the County within that vision, and to develop a realistic implementation program to achieve that vision. Plan identifies short-term park and trail improvements as well as long-term park and trail improvements.

San Benito County Code of Ordinances

Section 21.01.021(N) of the Code of Ordinances identifies that the CFC was adopted by the County for fire building standards. Article 1 of Chapter 25.37 of the Code of Ordinances establishes fire safety standards that include the following:

- ▶ Section 25.37.004 (Road and Safety Standards): These include road design standards associated with roadway width, turn-outs, length of dead-end roads, driveway design, and roadside vegetation management requirements. This section also provides emergency water standards for wildfire protection, and vegetative fuel management.
- ▶ Section 25.37.005 (Fire Protection Supply for Water Systems): Development projects are required to provide water systems for fire protection demands. Additional flow is required for development in high and very high fire hazard zones.

San Benito County Impact Fees

The County Resource Management Agency Building Services Division requires payment of public service facility impact fees identified in Table 3.14-1 as part of building permits to address facility needs from new commercial development.

Table 3.14-1 Public Facility Impact Fees for Commercial Development

Impact Fee Type	Fee
Detention Facilities	\$0.504 per square foot of building area
Fire Protection	\$0.712 per square foot of building area
General Government	\$0.504 per square foot of building area
Information Technology	\$0.051 per square foot of building area
Law Enforcement	\$0.292 per square foot of building area
Road Maintenance	\$0.114 per square foot of building area
Schools (Aromas-San Juan Unified School District)	\$0.47 square foot of enclosed space

Source: San Benito County 2018.

3.14.2 Environmental Setting

FIRE PROTECTION

As shown in Figure 3.18-1, in Section 3.18, "Wildfire," portions of the project site are located within the local responsibility area under the jurisdiction of the San Benito County. The County contracts with the Hollister Fire Department for fire protection services that operates four full time staffed fire stations. Each station staffs an engine with three personnel per day. The Hollister Fire Department also operates a 3,000-gallon water tender. Hollister Fire Station 4 (24 Polk Street, San Juan Bautista) would be the first responder to the project site (approximately 4.5 miles from site). Hollister Fire Station 1 (110 Fifth Street, Hollister) would be the second responder to the project site (approximately 14 miles from site), while the Aromas Fire Station (492 Carpenteria Road, Aromas) would provide automatic/mutual aid (approximately nine miles from the site). The San Benito County Fire Prevention Bureau identifies that their initial response to a fire event at the project site would consist of three fire engines, one fire truck, one Battalion Chief, one automatic/mutual aid fire engine, and one water tender (Bedolla 2022a).

The project area is also located within Battalion Unit 5 (Hollister Battalion) of the San Benito-Monterey Unit of CAL FIRE. This Battalion consists of two CAL FIRE stations, one contracted CAL FIRE station, and an air attack base at Hollister Municipal Airport. The nearest station is Station 36 located in the City of Hollister approximately 12 miles east of the project.

LAW ENFORCEMENT

California Highway Patrol

The California Highway Patrol Hollister-Gilroy Area office serves and patrols approximately 1,200 miles of roadway in Santa Clara and San Benito counties. The geographical area of coverage extends from U.S. Highway 101 (US 101) at Blossom Hill Road in the City of San Jose south to the Monterey County line; from State Route (SR) 85 at Cottle Road south to US 101; from SR 152 at Dinosaur Point west to Hecker Pass; from SR 156 to US 101; and from SR 25 at US 101 to Pinnacles National Park. (California Highway Patrol 2022)

San Benito County Office of the Sheriff

Law enforcement services for the unincorporated area of the county is provided by the Office of the Sheriff. The Office of the Sheriff consists of four bureaus: Enforcement, Corrections, Administration, and Community and Support Services. The project site is located in Office of the Sheriff Responsibility Area 5. The closest sheriff facility is the San Juan Bautista Substation at 301 The Alameda in the City of San Juan Bautista (approximately 4.5 miles southeast of the project site).

SCHOOLS

The project site is located within the Aromas-San Juan Unified School District that provides public schooling for grades kindergarten to 12th grade. The nearest schools to the project site include San Juan School (kindergarten to 8th grades) and Anzar High School (9th to 12th grades). During the 2021 – 2022 school year, San Juan School total enrollment was 356 students, while Anzar High School total enrollment was 309 students (California Department of Education 2022). This enrollment is below 2010 enrollment (64 fewer students at San Juan School and 86 fewer students at Anzar High School) (San Benito County General Plan Background Report Chapter 7: Table 7-10).

RECREATION

San Benito County Parks and Recreation provide park, trails, and recreational opportunities within the county. No public parks, trails, or recreational facilities are located on or near the project site, aside from the Betabel RV Resort, which is privately owned.

3.14.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential public service impacts was based on a review of documents pertaining to the proposed project; consultation with appropriate public service providers; and field review of the project study area and surroundings. Impacts on public services that would result from the project were identified by comparing existing service capacity and facilities against future demand associated with project implementation.

THRESHOLDS OF SIGNIFICANCE

A public services and recreation impact is considered significant if implementation of the project would do any of the following:

- ▶ Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
 - fire,
 - police protection,
 - schools,
 - parks, and
 - other public facilities;
- ▶ increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and/or
- ▶ include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

ISSUES NOT DISCUSSED FURTHER

Impacts to Public School Facilities

The project would not include any housing units. Construction workers for the project would come from the construction labor pool available in the region and would not require any relocations. Because implementing the project would not result in substantial student population growth, it would not affect performance objectives for schools and would not require the construction or expansion of educational facilities. The Project would be required to pay school impact fees identified in Table 3.14-1. Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or provision of adequate school facilities. This issue is not discussed further.

Impacts to Parks and Recreation Facilities

The project would not include housing construction or result in a substantial increase in population growth. Therefore, the project would not substantially increase the use of or physically affect existing parks and recreational facilities. In addition, the construction or expansion of recreational facilities that might have an adverse physical effect on the environment would not be required. This issue is not discussed further.

Impacts to Other Public Facilities

Implementing the project would not result in substantial population growth. Therefore, the project would not trigger the need for additional facilities for general government services, technology services, and roadway maintenance would be needed or constructed as a result of this project. The project would be required to pay impact fees to address its contribution to public facility needs as identified in Table 3.14-1. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.14-1: Result in Substantial Adverse Physical Construction-Related Impacts Associated with the Provision or the Need for New or Physically Altered Fire Facilities

The project would result in the construction of several new commercial structures. The project would obtain fire protection services from the County through the Hollister Fire Department. With the provision of water supply for firefighting, the project can be adequately served by the Hollister Fire Department. Thus, the impact related to fire facilities would be less than significant.

The County Code of Ordinances implements CFC requirements for proper building and development design to protect the public from fire hazards that the project would be subject to. The project would also be subject to County fire safety standards (Code of Ordinances Section 25.37.004) for roadways (width, turn-outs, and roadside vegetation management) as well as water supply standards for fire protection (Code of Ordinances Section 25.37.005).

The project would obtain fire protection services from the County through the Hollister Fire Department. The County identifies that their initial response to a fire event at the project site would consist of three fire engines, one fire truck, one Battalion Chief, one automatic/mutual aid fire engine, and one water tender (Bedolla 2022a). With the provision of water supply for firefighting, the project can be adequately served by the Hollister Fire Department (Bedolla 2022b). As shown in Figures 2-2, 2-3, and 2-5, project design includes water storage tanks. The project would also be required to pay all development impact fees, including the fire protection impact fees (see Table 3.14-1). Such fees would be used to fund necessary equipment/facility improvements. The provision of water and payment of fees would be consistent with General Plan policies PFS-1.9, PFS-1.12, PFS-4.7, PFS-13.5, PFS-13.7, and PFS-13.9.

No construction or expansion of fire facilities that may result in physical environmental impacts would be required solely as a result of the project. Thus, this impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.14-2: Result in Substantial Adverse Physical Construction-Related Impacts Associated with the Provision or the Need for New or Physically Altered Law Enforcement Facilities

Implementing the project may result in an increase in demand for law enforcement services provided by the San Benito County Office of the Sheriff and the California Highway Patrol. The project would be required to pay law enforcement impact fees to address its contribution to equipment and facility needs. The San Benito County Office of the Sheriff identified the need for communication facilities in the project area. This impact would be significant.

Implementing the project may result in an increase in service calls for law enforcement services by the San Benito County Office of the Sheriff and the California Highway Patrol for a range of circumstances. However, the project would not result in new population growth and is not expected to generate a substantial need in services that existing law enforcement facilities would require immediate physical expansion. As discussed in Chapter 2, "Project Description," the project would include an outdoor event area and anticipates special events to be held within the area. Should any of the special events require private security, the event sponsor would be responsible for securing such services. The project would also be required to pay all development impact fees, including the law enforcement impact fees (see Table 3.14-1). Such fees would be used to fund necessary equipment/facility improvements. The provision of impact fees would be consistent with General Plan Policy PFS-12.4.

However, the San Benito County Office of the Sheriff has identified the need for radio communication equipment in the project area as well as office space within the project commercial space (Corral 2022). Thus, this impact would be significant.

Mitigation Measures

Mitigation Measure 3.14-2a: Installation of Communication Equipment for Emergency Services

As part project construction, the project applicant shall install radio equipment for use by emergency personnel such as the San Benito County Office of the Sheriff and the Hollister Fire Department. The San Benito County Office of the Sheriff and the Hollister Fire Department shall review and approve the radio equipment to be used prior to installation.

Mitigation Measure 3.14-2b: Provision of Office Space for Sheriff Use

As part final project design, the project applicant shall provide office space for use by the San Benito County Office of the Sheriff that can be used to complete reports and other administrative tasks.

Significance after Mitigation

Implementation of Mitigation Measures 3.14-2a and 3.14-2b would address communication and office space needs of the San Benito County Office of the Sheriff onsite. The environmental impacts of these onsite improvements are addressed as part of site development and would not result in any additional impacts. These mitigation measures would reduce service impacts to a less-than-significant level.

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3.15 TRANSPORTATION

This section describes the applicable federal, state, and local transportation regulations and policies; discusses the existing roadway network and transportation facilities in the vicinity of the project; and analyzes the potential impacts from implementation of the project on transportation. Mitigation measures that would reduce impacts, where applicable, are also discussed. Information contained within this section was provided primarily in the *Local Transportation Analysis* prepared for the project (Kimley-Horn and Associates, Inc. 2022), which is included as Appendix E of this EIR and incorporated herein.

Pursuant to Senate Bill (SB) 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations (CCR) Section 15064.3(a), generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts and a project's effect on automobile delay shall no longer constitute a significant impact under CEQA. Therefore, the transportation analysis here-in evaluates impacts using VMT and does not include level of service (LOS) analysis. Although not addressed in this EIR, the analysis of traffic operations (i.e., intersection and freeway LOS analysis) for the project were conducted by Kimley-Horn and Associates, Inc. and are included in the *Local Transportation Analysis* attached as Appendix E.

Comments received regarding transportation in response to the notice of preparation (NOP) included concerns related to traffic congestion, and suggestions related to VMT reduction strategies and the need for an encroachment permit if any work would affect State highway right-of-way. Because a project's effects on automobile delay no longer constitutes a significant impact under CEQA, comments related to automobile delay (e.g., LOS, congestion) are not addressed here-in. See Appendix A for all NOP comments received.

3.15.1 Regulatory Setting

FEDERAL

Federal Highway Administration

The Federal Highway Administration (FHWA), an agency of the U.S. Department of Transportation, provides stewardship over the construction and preservation of the nation's highways, bridges, and tunnels. FHWA also conducts research and provides technical assistance to state and local agencies to improve safety, mobility, and livability and to encourage innovation in these areas. FHWA also provides regulation and guidance related to work zone safety, mobility, and temporary traffic control device implementation.

STATE

California Department of Transportation

The California Department of Transportation (Caltrans) is the state agency responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System that lie within California. Caltrans District 5 is responsible for the operation and maintenance of United States Highway (US) 101 in the vicinity of the project site. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on state highways.

The Caltrans Transportation Impact Study Guide (TISG) was prepared to provide guidance to Caltrans Districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans review of a land use project or plan's transportation analysis using a VMT metric. This guidance is not binding on public agencies, and it is intended to be a reference and informational document. The TISG replaces the Guide for the Preparation of Traffic Impact Studies and is for use with local land use projects, not for transportation projects on the State Highway System (Caltrans 2020).

Senate Bill 743

SB 743, passed in 2013, required the Governor's Office of Planning and Research (OPR) to develop new State CEQA guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any."

OPR published its proposal for the comprehensive updates to the State CEQA Guidelines in November 2017 which included proposed updates related to analyzing transportation impacts pursuant to Senate Bill 743. These updates indicated that VMT would be the primary metric used to identify transportation impacts. In December of 2018, OPR published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR 2018) which provides guidance for VMT analysis.

In December 2018, OPR and the State Natural Resources Agency submitted the updated CEQA Guidelines to the Office of Administrative Law for final approval to implement SB 743. The Office of Administrative Law subsequently approved the updated CEQA Guidelines, and local agencies had an opt-in period until July 1, 2020, to implement the updated guidelines. As of July 1, 2020, implementation of Section 15064.3 of the updated CEQA Guidelines apply statewide.

LOCAL

San Benito County Regional Transportation Plan

The 2040 San Benito Regional Transportation Plan (RTP), adopted in 2018, presents a blueprint for addressing region wide issues, presently and into the future. The RTP identifies the existing transportation conditions and plans future improvements based on growth, approved plans, public input, stakeholder collaboration and Council of Governments Board direction. The RTP is a 22-year planning document that guides the development of the transportation system in the San Benito region. The RTP is required by state law, is comprehensively updated every four years, and includes programs to better maintain, operate and expand transportation. The RTP envisions a future in which safety and efficient transportation choices provide access to a variety of trips including jobs, educational institutes, and healthcare facilities (SBCOG 2018: 0-1).

San Benito County Short Range Transit Plan

The San Benito County Short Range Transit Plan (SRTP) Update proceeds the previous SRTP completed for the San Benito County Local Transportation Authority (LTA) in 2016. The SRTP Update provides a detailed blueprint for service expansion in Hollister, San Juan Bautista, northern San Benito County, and to/from Gilroy for implementation over the five years with a general concept for improvements for an additional five years. All of the improvements to services in the first five years, can be accommodated with existing revenue sources. Any recommendations in this plan that require an expenditure of funds will need to be included in the annual budget of the LTA or brought to the Board of Directors for approval. The SRTP Update provides an analysis of existing conditions, County Express missions and goals, recommended solutions, financial planning, and marketing and communication strategies (LTA 2022).

San Benito County General Plan

The San Benito County 2035 General Plan was adopted in 2015 and serves as a blueprint for future growth and development in the unincorporated County. The policies within the Circulation Element of the General Plan (County of San Benito 2015) applicable to the project are listed below.

- ▶ **Policy C-1.1: Intermodal Connectivity.** The County shall ensure that, whenever possible, roadway, highway, public transit systems, and pedestrian and bicycle trails are interconnected with other modes of transportation.
- ▶ **Policy C-1.2 Complete Streets** To promote a road and street network that accommodates cars without requiring car dependence, the County shall plan for use of roadways by all vehicle types and users, including automobiles, trucks, alternative energy vehicles, agricultural equipment, transit, bicyclists, and pedestrians, when constructing or modifying roadways. Additionally, the County shall plan its road and street network to reflect a context-

sensitive approach to the design of thoroughfare assemblies, where the allocation of right-of-way and the facilities provided are based on the intended character, whether urban or rural, of a particular location (urban context). Roads and streets within communities shall be designed to support and encourage walkability as a response to their context, whereas roads in open areas of the County shall be designed primarily for vehicular circulation. As such, thoroughfares that serve both open areas and communities in the County shall change as the surrounding urban context varies. This includes:

- a. Encouraging thoroughfare designs that are context sensitive, such as those recommended in *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* by the Institute of Transportation Engineers (ITE);
 - b. Supporting urban design principles that promote walkability within communities to include:
 - i. A mix and variety of land uses designed to be relatively compact and in proximity to one another;
 - ii. Buildings that are oriented toward streets, with appropriately narrow setbacks and functional entries directly fronting onto sidewalks;
 - iii. Pedestrian-scaled architecture, landscape, and thoroughfares designed to provide engaging sidewalk views and comfort to pedestrians traveling at slow speeds; and
 - iv. Circulation networks that provide an interconnected system of streets and open spaces with relatively small block lengths;
 - c. Creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network designed to avoid the construction of new roadways and rail lines that would cause the physical division of existing communities;
 - d. Incorporating pedestrian and bicycle facilities, where appropriate and feasible, that promote safety and maximize access;
 - e. Planting street trees adjacent to curbs and between the street and sidewalk or walking path to provide a buffer between the pedestrian and the automobile, where appropriate;
 - f. Incorporating traffic calming devices such as roundabouts, bulb-outs at intersections, and traffic tables; and
 - g. Coordinating with other agencies and cities to ensure connections are made between jurisdictions.
- ▶ **Policy C-1.5: Mitigating Transportation Impacts.** The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.
 - ▶ **Policy C-1.9: Dedicate Rights-of-Way.** The County shall require project applicants with property fronting along planned road improvements, as a condition of project approval, to dedicate right-of-way and/or construct improvements in accordance with the Circulation Diagram when (1) a nexus can be established between the proposed project and the dedication and/or construction; and (2) the dedication and/or construction would be roughly proportional to the project's impacts.
 - ▶ **Policy C-1.13: Upgrade Private Roads.** The County shall require existing private roads to be upgraded to County standards as a condition of approval for any project that will be served by such roads.
 - ▶ **Policy C-1.14: Driveway Siting.** The County shall encourage driveways to be located on adjacent collector streets rather than on arterial streets.
 - ▶ **Policy C-2.1: Bicycle, Pedestrian, and Equestrian Systems,** The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems, as appropriate to the context, that serve both commuter travel and recreational use, and provide access to major destinations in the county.
 - ▶ **Policy C-2.3: Bicycle Parking Facilities.** The County shall provide or encourage the provision of secure bicycle parking facilities at transit facilities, private and public facilities, and park-and-ride lots.

- ▶ **Policy C-2.11: Curb Ramps.** The County shall require developments to include curb ramps at new intersections, consistent with ADA requirements.
- ▶ **Policy C-3.7: Public Transit to Employment Centers.** The County shall encourage major employment centers to work with the Local Transportation Authority to facilitate the provision of adequate public transit facilities.
- ▶ **Policy C-3.9: Consistency with RTP.** The County shall require all new development proposals to be consistent with and implement the San Benito County Regional Transportation Plan transit policies.
- ▶ **Policy C-5.7: Loading Facilities.** The County shall require adequate loading facilities in commercial and industrial developments that require frequent loading and unloading of goods.

San Benito County Bikeway and Pedestrian Master Plan

The Council of San Benito County Governments (SBCOG) adopted the San Benito County Bikeway and Pedestrian Master Plan in 2009 in an effort to guide the future development of bicycle and pedestrian facilities within the County and seek to meet the County's needs and desires for pleasant and safe places to bicycle and walk (SBCOG 2009: I). The Bikeway and Pedestrian Master Plan establishes goals and policies, an analysis of existing conditions and needs, recommendations for future bicycle and pedestrian facilities, programming opportunities, and implementation and funding strategies.

San Benito County Draft SB 743 Implementation Policy

San Benito County released their *Draft SB 743 Implementation Policy* in May of 2022. This document was developed to serve both as the basis of SB 743 implementation and VMT analysis within the County. The analysis guidelines are separated into two distinct approaches, those that relate to land use projects and those that relate to transportation improvement projects. The approach to identify transportation impacts under CEQA for land-use projects as detailed in the Draft SB 743 Implementation Policy closely aligns with the guidance provided within the OPR Technical Advisory.

3.15.2 Environmental Setting

ROADWAY SYSTEM

San Benito County is served by an extensive roadway network of freeways, state highways, expressways, arterials, collectors, and local roads. A description of each classification as described in the General Plan is provided below.

- ▶ **Freeways.** Operated and maintained by the Caltrans, these facilities are designed as high-volume, high-speed facilities for intercity and regional traffic. Access to these facilities is limited.
- ▶ **State Highways.** These facilities are operated and maintained by Caltrans and serve primarily interregional traffic. Within San Benito County most State highways are rural two-lane facilities.
- ▶ **Expressways.** These are high-speed facilities with no direct access to adjacent properties and local intersections, and are limited to providing access to freeways, arterials, and rural collector roads. These facilities are often operated and maintained by local agencies. However, in San Benito County, Caltrans also maintains expressways within the County, including State Routes 156 and 25.
- ▶ **Arterials.** These facilities make up the principal network for through-traffic within a community and often between communities. Arterials have between two and six traffic lanes and provide connections between residential areas, shopping areas, places of employment, recreational areas, and other places of assembly.
- ▶ **Collectors.** These are two-lane facilities that function as the main interior streets within neighborhoods and business areas and are designed to carry traffic between local roads and arterials.
- ▶ **Local.** These facilities are two-lane streets that provide local access and service. They include residential, commercial, industrial, and rural roads (County of San Benito 2015: 6-2).

Access to the project site is provided via the following key roadways:

- ▶ **US 101**, running from far northern California to Los Angeles, is a bi-directional freeway located just east of Betabel Road and the project site. US 101 has two lanes in each direction in the project area and provides regional access to the project site from the Betabel Road interchange located approximately 0.3 miles north of the project site. The posted speed limit in the project area is 65 miles per hour (mph).
- ▶ **Betabel Road** is a north-south two-way, undivided roadway running parallel US 101 in the vicinity of the project site. Betabel Road would provide direct access to the project site from US 101. Betabel Road also extends east-west for a short distance where it crosses over the US 101 freeway, intersections US 101 freeway on and off ramps, and intersects Y Road. The Betabel RV Resort is located just south of the US 101 / Betabel Road overcrossing. There are no existing bicycle or pedestrian facilities present on Betabel Road. The speed limit is assumed to be 30 mph.
- ▶ **Y Road** is a north-south two-lane undivided roadway that extends along the east side of US 101 near the project site. Y Road intersects with Betabel Road near the Betabel Road / US 101 overcrossing. Aromas – San Juan Unified School District facilities are located along the west side of Y Road approximately one mile south of the Y Road & Betabel Road intersection, where Y Road is also known as San Juan Highway. Aside from the school district facilities and farmland, no other developed uses currently exist along Y Road. The speed limit is assumed to be 30 miles per hour.

TRANSIT SYSTEM

San Benito County Express provides transportation service to the communities of Hollister, San Juan Bautista, and Gilroy. County Express also operates a complementary dial-a-ride service, as well as an intercounty service to Gilroy's Caltrain and Greyhound Stations, and Gavilan College with connecting service to the Santa Clara VTA bus system. LTA administers and operates public transportation services in the County. There are no bus stops in the vicinity of the project. The nearest local bus stop serves bus route 86 and is located over 9 miles north of the project site at Gavilan College Gilroy.

BICYCLE AND PEDESTRIAN SYSTEM

The bicycle transportation system in the unincorporated County is composed of bikeways and trails. The Bikeway and Pedestrian Master Plan classifies bicycle facilities into the following three types based on Caltrans standard designations:

- ▶ **Class I Bikeway:** Typically called a "bike path," a Class I Bikeway provides bicycle travel on a paved right-of-way completely separated from any street or highway.
- ▶ **Class II Bikeway:** Often referred to as a "bike lane," a Class II Bikeway provides a striped and stenciled lane for one-way travel on a street or highway.
- ▶ **Class III Bikeway:** Generally referred to as a "bike route," a Class III Bikeway provide (SBCOG 2009: 3-1).

As of 2009, the unincorporated County had approximately 3.9 miles of existing bikeways (SBCOG 2009: Table 3-1). There are no bicycle or pedestrian facilities in the immediate vicinity of the project site.

3.15.3 Environmental Impacts and Mitigation Measures

This section describes the analysis techniques, assumptions, and results used to identify potential significant impacts of the proposed project on the transportation system. Transportation/traffic impacts are described and assessed, and mitigation measures are recommended for impacts identified as significant or potentially significant.

METHODOLOGY

Travel demand models are broadly considered to be amongst the most accurate of available tools to assess VMT; however, their use is not always an ideal fit depending on the unique characteristics, data available, and planned land uses of the project being evaluated. For this project it was determined to be appropriate that the new San Benito County Travel Demand Model (SBCM) would be utilized to quantitatively analyze the general VMT-generating trends of the project, and a qualitative VMT analysis would be appropriate to apply to the analysis of some of the more unique land uses included within the project. The qualitative analysis was applied to those land uses for which the SBCM would not be able to accurately estimate project generated VMT.

San Benito County recently developed a new travel demand model which includes data from the Association of Monterey Bay Area Government travel demand model, current San Benito projections for base (2019) and future (2045) year input data and incorporates Santa Clara County. The VMT analysis performed, and summarized herein, relied both on the base year model as well as the future year model. To analyze VMT associated with the project, adjustments to employment data were made to the traffic analysis zone (TAZ) within which the project site is located. For the purposes of the quantitative analysis of the project, the primary source of project generated VMT would be associated with retail and customer-based land uses. Therefore, employment input for the project TAZ was adjusted for retail employment such that total vehicle trips generated from the TAZ were equivalent to the trip generation estimates derived for the traffic analysis. See Appendix E for the detailed traffic analysis, trip generation data, and the associated assumptions.

All of the components of the project are “retail” or “customer based” land uses; and thus, the primary source of VMT for all of the land uses included within the project are associated with customer trips. As detailed in the OPR Technical Advisory, generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically re-route travel from other retail destinations. Additionally, based on the draft San Benito County SB 743 Implementation Policy, retail and/or customer-based land uses should be analyzed based on the effect the project would have on net regional VMT. Given that the SBCM does not distinguish retail trip length based on specific land use type, it is appropriate for the purposes of the quantitative analysis to aggregate all uses together. Furthermore, it is recognized that any identified impacts would rely on similar mitigation strategies further underscoring the appropriateness of aggregating these land uses.

Quantitative VMT Analysis

As described above, because the primary source of VMT associated with the project is attributable to retail and customer-based land uses, the project’s VMT impact was evaluated based on the Countywide net change in total VMT. The net change in total VMT for the San Benito County with implementation of the project was calculated using the SBCM. VMT was calculated using the daily vehicle trip matrices, and then multiplying them by the distance skim matrix to determine VMT. The distance skim matrix calculates the shortest distance between each TAZ origin-destination. For those trips that either originate from, or are destined to, areas outside the County (internal-external or external-internal trips), the length of the trip outside of the County is estimated based on data located within the SBCM. This was completed to ensure that the VMT estimates were not truncated because of jurisdictional or other boundaries as recommended with guidance within the OPR Technical Advisory.

Qualitative VMT Analysis

The outdoor event area and motel land uses associated with the project were analyzed qualitatively due to these land uses having unique travel characteristics not able to be accurately captured by the SBCM travel demand model. As described above, the primary source of VMT associated with these land uses is attributable to customers; and thus, the VMT impact was evaluated based on the Countywide net change in total VMT. The threshold for these land uses is reliant on the question as to whether the addition of these uses, and their proximity to other land uses will reduce overall VMT. Given that the primary source of VMT is not employee commute VMT, but rather the customer’s VMT, these land uses are considered from the standpoint of their proximity to potential customers.

THRESHOLDS OF SIGNIFICANCE

The significance criteria used to evaluate the project impacts to transportation under CEQA are based on Appendix G of the CEQA Guidelines, draft San Benito County SB 743 Implementation Policy, and CEQA Guidelines Section 15064.3. Impacts to the transportation system would be significant if implementation of the project would:

- ▶ conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- ▶ conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- ▶ substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and/or
- ▶ result in inadequate emergency access.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.15-1: Conflict with a Program, Plan, Ordinance or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle and Pedestrian Facilities

The project would not alter or conflict with any existing or planned transit facilities or conflict with a general plan policy or program as there are no existing, planned, or programmed transit services or facilities in the immediate vicinity of the project site. The project would include internal pathways and circulation for pedestrians navigating the project site. Additionally, the County General Plan and Bikeway and Pedestrian Master Plan do not propose any future bicycle or pedestrian facilities in the vicinity of the project site, and the project would not adversely affect or conflict with any such existing facilities because none exist in the vicinity of the project site. For these reasons, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and the impact would be **less than significant**.

Bicycle and Pedestrian Facilities

The project involves the development of a gas station and convenience store, restaurant, amusement buildings, visitor center, motel, outdoor event area, animal/livestock corral, and would incorporate the approved farm stand (currently under construction) into the project design. Pedestrian circulation would be accommodated throughout the project site via sidewalks and pathways to help visitors navigate the various facilities and attractions. The project does not include any offsite bicycle or pedestrian facility improvements. The County General Plan and Bikeway and Pedestrian Master Plan do not propose any future bicycle or pedestrian facilities in the vicinity of the project site. The project would provide internal pedestrian connections; and thus, would comply with General Plan Policy C-1.2 Complete Streets, which encourages the incorporation of pedestrian facilities, where appropriate and feasible, that promote safety and maximize access.

Additionally, as discussed in the Environmental Setting section, there are no bicycle or pedestrian facilities currently present within the vicinity of the project site. Therefore, the project would not adversely affect or conflict with any existing bicycle or pedestrian facilities. Furthermore, due to the rural environment and nature of the project, which is a roadside attraction adjacent to US 101, the project is not anticipated to generate substantial bicycle or pedestrian activity. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing bicycle or pedestrian facilities and the impact would be less than significant.

Transit Services

As indicated described above, there is no transit service in the vicinity of the project site; and thus, the project would not alter any existing transit facilities. Additionally, there are no planned or programmed future transit routes or facilities identified along Betabel Road adjacent to the project site. Because the project is primarily intended to provide service, accommodations, and attractions to travelers along US 101, the vast majority of the trips associated with the project would occur regardless of the available modes of transportation (e.g., public transit) in the project

vicinity. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing transit service and the impact would be **less than significant**.

Summary

The project would not alter or conflict with any existing or planned transit services or bicycle or pedestrian facilities. Additionally, existing plans and policies do not propose or require any such facilities to be constructed in the immediate vicinity of the project site. Furthermore, due to the nature of project and surrounding rural environment, the project would not substantially increase the demand for transit or increase bicycle and pedestrian activity. For these reasons, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and thus, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.15-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled

Construction personnel do not generate new trips. Rather, trips are redistributed throughout the region and construction activity is short-term and temporary. Therefore, it is not anticipated that construction activities would result in a significant increase in VMT. All land uses associated with the project, except for the outdoor event area, are not anticipated to generate a net increase in VMT during operation. However, due to the regional draw that events at the outdoor event area would potentially generate, it is anticipated that there could be a net increase in VMT associated with this land use and the project as a whole. Therefore, the project would result in a **significant** impact.

Construction

The VMT of construction workers is not newly generated; instead, it is redistributed throughout the regional roadway network based on the different work sites which workers travel to each day. Therefore, construction workers would not generate new trips each day, they would only redistribute them. The location from which construction workers are traveling is not known and it would be speculative to try to quantify the change in VMT associated with these redistributed construction worker trips. However, construction activities would be temporary and intermittent in nature; and thus, would not result in long-term increases in vehicular trips or VMT. Additionally, if project construction did result in an increase in VMT, the change would be minimal as compared to that generated during project operation. Finally, if VMT generated during construction activities were to be amortized over the lifetime of the project it would not result in a substantial increase in VMT. Therefore, construction activities are not expected to result in a significant increase to VMT, and the impact related to construction would be less than significant.

Operations

Gas Station, Convenience Store, Fast Food Restaurant, Corral, Amusement Building

Countywide VMT with and without the project was calculated using the SBCM to determine the net change in VMT associated with implementation of the project. Consistent with the guidance provided in the draft *San Benito County SB 743 Implementation Policy* and the OPR Technical Advisory, a net increase in VMT would constitute a significant impact. The results of the quantitative modeling under existing and cumulative conditions are shown in Table 3.15-1.

Table 3.15-1 Countywide Net Change VMT Results

Jurisdiction	Existing Countywide VMT	Existing With Project Countywide VMT	Cumulative (2045) No Project Countywide VMT	Cumulative (2045) With Project Countywide VMT	Significant Impact
San Benito County	1,696,438	1,660,039	2,158,115	2,097,949	-
San Benito County Threshold	Countywide Net Change in VMT < 0				-
Net Change With Betabel	-	-36,399 (-2.1%)	-	-60,166 (-2.8%)	No

Note: VMT results reflect the current draft San Benito County CEQA Guidelines.

As shown in Table 3.15-1, the proposed project would result in a reduction of total VMT in San Benito County under both the existing (including operation of the approved farm stand) and cumulative conditions. Based on these results, it is anticipated that the more common retail land uses (i.e., gas station, convenience store, fast food restaurant, corral, amusement building) associated with the project would add retail opportunities to the area, thereby improving retail destination proximity, shortening trips, and reducing VMT. For example, the aforementioned land uses would provide more proximate retail services to nearby neighborhoods within the San Benito County for which those residents may currently have to travel to other more distant locations satisfy their needs for such retail services. Additionally, guidance within the OPR Technical Advisory notes that retail development including stores smaller than 50,000 square feet might be considered local-serving land uses which can be presumed to not result in a net increase in VMT. The largest building within the proposed project is the convenience store which would be approximately 5,000 square feet in total. Additionally, none of the these uses (i.e., gas station, convenience store, fast food restaurant, corral, amusement building) are destination-retail uses or unique in nature such that they would attract a substantial number of long-distance trips. Therefore, the gas station, convenience store, fast food restaurant, corral and amusement building are not anticipated to result in a net increase in VMT.

Proposed Outdoor Event Area and Motel

To further evaluate the regional VMT impact of the project, some of the land uses (outdoor event area and motel) were analyzed qualitatively as well as based on GIS market-based techniques given that their primary source of VMT is not typical retail customers and these uses could generate unique travel patterns which are not well represented by the SBCM travel demand model.

The outdoor events area for educational presentations, cultural events, music, and live performances, was separately evaluated quantitatively based on net change in VMT, which was principally determined using the following two distinct data source:

- ▶ locations of existing similar markets, and
- ▶ travel behavior at these markets based on a big data source (i.e., location-based cell phone data obtained from Replica) licensed to Kimley-Horn.

Three existing similar markets with outdoor activities in the project vicinity were identified and it is assumed that the existing customers visiting these markets would be the potential customers at the new outdoor event area. For detailed information related to the similar markets used for the purposes of this analysis see Appendix E. The basis of the net change in VMT is the additional VMT from these potential customers to the new outdoor event area. Big data, identifying origins and destinations, for select trip purposes (retail, food, recreational) for three similar markets was obtained from Replica. Big Data utilized for this project included origins and destination at the Census Blockgroup level for Saturdays, the day on which such events would likely occur, in September-November 2019. Note that this dataset is representative of conditions prior to the onset of the effects of COVID-19 including any resulting governmental restrictions which could have suppressed VMT, and as such represents more normal travel behavior than is what currently being identified using big data sources. This database was utilized for the probable origins of customers based on trip purpose and proximity to the project site. To determine the distance each customer would travel to the proposed outdoor event area, the GIS functions in the TransCAD software modeling package were utilized. It should be noted that TransCAD is the most widely-used travel demand modeling/routing software package by Metropolitan Planning Organizations in the United States. Trips were assigned to the project site based on the proximity to the new site and magnitude of trips to the existing similar markets which are shown in Appendix E. Assigning these trips from each of the blockgroup to the project site, VMT was calculated for the proposed outdoor event area which is shown in Table 3.15-2. See Appendix E for detailed blockgroup data and methodology.

As shown in Table 3.15-2, the outdoor event area would result in a net increase in total regional VMT of 3,271. It should be noted that this assumption could be overestimating the net change in VMT as the analysis assumed full occupancy for the outdoor events and peak conditions. If no special event occurs and lower trips are generated to the outdoor event area during the off-peak seasons, the VMT change could be reduced but would likely still result in a net increase in VMT.

Table 3.15-2 Daily Trips and VMT Estimates for Outdoor Event Area

Zip Code	Average Distance to Betabel	Potential Betabel Trips	Project VMT
95045	8.3	6	48
95004	9.5	7	71
95020	9.7	119	1,040
95076	15.5	11	164
95023	15.8	18	272
95046	15.9	1	9
93907	17.2	29	376
95037	18.5	36	653
95012	18.7	2	35
93906	19.2	12	229
95039	19.3	3	49
93901	22.6	1	13
93905	22.7	4	98
93908	23.2	1	13
93933	26.2	0	0
95138	28.3	4	107
93955	29.0	0	0
95119	29.8	3	94
Total		256	+ 3,271

Notes: Project trips are estimated based origins closer to Betabel as well as existing similar Markets trips.

Trips and VMT results are aggregated from Census Blockgroups to Zip Code levels.

Motel uses primarily serve pre-existing needs (i.e., they do not generate new trips so much as meet demand), especially when they are located near a freeway on-/off-ramp. Therefore, most often they can be presumed to reduce trip lengths when a new facility is introduced into the built environment. This is particularly true when they are located where there is the need for overnight travel or a pass-by trip to attend an event, as is anticipated to be the case for the project. Most often this means that the impact to VMT would be negligible or reduced by the introduction of a new motel to an area where people are already traveling unless the motel significantly affects the local supply, becomes a destination unto itself, or introduces significant new attractions. None of the aforementioned exceptions are anticipated to occur with the introduction of the project's motel. Further, there are no existing motels in the immediate vicinity of the project site. Therefore, the provision of a motel on the project site would likely result shorter travel distances associated with trips to lodging accommodations because visitors to the project site would not have to stay at one of the existing motels further away from the project site. Thus, the motel associated with the proposed project is not anticipated to result in a net increase in VMT.

Summary

As detailed above, construction activities are not expected to result in a significant increase to VMT, and the impact related to construction would be less than significant. Additionally, all land uses associated with the project, except for the outdoor event area, are not anticipated to generate a net increase in VMT. However, due to the regional draw that events at the outdoor event area would potentially generate, it is anticipated that there could be a net increase in VMT associated with this land use and the project as a whole. Therefore, the project would result in a **significant** impact.

Mitigation Measures

Mitigation Measure 3.15-2: Incentives for Carpool and Shuttle Use for Outdoor Event Uses

Prior to the operation of the outdoor event site, the project applicant shall provide evidence of a carpool and/or shuttle program to reduce the extent of total vehicle miles generated from events. The program will offer incentives such as preferred parking, seating, or other measures to promote carpooling and shuttles. Annual reports of the effectiveness of the program shall be provided to the County no later than December 1 of each year.

Significance after Mitigation

While implementation of Mitigation Measure 3.15-2 would likely reduce VMT generated from the outdoor event site, there is no technical data available that supports this mitigation measure would offset all VMT generated. Therefore, the project would result in a **significant and unavoidable** impact to VMT.

Impact 3.15-3: Substantially Increase Hazards due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., farm equipment)

The project would be required to comply with County safety standards during construction of on- and off-site improvements. Additionally, the project is subject to review by County staff to ensure appropriate traffic handling during construction, and that design standards are met to minimize any potential hazards related to the transportation circulation network. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible uses, and the impact would be **less than significant**.

Construction

As detailed in Chapter 2, "Project Description," construction would begin in 2023 and would last approximately 2 years. All phases of construction would comply with County safety standards and regulations. All necessary traffic convenience and warning devices and personnel comply with the Caltrans Manual of Traffic Control, and the project would follow all applicable provisions set forth by the County. These would be employed associated with surface improvements to Betabel Road.

Construction traffic impacts would be localized and temporary; however, during construction of the project, traffic operations could be degraded. For this reason, the project would be required to follow all County requirements to ensure safety to travelers and minimize traffic disturbance during construction activities. Therefore, the project would not substantially increase hazards during construction; thus, the impact would be less than significant.

Operations

As discussed in Chapter 2, "Project Description," the project would involve the development of an approximately 32-acre project site to accommodate a new roadside attraction including retail, accommodations, and outdoor event space. The project would be required to meet all development design standards as identified by the County. Section 25.37.004 of the San Benito County Code of Ordinances addresses road and safety design standards including appropriate roadway widths, turnaround radii, and signage. Additionally, the project would be required to meet the County's standard designs for all driveways serving the project site. Section 25.31.020 of the San Benito County Code of Ordinances details requirements related to on-site parking. The project is subject to the County review processes which would ensure that the project design would comply with all applicable industry roadway and driveway design standards, including any State standards adopted by reference by the County.

Furthermore, the Local Transportation Analysis (Appendix E) conducted a vehicle queuing analysis in relation to safety. According to the Local Transportation Analysis, all off-ramps are able to fully contain the queues without vehicles spilling back into the freeway during a.m., p.m., and weekend peak hours. Additionally, all the on-ramp queues are within the available storage length and full deceleration occurs on the ramp before the back of the queue. Therefore, no vehicle related safety impacts were identified at the Caltrans facilities (Kimley-Horn and Associates, Inc. 2022).

Summary

On- and off-site construction would comply with all applicable County standards as to not degrade safety and minimize potential disturbance to the transportation network. Additionally, all access and roadway related improvements associated with the project would be constructed in accordance with applicable County design and safety standards, and permit requirements. For these reasons, the project would not substantially increase hazards due to geometric design features or incompatible uses. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.15-4: Result in Inadequate Emergency Access

The project would be required to meet the County's design standards which include width requirements to allow for emergency vehicles to access and navigate the project site via driveways, internal circulation, and turnaround points. The project is subject to County staff and applicable emergency service agency review to ensure all relevant standards are met during construction and operation. Additionally, provisions set forth in the California Building Code must be followed which include allowing for continuous emergency access during construction and requiring that particular design standards be followed to guarantee the project would remain in compliance in case of an event where emergency personnel would need to respond. For these reasons, the project would not result in inadequate emergency access, and the impact would be **less than significant**.

As discussed in Impact 3.15-3 above, all improvements related to the project would meet County design standards. Emergency access to the project would be subject to review by the County and the responsible emergency service agencies, including the Hollister Fire Department. Chapter 23.27 of the County Code of Ordinances establishes fire design standards. Section 23.27.004 of the Code of Ordinances identifies access and roadway requirements such as determining adequate turning radii and turnarounds for emergency vehicles.

The project would also be required to follow the provisions set forth in the 2019 California Building Code as adopted by the County in Section 21.01.021 of the Code of Ordinances. Section O102 and O103 specifically address road and driveway standards in order to maintain appropriate fire apparatus access.

The project would be required to follow all State and County requirements to ensure any potential impacts to emergency vehicles are minimized during construction and maintained during operations. Therefore, the project would not result in inadequate emergency access; thus, the impact would be **less than significant**. The reader is referred to Section 3.18, "Wildfire," for a further discussion of emergency access and evacuation.

Mitigation Measures

No mitigation is required for this impact.

3.16 TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on tribal cultural resources. Tribal cultural resources, as defined by Assembly Bill (AB) 52, (Gatto 2014), in Public Resources Code (PRC) Section 21074 (quoted in full, below).

One comment letter regarding tribal cultural resources was received in response to the Notice of Preparation (see Appendix A). The Native American Heritage Commission (NAHC) requested AB 52 and Senate Bill (SB) 18 (Burton 2004) compliance information; SB 18 does not apply to the project because there is no General Plan amendment associated with the project (which is the trigger for SB 18 compliance). Additionally, SB 18 is not a CEQA requirement and therefore is not discussed in this section. AB 52 compliance is described below.

3.16.1 Regulatory Setting

FEDERAL

Based on the information available in the record there are no federal regulations that apply.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP) are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, State, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP: location, design, setting, materials, workmanship, feeling, and associations.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on tribal cultural resources. PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." PRC Section 21074 states:

- a) Tribal cultural resources are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the CRHR.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: tribal cultural resources, defined in PRC Section 21074. Pursuant to CEQA requirements, lead agencies undertaking CEQA review must, upon written request of a California Native American tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration.

Health and Safety Code, Section 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact the NAHC.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The Act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC, which notifies (and has the authority to designate) the most likely descendants (MLD) of the deceased. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Public Resource Code Section 5097

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to tribal cultural resources:

- ▶ **AD-2.6: Native American Tribe Consultation/Coordination.** The County shall ensure effective intergovernmental review procedures with the Ohlone Indians and other legally-recognized Native American tribes regarding their

landholdings and interests in San Benito County in order to achieve the best possible outcomes consistent with the General Plan.

- ▶ **NCR-1.1: Maintenance of Open Space.** The County shall support and encourage maintenance of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.
- ▶ **NCR-7.9: Tribal Consultation.** The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State's Local and Tribal Intergovernmental Consultation requirements.
- ▶ **NCR-7.11: Prohibit Unauthorized Grading.** The County shall prohibit unauthorized grading, collection, or degradation of Native American, tribal, archaeological, or paleontological resources, or unique geological formations.
- ▶ **NCR-7.12: Archaeological Artifacts.** The County shall require an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the county's archaeological report guidelines available at the County Planning Department.

San Benito County Code of Ordinances

County Code Chapter 19.05, Archaeological Site Review

The purpose of this ordinance is to protect, preserve, and show respect for Native American, Spanish, Mexican, Euroamerican, and other archaeological sites and resources within the County. There are areas in the County that are known to contain significant cultural and archaeological sites which contain unique, irreplaceable, or religious resources significant to the history of the County. These archaeological resources are quickly disappearing as a result of public and private land development. It is the policy of the County to preserve the County's historic identity and integrity, and this ordinance establishes regulations for the protection, enhancement, and perpetuation of archeological sites in order to promote the public welfare, and to implement General Plan policy and state law.

3.16.2 Environmental Setting

The project area is within the aboriginal territory of the Ohlone, referred to by the Spanish as Costanoan. three independent tribelets occupied lands in the southern Santa Clara Valley: the *Ausaima* occupied the eastern side of the valley between Hollister and where Pacheco Creek enters the lowlands; the *Mutsun* lived on the southwestern side of the valley around the present City of San Juan Bautista; and the *Unijaima* claimed the Gilroy area. All of these groups spoke dialects of the Costanoan/Ohlone language, a dialect chain that extended from San Francisco Bay south to Monterey Bay. The Amah Mutsun Tribal Band is traditionally and culturally affiliated with the project site (see AmahMutsun.org/language and AmahMutsun.org/history).

AMAH MUTSUN TRIBAL BAND ETHNOHISTORY

Sociopolitical Organization

The "tribelet" defined the basic unit of most Californian Native American tribal government. The tribelet was defined as a social aggregation consisting of a principal village and one or more outlying villages or hamlets. These villages were gathered together on the basis of a shared language, culture, and identity. Typically, tribelets defined communal territorial boundaries and engaged in regularized intergroup relations such as hunting and gathering and ritual observances. There was little economic specialization among members, except for differences in economic activities among the sexes. The tribelet was autonomous, self-governing, and independent. Political unity in tribelet populations was seen as nominal, with leadership loose and rather informal (Albion 2021:16).

The Ohlone lived in approximately fifty autonomous tribelet villages scattered throughout central coastal California. While this number, fifty, is almost certainly inaccurate, it is also possible that the concept of the tribelet may not have been an accurate description of the Ohlone, either. Some ethnographers have questioned the validity and usefulness of the term and are inclined to use the term “tribe” in describing Ohlone sociopolitical organization. They argue that this term better describes Ohlone polities during ethnohistoric times, which, in general, can be defined as united groups of families with a clearly defined sense of territorial boundaries that required defense against foreigners (Albion 2021:16).

Settlement and Subsistence

Estimates of total Ohlone population during the time of European contact are varied between 7,000 and 11,000. Based on mission records, the estimated population density was about 2.5 people per square mile. In the San Francisco Peninsula area, notes from the earliest European explorers suggested village populations numbering from 60 to 90 persons. Elsewhere in Ohlone territory, estimates of village size ranges from 200 to 400 people. The largest Bay Area village, near Carquinez Strait, contained some 400 people. Other large villages were located on San Francisquito Creek (250 inhabitants), and on the coast at Point Año Nuevo (Albion 2021:17).

The Ohlone were hunters and gatherers who supported themselves largely or entirely by the exploitation of natural plants and animals. They followed a seasonal round of resource availability, requiring dispersed family groups to move over the tribelet territory during seasons of abundance when a heavy labor effort was required. Although the Ohlone consumed a variety of different foods, most references to ethnographic subsistence practices indicate that they relied on the acorn as a staple food. The preferred acorns came from Tanbark Oak (*Lithocarpus densiflorus*), Valley Oak (*Quercus lobata*), Coast Live Oak (*Quercus agrifolia*), and California Black Oak (*Quercus kelloggii*). Acorns were usually collected in fall and ground into flour using stone pestles in either portable stone or bedrock mortars. The flour was leached in freshwater streams to remove the tannic acid. In addition to acorns, other important plant resources were Buckeye (the nuts of which were leached and made into a mush), and the seeds of dock, gray pine, and tarweed, all of which were roasted in baskets with hot coals before eating. Berries gathered by the Ohlone included gooseberries, blackberries, madrone, and wild grapes. Roots were also gathered; these included wild onion, cattail, and wild carrot (Albion 2021:17).

Shellfish were important in the Ohlone diet, particularly for coastal populations. There are also many references to shellfish collection and consumption in the diaries of Spanish explorers. Shellfish resources of primary importance included mussels (*Mytilus* sp.), abalone, (*Haliotis* sp.), and various clam, oyster, and scallop species. A variety of fish (salmon, sturgeon, steelhead, and numerous other species native to California waters) were captured with spears or nets from riverine or coastal habitats. In addition, sea lions, seals, and sea otters were taken, generally by clubbing them on the beaches. Some Ohlone groups also used small “balsas,” or rafts made from tule reeds, not only to exploit marine fishes but also to obtain lakeside waterfowl, such as ducks and geese (Albion 2021:17-19).

Various land animals were also important to Ohlone subsistence. Large terrestrial game mammals such as deer, pronghorn, and tule elk were key sources of protein. To facilitate the hunting of deer, the Ohlone periodically practiced controlled burning of chaparral-bearing grasslands and woodlands. These fires cleared lands of dense vegetation cover and increased the productivity of grasses and stimulated regrowth of tender shoots that attracted browsing deer. Small game taken included rabbit, squirrel, ground squirrel, woodrat, and even mouse and mole (Albion 2021:19).

Religion, World View, and Ritual

Little is known about Ohlone religion, mythology, and cosmology. This is hardly surprising; during the Mission Period, for example, Indigenous beliefs were actively discouraged, disparaged, and practitioners frequently persecuted. Like other Native groups, the Ohlone believed that there existed a supernatural realm, apart from the physical world, which was peopled by spiritual beings, some of whom possessed great powers. This belief, which permeates many other Indigenous groups worldwide, is best classified as animism—a belief in both the existence of spiritual beings and the notion that all natural objects are animated by spirits. The sun appears to have been one of several principal deities. Prayers were directed to the sun through offerings of smoke, seeds, tobacco, and shell beads. Other prominent deities included Eagle, Hummingbird, and Coyote. These figures feature prominently in Ohlone mythology. Coyote, for example, was reputed to have taught the Ohlone the arts of subsistence. Another prominent

deity was the mysterious figure known as *Kuksu*, *Cucusuy*, or *Kuksui*. The supernatural figure of *Kuksu* is recognized by a number of different central Californian groups, such as the Pomo, Maidu, Miwok, Salinan, and the Patwin, among others. These groups, however, apparently differ in their interpretations of the entity. Among the Ohlone, *Kuksu* appears to have been a supernatural being of considerable power, perhaps an accomplished healer (Albion 2021:19-20).

Like many other Californian groups, shamans played prominent roles in Ohlone society. Shamans wielded magical powers and maintained contact with the spirit realm. Most were apparently male, though female shamans were not unknown. They fell into three primary classes: healing shamans, bear shamans, and weather shamans. The healing shamans were especially important; they cured disease and could diagnose ailments through ritual singing and dancing. Healing typically involved sucking foreign objects out of the body of the ailing individual. Weather shamans could control the weather and assure an abundant crop of acorns or a successful hunt. Bear shamans, as the name implies, had the ability to transform into bears, though it is not entirely clear to what purpose this was put. In general, shamans were powerful figures who functioned largely as individual religious practitioners rather than spiritual leaders within the community (Albion 2021:20).

Ritual dancing played an especially prominent role in precolonial Ohlone culture. Two of the most important dances were called the *Hiwey* and *Loole* dances. Much more is known about the former than the later. The *Hiwey* dance was apparently an all-male affair, which involved the dancer, possibly a shaman, donning the feathers of a bird, typically the flicker, crow, or raven, and ceremonially painting his arms and face. The dancer may also have carried a snake. The *Loole* dance, by contrast, involved women but very little of its details are known. It appears that the *Kuksu* dance was also performed by the Ohlone. The dance was performed in propitiation of the god *Kuksu* and typically involved the dancer donning garb intended to impersonate the deity. It also apparently functioned as a secret society that played a politicoreligious role in the society; members of this society occupied favored positions in the social, political, and economic organization of the larger society. However, the influence of the *Kuksu* society on the larger Ohlone society is unclear, and the topic has been debated (Albion 2021:20).

Juristac Tribal Cultural Landscape

The proposed project is located within the area defined by the Amah Mutsun Tribal Band (AMTB) and ethnographers as the Juristac Tribal Cultural Landscape (JTCL). The property is characterized by benchlands rising eastward above the confluence of the Pajaro River and San Benito River, the principal waterways of Amah Mutsun territory. The confluence of the Pajaro and San Benito rivers is regarded within Mutsun traditions as a place of immense spiritual power, referred to by AMTB Tribal Historian and Vice Chair Ed Ketchum as a “power area.” An exceptionally deep, long pool in the Pajaro River—unique within the entire watershed—is formed at the San Benito River confluence and extends upstream. This sacred pool known as *La Poza* adjoins the northwestern boundary of the Betabel property. *La Poza* is a site of great historical and cultural importance for AMTB as a legendary fishing ground, place of prayer connected with traditional ceremonies, and setting for many tribal stories (Apadoca 2022:5).

The name Juristac derives from the Mutsun place name *Huris-tak*, translated as “Place of the Bighead.” Bighead Dances, also known as *Kuksui* ceremonies, were large multi-day ceremonies for healing and renewal in which dancers took the form of specific spiritual entities or deities. The name *Jurestaca* appears in San Juan Bautista baptismal records as a rancho/village location in 1798. Although AMTB oral histories as well as published scholarly works broadly assess that the village of Juristac existed on benchlands adjacent to the Pajaro River in the general vicinity of the San Benito River confluence, the precise location of the village and associated ceremonial grounds is not known. To the northwest of the project site, across the Pajaro River and located on the Sargent Ranch, is the *Betavel Bluff*, another landscape feature associated with traditional ceremonies. Another prominent feature of the JTCL is the tribal cultural landmark known as *Medicine Man Hill*, or *Loma Hechicera*. Although not located on the subject property, this hill rises immediately east across US 101 from the proposed project. This hill is closely associated with the Mutsun ceremonies that formerly took place on the benchlands below. A special ceremonial staff known as the *laqyani*, or “medicine man pole” stood atop this hill, broadly visible from the surrounding area (Apadoca 2022:5-7).

Before, during, and after the establishment of Mission San Juan Bautista, Mutsun people frequented and occupied the Pajaro River corridor and benchlands in the vicinity of *La Poza* and the river confluence. Traditional ceremonies

were not the only draw to this area; Mutsun people also came to the river corridor for a range of subsistence purposes including to fish, hunt, and collect plant resources for use as food, basketry, cordage, firewood, construction materials, and other uses. At least until the late 1940s, Amah Mutsun families continued to return to La Poza to picnic, swim, and gather blackberries (Apadoca 2022:7).

After the secularization of Mission San Juan Bautista, many Mutsun people returned to their ancestral lands along the Pajaro and San Benito rivers, building shacks or thatched houses, growing crops and in many cases working as vaqueros or laborers on local ranches. One specific example of a historic period Mutsun settlement in the immediate vicinity of the project area is a village known as *Islita*. This settlement is reported to have been located near the confluence of the Pajaro and San Benito rivers at La Poza in the 19th century. As with the village of Juristac and associated ceremonial grounds and the location of the dance grounds, the precise location of the historic period settlement of Islita is not understood at this time. Amah Mutsun Land Trust (AMLT) believes it is possible that portions of these sites of cultural significance may have been located on the project site (Apadoca 2022:7).

CONTEMPORARY NATIVE AMERICAN SETTING

The AMTB currently has an enrolled membership of nearly 600 Bureau of Indian Affairs-documented Indians. All lineages comprising the AMTB are the direct descendants of the aboriginal Tribal groups whose villages and territories fell under the sphere of influence of Missions San Juan Bautista (Mutsun) and Santa Cruz (Awasswas) during the late 18th, 19th, and early 20th centuries (AMTB 2022).

In the latter part of the 1920s and continuing up to the mid-1960s, many Tribal members worked on ranches in and around Hollister and Gilroy. In particular, the George Schrepfer ranch, located at the south end of Gilroy, played an important role for many Mutsun lineages. Ranch owner George Schrepfer had a deep empathy and concern for the indigenous Indians of San Juan Bautista and employed many of the Mutsun members during various times of the year. They picked grapes, walnuts, tomatoes, and prunes. During difficult periods of the year when members did not have money for rent, they could always go to George Schrepfer's ranch and put up a tent until better times arrived. Eleven Mutsun family groups have been documented as having lived and worked on the Schrepfer Ranch from the late 1920s to the mid-1960s (AMTB 2022).

The 1940's saw young Amah Mutsuns leave for war, and those who remained worked to assist the war effort in local factories. In 1947, the Tribe participated in federal litigation to recover compensation from the government for promises it had made during the 1850 negotiations, when the government established special military reservations to remove some of the Indians from the general population. During the 1950s and 1960s, gatherings of the AMTB were held as part of the San Juan Bautista Powwow, an annual three-day celebration at which members would participate in activities to celebrate their Amah Mutsun heritage. In 1991 the AMTB formed a government and passed a constitution. In 1992 the Tribe submitted documents requesting to have their federal recognition restored. The AMTB is currently listed as number two on the "Ready for Active Consideration" which means the review of our petition should begin sometime within the next few years (AMTB 2022).

In addition to the San Juan Bautista Powwow, the Tribe also holds regular membership meetings of the Tribal Council. The Council is responsible for governing the day-to-day operations of the Tribe. The Tribal Council works closely with its elders, and within the traditional Tribal structure, to resolve member concerns and carry on the business of the Tribe. The AMTB have developed special relationships with Pinnacles National Monument, U.S. Bureau of Land Management, California Department of Parks and Recreation, University of California (UC) Santa Cruz, UC Berkeley, UC Davis, and many county and city entities (AMTB 2022).

In 2013, the AMLT was formed as a vehicle for tribal members to return as stewards of their lands. Shortly thereafter, AMLT formed the Native Stewardship Corps, an ecological restoration crew made up exclusively of tribal members. Through this program, their community's young adults receive training in traditional knowledge as well in the latest techniques of restoration ecology (Dolkas 2020).

RECORDS SEARCHES AND CONSULTATION

Records Search

As described in Section 3.5, "Cultural Resources," the Northwest Information Center (NWIC) search results identified no previously recorded cultural resources within the project site (NWIC File No. 21-1725). In the 0.25-mile search radius, one precontact indigenous site was identified. The site, P-43-000574, was originally identified in 1985 as a lithic scatter and is located across the river. When revisited in 2003, only a single chert flake was located.

Sacred Lands File Search

On May 16, 2022, a search of the NAHC Sacred Lands File were returned as negative for the presence of Native American resources within the project site. A list of Native American individuals and tribes to contact for more information was also provided with the results of the Sacred Lands file search.

AB 52 Tribal Consultation

On April 28, 2022, in compliance with AB 52 requirements, the County of San Benito sent letters to 11 California Native American Tribes. Responses were received from two tribes, AMTB and the Salinan Tribe of Monterey and San Luis Obispo Counties. Because tribal consultation involves the locations and details of sites, the specific details of the consultations are confidential pursuant to California law. Although consultation remains ongoing, a summary of events related to communication between the tribes and the County is provided below:

- ▶ March 20, 2022: Prior to the County mailing AB 52 notification letters, AMTB requested consultation under AB 52 for the proposed project and an adjacent project.
- ▶ April 28, 2022: County sent letters to 11 California Native American tribal representatives.
- ▶ April 29, 2022: AMTB participated in an in-field meeting at the project site with the representatives of the applicant and the County and reiterated confirmation to San Benito County that they wanted to consult.
- ▶ May 11, 2022: Counsel for AMTB states that AB 52 notification letters have not been received and requests a meeting date; County Counsel replied that the letters were mailed on April 28 and that staff will follow up to arrange the meeting.
- ▶ May 31, 2022: AMTB and the County conducted their first consultation under AB 52.
- ▶ June 1, 2022: Salinan Tribe of Monterey and San Luis Obispo Counties requested that archaeological studies be conducted for the project site and that depending on the archaeological findings, may also require that all ground disturbing activities be monitored by a cultural resource specialist from the tribe.
- ▶ June 3, 2022: County responded to the Salinan Tribe.
- ▶ June 29, 2022: AMTB and the County conducted their second consultation under AB 52.
- ▶ July 21, 2022: AMTB and the County conducted their third consultation under AB 52, including representatives of the project applicant.

Tribal consultation is ongoing to discuss the parameters of potential additional measures to avoid or mitigate significant effects of the project with regard to tribal cultural resources pursuant to PRC Section 21082.3, or specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits including those of benefit to the AMTB, that may be otherwise incorporated in the findings for approval of the project notwithstanding unavoidable environmental effects on tribal cultural resources pursuant to PRC Section 21081 (b) and State CEQA Guidelines Section 15093 if the project is ultimately approved by the County.

AMTB Integrated Cultural Resources Survey

AMTB conducted an integrative archaeological survey (Integrative Cultural Resource Survey) of Native American cultural resources and vegetation. AMLT's survey methods typically document the following landscape components: a) non-biological Native American cultural resources, such as archaeological sites, Indigenous archeological isolates,

and culturally significant landscape features; b) vegetation type, based on general classes (e.g., “riparian forest,” “exotic grassland,” etc.); and c) ethnobotanical and ethnobiological resources significant to AMTB.

This integrative archaeological survey included “catch-and-release” dry screen processing of topsoil at systematic intervals (termed surface survey units or SSUs) to identify artifacts. A grid of SSUs was systematically collected at 25- to 50-meter intervals to ensure as much areal survey coverage as possible. In locations where archaeological isolates were detected through observation of lithic debitage, marine shell, or other artifacts, additional SSUs were placed in transects with 5- to 10-meter intervals to document site boundaries and constituents. Limited auger unit linear transects were judgmentally and opportunistically placed using approximately 50-meter intervals according to SSU findings, landform, and general condition of the area to detect evidence of any deeply buried archaeological deposits. Augers were dug to a target depth of 1 meter or until obstructed by large objects. This integrative archaeological survey did not identify any new indigenous archaeological sites on the project site. Isolated artifacts were encountered in one section of the southern portion of the disturbance area (see Figure 2-1 in Chapter 2, “Project Description”) and near the existing greenhouse (Apodaca 2022).

Ethnobotanical resources include plants that Amah Mutsun/Ohlone people traditionally use for cultural purposes such as for food, crafting, construction, medicine, and ceremonies. Survey for ethnobotanical resources was completed concurrently with archaeological field work in late May 2022. This survey timeframe captured a range of species that were present and displaying features allowing for positive identification; additional species on site with flowering times earlier and later in the calendar year were not detected. Ethnobotanical resource mapping involved use of high precision GPS systems and/or paper aerial photography maps to record the locations of selected ethnobotanical resources encountered during fieldwork (Apodaca 2022).

The riparian corridor surrounding the confluence of the Pajaro and San Benito rivers is a specific area in which AMTB member have recounted gathering medicinal plants for healing preparations. Native plant taxa are still extant in the area today, including watercress (*Nasturtium officinale*), rosilla (*Helenium puberulum*), California blackberry (*Rubus ursinus*), and water parsley (*Oenanthe sarmentosa*), mugwort (*Artemisia douglasiana*), arroyo willow (*Salix lasiolepis*), California rose (*Rosa californica*), and black elderberry (*Sambucus nigra*) (Apodaca 2022).

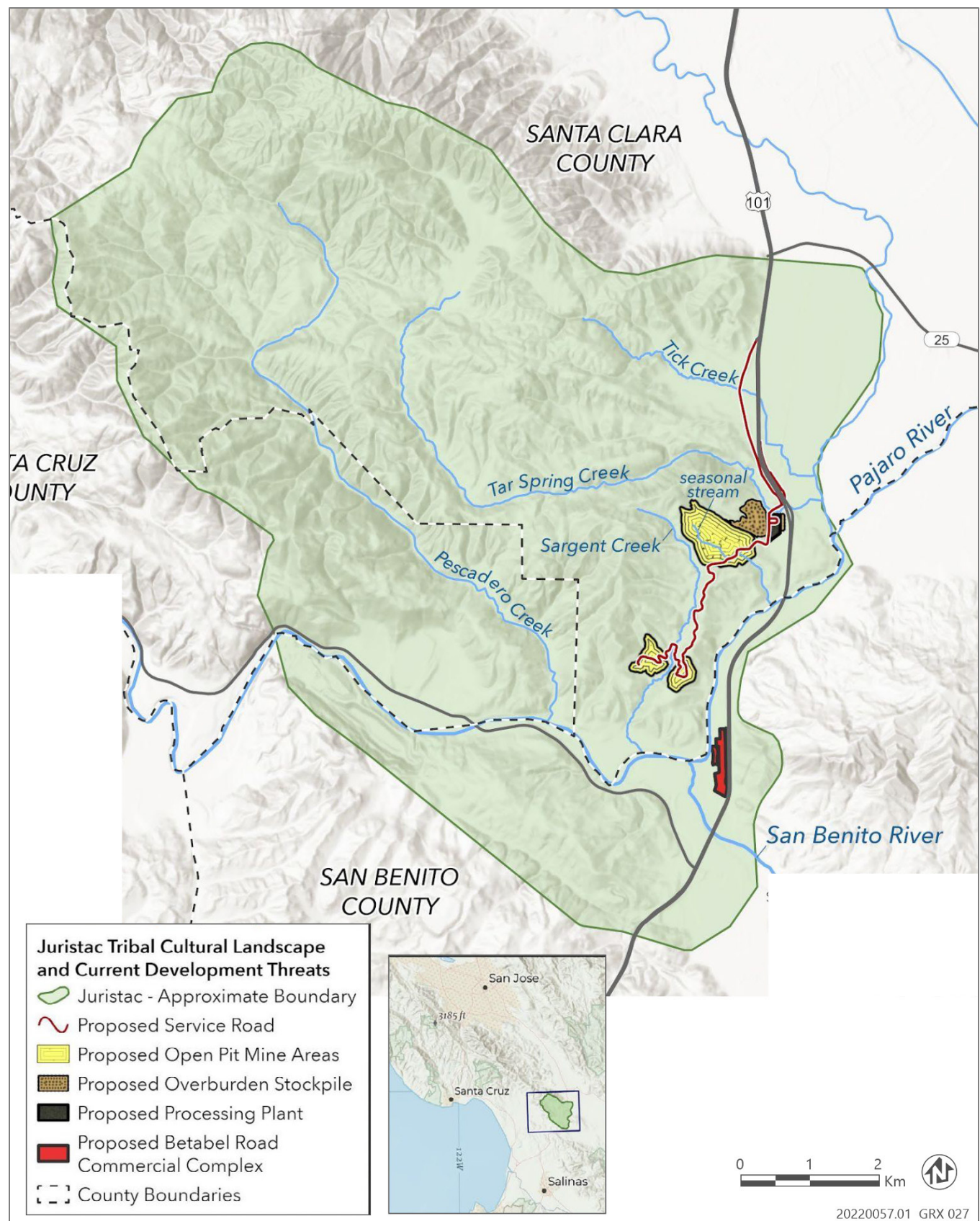
Ethnographic Study Report

At the AMTB's request the County contracted with Albion Environmental, Inc. to prepare an ethnographic study of the project location to supplement the Integrated Cultural Resources Survey which is intended to further inform the ongoing tribal consultation process. The ethnographic study report will be completed during the public comment period for the Draft EIR and incorporated in the confidential appendix for the EIR as part of the administrative record and will be reflected in the Final EIR for certification, and the Mitigation Measure Monitoring and Reporting Program which may be adopted in conjunction with any project approval.

TRIBAL CULTURAL RESOURCES

JTCL spans 21,122.92 acres in the rugged hills overlooking Gilroy to the north and Watsonville to the south (see Figure 3.16-1). It has been evaluated against CRHR significance and recommended eligible under criteria 1, 2, 3, and 4. JTCL is recommended eligible for the CRHR under Criterion 1 for its association with several important events in the AMTB Tribal history. It is recommended eligible for the CRHR under Criterion 2 for its association with several important historic-era Mutsun and pre-contact Ohlone people, ancestral figures, and spirits. Under Criterion 3, JTCL is recommended eligible for its association with the prominent shamanic and doctoring traditions of the Mutsun and the AMTB. Finally, under Criterion 4, it is recommended eligible for its potential to be used to teach Tribal history, culture, and ecology to AMTB members. JTCL retains the integrity of location, setting, association, and feeling; the integrity of design, materials, and workmanship is not a contributing aspect (Albion and Environmental Science Associates 2021:112-122). For these reasons, JTCL meets the definition of a tribal cultural resource for the purposes of CEQA under PRC Section 21074.

In general, the character-defining features of the JTCL include, but are not limited to, those listed below (Albion and Environmental Science Associates 2021:109-111).



Source: Apodaca 2022. Adapted by Ascent Environmental in 2022.

Figure 3.16-1 Juristac Tribal Cultural Landscape Location

Natural Features

- ▶ Springs, creeks, and rivers
- ▶ Landscape features associated with Tribal history, culture, or spirituality

In the project area, this specifically includes: the Pajaro River corridor, the Betevel Bluff, and Medicine Man Hill.

Viewshed

- ▶ Open line of sight to Pacheco Peak
- ▶ Open line of sight to Mariposa Peak
- ▶ Mount Pajaro
- ▶ Sargent Hills

Native Habitats

- ▶ Habitats of important native plants
- ▶ Large live oaks (100+ years old)

Cultural Resources

- ▶ Indigenous archaeological sites, such as village sites, burial areas, bedrock milling features, resource processing stations, temporary camp sites, or rock art locations
- ▶ Residences associated with important individuals in Tribal history
- ▶ Trails associated with the travel of important Tribal figures, including deities and spirits
- ▶ Ceremonial areas associated with renewal, healing, resource collection, or harvesting

In the project area, this specifically includes: the Pajaro River corridor, the Betevel Bluff, and Medicine Man Hill.

3.16.3 Impacts and Mitigation Measures

METHODOLOGY

Information related to tribal cultural resources is based on findings reported in the NAHC Sacred Lands File database search, the results of Native American consultation under AB 52, and the information provided in the *Results of Integrative Cultural Resource Survey for Indigenous Resources, Betabel Property, San Benito County, California* (Apadoca 2022). The analysis is also informed by the provisions and requirements of State and local laws and regulations that apply to tribal cultural resources.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of this impact discussion, “historical resource” is used to describe historic-era, built-environment resources while the term “unique archaeological resource” is used to describe archaeological sites. Tribal cultural resources, which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources and unique archaeological resources, which are analyzed in Section 3.5, “Cultural Resources,” of this EIR.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would result in a potentially significant impact on tribal cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a Tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe.

ISSUES NOT DISCUSSED FURTHER

All potential tribal cultural resources impacts are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.16-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Consultation with AMTB identified JTCL as a tribal cultural resources that has been recommended eligible under CRHR criteria 1, 2, 3, and 4. JTCL therefore meets the definition of a tribal cultural resource for the purposes of CEQA under PRC Section 21074. Because development of the project (including project-related ground-disturbing activities) would result in damage to this tribal cultural resource, the project could cause a **significant** impact.

The JTCL has been identified as a tribal cultural resource pursuant to PRC Section 21074. As described in the Integrative Cultural Resource Survey, JTCL constitutes a tangible place of connection with tribal ancestors, and place of reverence and remembrance. Development in this tribal cultural resources landscape and the associated traffic, noise, and visual obstruction of natural viewsheds, could alter the natural setting potentially causing a substantial adverse change in the significance of this tribal cultural resource. Specific areas of concern included: 1) La Poza and the river confluence; 2) Medicine Man Hill Viewshed; 3) Mount Pajaro and Sargent Hills Viewshed; and 4) the Peninsula (riparian corridor, around the existing greenhouse).

No development is proposed in the La Poza and the river confluence area or the Peninsula; this area is of concern primarily related to ethnobotanical resources in the area. Previous site plans had included public access trails in the La Poza area; however, after AMTB expressed concerns, the project applicant removed these features. As described in Chapter 2, "Project Description," trails are no longer included in the proposed project. This area most closely corresponds to the "Riparian Woodland" description provided in Section 3.4, "Biological Resources." As discussed in that section, only 0.2 acres of riparian woodland would be disturbed by project implementation. The Integrative Cultural Resource Survey provides recommendations related to ethnobotanical management in these areas, including the protection of mature elderberry (*Sambucus nigra*) trees and continued preservation of existing populations of California blackberry (*Rubus ursinus*), mugwort (*Artemisia douglasiana*), arroyo willow (*Salix lasiolepis*), California rose (*Rosa californica*).

As related to the Medicine Man Hill viewshed, portions of the proposed project that would be clustered around the existing development (Betabel RV Park, approved farm stand), the gas station, convenience store, restaurant, concession stand and visitors center, would result in only moderate impacts to the Medicine Man Hill viewshed. However, proposed structures on the southern portion of the site including the motel, outdoor movie screen, outdoor 500-seat event center and restroom building represent significant development of open space lands that would obstruct the Medicine Man Hill Viewshed from vantages including much of the surrounding open space area. Visual impacts to the landscape are also addressed in Section 3.1, "Aesthetics."

The Mount Pajaro and Sargent Hills viewshed is anticipated to be minimally impacted by the project, due to the concentration of proposed structures along Betabel Road. Unobstructed views of Mount Pajaro and the Sargent Hills of the JTCL will still be obtained from open space areas on the southern portion of the project site.

Historical records show that large portions of the project site have been used for intensive agricultural activities, including row crop and orchard cultivation, a railroad spur and packing and shipping facilities and operations which are likely to have disturbed older pre-existing Native American cultural resources on the site. The project site's inclusion in JTCL evidences a very high likelihood of locating, and potentially damaging or destroying, physical objects connected to the AMTB during development of the project. Implementation of the project would involve ground disturbing activities (e.g., excavation) to develop commercial buildings and associated utilities and infrastructure. Although the study area is largely disturbed by past agricultural activities and residential development, research in the area has demonstrated there is high potential for the presence of subsurface cultural resources, including objects and features that would qualify as tribal cultural resources.

Because development of the project would result in damage to tribal cultural resources, the potential impact would be **significant**.

Mitigation Measures

Mitigation Measure 3.16-1a: Prepare and Implement Worker Tribal Cultural Resources Awareness Training Program

A tribal cultural resources awareness training program will be provided to all construction personnel active on the project site before the start of project implementation and to any new workers who start on the project after starting. A representative or representatives from the Amah Mutsun Tribal Band will be invited to participate in the development and delivery of the cultural resources awareness training program in coordination with a professional archaeologist meeting the United States Secretary of Interior's qualification standards for archaeology. The program will include relevant information regarding tribal cultural resources, including applicable laws and regulations, the consequences of violating said laws and regulations, protocols for resource avoidance, and protocols for discoveries, including who to contact in the event of a discovery and what to do upon the discovery of human remains. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent to the extent feasible, with Native American tribal values.

Mitigation Measure 3.16-1b: Implement Tribal Monitoring

All ground disturbing activities, including any preparatory grading, tree removal, or vegetation clearing, within the project site will be monitored by a paid tribal monitor provided by the AMTB. Notification shall be provided a minimum of seven days prior to earth-disturbing activities; if AMTB does not respond in this time, activities may commence. The County shall contact the participating tribe a minimum of seven days before beginning earthwork or other ground disturbing activities to ensure a tribal monitor is available; construction activities will proceed if no response is received 48 hours before ground disturbing activities. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. In the event that unanticipated archaeological or tribal cultural resources are discovered, including human remains, compliance with Mitigation Measure 3.16-1c would be required. The tribal monitor has the ability to halt work if a discovery occurs.

Mitigation Measure 3.16-1c: Halt Ground Disturbance Upon Discovery of Subsurface Tribal Cultural Resources and Evaluate Discovered Resource

If any suspected tribal cultural resources or unique archaeological resources are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or a distance agreed upon by the tribal monitor, archaeological monitor, the County, and the construction foreman based on the location and nature of the find and type of work occurring. The tribal monitor shall determine if the find is a tribal cultural resource. The tribal monitor will make recommendations for further evaluation and culturally appropriate treatment of discovered tribal cultural resources as necessary in consultation with the archaeological monitor. No data recovery or curation of any physical tribal cultural resource will be allowed unless this is the preference of the tribe, as confirmed in writing. Preservation in place is the preferred mitigation. If the County determines that preservation in place is not feasible, reburial if culturally appropriate will take place on site in a location not subject to further disturbance. The reburial site will be agreed upon in advance by the tribe and the project applicant.

Work at the discovery location cannot resume until all necessary investigation, evaluation, and treatment of the discovery under the requirements of the CEQA, including AB 52, have been satisfied.

Mitigation Measure 3.16-1d: Establish a Tribal Cultural Resources Conservation Easement

The County, applicant, and AMTB shall enter into a Memorandum of Agreement (MOA) to implement authorized activities identified in a conservation easement. This shall apply to the undeveloped area adjacent to the riparian corridor of approximately 50-80 acres. The purpose of the proposed conservation easement shall be to protect and preserve tribal cultural resources, and to facilitate AMTB's use of the area for cultural activities, in perpetuity. The MOA have to be compatible with the vegetation management plan identified in Mitigation Measure 3.18-2.

Significance after Mitigation

AMTB has communicated to the County that any development on the project site will cause a significant impact, and that only full avoidance will reduce the impacts to a less-than-significant level. Implementation of Mitigation Measures 3.16-1a through 3.16-1d would reduce potential tribal cultural resource impacts associated with the project, but not to a less-than-significant level because development of the project, including its associated traffic, noise, visual obstruction of natural viewsheds, and amusement-oriented atmosphere would substantially and inappropriately alter the feeling and setting of the project site, a cornerstone feature of the JTCL. Additionally, the possibility remains that excavation activities might not be able to avoid impacting buried tribal cultural resources. The potential impact would be **significant and unavoidable**.

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3.17 UTILITIES AND SERVICE SYSTEMS

This section evaluates the availability of existing utility and infrastructure systems to serve the project and the impact of the project on these systems. The analysis is based on documents obtained from the San Benito Co, Pacific Gas and Electric Company (PG&E), and the California Department of Resources Recycling and Recovery (CalRecycle).

One comment letter regarding utilities and service systems was received in response to the Notice of Preparation from the California Water Boards, which addressed the potential for new water supply. Water supply would be provided via on-site wells, as discussed in more detail in Section 3.17.3, "Environmental Impacts and Mitigation Measures."

3.17.1 Regulatory Setting

FEDERAL

Safe Drinking Water Act

As mandated by the Safe Drinking Water Act (Public Law 93-523), passed in 1974, the Environmental Protection Agency (EPA) regulates contaminants of concern to domestic water supply. Such contaminants are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by EPA primary and secondary Maximum Contaminant Levels (MCLs). MCLs and the process for setting these standards are reviewed every three years. Amendments to the Safe Drinking Water Act enacted in 1986 established an accelerated schedule for setting drinking water MCLs. EPA has delegated responsibility for California's drinking water program to the State Water Resources Control Board Division of Drinking Water (SWRCB-DDW). SWRCB-DDW is accountable to EPA for program implementation and for adoption of standards and regulations that are at least as stringent as those developed by EPA.

Clean Water Act

The Clean Water Act (CWA) employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. Those portions of the CWA that relate to wastewater and stormwater discharges are discussed below.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established under the CWA to regulate municipal and industrial discharges to surface waters of the US. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint sources (nonpoint source discharges are further discussed in Section 4.10, "Hydrology and Water Quality"). Each NPDES permit identifies limits on allowable concentrations and mass loadings of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits. Section 307 of the CWA describes the factors that EPA must consider in setting effluent limits for priority pollutants.

NPDES permits cover various industrial and municipal discharges, including discharges from storm sewer systems in larger cities, stormwater generated by industrial activity, runoff from construction sites disturbing more than 1 acre, and mining operations. Point source dischargers must obtain a discharge permit from the proper authority (usually a state, sometimes EPA, a tribe, or a territory). So-called "indirect" point source dischargers are not required to obtain NPDES permits. "Indirect" dischargers send their wastewater into a public sewer system, which carries it to the municipal sewage treatment plant, through which it passes before entering any surface water.

The CWA was amended in 1987 with Section 402(p) requiring NPDES permits for nonpoint source (i.e., stormwater) pollutants in discharges. Stormwater sources are diffuse and originate over a wide area rather than from a definable point. The goal of the NPDES stormwater regulations is to improve the water quality of stormwater discharged to receiving waters to the "maximum extent practicable" using structural and nonstructural best management practices

(BMPs). BMPs can include educational measures (e.g., workshops informing the public of what impacts can result when household chemicals are dumped into storm drains), regulatory measures (e.g., local authority of drainage-facility design), public-policy measures (e.g., labeling storm-drain inlets as to impacts of dumping on receiving waters) and structural measures (e.g., filter strips, grass swales, and detention ponds).

STATE

California Safe Drinking Water Act

The SWRCB-DDW is responsible for implementing the federal SDWA and its updates, as well as California statutes and regulations related to drinking water. State primary and secondary drinking-water standards are promulgated in California Code of Regulations (CCR) Title 22, Sections 64431–64501.

The California Safe Drinking Water Act (CA SDWA) was passed in 1976 to build on and strengthen the federal SDWA. The CA SDWA authorizes DHS to protect the public from contaminants in drinking water by establishing maximum contaminant levels (MCLs) that are at least as stringent as those developed by EPA, as required by the federal SDWA.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of in landfills, the State Legislature passed the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties were required to divert 25 percent of their generated waste from landfill facilities by January 1, 1995 and 50 percent by January 1, 2000. Solid waste plans are required to explain how each city's AB 939 plan will be integrated with the county plan. In order of priority, the plans must promote source reduction, recycling and composting, and environmentally safe transformation and land disposal.

In 1999, Governor Davis signed AB 75 (Chapter 764, Statutes of 1999), which mandated that State agencies comply with AB 939 diversion requirements.

In addition to the requirements of AB 75, the following policies and statutes address State agency recycling:

- ▶ Executive Order W-7-91 requires California State agencies to buy recycled products and set up recycling programs.
- ▶ Public Contract Code (PCC) Sections 12164.5–12167.1 require the CalRecycle to develop a recycling plan and implement recycling programs for the Legislature and all State-owned and leased buildings.
- ▶ PCC 12167.1 requires State agencies and institutions to report materials collected for recycling to the CalRecycle.
- ▶ PRC 42560–42562 requires the CalRecycle to recycle high-grade white office paper in California State offices.
- ▶ California State Administration Manual Chapter 1990 encourages employees at State facilities to prevent waste, reuse, and recycle.

Mandatory Commercial Recycling Regulation

In January 2012, Assembly Bill 341 (AB 341) was signed into law in California to help reduce greenhouse gas emissions. AB 341, also called the "Mandatory Commercial Recycling Regulation," requires businesses and multi-family residential dwellings of five units or more, that generate four or more cubic yards of commercial solid waste per week to implement recycling programs, on or after July 1, 2012.

Mandatory Commercial Organics Recycling Regulation

In October of 2014, Governor Brown signed AB 1826 Chesbro (Chapter 727, Statutes of 2014), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. Effective January 1, 2016, AB 1826 (Mandatory Commercial Organics Recycling) places requirements on businesses, multi-family residences and jurisdictions to divert organic waste from the landfills. Effective September 15, 2020, all businesses generating 2 cubic yards or more of commercial solid waste and 20 gallons or more of organic waste per week must arrange for organic waste recycling service.

Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions Regulation

As required by SB 1383 (Lara, Chapter 395, Statutes of 2016), the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the California Air Resources Board, is charged with developing regulations to reduce disposal of organic waste by 50 percent of 2014 levels by 2020 and 75 percent by 2025. In addition, at least 20 percent of the edible food in the organic waste stream must be recovered to feed people by 2025. Materials that cannot be effectively recovered for human consumption would be directed to organic waste recovery facilities to make useful products, including compost, fertilizer, fuel, or energy. Under this regulation, commercial business that generate 2 cubic yards or more of solid waste and 20 gallons or more of organic waste per week are required to divert organic materials.

LOCAL

San Benito County General Plan

The San Benito County General Plan contains the following policies that are relevant to utilities and service systems:

- ▶ Policy PFS-3.9: Sufficient Water Supply for New Development: The County shall require new developments to prepare a source water sufficiency study and water supply assessment analysis for use in preparing, where required, a Water Supply Assessment SB 610 and a Source Water Assessment per Title 22. This shall include studying the effect of new development on the water supply of existing users. The County encourages the development of integrated regional water management plans or similar plans.
- ▶ Policy PFS-4.1: Adequate Water Treatment and Delivery Facilities: The County shall ensure, through the development review process, that adequate water supply, treatment and delivery facilities are sufficient to serve new development, and are able to be expanded to meet capacity demands when needed. Such needs shall include capacities necessary to comply with water quality and public safety requirements.
- ▶ Policy PFS-4.2: Water Facility Infrastructure: As a condition of approval for discretionary developments, the County shall not issue approval of final map until verification of adequate water and wastewater service, which may include verification of payment of fees imposed for water and wastewater infrastructure capacity per the fee payment schedule from the water and wastewater provider.
- ▶ Policy PFS-5.3: Adequate Water Treatment and Disposal: The County shall ensure through the development review process that wastewater collection, treatment, and disposal facilities are sufficient to serve existing and new development, and are able to be expanded to meet capacity demands when needed.
- ▶ Policy PFS-5.4: Developer Requirements: The County shall require that new development meet all County requirements for adequate wastewater collection, treatment, and disposal prior to project approval.
- ▶ Policy PFS-5.5: Individual Onsite Septic Systems: The County shall permit onsite septic systems only when connection to an existing wastewater system or sewer system is not reasonably available. Approval, installation, and use of individual septic systems shall be consistent with Regional Water Quality Control Board regulations.
- ▶ Policy PFS-5.6: Septic System Design: The County shall require individual septic systems to be properly designed, constructed, and maintained to avoid degradation of ground and surface water quality.
- ▶ Policy PFS-6.1: Adequate Stormwater Facilities: The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.
- ▶ Policy PFS-6.2: Best Management Practices: The County shall require best management practices in the development, upgrading, and maintenance of stormwater facilities and services to reduce pollutants from entering natural water bodies while allowing stormwater reuse and groundwater recharge.
- ▶ Policy PFS-6.4: Development Requirements: The County shall require project designs that minimize stormwater drainage concentrations and impervious surfaces, complement groundwater recharge, avoid floodplain areas, and use natural watercourses in ways that maintain natural watershed functions and provide wildlife habitat.

- ▶ Policy PFS-6.5: Stormwater Detention Facilities: Where necessary, the County shall require on-site detention/retention facilities and/or velocity reducers to maintain predevelopment runoff flows and velocities in natural drainage systems.
- ▶ Policy PFS-7.1: Adequate Capacity: The County shall ensure that there is adequate capacity within the solid waste system for the collection, transportation, processing, recycling, and disposal of solid waste to meet the needs of existing and projected development.

SAN BENITO COUNTY CODE

County Water Regulations Code Chapter 15.05

San Benito County Code sections related to groundwater aquifer protections, local small water systems, and well standards are set forth in Chapter 15.05, Water of Title 15 (Public Works) of the Code. Section 15.05.004 states that it is unlawful to extract groundwater, or for a property owner to allow the extraction on his or her land, for the purpose of using the water or selling the water for use on a parcel other than one located within the same subbasin as described in the San Benito County Water District annual groundwater report, without first obtaining a permit under Chapter 15.05.

3.17.2 Environmental Setting

WATER SUPPLY

There are four wells located on the project site. Parcel 1 has two existing wells. Well #1 has an estimated yield of 1,200 gallons per minute (GPM) and Well #2 has an estimated yield of 432 GPM. Parcel 2 has two additional wells; Well #3 (136 GPM) and Well #5 (150 GPM).

The project site is located within the North San Benito Subbasin of the Gilroy-Hollister Groundwater Basin. The North San Benito Subbasin is made up of four management areas. The project site is part of the San Juan Management Area, which includes the San Juan Valley and adjacent uplands. Important characteristics of the San Juan Management Area are the various land uses, multiple jurisdictions, and multiple sources of water supply. The San Juan Valley is characterized by prime farmland and intensive agriculture, while the uplands are mostly rangeland with some rural residential and industrial land uses. Inflow to San Juan Management Area is primarily comprised of rainfall and irrigation water, percolation from the San Benito River and San Juan Creek, and inflow from the adjacent Hollister Management Area.

The draft North San Benito Subbasin Groundwater Sustainability Plan (GSP) describes the groundwater basin conditions and projects future conditions to estimate the sustainable yield of each management area. The estimate of sustainable yield was based on the future baseline simulation. It is a forward-looking estimate that incorporates current land use, Central Valley Project operating rules, and other management activities. The sustainable yield refers the quantity of groundwater that can be produced without causing undesirable results, which are defined as significant and unreasonable effects caused by groundwater conditions occurring throughout the basin:

- ▶ Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply.
- ▶ Significant and unreasonable reduction of groundwater storage.
- ▶ Significant and unreasonable seawater intrusion.
- ▶ Significant and unreasonable land subsidence that substantially interferes with surface land uses.
- ▶ Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
- ▶ Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

The sustainable yield for the San Juan Management Area is 19,017 acre-feet per year (AFY) of water (San Benito County Water District and Valley Water 2021).

The San Benito County Water District prepares annual groundwater reports. The report describes groundwater conditions in the San Benito County portions of the North San Benito Subbasin of the Gilroy-Hollister Basin. According to the 2020 Annual Groundwater Report, a total of 7,454 AFY of groundwater was produced from the San Juan Management Area (San Benito County Water District 2020).

WASTEWATER

The project site has an existing septic tank with leach fields that will serve the new farm stand and restroom building. No municipal wastewater provisions are associated with the project site. The Environmental Health Division regulates the construction and operation of individual septic systems within the County.

STORMWATER

Existing drainage improvements at the project site consist of a retention pond and a drainage ditch that is oriented southeast to northwest (Figure 3.4-1).

ENERGY

Electricity

PG&E currently serves the property and provides power to the farm stand currently being constructed.

SOLID WASTE

The San Benito County Integrated Waste Management Regional Agency is responsible for the oversight of landfill operations and the County refuse/recycling contracts. It is responsible for the County-mandated waste diversion goals and implementation of the County-wide household hazardous waste program and the small quantity generator program for qualifying business hazardous waste.

San Benito County, through the San Benito County Integrated Waste Management Regional Agency, administers a countywide exclusive franchise contract (including the cities of Hollister and San Juan Bautista) for solid waste collection operations through one private hauling firm, Recology (San Benito County 2015). Recology transports waste to the John Smith Landfill located at 2650 John Smith Road in Hollister. The existing 95-acre landfill is estimated to have remaining capacity through 2036. Plans for expansion of the landfill are in progress to add 388-acres of property to reach a total of 483 acres at the landfill. This expansion would allow for an increase from the current 1,000 tons per day of material disposed to 2,300 tons per day (San Benito County 2022).

3.17.3 Environmental Impacts and Mitigation Measures

ANALYSIS METHODOLOGY

The evaluation of utility extension and service impacts is based on review of estimates provided by the applicant. The impact analysis considers whether there is adequate capacity to serve the project and whether infrastructure impacts would be required that could result in physical environmental impacts. The reader is referred to Section 3.6, "Energy," Section 3.8, "Greenhouse Gas Emissions," for estimated energy demands of the project and to Section 3.10, "Hydrology and Water Quality," for further analysis of water quality, groundwater, and flooding impacts.

THRESHOLDS OF SIGNIFICANCE

A utilities and service systems impact is considered significant if implementation of the project would do any of the following:

- ▶ require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects
- ▶ have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years
- ▶ result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments
- ▶ generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure
- ▶ negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals; and/or
- ▶ comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

ISSUES NOT DISCUSSED FURTHER

Impacts to Wastewater Treatment Providers

The project would not include connection to a wastewater treatment provider and would rely on an on-site septic system. Thus, the project would not affect wastewater treatment provisions. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.17-1: Expansion of Infrastructure that Could Cause Adverse Environmental Effects

Infrastructure associated with the water, wastewater, stormwater, and electricity provisions for the project would be expanded as needed before development of the site. Connections to existing infrastructure would occur within the project site. No additional utility infrastructure would be needed offsite to adequately serve the project. This impact would be less than significant.

Development of the project would include installation of domestic water supply pipelines, septic system components, a stormwater retention pond, and use of existing electrical power lines at the project site. Expansion of these utilities would be limited to the project site and no offsite improvements are expected. Potential environmental effects that could occur as a result of constructing the utility infrastructure would include construction-related effects, including noise, dust, air quality emissions from construction vehicles, increased traffic congestion due to construction vehicles, potential disruption of utility lines, erosion, and water quality impacts. The potential effects related to constructing utility infrastructure, such as underground pipelines and septic system components, are addressed in Sections 3.1 through 3.18 in this EIR. Mitigation measures have been incorporated, where applicable, to reduce the environmental impacts of construction of the infrastructure improvements. No additional utility infrastructure would be needed offsite to adequately serve the project. This impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.17-2: Provision of Sufficient Water Supplies

The project's water demand would be associated with the operation of the convenience store, restaurant, motel, and onsite restrooms. Because the water demand of the overall site (project and approved farm stand) would be less than available groundwater under sustainable conditions (11,563 AFY) from the San Juan Management Area, and the project is consistent with the existing land uses that were considered during development of the sustainable yield, adequate water supplies during normal, dry, and multiple dry years are available. Therefore, the sufficient water supplies are available to serve the project and this impact would be less than significant.

Water demand associated with the project would be related to the convenience store, restaurant, farm stand, motel, and onsite restrooms. An 80,000-gallon storage tank is proposed west of the restaurant, to provide a source of water for fire sprinklers and hydrants for the gas station, convenience store, restaurant, and the farm stand that is under construction. A 32,000-gallon domestic water tank (to provide potable water) would also be installed just to the west. The proposed project would construct an additional 270,000-gallon water storage tank, located west of the outdoor event center, to provide a source of water for fire sprinklers and hydrants for the motel and the outdoor event area.

Based on demand factors provided by project engineers, the project in combination with the approved farm stand would demand a total of approximately 28,617 gallons per day of water or 32 AFY (Table 3.17-1).

Table 3.17-1 Overall Site Water Demand

Land Use Type Demanding Water	Demand Factor	Unit	Total
Convenience Store	400	Gallons/Day	400
Restaurant	2,117	Gallons/Day	2,117
Farm Stand (separate approved project)	220	Gallons/Day	220
Farm Stand Restroom ((separate approved project)	440	Gallons/Day	440
Motel	200	Gallons/Room	25,000
Outdoor Event Center Restrooms	440	Gallons/Day	440
Total			28,617 gallons per day (32 AFY)

As discussed in Section 3.17.2, "Environmental Setting," the draft GSP indicates that the San Juan Management Area, which underlies the project site, has a sustainable yield of 19,017 AFY. The sustainable yield is based upon the future baseline (2050) simulated conditions that incorporates current land use, Central Valley Project operating rules, and other management activities for the North San Benito Subbasin. Because the project is consistent with currently land use designations and zoning district, it has been factored into the sustainable yield.

Under the existing conditions, 7,454 AFY of groundwater is produced in the San Juan Management Area. The difference between the current groundwater production level and the sustainable yield is 11,563 AFY. The overall site demand of 32 AFY (proposed project and approved farm stand) would be less than available groundwater under sustainable conditions (11,563 AFY) and the project is consistent with the existing land uses that were considered during development of the sustainable yield as well as General Plan Policy PFS-3.9 and PFS-4.1. Therefore, the project's estimated demand would not exceed the sustainable yield of the management unit and water demand would be met without resulting in an undesirable result related to the North San Benito Subbasin's sustainability criteria. Therefore, because water demand provisions would be met during normal, dry, and multiple dry years, this impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.17-3: Provision of Adequate Capacity at Solid Waste Facilities and Compliance with Regulations Related to Solid Waste

During project and farm stand operation, approximately 0.6 tons of municipal waste related to project facilities would be generated per day. The estimated waste generated from the project and farm stand would represent a small portion of the allowed throughput at John Smith Landfill (0.06 percent). In addition, plans for expansion of the landfill are in progress and would allow for an increase of nearly 100-acres of disposal area and more than doubling of the throughput per day. Therefore, because the project would not generate solid waste in excess of State or local standards or in excess of the capacity of the local infrastructure, negatively affect the provisions of solid waste services, or interfere with the attainment of solid waste reduction goals, this impact would be less than significant.

Project-generated waste would be associated with operation of the approved farm stand, convenience store, restaurant, visitor center, corral, motel, and outdoor event center. The generation rates associated with the project components are based upon the anticipated number of employees/volunteers. As described in Chapter 2, "Project Description," the outdoor event center does not have standing staff; employees would be brought in for each event and the exact extent of special events has not yet been determined. As shown in Table 3.17-2, upon application of employee-based solid waste generation rates, the project and the approved farm stand (current under construction) would produce approximately 0.6 tons of waste per day. An additional amount of waste would be generated but diverted from the landfill via organic waste and other recycling programs. Although the outdoor event center would also generate waste, it is not expected that the amount would substantially increase the total amount generated by the project. Assuming the outdoor event center generated the same amount as the motel (129 tons per year), this would increase the amount generated by the project to 1.0 ton per day.

Table 3.17-2 Overall Site Solid Waste Generation

Land Use Type	Demand Factor – Solid Waste Disposal Generation (tons/employee/year)	Employees/Volunteers	Total Tons/Year
Farmstand (separate approved project)	1.21	16	19.36
Convenience Store	1.21	16	19.36
Restaurant	2.4	24	57.6
Visitor Center	0.43	2	0.86
Corral	2.56	3	7.68
Motel	1.72	75	129
		136	
			234 tons/year or 0.6 tons/day

Source: CalRecycle 2015.

The John Smith Landfill has a maximum throughput of 1,000 ton per day. The estimated waste generated from the project would represent a small portion of the allowed throughput at John Smith Landfill (0.06 percent without outdoor event center/0.10 percent with outdoor event center). As discussed in Section 3.17.1, "Regulatory Setting," compostable and recyclable materials must be diverted from the waste stream under the Mandatory Commercial Recycling Regulation, Mandatory Commercial Organic Recycling Regulation, and the SLCP Organic Waste Reductions Regulation. The landfill is estimated to have capacity to serve San Benito County through 2036. Due to new organic diversion requirements, disposal rates at John Smith Landfill may begin to decrease and allow for greater levels of disposal than currently estimated. In addition, plans for expansion of the landfill are in progress and would allow for an increase of nearly 100-acres of disposal area and more than doubling of the throughput per day. Therefore, because the project would not generate solid waste in excess of State or local standards or in excess of the capacity of the local infrastructure, negatively affect the provisions of solid waste services, or interfere with the attainment of solid waste reduction goals, this impact would be less than significant.

Mitigation Measures

No mitigation is required for this impact.

3.18 WILDFIRE

This section identifies the regulatory context and policies related to wildfire, describes the existing wildfire conditions in the project area, and evaluates potential wildfire-related impacts of the project. This includes evaluation of impacts to evacuation and emergency response.

The County did not receive any comments related to wildfire in response to the Notice of Preparation.

3.18.1 Regulatory Setting

STATE

California Department of Forestry and Fire Projection Regulations

The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRAs). SRAs are managed by the California Department of Forestry and Fire Projection (CAL FIRE), the state agency established for fire protection and stewardship of over 31 million acres of the state's privately-owned wildlands and to provide emergency services in 36 of California's 58 counties via contracts with local governments.

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors (Public Resources Code [PRC] 4201-4204 and Government Code 51175-89). Factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE has identified two types of wildland fire risk areas: 1) wildland areas that may contain substantial forest fire risks and hazards, and 2) very high fire hazard risk zones.

PRC Section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on SRA lands. PRC Sections 4790 through 4799.04 provide the regulatory authority for CAL FIRE to administer the California Forest Improvement Program. PRC Sections 4113 and 4125 give CAL FIRE the responsibility for preventing and extinguishing wildland fires in the SRAs. The PRC also includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; requires the use of spark arrestors on construction equipment with internal combustion engines; specifies requirements for the safe use of gasoline-powered tools in fire hazard areas; and specifies fire suppression equipment that must be provided for various types of work in fire-prone areas.

New development located in SRAs are subject to the following requirements:

- ▶ Determination that new subdivisions are consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to PRC Sections 4290 and 4291 or are consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations (14 CCR Section 1266.01)
- ▶ Defensible space of 100 feet around all buildings and structures (PRC Section 4291 and Title 14 CCR Section 1299.03)
- ▶ Provision of adequate emergency access and egress (PRC Sections 4290 and 4291, Title 14 CCR Sections 1273.01 through 1273.09)
- ▶ Emergency water requirements (Title 14 CCR Sections 1275.01 through 1275.04)
- ▶ Building signing and number requirements (PRC Sections 4290 and 4291 and Title 14 CCR Sections 1274.01 through 1274.04)

Title 24 CCR, Part 2, S Section 701A.3 (New Buildings Located in Any Fire Hazard Severity Zone) requires that new buildings located in any Fire Hazard Severity Zone within SRAs, any local agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted, shall comply with all the requirements of Chapter 7A. These requirements include the following:

- ▶ roofing design to be fire resistant and constructed to prevent the intrusion of flames and embers (Section 705A);
- ▶ attic ventilation designed to be resistant to the intrusion of flames and embers into the attic area of the structure (Section 706A);
- ▶ exterior walls design (including vents, window, and door) with noncombustible or ignition-resistant material and resist the intrusion of flame and ember (Section 707A and 707A);
- ▶ decking be designed with ignition-resistant material (Section 709A); and
- ▶ ancillary buildings and structures comply with the above provisions (Section 710A).

California Fire Code

The California Fire Code (CFC) is contained within CCR Title 24. The CFC establishes requirements for development design to safeguard public health, safety and general welfare from the hazards of fire. This includes standards on building design, materials, fire flow, and other suppression provisions. The CFC also regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect life and provide fire safety. These measures may include applying construction standards, requiring separation between structures and property lines, and using specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every three years. Chapter 23 of the CFC provides specific standards for the construction and operation of motor fuel dispensing facilities that includes emergency shut-off systems, leak detection, secondary containment, and fuel delivery nozzle design requirements that includes vapor recovery to avoid fire hazards.

2019 Strategic Plan for California

The *2019 Strategic Plan* prepared by CAL FIRE and the California Natural Resources Agency lays out central goals for reducing and preventing the impacts of fire in the state (CAL FIRE 2019). The goals are meant to establish, through local, state, federal, and private partnerships, a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire. The goals of the *2019 Strategic Plan* include: improving core capabilities; enhancing internal operations; ensuring health and safety; and building an engaged, motivated, and innovative workforce.

In addition to the *2019 Strategic Plan*, individual CAL FIRE Units develop Fire Plans, which are major strategic documents that establish a set of tools for each CAL FIRE Unit for its local area. Updated annually, Unit Fire Plans identify wildfire protection areas, initial attack success, assets and infrastructure at risk, pre-fire management strategies, and accountability within their unit's geographical boundaries. The Unit Fire Plan identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work locally. The plans include contributions from local collaborators and stakeholders and are aligned with other plans for the area.

Unit Strategic Fire Plan - San Benito-Monterey Unit of CAL FIRE

The *2020 Unit Strategic Fire Plan* seeks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health. The San Benito-Monterey Unit of CAL FIRE encompasses over three million acres (approximately 2.1 million acres consists of SRA) that contains San Benito and Monterey counties.

The San Benito-Monterey Unit, with the cooperation of key stakeholders, has designed this plan with the intention of meeting the goals set by both the stakeholders and the California Strategic Fire Plan. Pre-fire management projects are designed to reduce costs and losses, especially during periods of severe fire weather. With the use of fire resistant landscaping, mechanical fuels treatment, prescribed burns, building construction standards, infrastructure, land use planning, and escape plans, the Unit strives to keep what would otherwise be a large, catastrophic fire, to smaller fire with less intensity, reducing suppression costs and property loss.

The San Benito-Monterey Unit management intends to support the Fire Plan and make it successful by meeting the following objectives:

- ▶ Collect, analyze and prepare data to assess communities at risk and in need of fuel reduction or other projects
- ▶ Work with grant writers and stakeholders to secure funds to implement projects.
- ▶ Utilize CAL FIRE personnel and resources in conjunction with other public and private efforts to assist with the project work on the ground.
- ▶ Educate the public on fire prevention and incorporating fire resistant landscaping and construction to their property, as well as hazardous fuel reduction to keep their lives, homes, property and natural resources safe from catastrophic wildfires.

Executive Order B-52-18

On May 10, 2018, in response to the changing environmental conditions and the increased risk to California's citizens, California Governor Brown issued Executive Order (EO) B-52-18 to support the state's resilience to wildfire and other climate impacts, to address extensive tree mortality, increase forests' capacity for carbon capture, and to improve forest and forest fire management. The Executive Order requires the California Natural Resources Agency, in coordination with the Board, CAL FIRE, and other agencies, to increase the pace and scale of fire fuel treatments on state and private lands. EO B-52-18 commits \$96 million in additional state funds to for these efforts and calls for doubling the land actively managed through vegetation thinning, prescribed burning, and restoration from 250,000 to 500,000 acres per year to reduce wildfire risk.

Senate Bill 1260

On February 15, 2018, Governor Brown signed Senate Bill 1260, which aims to help protect California communities from catastrophic wildfire by improving forest management practices to reduce the risk of wildfires in light of the changing climate. It recognizes that prescribed burning is an important tool to help mitigate and prevent the impacts of the wildfire and includes provisions that encourage more frequent use of prescribed fire in managing California's forest lands. Senate Bill 1260 also includes provisions for this PEIR to serve as the programmatic CEQA coverage for future prescribed burns within the SRA.

Senate Bill 901

Senate Bill 901 boosted the budget for government fire protection efforts. CAL FIRE will oversee those funds, generally divided into two categories: \$165 million per year for fire prevention grants to landowners and for community prevention efforts, and \$35 million to continue CAL FIRE's prescribed burning, research, and monitoring. Landowners will have new permission to help reduce overgrowth by cutting down small and mid-sized trees.

Emergency Response and Evacuation Plans

The State of California Emergency Plan was adopted on October 1, 2017 and describes how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, non-profits, and community-based organizations. The Plan also works in conjunction with the California Emergency Services Act and outlines a robust program of emergency preparedness, response, recovery, and mitigation for all hazards, both natural and human-caused. All local governments with a certified disaster council are required to develop their own emergency operations plan (EOP) for their jurisdiction that meet state and federal requirements. Local EOPs contain specific emergency planning considerations, such as evacuation and transportation, sheltering, hazard specific planning, regional planning, public-private partnerships, and recovery planning. Because the treatable landscape is located dispersed within the state, it spans the jurisdiction of several local and regional EOPs.

LOCAL

San Benito County General Plan

The following General Plan policies are applicable to this analysis. The reader is referred to Section 3.14, "Public Services and Recreation," for fire protection service policies.

- ▶ **Policy HS-1.11 Road Capacity.** The County shall require roads to be of adequate capacity for use in times of emergency.
- ▶ **Policy HS-1.14 Development Restrictions in High Risk Areas.** The County shall discourage development in areas that may be more severely impacted by climate change, including areas at high risk of wildfire or flooding, unless proper design mitigation is included in the project.
- ▶ **Policy HS-4.4 Development in Fire Hazard Zones.** The County shall require development in high fire-hazard areas to be designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards.
- ▶ **Policy HS-4.5 Fire Resistant Vegetation.** The County shall require development in high fire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management.

San Benito County Multi-Jurisdiction Local Hazard Mitigation Plan

The purpose of hazard mitigation and this plan is to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The plan is based on a hazard identification and risk assessment of all the potential natural hazards that could impact San Benito County. The plan also includes a review of the County's current capabilities with regards to reducing hazard impacts. The plan includes recommended additional action items for the County and its jurisdictions to reduce their vulnerability to potential disasters. The plan identifies the following strategies associated with wildfire hazards that may be applicable to this project:

- ▶ 27: Develop a defensible space vegetation program that includes the clearing or thinning of (a) non-fire resistive vegetation within 30 feet of access and evacuation roads and routes to critical facilities, or (b) all non-native species (such as eucalyptus and pine, but not necessarily oaks) within 30 feet of access and evacuation roads and routes to critical facilities
- ▶ 28: Enforce minimum road width of 20 feet with an additional 10-foot clearance on each shoulder on all driveways and road segments greater than 50 feet in length in wildfire hazard areas.
- ▶ 29: Require that development in high fire hazard areas provide adequate access roads (with width and vertical clearance that meet the minimum standards of the Fire Code or relevant local ordinance), onsite fire protection systems, evacuation signage, and fire breaks.
- ▶ 30: Ensure adequate fire equipment road or fire road access to developed and open space areas.

San Benito County Operational Area Emergency Operations Plan

The San Benito County Operational Area Emergency Operations Plan addresses the County's response to extraordinary emergency situations associated with natural disasters or human-caused emergencies. In accordance with the California Emergency Services Act, the plan describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental agencies, how resources are mobilized, how the public will be informed (including information on evacuation routes to be used), and the process to ensure continuity of government during an emergency or disaster.

No specific evacuation routes are designated under the San Benito County Operational Area Emergency Operations Plan. Pursuant to this plan, the San Benito County Sheriff's Office is the lead department for determining when an evacuation is recommended or required based on the parameters of the emergency. This will include identification of

the evacuation routes, designation of areas to be evacuated, and communication. Evacuation details are developed and directed in real time in response to the unique conditions of the emergency.

San Benito County Code of Ordinances

Section 21.01.021(N) of the Code of Ordinances identifies that the CFC was adopted by the County for fire building standards. Article 1 of Chapter 25.37 of the Code of Ordinances establishes fire safety standards that include the following:

- ▶ Section 25.37.004 (Road and Safety Standards): These include road design standards associated with roadway width, turn-outs, length of dead-end roads, driveway design, and roadside vegetation management requirements. This section also provides emergency water standards for wildfire protection, and vegetative fuel management.
- ▶ Section 25.37.005 (Fire Protection Supply for Water Systems): Development projects are required to provide water systems for fire protection demands. Additional flow is required for development in high and very high fire hazard zones.

3.18.2 Environmental Setting

WILDFIRE BEHAVIOR AND CONTROLLING FACTORS

Wildfire behavior is a product of several variables, primarily weather, vegetation, topography, and human influences, which intermix to produce local and regional fire regimes that affect how, when, and where fires burn. The fire regime in any area is defined by several factors, including fire frequency, intensity, severity, and area burned. Each of these are important for an understanding of how the variables that affect fire behavior produce fire risks. Fire frequency refers to the number of fires that occur in a given area over a given period of time; fire intensity refers to the speed at which fire travels and the heat that it produces; fire severity involves the extent to which ecosystems and existing conditions are affected or changed by a fire; and area burned is the size of the area burned by wildfire.

Human Influence on Wildfire

Human influence on wildfire is broad and can be substantial. It includes direct influences such as the ignition and suppression of fires, and indirect influence through climate change and alterations in land use patterns that support modified vegetative regimes and increased development in the wildland urban interface (WUI) (refer to "Climate Change and Wildfire" below for more discussion on the indirect effect of climate change on wildfire).

Anthropogenic influence more directly controls fire frequency (i.e., number of ignitions) than size of a burn because humans are responsible for most of the ignitions. Once started, fires spread and behavior become a function of fuel characteristics, terrain, and weather conditions (Syphard et al. 2008). Human-induced wildfire ignitions can change fire regime characteristics in two ways: 1) changing the distribution and density of ignitions, and 2) changing the seasonality of burning activity (Balch et al. 2017). A study of wildfires across the U.S. for the 20-year period between 1992 and 2012 showed that 82 percent of wildfires during that period were started by human causes (Balch et al. 2017), while in California specifically, humans account for starting approximately 95 percent of wildfires (Syphard et al. 2007, Syphard and Keeley 2015). In California in 2016, more than half of all fires were caused by humans; including miscellaneous and undetermined causes, that number increases to 98 percent (CAL FIRE 2016).

Human ignitions include a multitude of sources, including escapes from debris and brush-clearing fires, electrical equipment malfunctions, campfire escapes, smoking, fire play (e.g., fireworks), vehicles, and arson. Consequently, areas near human development, especially in the WUI or in areas near campgrounds and roads, generate fires at a more frequent rate than very remote or urban areas (Syphard et al. 2007; Mann et al. 2016; Balch et al. 2017). Circumstances in California have made the environment particularly vulnerable to human-caused fires with expansion of the WUI and introduction of more people in areas susceptible to wildfire at all times of the year. A 2018 study indicates that the number of houses in the WUI increased nationwide by 41 percent between 1990 and 2010 (Radeloff et al. 2018).

Climate Change and Wildfire

Wildfires are a significant threat in California, particularly in recent years as the landscape responds to climate change and decades of fire suppression. It is estimated that since 1985, more than 50 percent of the increase in the area burned by wildfire in the western U.S. is attributable to anthropogenic climate change (Abatzoglou and Williams 2016). As climate change persists, it will produce increasing temperatures and drier conditions that will generate abundant dry fuels. All wildfires (those initiated by both natural and manmade sources) tend to be larger under drier atmospheric conditions and when fed by drier fuel sources (Balch et al. 2017).

Additionally, climate change has led to exacerbation of wildfire conditions during a longer period of the year as the spring season has warmed—driving an earlier spring snowmelt, and as winter precipitation has overall decreased. Further, wildfire activity is closely related to temperature and drought conditions, and in recent decades, increasing drought frequency and warming temperatures have led to an increase in wildfire activity (Schoennagel et al. 2017). In particular, the western U.S., including California, has seen increases in wildfire activity in terms of area burned, number of large fires, and fire season length (Abatzoglou and Williams 2016). These conditions have resulted in large, destructive, and deadly wildfires.

Climate change will continue to produce conditions that facilitate a longer fire season, which, when coupled with human-caused changes in the seasonality of ignition sources, will produce more, longer, and bigger fires during more times of the year. According to California's Fourth Climate Change Assessment, *Statewide Summary Report* (2018), if GHG emissions continue to rise, the frequency of extreme wildfires burning over 25,000 acres could increase by 50 percent by 2100 and the average area burned statewide could increase by 77 percent by the end of the century (Bedsworth et al. 2018). Refer to Section 3.8, "Greenhouse Gas Emissions," for additional discussion of climate change trends and the effects of climate change on the environment.

WILDFIRE CONDITIONS IN THE COUNTY

Generally, there are four major factors that sustain wildfires and allow for predictions of a given area's potential to burn: fuel, topography, weather, and human actions. Fuel is the material that feeds a fire and is a key factor in wildfire behavior. Topography increases risk to wildfire because both fire intensity and rate of spread increase as slope increases due to the tendency of heat from a fire to rise via convection. Weather components such as temperature, relative humidity, wind, and lightning also affect the potential for wildfire. Finally, most wildfires are ignited by human action, the result of direct acts of arson, carelessness, or accidents.

There are two types of WUI environments. The first is the true urban interface where development abruptly meets wildland. The second WUI environment is referred to as the wildland urban intermix. Wildland urban intermix communities are rural, low density communities where homes are intermixed in wildland areas. Wildland urban intermix communities are difficult to defend because the communities are spread over a large geographical area with wild fuels throughout. This profile makes access, structure protection, and fire control difficult as fire can freely run through the community.

Wind direction and intensity during wildfires are important because air quality is poorest immediately adjacent to and downwind of such fires. Fires near populated areas may pose an increased risk of air quality-related health problems. Mountain-to-valley breezes may also distribute smoke. At night, the air drains down-slope, but during the day winds reverse and blow upslope, carrying the polluted air. Mountain areas may become smoky in late afternoon or early evening for this reason. By morning, however, cold, dense nighttime air has traveled down-slope and polluted valleys and mountain basins. This may cause ground-level inversions to form as the land radiates heat. Mountain basins or valleys, such as the Sacramento Valley, have high smoke impact potential creating public health issues. This condition was experienced during the 2018 and 2020 fire seasons when smoke from northern California fires elevated particulate matter levels in the Sacramento Valley Air Basin to unhealthy levels.

Figure 3.18-1 shows the mapped high fire hazard risk zones in the project area. Figure 3.18-2 provides an overview of fires that have occur San Benito-Monterey Unit of CAL FIRE between 1911 – 2019. The majority of the fire activity has occurred in the foothill and mountain areas of both counties. Recent wildfire activity (2018 – 2021) in San Benito County is summarized below.

- ▶ Panoche Fire – 145 acres (2021)
- ▶ Coyote Fire – 1,508 acres (2020)
- ▶ Bitter Fire – 895 acres (2020)
- ▶ Foster Fire – 17 acres (2019)
- ▶ Antelope Fire – 167 acres (2018)
- ▶ Fairview Fire – 35 acres (2018)
- ▶ Panoche Fire – 116 acres (2018)
- ▶ Idria Fire – 116 acres (2018)

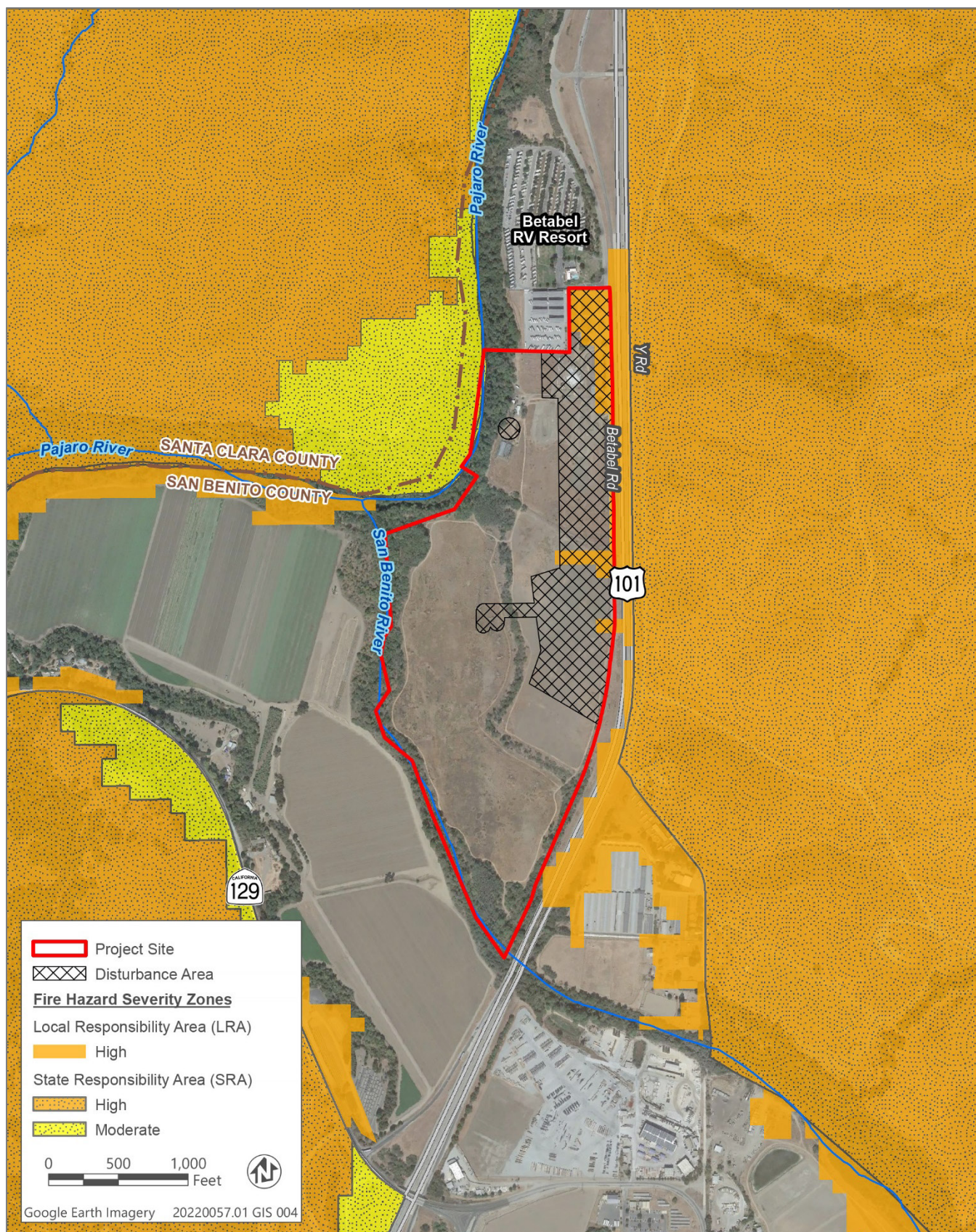
FIRE PROTECTION AND WILDFIRE RISK REDUCTION EFFORTS

As shown in Figure 3.18-1, portions of the project site are located within the local responsibility area under the jurisdiction of the San Benito County. The County contracts with the Hollister Fire Department for fire protection services that operates four full time staffed fire stations. Each station staffs an engine with three personnel per day. The Hollister Fire Department also operates a 3,000-gallon water tender. Hollister Fire Station 4 (24 Polk Street, San Juan Bautista) would be the first responder to the project site (approximately 4.5 miles from site). Hollister Fire Station 1 (110 Fifth Street, Hollister) would be the second responder to the project site (approximately 14 miles from site), while the Aromas Fire Station (492 Carpenteria Road, Aromas) would provide automatic/mutual aid (approximately nine miles from the site). The San Benito County Fire Prevention Bureau identifies that their initial response to a fire event at the project site would consist of three fire engines, one fire truck, one Battalion Chief, one automatic/mutual aid fire engine, and one water tender (Bedolla 2022a).

The project area is also located within Battalion Unit 5 (Hollister Battalion) of the San Benito-Monterey Unit of CAL FIRE. This Battalion consists of two CAL FIRE stations, one contracted CAL FIRE station, and an air attack base at Hollister Municipal Airport. The nearest station is Station 36 located in the City of Hollister approximately 12 miles east of the project.

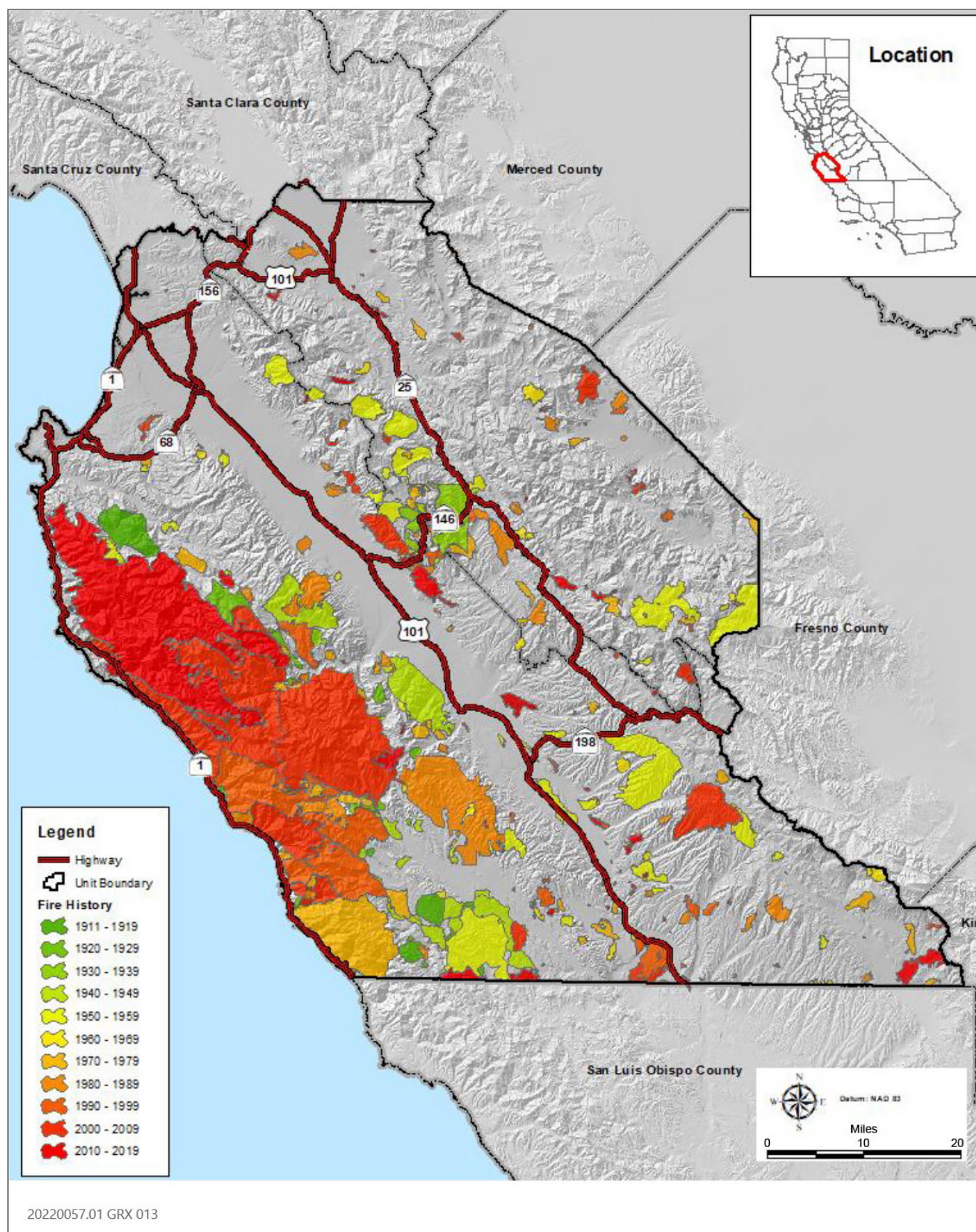
Planned wildfire protection and fuel modification measures in the Battalion Unit 5 area consist of the following:

- ▶ San Juan Canyon Wildland Fire Pre-Plans: Gather hazard assessment data. Develop updated preplans and tactical/strategic planning.
- ▶ Thompson Truck Trail Improvement: This road stretches from Limekiln Road to the Fremont Peak area. At one time, this road was maintained annually by CAL FIRE and is a main access road to areas in that part of the county. The trail can also be used for evacuation of citizens from the San Juan Canyon area. Collaboration with the various property owners and gaining their trust and permission to allow CAL FIRE to once again maintain the road is crucial to the success of this project. Brushing of the roads, utilizing crews, and grading and installing water bars are some of the items that would need to be addressed.
- ▶ Public Education: Increase public awareness on defensible space throughout San Benito County, with emphasis in the south county area and the Panoche Valley. Personnel will utilize public events such as the San Benito County Fair and work closely with the San Benito Fire Safe Council for high visibility and spread the fire safety message.
- ▶ Thompson Valley Vegetation Management Program: Burn approximately 1000 acres of brush/grass. This project is in the active stages.



Source: adapted by Ascent Environmental in 2022.

Figure 3.18-1 Fire Hazard Risk Zones in Project Area



Source: adapted by Ascent Environmental in 2022.

Figure 3.18-2 Fire History in San Benito-Monterey Unit of CAL FIRE

- ▶ Willow Springs Wildland Fire Pre-Plans: Gather hazard assessment data. Develop updated preplans and tactical/strategic planning.
- ▶ Battalion 5 Hazard Assessment: Use gathered hazard assessment data to begin updated preplans and tactical/strategic planning.
- ▶ Project #7 Project Name: Gabilan Ranch VMP Prescribed Burn Project: This project is in the initial planning phase.
- ▶ Project #8 Project Name: Range Improvement burns.
- ▶ Residential Chipping Program: Treatment and disposal of vegetative material created during defensible space maintenance by the property owner.
- ▶ San Juan Canyon Shaded Fuel Break: Establish a fuel break along San Juan Canyon up to Fremont Peak.
- ▶ Bird Vegetation Management Program: Burn approximately 1139 acres of brush/grass. This project is in the planning stages.
- ▶ Hart Vegetation Management Program: Burn approximately 283 acres of brush/grass. This project is in the planning stages.
- ▶ Bengard Vegetation Management Program: Burn approximately 2500 acres of brush/grass. This project is in the planning stages.

3.18.3 Impact Analysis and Mitigation Measures

ANALYSIS METHODOLOGY

In response to 2019 revisions to the State CEQA Guidelines (Public Resources Code Section 15126.2) and the 2015 California Supreme Court case, *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, the following discussion is focused on the environmental effects could result from the project that increases the risk of wildfire as well as impairs the implementation of an adopted emergency response plan or emergency evacuation plan. The impact analysis below is based on review applicable plans and regulations related to fire and emergency response and consultation with Hollister Fire Department Fire Marshal and CAL FIRE staff.

Portions of the project site are located in a local responsibility area and the site is located near SRAs. Thus, Section XX (Wildfire), of the State CEQA Guidelines Appendix G was used in the thresholds listed below.

THRESHOLDS OF SIGNIFICANCE

Thresholds of significance are based on Appendix G of the State CEQA Guidelines. The project would create an increased risk to existing wildfire hazards resulting in a significant impact if it would:

- ▶ impair an adopted emergency response plan or emergency evacuation plan;
- ▶ due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- ▶ require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- ▶ expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.18-1: Substantially Impair an Adopted Emergency Response Plan or Evacuation Plan

Implementation of the project would not impair emergency response or evacuation activities under the San Benito County Operational Area Emergency Operations Plan. This impact would be **less than significant**.

Project construction and operation (in addition to the approved onsite farm stand) would create new commercial land uses and lodging that could require visitors and employees to evacuate during an emergency. The San Benito County Area Emergency Operations Plan does not designate specific evacuation routes. The San Benito County Sheriff's Office is the lead department for determining when an evacuation is recommended or required based on the parameters of the emergency. This includes identification of the evacuation routes, designation of areas to be evacuation, and communication.

While no specific evacuation routes are designated, project visitors and employees would use US 101 as the primary evacuation route and may be directed to use State Routes 25, 129, 156, or other local roadways depending on direction from the Sheriff's Office. These highways and local roadways provide multiple north-south and east-west escape routes. Project construction would not alter or obstruct US 101, but would add traffic to anticipated congestion on these highways associated with the potential evacuation of other communities (e.g., unincorporated areas of the San Benito and Monterey counties and the cities of San Juan Bautista and Hollister). Evacuation details are developed and directed in real time in response to the unique conditions of the emergency that would include consideration of the length of time to adequately evacuate areas through implementation of the San Benito County Area Emergency Operations Plan. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.18-2: Exacerbate Wildfire Risks from Project Construction, Infrastructure, and Operation and Thereby Expose Project Area to Environmental Effects from a Wildfire or the Uncontrolled Spread of a Wildfire

Implementation of the project could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. This impact would be **significant**.

As noted above, the County Code of Ordinances implements CFC requirements for proper building and development design to protect the public from fire hazards that the project would be subject to. The project would also be subject to County fire safety standards (Code of Ordinances Section 25.37.004) for roadways (width, turn-outs, and roadside vegetation management) as well as water supply standards for fire protection (Code of Ordinances Section 25.37.005). As noted above, Chapter 23 of the CFC provides specific standards for the construction and operation of motor fuel dispensing facilities that includes emergency shut-off systems, leak detection, secondary containment, and fuel delivery nozzle design requirements that includes vapor recovery to avoid fire hazards.

The project would obtain fire protection services from the County through the Hollister Fire Department. The County identifies that their initial response to a fire event at the project site would consist of three fire engines, one fire truck, one Battalion Chief, one automatic/mutual aid fire engine, and one water tender (Bedolla 2022a). With the provision of water supply for firefighting, the project can be adequately served by the Hollister Fire Department (Bedolla 2022b).

While not completely located in a SRA, portions of the project site are in and adjacent to SRA lands that have been mapped as having high fire risk (Figure 3.18-1). The project would also retain approximately 80 acres of fallowed agricultural land (undeveloped area) south and west of the development area. As described in Chapter 2, "Project Description," land uses in the undeveloped area would be limited to two retention ponds, livestock corral,

greenhouse, and two well sites that serve the project. No specific management of the undeveloped area has been identified. This could increase the wildfire risk from vegetative fuel increase and proximity to new ignition sources from the project during construction and operation activities from both the project and approved farm stand (e.g., human interaction and electric sources from vehicles and infrastructure extension into the site). Potential wildfire events in the project area could spread to SRA high fire risk areas and expose communities in the region (e.g., unincorporated areas and the City of San Juan Bautista) fire risk, contribute to drainage and water quality impacts from fire events, air quality impacts from smoke, and post-fire slope instability. This impact would be **significant**.

Mitigation Measures

Mitigation 3.18-2: Implementation of Vegetation Management Plan for Undeveloped Area

Prior to project construction activities, the project applicant shall prepare a vegetation management plan for the undeveloped area. The vegetation management plan outline shall routine maintenance activities for the management of fuel loads and maintaining defensible space during project construction and operation to the satisfaction of the San Benito County Fire Marshall. Implementation actions that shall be considered as part of the plan will include, but are not limited to:

- ▶ Vegetation management techniques for fire hazard mitigation, including thinning, pruning, removing or otherwise altering vegetation to reduce the potential for ignitions and to modify potential fire behavior; different vegetation management techniques shall be identified, depending on vegetation type, location, condition, and configuration;
- ▶ Treatment actions will be limited to eradication or control of invasive plants, removal of uncharacteristic fuel loads (e.g., removing dead or dying vegetation), trimming of woody species as necessary, and select thinning of vegetation to restore densities that are characteristic of healthy stands of the vegetation;
- ▶ Fire protection measures for vegetation removal activities that may include:
 - Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.
 - Equipment shall not be refueled while in operation and not until after a cooldown period.
 - Water and tools dedicated to firefighting shall be on hand in the area of vegetation removal activities at all times.
- ▶ Fuel management requirements, including clearing vegetation within 100 feet of structures;
- ▶ Schedule of vegetation management activities during the year;
- ▶ Identification of the funding source for vegetational management activities;
- ▶ Fencing along the development perimeter of the open space area to prohibit trespass into the area; and
- ▶ Best management practices implemented to avoid and/or minimize impacts associated with soil erosion, biological resources, cultural resources, and tribal cultural resources. This will include implementation of applicable mitigation measures adopted for the project that address biological resources, cultural resources, and tribal cultural resources.

Significance after Mitigation

The provision of defensible space and the associated reduction of vegetative fuels identified in Mitigation Measure 3.18-2 have specifically been found to be effective at reducing fire frequency, fire severity, and annual area burned over an extended period of time. Where treatments have occurred, the pattern of wildfire progression may be limited to low-intensity underbrush and surface burning, which can create safe conditions for firefighters to successfully suppress fires in areas near structures, or around areas of high resource value (Kim et al. 2013; Martinson and Omi 2013; Tubbesing et al. 2019). Thus, implementation of Mitigation Measure 3.18-2 would reduce the project's potential to exacerbate existing wildfire hazards and related impacts to **less than significant**.

4 CUMULATIVE IMPACTS

4.1 INTRODUCTION TO THE CUMULATIVE ANALYSIS

Cumulative impacts are defined in State CEQA Guidelines Section 15355 as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact occurs from “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (State CEQA Guidelines Section 15355[b]).

This section provides an analysis of cumulative impacts resulting from implementation of the project together with other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. The goal of such an analysis is twofold: first, to determine whether the overall long-term impacts of all such projects combined would be cumulatively significant; and second, to determine whether the incremental contribution to any such cumulatively significant impacts from the project would be “cumulatively considerable” (and thus significant). (See State CEQA Guidelines Sections 15130[a]–[b], 15355[b], 15064[h], and 15065[a].) In other words, the required analysis examines the broad context in which cumulative impacts occur and examines whether incremental contributions from the project would result in new significant cumulative impacts, or significantly add to anticipated cumulative impacts (i.e., “cumulatively considerable”).

Consistent with State CEQA Guidelines Section 15130, the discussion of cumulative impacts in this Draft EIR focuses on significant and potentially significant cumulative impacts. Section 15130(b) of the State CEQA Guidelines provides, in part, the following:

[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

A proposed project is considered to have a significant cumulative effect if:

- ▶ the cumulative effects of development without the project are not significant and the project’s additional impact is substantial enough, when added to the cumulative effects, to result in a significant impact; or
- ▶ the cumulative effects of development without the project are already significant and the project contributes measurably to the effect.

The term “measurably” is subject to interpretation. The standards used herein to determine measurability are that the impact must be noticeable to a reasonable person or must exceed an established threshold of significance (defined throughout the resource sections in Chapter 3 of this Draft EIR).

4.2 CUMULATIVE SETTING

4.2.1 Geographic Scope

The geographic area that could be affected by the project and is appropriate for a cumulative impact analysis varies depending on the environmental resource topic, as presented in Table 4-1.

Table 4-1 Geographic Scope of Cumulative Impacts

Resource Topic	Geographic Area
Aesthetics	Local (project area and surrounding public viewpoints)
Agricultural Resources	Regional (San Benito County)
Air Quality	Regional (North Central Coast Air Basin for pollutant emissions that have regional effects) Local (immediate vicinity for pollutant emissions that are highly localized such as carbon monoxide and toxic air contaminants)
Biological Resources	Regional (San Benito County) and local (project area and immediately surrounding area)
Cultural Resources	Regional (Santa Clara Valley)
Energy	Regional (Pacific Gas and Electric Company grid in San Benito County)
Geology and Soils	Local (project area)
Greenhouse Gas Emissions	Global
Hazards and Hazardous Materials	Local (project area)
Hydrology and Water Quality	Regional (San Benito County) and local (project area and Pajaro and San Benito rivers)
Land Use and Planning	Local (project area and immediately surrounding area)
Noise	Local (immediate project vicinity where project-generated noise could be heard concurrently with noise from other sources)
Population and Housing	Regional (San Benito County)
Public Services	Local service areas of service providers
Transportation	Regional (San Benito County) and local (project area and immediately surrounding area)
Tribal Cultural Resources	Regional (Santa Clara Valley)
Utilities and Service Systems	Local service areas of utility providers
Wildfire	Regional (San Benito and Monterey counties) and local (project area and immediately surrounding area)

Source: Compiled by Ascent Environmental in 2022.

4.2.2 Cumulative Projects Considered

As noted above, the State CEQA Guidelines identify two basic methods for establishing the cumulative environment in which the project is to be considered: the use of a list of past, present, and probable future projects (the “list approach”) or the use of adopted projections from a general plan, other regional planning document, or certified EIR for such a planning document (the “plan approach”). This analysis utilizes both the list and plan approach, using whichever is more appropriate to accurately evaluate potential cumulative impacts for a particular resource. Relevant projects and planning efforts are discussed in more detail below.

SAN BENITO COUNTY 2035 GENERAL PLAN

The San Benito County 2035 General Plan EIR (consisting of a Draft EIR, Revised Draft EIR, and Final EIR) examined the impacts associated with the buildout of the county (assumed to be year 2035) that would consist of 94,731 residents (54,581 residents in the unincorporated area and 40,150 residents within the incorporated cities whose growth is directed by their general plans), 20,269 residential units in the unincorporated area, and up to 13,470 jobs (San Benito County 2015: 4-5 – 4-13).

The General Plan designates the majority of the approximately 883,000 acres of unincorporated area of the county, approximately 635,000 acres, as rangeland. Parks is the second largest designation, with approximately 121,000 acres, followed by approximately 63,000 acres of agriculture-designated lands and approximately 49,000 acres of rangeland

management area. The remaining land areas of the unincorporated area is designated for rural, residential, commercial, industrial, public/quasi-public, specific plan, and planned development uses.

MAJOR DEVELOPMENT PROJECTS

The following are major development projects in the County as well as projects in Santa Clara County that are located with the region.

Strada Verde Innovation Park

The Strada Verde Innovation Park Project consist of an application for a General Plan Amendment, Specific Plan, Zone Change, Vesting Tentative Map, and Development Agreement to establish an automated vehicle testing and research and development business center incorporating up to 7,221,159 square feet of development. The approximately 2,767-acre, triangular shaped project site is located approximately 2.5 miles southeast of the U.S. Highway 101 (US 101) / State Route (SR) 25 interchange in an incorporated area of northwest San Benito County. The components of the proposed specific plan include are identified below.

- ▶ Vehicle Testing Grounds (915 net acres/996,435 square feet),
- ▶ Research Park (108 net acres/1,411,344 square feet),
- ▶ E-Commerce (215 net acres/4,682,700 square feet),
- ▶ Commercial (20 net acres /130,689 square feet)
- ▶ Agricultural (227 acres),
- ▶ Greenway (252 acres),
- ▶ Biological Preserves (547 acres), and
- ▶ Infrastructure (260 acres).

Buildout of the Strada Verde Innovation Park is not anticipated until after 2045. The 2030 interim development condition of Strada Verde Innovation Park is assumed to be consistent of the following development as part of the cumulative impact analysis:

- ▶ 566 acres of agricultural uses,
- ▶ 20-acre public park,
- ▶ 500,000 square feet fulfillment center,
- ▶ 50,000 square feet of logistics and office space uses,
- ▶ 403,647 square feet of data center uses,
- ▶ 100,000 square feet of light industrial uses,
- ▶ 20,000 square foot drive experience center,
- ▶ 750,000 square foot shared testing venue,
- ▶ 80-room hotel,
- ▶ 40 room extended stay lodging,
- ▶ 10,000 square foot fast food restaurant,
- ▶ 10,000 square foot sheriff/fire station,
- ▶ 10,000 square feet of retail uses, and
- ▶ 26,680,000 square feet of education facilities.

John Smith Road Landfill Expansion

This project is located at the John Smith Road Landfill (JSRL) and on lands directly east, north, and west of the JSRL. The JSRL is located at 2650 John Smith Road approximately 2 miles directly east of the eastern boundary of the City of Hollister. The site is located in a hilly rural area east of Hollister Valley and west of the rural Santa Ana Valley in unincorporated San Benito County. Access to the site is provided from John Smith Road. The existing 95.16-acre JSRL includes two parcels owned by San Benito County that total 90.05 acres and one 5.11-acre parcel owned by the City of Hollister. The two county-owned parcels contain an operating Class III landfill. Class III landfills only accept non-hazardous waste for disposal. The City of Hollister parcel includes a closed Class I waste disposal area covering less than an acre. Class I landfills may accept both hazardous and nonhazardous wastes for disposal. The County also owns 101.3 acres directly south of the JSRL and John Smith Road.

The proposed project includes a 388.05-acre expansion of the existing 95.16-acre JSRL. This expansion would increase the landfill's disposal capacity, expand the total waste footprint, increase the maximum permitted elevation of the final landfill, and increase the maximum permitted daily tonnage accepted at the JSRL. To accommodate these changes, several operational changes are also being proposed. These include expanding the landfill entrance area to accommodate additional daily vehicle arrivals and reduce vehicle queuing on John Smith Road, expanding areas for recycling and the County's Household Hazardous Waste program, establishing an area for the future installation of a gas-to-energy facility, and clean closing the current Class I area owned by the City of Hollister and converting it to a disposal area for Class III waste. Additionally, the proposed project would potentially include the use of a portion of the San Benito County property located south of John Smith Road for habitat mitigation purposes.

Nash Road Quarry (Sandman) Reclamation Plan Amendment

This project proposes to reinitiate sand and gravel mining within and adjacent to the San Benito River channel on a 131-acre site north (downstream) of the Nash Road Bridge in unincorporated San Benito County, adjacent to the City of Hollister. The site is the location of a former mining operation that is currently idle and subject to an interim management plan approved by the San Benito County Planning Commission in June 2021. The site includes portions of the San Benito River and associated floodplain, terrace landforms and upland areas. The proposed mining would involve the removal of alluvial deposits of sand and gravel from April 15 to November 1 in the years in which the quarry is in operation. Mining would only occur during periods of no stream flow and low stream flow (less than 100 cubic feet per second). Mined material would be processed on the site then transported to an existing ready-mix concrete batch plant and supply yard in the City of Hollister from where it would be sold. Proposed reclamation of the site would result in land suitable for agriculture, future residential, and river channel and habitat areas.

Traveler's Station Conditional Use Permit

The project is proposed on a 2.6-acre site, located at the southwest corner of the intersection of US 101 and SR 129. The third side of the triangular site is boarded by Searle Road. The proposed Traveler's Station is comprised of a 4,000 sq. ft. convenience store, auto fueling and truck fueling services, propane sales, electric vehicle charging stations, and a County Informational kiosk.

San Benito Ag Center

The project is proposed on a 21.1-acre site, located at the northwest junction of SR 129 and Searle Road. The proposed project is comprised of a 16,450 sq ft store and food hall, auto fueling and truck fueling services, oversized truck parking including EV charging and electric APU hook-ups, hydrogen plant and fill station, tire and lube service buildings, a cold storage warehouse, and CAT scales

Sargent Quarry Project (Santa Clara County)

Sargent Ranch Partners, LLC is proposing to construct, operate for 30 years, and subsequently reclaim the Sargent Quarry Project on an approximately 403-acre site in the unincorporated area of Santa Clara County. The quarry would be a sand and gravel mining operation that includes an aggregate processing facility. The project site is located in the Sargent Ranch property, approximately 4 miles south of the City of Gilroy and approximately 1 mile south of the US 101 and SR 25 interchange. The mined material (sand and gravel) would be extracted in four phases over 30 years and would be transported off-site by a combination of truck and train hauling. Final reclamation of the last surface mining phase and the aggregate processing facility would occur at the end of the project's life.

4.3 ANALYSIS OF CUMULATIVE IMPACTS

The following sections contain a discussion of the cumulative effects anticipated from implementation of the project, together with related projects and planned land use activities in the County as identified in the General Plan, for each of the environmental issue areas evaluated in this Draft EIR.

When considered in relation to other reasonably foreseeable projects, cumulative impacts to some resources would be significant and more severe than those caused by the proposed project alone.

For purposes of this EIR, the project would result in a significant cumulative effect if:

- ▶ the cumulative effects of related projects and land use activities (past, current, and probable future projects) are not significant and the incremental impact of implementing the project is substantial enough, when added to the cumulative effects of related projects, to result in a new cumulatively significant impact; or
- ▶ the cumulative effects of related projects and land use activities (past, current, and probable future projects) are already significant and implementation of the project makes a considerable contribution to the effect.

This cumulative analysis assumes that all mitigation measures identified in Sections 3.1 through 3.18 to mitigate project impacts are adopted and implemented, and all elements of the design build performance criteria that would minimize environmental effects are implemented. The analysis herein analyzes whether, after implementation of project-specific mitigation and performance criteria that minimize environmental effects, the residual impacts of the project would cause a cumulatively significant impact or would contribute considerably to existing/anticipated (without the project) cumulatively significant effects. Where the project would so contribute, additional mitigation is recommended where feasible.

4.3.1 Aesthetics

Visual quality and scenic resources are generally site-specific and/or localized, and not cumulative in nature. For example, the creation of glare or physical alteration of a site at one location is not generally worsened by these conditions occurring at another location in a different part of the County. Based on the analysis provided in Section 3.1, "Aesthetics," this cumulative impact analysis focuses on whether project impacts would be worsened under cumulative conditions including implementation of planned land use activities under the General Plan and the reasonably foreseeable projects in the region.

The San Benito County 2035 General Plan EIR identified that future growth in unincorporated area and development in cities would result in the intensification of existing urban and other uses, as well as the conversion of open space to urban land uses. Collectively, these activities could degrade the existing visual character and quality of scenic resources and would result in a cumulatively consideration contribution to the significant loss of aesthetic quality in the County (San Benito County 2015).

IMPACT CUM-1: CONTRIBUTION TO CUMULATIVE AESTHETIC IMPACTS

The most prominent public views of the project site are from US 101. Although the project would involve the development of a largely undeveloped/agricultural site, associated buildings or structures would be intended to compliment, rather than detract, from the cumulative aesthetic experience. Through compliance with existing County General Plan policies and County Code requirements, new development would be designed and constructed to be screened by vegetation and visually compatible with other similar development (e.g., with the same or similar visual character) along US 101 and elsewhere within the County. However, the impacts of development along the designated scenic district and locally-designated scenic roadway segment of US 101 combined with potential development in the surrounding unincorporated County, could intensify the urban character of the region, reduce the degree of agricultural land and open space that are considered part of the aesthetic condition of the region, and damage scenic resources within a designated scenic resource. Collectively, past, present, and probable future projects result in a cumulatively significant impact on aesthetics and scenic resources.

Cumulative effects of lighting are visible over a wide area because the collective lighting from development in close proximity can create skyglow, which would be considered a significant cumulative impact. Under existing conditions, the surrounding areas experience lighting in the form of streetlights, buildings, and other facilities and structures. As described in Impact 3.1-3, implementation of the project would introduce new lighting sources; however, while these fixtures would be required to comply with the County's Dark Sky Ordinance and would be similar in nature to existing lighting, thereby resulting in a less-than-significant impact. By preventing light spillover through compliance with County requirements, development of the project would prevent contributions to additional skyglow, and therefore, would not be considered cumulatively considerable. Cumulative impacts would be less than significant with respect to lighting and glare.

Development of the project, in combination with cumulative development, could result in substantial changes to the local viewshed because it would alter conditions associated with a designated scenic resource, including the Juristac Tribal Cultural Landscape. While development would be designed to be compatible with the surrounding visual environment, it would result in a changed condition (from agricultural/open space to developed) within an area that is considered visually important due to its agricultural/rural condition within the County and region roadway segment. As such, the project would therefore result in a cumulatively considerable contribution to cumulatively significant impacts within the designated scenic district. Thus, this would be a cumulatively considerable and significant and unavoidable cumulative visual impact.

4.3.2 Agricultural Resources

The geographic context for the analysis of cumulative impacts to agricultural resources is San Benito County.

As described in the San Benito County 2035 General Plan EIR, cumulative development throughout County would gradually transform a portion of the County's agricultural land uses. While the 2035 General Plan includes goals and policies designed to protect, to the extent feasible, the majority of farmlands of concern, specifically under the agricultural land use designations and via the Land Use Element goals and policies, the 2035 General Plan would allow for the conversion of farmlands to non-agricultural use to accommodate future residential growth, new employment, commercial development, roadway improvements, energy development, and other developed uses.

Although the 2035 General Plan goals and policies would reduce and partially offset San Benito County's contribution to these impacts, the contribution from implementation of the 2035 General Plan to the significant cumulative loss of agricultural resources is expected to be cumulatively considerable. No measures in addition to proposed 2035 General Plan policies and mitigation identified in the EIR would reduce the magnitude of agricultural impacts. As such the 2035 General Plan EIR concluded that this cumulative impact would be significant and unavoidable (San Benito County 2015).

IMPACT CUM-2: CONTRIBUTION TO CUMULATIVE AGRICULTURAL RESOURCE IMPACTS

As discussed in Impact 3.2-1, the project site contains 80.76 acres of Important Farmland (Prime, Unique, or Farmland of Statewide Importance). Development of the proposed project would result in the conversion of up to 27.07 acres of land designated as Prime Farmland to non-agricultural uses (see Table 3.2-1). The remaining 53.69 acres of Important Farmland would remain undeveloped but may not be returned to agricultural uses after implementation of Mitigation Measure 3.16-1d that would establish a cultural conservation easement. This project level impact would contribute to the cumulative loss of agricultural resources in the County as identified above.

Implementation of Mitigation Measure 3.2-1 is consistent with General Plan Policy LU-3.10 but would only prevent future loss of Important Farmland and would not replace lands converted to development or other nonagricultural activities. It is infeasible to replace lost Important Farmland as it would require removal of existing development from Important Farmland or the improvement of soil and/or water conditions on open land areas to create Important Farmland, which are not considered feasible options because of the expense involved and unknown willingness of other property owners to participate in mitigation. Another option would be conversion of natural lands to Important Farmland, but this would require mitigation of lost habitat. Thus, this impact would be considered cumulative

considerable with respect to the cumulative loss of agricultural land in the region. As a result, project cumulative impacts would be cumulatively considerable and significant and unavoidable.

4.3.3 Air Quality

The project site is located in the North Coast Central Air Basin (NCCAB). The NCCAB includes all of Monterey, Santa Cruz, and San Benito counties. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by air pollutant sources. As discussed in Section 3.3, "Air Quality," the NCCAB is currently in nonattainment under National Ambient Air Quality Standards for ozone (8 hour concentration level) and particulate matter (PM_{2.5}) (24 hour concentration). The NCCAB is also in nonattainment under California Ambient Air Quality Standards for ozone (8 hour concentration) and particulate matter (PM₁₀) for 24 hour concentration and annual.

The San Benito County 2035 General Plan EIR identifies that buildout would not violate any air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment. However, the EIR does conclude that the General Plan's contribution to regionally significant cumulative impacts related to air quality could be cumulatively significant (San Benito County 2015).

IMPACT CUM-3: CONTRIBUTION TO CUMULATIVE AIR QUALITY IMPACTS

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) recommended methodologies for cumulative impact analysis identifies the following criteria for the evaluation of cumulative air quality impacts:

- ▶ Not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment

The MBUAPCD does not define what is a cumulatively considerable net increase. An air district's approach to thresholds of significance is key to determining whether a project's individual emissions would result in a cumulatively considerable adverse contribution air quality conditions. If a project's emissions are estimated to be less than the thresholds, the project would not be expected to result in a cumulatively considerable contribution to the significant cumulative impact (Sacramento Metropolitan Air Quality Management District 2020). As noted above, the San Benito County 2035 General Plan EIR concludes that implementation of the General Plan would result cumulatively considerable air quality impacts. The project land uses (commercial) were programmatically considered in the General Plan. However, the project would not exceed MBUAPCD project-level thresholds and thus are not expected to result in a cumulatively considerable contribution to cumulative air quality impacts or further contribute to cumulative air quality impacts identified in the San Benito County 2035 General Plan EIR. As a result, project cumulative impacts would be less than cumulatively considerable.

4.3.4 Biological Resources

The effects of the project and potential cumulative impacts of related projects are generally limited to the greater project area vicinity, including adjacent migration and movement corridors along the Pajaro River, San Benito River, and Santa Cruz Mountains. Past development in the region, ranging from conversion of natural land to development and agricultural uses, has resulted in loss of native habitat in the project area and in the County. The overall effect of this land conversion on native plants, animals, and habitat has been decidedly negative.

Although the 2035 General Plan goals and policies would reduce and partially offset San Benito County's contribution to cumulative biological impacts, the contribution from implementation of the 2035 General Plan to the significant cumulative loss of habitat and protected species is expected to be cumulatively considerable. No measures in

addition to proposed 2035 General Plan policies and mitigation identified in the EIR would reduce the magnitude of agricultural impacts. As such the 2035 General Plan EIR concluded that this cumulative impact would be significant and unavoidable (San Benito County 2015).

IMPACT CUM-4: CONTRIBUTION TO CUMULATIVE BIOLOGICAL RESOURCE IMPACTS

As described in Section 3.4, "Biological Resources," project implementation would potentially contribute to cumulative impacts on special-status plants, California red-legged frogs, California tiger salamander, coast horned lizard, northern California legless lizard, San Joaquin coachwhip, western pond turtle, burrowing owl, loggerhead shrike, northern harrier, tricolored blackbird, white-tailed kite, yellow warbler, yellow-breasted chat, native nesting birds protected under Section 3503 of the California Fish and Game Code and MBTA, American badger, pallid bat, western mastiff bat, western red bat, riparian habitat, and state and federally protected wetlands. The mitigation measures for these resources (Mitigation Measures 3.4-1, 3.4-2a, 3.4-2b, 3.4-2c, 3.4-2d, 3.4-2e, 3.4-2f, 3.4-2g, 3.4-2h, 3.4-2i, 3.4-3, and 3.4-5) would offset the project's contribution to cumulative biological resource impacts by avoiding impacts on these species and habitats or compensating for habitat and species impacts. Therefore, the project's potential contribution to impacts on special-status species, riparian habitat, and state and federally protected wetlands would be less than cumulatively considerable.

4.3.5 Cultural Resources

The cumulative context for the cultural resources analysis considers a broad regional system of which the resources are a part. The cumulative context for and historic-period archaeological resources is the Santa Clara Valley where common patterns of historic-era settlement have occurred over roughly the past two centuries. The cumulative context for prehistoric archaeological resources is also the Santa Clara Valley, where archaeologists have developed a taxonomic framework describing patterns characterized by technology, particular artifacts, economic systems, trade, burial practices, and other aspects of culture.

Because all significant cultural resources are unique and nonrenewable members of finite classes, meaning there are a limited number of significant cultural resources, all adverse effects erode a dwindling resource base. The loss of any one archaeological site or significant features of an archaeological site could affect the scientific value of others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

The Santa Clara Valley has been affected by farming activities since 1843. Following the gold rush years, pioneers flooded the fertile Gilroy area with farms of every size and description. Americans, English, Irish, and German settlers joined the Spanish and Mexican pioneers in stock raising and grain farming. In the 1880s, Italians and other southern Europeans also began arriving, bringing with them orchard crops such as apples, apricots, cherries, peaches, pears, plums, and nuts, as well as row crops such as tomatoes, peppers, beans, sugar beets, onions, and garlic. Fruit production and processing became a major industry until after World War II. Production and distribution were assisted by development of the Southern Pacific Railroad line. After World War II, the communities of San Juan Capistrano, Gilroy, and Morgan Hill became more developed. This development has resulted in an existing significant adverse effect on cultural resources, including historic-period and prehistoric archaeological resources. Cumulative development continues to contribute to the disturbance and loss of cultural resources in general.

Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving features and artifacts found. Federal, State, and local laws are also in place that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would make projects infeasible, and for this reason the cumulative

effects of past and present projects in San Benito County on cultural resources are considered significant. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would make a cumulatively considerable contribution to this cumulative impact.

IMPACT CUM-5: CONTRIBUTION TO CUMULATIVE CULTURAL RESOURCE IMPACTS

With implementation of Mitigation Measures 3.5-1a and 3.5-1b, potential adverse effects to the Sanchez Adobe associated with ground-disturbing construction activities would be avoided by developing a treatment plan and requiring archaeological monitors during construction. With implementation of Mitigation Measure 3.5-1c, potential adverse effects to previously unknown archaeological resources associated with construction-related ground disturbing activities would be avoided. Implementation of these mitigation measures would ensure that the project's contribution to cumulatively significant historic-period and prehistoric archeological resource impacts would be offset by requiring construction work to cease in the event of an accidental find and appropriate treatment of discovered resources be performed, in accordance with pertinent laws and regulations. Therefore, the project's potential contribution to cumulative impacts on cultural resources would be less than cumulatively considerable.

4.3.6 Energy

The geographic area considered for cumulative impacts related to energy use includes the service area for PG&E and Central Coast Community Energy. As noted in Section 3.6, "Energy," PG&E provides the physical infrastructure in the region. PG&E employs various programs and mechanisms to support provision of these services to new development; various utilities charge connection fees and re-coup costs of new infrastructure through standard billings for services. The project, in combination with other development in San Benito County, would contribute to the increased demand for energy, however, service providers PG&E and Central Coast Community Energy (provider of renewable energy sources) are anticipated to have adequate energy capacity to serve growth of the county. Central Coast Community Energy has contracted for 453.3 megawatts of renewable energy sources and 192.7 megawatts of battery storage (Central Coast Community Energy 2022).

IMPACT CUM-6: CONTRIBUTION TO CUMULATIVE ENERGY IMPACTS

With implementation of Mitigation Measures 3.6-1a through 3.6-1e, would offset project impacts by improving the energy efficiency of the project as well as ensure electricity used onsite is obtained from renewable source through onsite solar and electrical service from Central Coast Community Energy. This would be consistent with State regulations and San Benito General Plan (policies LU-2.1, LU-2.2, and LU-2.4) that promote additional energy efficiency and use of renewable energy. Therefore, the project's potential contribution to cumulative impacts would be less than cumulatively considerable.

4.3.7 Geology, Soils and Mineral Resources

Geological, soils, and mineral resource impacts are site-specific rather than regional in nature and any development occurring within San Benito County would be subject to, at minimum, uniform site development and construction standards relative to seismic and other geologic conditions that are prevalent within the region, such as the California Building Code requirements. The San Benito County 2035 General Plan EIR concluded that geologic conditions are highly localized and implementation of the General Plan would not make a cumulatively considerable contribution to this less-than-significant cumulative effect (San Benito County 2015).

IMPACT CUM-7: CONTRIBUTION TO GEOLOGY AND SOIL IMPACTS

As identified in Impacts 3.7-1 through 3.7-4, project design is required to comply with the California Building Code and County standards related to seismic hazards, soil stability, erosion control, and septic system design that would ensure

significant impacts would occur and would offset any contribution to cumulative impacts. Section 3.7, "Geology, Soils, and Mineral Resources," also identifies that the project would have no impacts to paleontological resources or mineral resources. Therefore, cumulative geology, soil, and mineral impacts would not be cumulatively considerable.

4.3.8 Greenhouse Gas Emissions

As described in Section 3.8, "Greenhouse Gas Emissions," greenhouse gas (GHG) emissions and associated climate change effects is inherently a cumulative impact discussion. GHG emissions from one project cannot, on their own, result in changes in climatic conditions; therefore, the emissions from one project must be considered in the context of their contribution to cumulative global emissions, which is a significant cumulative impact. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would make a cumulatively considerable contribution to this cumulative impact.

IMPACT CUM-8: CONTRIBUTION TO GREENHOUSE GAS IMPACTS

As described under Impact 3.8-1, the project is estimated to generate maximum annual construction and operational emissions of 1,448 MTCO₂e and 13,591 MTCO₂e, respectively. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with statewide GHG reduction targets established for 2030 and 2045. Implementation of Mitigation Measures 3.8-1a through 3.8-1e would reduce emissions by approximately 20 percent as well as ensure electricity used onsite is obtained from renewable source through onsite solar and electrical service from Central Coast Community Energy. Mitigation Measure 3.8-1f would further reduce GHG emissions by offsetting remaining emissions. Thus, the contribution of GHG emissions associated with the project to cumulative GHG emissions would be mitigated to less than cumulatively considerable.

4.3.9 Hazards and Hazardous Materials

Although some hazardous materials releases can cover a large area and interact with other releases (e.g., atmospheric contamination, contamination of groundwater aquifers), incidents of hazardous materials contamination are more typically isolated to a small area, such as leaking underground storage tank sites or releases at individual businesses. These relatively isolated areas of contamination typically do not interact in a cumulative manner with other sites of hazardous materials contamination. Impacts related to emergency vehicle access and evacuation are considered site specific and are not cumulative. The potential for airport hazards is associated with site specific conditions in relation to particular airports and are not considered cumulative impacts. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would not make a cumulatively considerable contribution to cumulative hazard impacts (San Benito County 2015).

IMPACT CUM-9: CONTRIBUTION TO CUMULATIVE HAZARD IMPACTS

As identified in Impacts 3.9-1 and 3.9-2, hazard impacts related to the project are limited to potential onsite contamination and would be mitigated to a less-than-significant level through implementation of Mitigation Measures 3.9-1a through 3.9-1e. Therefore, cumulative hazard impacts would not be cumulatively considerable.

4.3.10 Hydrology and Water Quality

The geographic context for the cumulative impact analysis concerning hydrology and water quality consists of the San Benito County Water District planning area, which includes portions of the Pajaro River and the San Benito River. Cumulative groundwater conditions consist of the North San Benito Basin, a subbasin of the Gilroy-Hollister Groundwater Basin. The basin covers approximately 200 square miles situated between and including portions of the Diablo Range to the east and the Gabilan Range to the west. It is adjoined on the north by the Llagas Subbasin, which is the northern extension of the Gilroy-Hollister Basin in Santa Clara County. All projects located within this context

are subject to federal, state, and local standards, including San Benito County General Plan policies and County Code requirements.

Overall water quality in the region has degraded over time as natural habitat has been converted to urban and agricultural uses, and these uses have resulted in runoff of various pollutants into local and regional waterways. The Pajaro and San Benito rivers are currently designated impaired waters for sediment, metals, pathogens, pesticides, turbidity, and salinity.

The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would not make a cumulatively considerable contribution to cumulative groundwater recharge impacts but would result in cumulative considerable water quality and flooding impacts (San Benito County 2015).

IMPACT CUM-10: CONTRIBUTION TO CUMULATIVE HYDROLOGY AND WATER QUALITY IMPACTS

New impervious surfaces from development of the project would result in new sources of stormwater runoff and contamination, as well as an increased risk of erosion and sedimentation. However, development on site, similar to other development within the cumulative context, would be required to comply with Central Coast RWQCB and NPDES requirements related to stormwater management, both in terms of volume and quality. Water quality regulations require implementation of post-construction site specific best management practices and water quality protection measures, such that contributions to cumulatively adverse hydrology and water quality impacts would be offset.

As identified in Section 3.10, "Hydrology and Water Quality," the project would be consistent with the North San Benito Groundwater Sustainability Plan. The North San Benito Groundwater Sustainability Plan is intended to ensure groundwater resources are maintained under current and future year conditions consistent with the Sustainable Groundwater Management Act.

As described in Impact 3.10-4, the project would alter the 100-year floodplain through grading and locating structures within the floodplain that could result in changes to the existing floodplain. Mitigation Measure 3.10-4 would offset the project's contribution to cumulative flooding impacts by ensuring that the final design of the project does not alter the floodplain conditions that would result in offsite floodplain in a manner consistent with the requirements of General Plan Policy LU-1.8, LU-1.10, and HS-2.1, and County Code of Ordinances Chapter 23.31 through retention, grading, and other appropriate measures.

Therefore, the project's potential contribution to cumulative impacts to hydrology and water quality would be less than cumulatively considerable.

4.3.11 Land Use and Planning

The cumulative context for land use impacts is the unincorporated area of San Benito County. Most land use impacts are localized impacts that affect individual communities, neighborhoods, and specific sites, and are not generally considered cumulative in nature. Impacts related to dividing a community are an example of this. The potential for growth inducement impacts as a result of the project are addressed in Chapter 6, "Other CEQA Requirements."

The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would not result in a cumulatively considerable contribution to cumulative land use impacts (San Benito County 2015).

IMPACT CUM-11: CONTRIBUTION TO CUMULATIVE LAND USE AND PLANNING IMPACTS

As identified in Section 3.11, "Land Use and Planning," no existing or reasonably foreseeable land use impacts were identified as a result of development of the site because it would not physically divide a community or conflict with any land use policies. The reader is referred to Sections 3.1 through 3.18 regarding project consistency with General

Plan policies related to environmental issues. While development of the project site, such changes are generally consistent with the goals and policies found in the General Plan and project site zoning. Further, the project would comply with the requirements associated with the conditional use permit necessary for onsite development. Therefore, cumulative land use and planning impacts would not be cumulatively considerable.

4.3.12 Noise

Noise and vibration impacts are generally experienced locally and are not cumulative in nature. Stationary noise sources attenuate (reduce) over distance from the source. Increases in vehicle traffic could contribute cumulative traffic noise along roadways within the County.

The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would make a cumulatively considerable contribution to cumulative traffic noise impacts (San Benito County 2015).

IMPACT CUM-12: CONTRIBUTION TO CUMULATIVE NOISE AND VIBRATION IMPACTS

Section 3.12, "Noise," identifies the extent of project impacts associated with construction and stationary noise sources. There are no existing or planned land uses near the project site that would contribute stationary noise sources that would create a significant cumulative noise impact.

The cumulative traffic noise impact focuses on 2030 conditions based on available traffic volume data and assumptions for the extent of development of the proposed Strada Verde Innovation Park assumed at 2030 (interim condition). Buildout of the Strada Verde Innovation Park is not anticipated until after 2045. The 2030 interim development condition of Strada Verde Innovation Park identified above were used in this cumulative impact analysis. Table 4-2 shows the cumulative no project scenario along with the cumulative plus project buildout at the nearest sensitive receptors (R-1 and R-9, as identified in Section 3.12, "Noise"). This table indicates that increases in cumulative traffic noise levels on some roadway segments in the immediate project vicinity would be substantial as a result of the project. Specifically, cumulative traffic noise increases resulting from the project on individual roadway segments are predicted to range from 0.0 to 12.9 dBA DNL. However, the noise generation of traffic on US 101 is substantially higher than the noise generation of Betabel Road and Y Road, the Lomerias overcrossing, and the US 101 access ramps at the Lomerias overcrossing. As a result, the net cumulative traffic noise level increase resulting from the project at the two nearest sensitive receptors to the project site (receptors R-1 and R-9) would only be 0.3 to 0.8 dB DNL on weekdays and 0.4 to 1.2 dB DNL on weekends. These increases are below the 1.5 dB FICON significance criteria shown in Table 3.12-1 in Section 3.12, "Noise."

Similarly, Table 4-3 shows the cumulative no project scenario along with the cumulative plus buildout of the interim condition of the proposed Strada Verde Innovation Park Project at the nearest sensitive receptors (R-1 and R-9). This table indicates that increases in cumulative traffic noise levels on some roadway segments in the immediate project vicinity would be substantial as a result of buildout of the interim condition of the proposed Strada Verde Innovation Park Project. Specifically, cumulative traffic noise increases resulting from the proposed Strada Verde Innovation Park Project on individual roadway segments are predicted to range from 0.0 to 20.3 DNL. However, as with the project, the noise generation of traffic on US 101 is substantially higher than the noise generation of Y Road, the Lomerias overcrossing, and the US 101 access ramps at the Lomerias overcrossing. As a result, the net cumulative traffic noise level increase resulting from the project at the two nearest sensitive receptors to the project site (R-1 and R-9) would only be 0.2 dB DNL on weekdays and no net cumulative increase would occur on weekends. This increase is below the 1.5 dB FICON significance criteria shown in Table 3.12-1 in Section 3.12, "Noise."

Table 4-4 shows the cumulative no project scenario along with the cumulative plus buildout of the project and interim condition of the proposed Strada Verde Innovation Park Project at the nearest sensitive receptors (R-1 and R-9). This table indicates that increases in cumulative traffic noise levels on some roadway segments in the immediate project vicinity would be substantial as a result of buildout of the project plus the interim condition of the proposed Strada Verde Innovation Park Project. Specifically, cumulative traffic noise increases resulting from the project plus the

interim condition of the proposed Strada Verde Innovation Park Project on individual roadway segments are predicted to range from 0.0 to 20.3 DNL. However, and as mentioned above, the noise generation of traffic on US 101 is substantially higher than the noise generation of Betabel Road and Y Road, the Lomerias overcrossing, and the US 101 access ramps at the Lomerias overcrossing. As a result, the net cumulative traffic noise level increase resulting from the project plus the interim condition of the Strada Verde Innovation Park Project at the two nearest sensitive receptors to the project site (receptors R-1 and R-9) would only be 0.4 to 0.9 dB DNL on weekdays and 0.4 to 1.2 dB DNL on weekends. This increase is also below the 1.5 dB FICON significance criteria shown in Table 3.12-1 in Section 3.12, "Noise." In addition, implementation of Mitigation Measure 3.12-2 would involve the installation of noise reducing asphalt on Betabel Road that offset the project's contribution to these traffic noise levels. Therefore, the project's potential contribution to cumulative traffic noise impacts would be less than cumulatively considerable.

4.3.13 Population, Employment, and Housing

The cumulative context for population and housing impacts is the unincorporated area of the county. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would make a cumulatively considerable contribution to cumulative population and housing impacts (San Benito County 2015).

IMPACT CUM-13: CONTRIBUTION TO CUMULATIVE POPULATION, EMPLOYMENT, AND HOUSING IMPACTS

As identified in Section 3.13, "Population, Employment, and Housing," the project would not result in no impacts to the displacement of housing and people and would have no contribution to this cumulative impact. As identified in Impact 3.13-1, the project would result in additional employment that could be accommodated by the existing County labor force would not contribute to cumulative growth impacts beyond what was addressed in the San Benito County 2035 General Plan EIR. Therefore, the project's potential contribution to cumulative population, employment, and housing impacts would be less than cumulatively considerable.

4.3.14 Public Services and Recreation

The cumulative context for public services impacts is the unincorporated area of San Benito County and the Hollister Fire Department service area. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would not result in a cumulatively considerable contribution to cumulative public service or recreation impacts (San Benito County 2015).

IMPACT CUM-14: CONTRIBUTION TO CUMULATIVE PUBLIC SERVICE AND RECREATION IMPACTS

As identified in Section 3.14, "Public Services and Recreation," the project would result in no impacts to recreation services and facilities as well as public schools and would therefore have no contribution to this cumulative impact. As identified in Impact 3.14-1 and 3.14-2, project impacts to fire and law enforcement services would not trigger the need for construction of new facilities that could create environmental impacts. Implementation of Mitigation Measure 3.14-2a and 3.14-2b would address project impacts through the provision of communication equipment and office space for law enforcement use. The project would also be required to pay fire and law enforcement impact fees that would be used to fund necessary equipment/facility improvements in the future. Therefore, the project's potential contribution to cumulative public services and recreation impacts would be less than cumulatively considerable.

Table 4-2 Cumulative No Project Vs. Cumulative Plus Project Traffic Noise Levels (Year 2030) at Nearest Sensitive Receptors (DNL, dBA)

Receptor	Roadway	Segment	Cumulative No Project		Existing + Project		Traffic Noise Increase	
			Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
R-1	Betabel Rd	North of Lomerias Overcrossing	14.6	15.4	14.6	15.4	0.0	0.0
R-1	Betabel Rd	South of Lomerias Overcrossing	19.4	19.9	32.3	32.8	12.9	12.9
R-1	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	18.0	18.2	29.7	30.2	11.7	12.0
R-1	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	18.0	16.0	27.0	27.3	9.0	11.2
R-1	Lomerias O/C	US 101 N/B Ramps to Y Road	13.5	14.6	13.5	14.6	0.0	0.0
R-1	Y Road	North of Lomerias Overcrossing	13.0	13.2	13.0	13.2	0.0	0.0
R-1	Y Road	South of Lomerias Overcrossing	40.4	42.3	40.4	42.3	0.0	0.0
R-1	US 101 S/B Ramp	North of Lomerias Overcrossing	25.4	24.3	33.2	33.7	7.8	9.4
R-1	US 101 S/B Ramp	South of Lomerias Overcrossing	24.7	24.0	32.4	32.4	7.7	8.4
R-1	US 101 N/B Ramp	North of Lomerias Overcrossing	24.6	22.6	31.4	31.2	6.8	8.6
R-1	US 101 N/B Ramp	South of Lomerias Overcrossing	23.8	23.3	31.9	34.7	8.1	11.4
R-1	US 101	Lomarias Overcrossing to SR 129	61.2	59.2	61.5	59.5	0.3	0.3
R-1	Combined Traffic Noise at R-1 from All Roadways:		61.2	59.3	61.5	59.6	0.3	0.4
R-9	Betabel Rd	North of Lomerias O/C	41.3	30.4	41.3	30.4	0.0	0.0
R-9	Betabel Rd	South of Lomerias O/C	46.1	46.6	58.9	59.5	12.9	12.9
R-9	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	34.2	34.4	45.9	46.4	11.7	12.0
R-9	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	33.0	31.0	42.0	42.3	9.0	11.2
R-9	Lomerias O/C	US 101 N/B Ramps to Y Road	25.2	26.3	25.2	26.3	0.0	0.0
R-9	Y Road	North of Lomerias O/C	23.4	23.7	23.4	23.7	0.0	0.0
R-9	Y Road	South of Lomerias O/C	29.9	31.9	29.9	31.9	0.0	0.0
R-9	US 101 S/B Ramp	North of Lomerias O/C	38.2	37.1	46.0	46.5	7.8	9.4
R-9	US 101 S/B Ramp	South of Lomerias O/C	47.5	46.8	55.2	55.3	7.7	8.4
R-9	US 101 N/B Ramp	North of Lomerias O/C	36.2	34.3	43.1	42.9	6.8	8.6
R-9	US 101 N/B Ramp	South of Lomerias O/C	42.0	41.5	50.1	52.8	8.1	11.4
R-9	US 101	Lomarias O/C to SR 129	69.7	67.7	70.0	68.0	0.3	0.3
R-9	Combined Traffic Noise at R-9 from All Roadways:		69.8	67.8	70.5	69.0	0.8	1.2

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

Table 4-3 Cumulative No Project Vs. Cumulative Plus Strada Verde Project (Interim Development) Traffic Noise Levels (Year 2030) at Nearest Sensitive Receptors (DNL, dBA)

Receptor	Roadway	Segment	Cumulative No Project		Cumulative + Project		Traffic Noise Increase	
			Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
R-1	Betabel Rd	North of Lomerias Overcrossing	14.6	15.4	14.6	15.4	0.0	0.0
R-1	Betabel Rd	South of Lomerias Overcrossing	19.4	19.9	19.4	19.9	0.0	0.0
R-1	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	18.0	18.2	18.0	18.2	0.0	0.0
R-1	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	18.0	16.0	28.2	17.9	10.2	1.9
R-1	Lomerias O/C	US 101 N/B Ramps to Y Road	13.5	14.6	30.7	19.2	17.2	4.6
R-1	Y Road	North of Lomerias Overcrossing	13.0	13.2	33.3	20.8	20.3	7.6
R-1	Y Road	South of Lomerias Overcrossing	40.4	42.3	40.4	42.3	0.0	0.0
R-1	US 101 S/B Ramp	North of Lomerias Overcrossing	25.4	24.3	35.5	25.2	10.1	0.9
R-1	US 101 S/B Ramp	South of Lomerias Overcrossing	24.7	24.0	31.6	25.4	6.9	1.4
R-1	US 101 N/B Ramp	North of Lomerias Overcrossing	24.6	22.6	33.7	25.4	9.1	2.8
R-1	US 101 N/B Ramp	South of Lomerias Overcrossing	23.8	23.3	31.0	25.2	7.2	1.9
R-1	US 101	Lomarias Overcrossing to SR 129	61.2	59.2	61.2	59.2	0.0	0.0
R-1	Combined Traffic Noise at R-1 from All Roadways:		61.2	59.3	61.2	59.3	0.0	0.0
R-9	Betabel Rd	North of Lomerias Overcrossing	41.3	30.4	41.3	30.4	0.0	0.0
R-9	Betabel Rd	South of Lomerias Overcrossing	46.1	46.6	46.1	46.6	0.0	0.0
R-9	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	34.2	34.4	34.2	34.4	0.0	0.0
R-9	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	33.0	31.0	43.2	32.9	10.2	1.9
R-9	Lomerias O/C	US 101 N/B Ramps to Y Road	25.2	26.3	42.4	30.9	17.2	4.6
R-9	Y Road	North of Lomerias Overcrossing	23.4	23.7	43.8	31.3	20.3	7.6
R-9	Y Road	South of Lomerias Overcrossing	29.9	31.9	29.9	31.9	0.0	0.0
R-9	US 101 S/B Ramp	North of Lomerias Overcrossing	38.2	37.1	48.3	38.0	10.1	0.9
R-9	US 101 S/B Ramp	South of Lomerias Overcrossing	47.5	46.8	54.4	48.2	6.9	1.4
R-9	US 101 N/B Ramp	North of Lomerias Overcrossing	36.2	34.3	45.4	37.1	9.1	2.8
R-9	US 101 N/B Ramp	South of Lomerias Overcrossing	42.0	41.5	49.2	43.4	7.2	1.9
R-9	US 101	Lomarias Overcrossing to SR 129	69.7	67.7	69.7	67.7	0.0	0.0
R-9	Combined Traffic Noise at R-9 from All Roadways:		69.8	67.8	70.0	67.8	0.2	0.0

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

Table 4-4 Cumulative No Project Vs. Cumulative + Project + Strada Verde Project (Interim Development) Traffic Noise Levels (Year 2030) at Nearest Sensitive Receptors (DNL, dBA)

Receptor	Roadway	Segment	Cumulative No Project		Existing + Project		Traffic Noise Increase	
			Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
R-1	Betabel Rd	North of Lomerias Overcrossing (O/C)	14.6	15.4	14.6	15.4	0.0	0.0
R-1	Betabel Rd	South of Lomerias O/C	19.4	19.9	32.3	32.8	12.9	12.9
R-1	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	18.0	18.2	29.7	30.2	11.7	12.0
R-1	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	18.0	16.0	30.4	27.4	12.4	11.4
R-1	Lomerias O/C	US 101 N/B Ramps to Y Road	13.5	14.6	30.7	19.2	17.2	4.6
R-1	Y Road	North of Lomerias O/C	13.0	13.2	33.3	20.8	20.3	7.6
R-1	Y Road	South of Lomerias O/C	40.4	42.3	40.4	42.3	0.0	0.0
R-1	US 101 S/B Ramp	North of Lomerias O/C	25.4	24.3	37.2	33.8	11.8	9.5
R-1	US 101 S/B Ramp	South of Lomerias O/C	24.7	24.0	34.6	32.6	9.9	8.7
R-1	US 101 N/B Ramp	North of Lomerias O/C	24.6	22.6	35.4	31.7	10.8	9.1
R-1	US 101 N/B Ramp	South of Lomerias O/C	23.8	23.3	34.1	34.9	10.3	11.5
R-1	US 101	Lomarias O/C to SR 129	61.2	59.2	61.5	59.5	0.3	0.3
R-1	Combined Traffic Noise at R-1 from All Roadways:		61.2	59.3	61.6	59.6	0.4	0.4
R-9	Betabel Rd	North of Lomerias O/C	41.3	30.4	41.3	30.4	0.0	0.0
R-9	Betabel Rd	South of Lomerias O/C	46.1	46.6	58.9	59.5	12.9	12.9
R-9	Lomerias O/C	Betabel Rd to US 101 S/B Ramps	34.2	34.4	45.9	46.4	11.7	12.0
R-9	Lomerias O/C	US 101 S/B Ramps to US 101 N/B Ramps	33.0	31.0	45.4	42.4	12.4	11.4
R-9	Lomerias O/C	US 101 N/B Ramps to Y Road	25.2	26.3	42.4	30.9	17.2	4.6
R-9	Y Road	North of Lomerias O/C	23.4	23.7	43.8	31.3	20.3	7.6
R-9	Y Road	South of Lomerias O/C	29.9	31.9	29.9	31.9	0.0	0.0
R-9	US 101 S/B Ramp	North of Lomerias O/C	38.2	37.1	50.0	46.7	11.8	9.5
R-9	US 101 S/B Ramp	South of Lomerias O/C	47.5	46.8	57.4	55.5	9.9	8.7
R-9	US 101 N/B Ramp	North of Lomerias O/C	36.2	34.3	47.0	43.4	10.8	9.1
R-9	US 101 N/B Ramp	South of Lomerias O/C	42.0	41.5	52.3	53.0	10.3	11.5
R-9	US 101	Lomarias O/C to SR 129	69.7	67.7	70.0	68.0	0.3	0.3
R-9	Combined Traffic Noise at R-9 from All Roadways:		69.8	67.8	70.7	69.0	0.9	1.2

Notes: Receptor locations are identified on Figure 3.12-1

Source: Appendix D.

4.3.15 Transportation

The cumulative context for transportation impacts is the project area roadway system and the US 101 corridor. The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would make a cumulatively considerable contribution to cumulative traffic operational (congestion) impacts (San Benito County 2015). Since adoption of the General Plan, new legislation (Senate Bill 743) has amended the Public Resources Code associated with environmental analysis of transportation impacts that resulted in amendments to the State CEQA Guidelines. State CEQA Guidelines Section 15064.3, "Determining the Significance of Transportation Impacts," which was certified on December 28, 2018, states that "a project's effect on automobile delay shall not constitute a significant impact." Vehicle miles traveled (VMT) replaced congestion as the metric for determining transportation impacts.

IMPACT CUM-15: CONTRIBUTION TO CUMULATIVE TRANSPORTATION IMPACTS

Section 3.15, "Transportation," identifies that there are no transit, pedestrian, or bicycle facilities in the project area. Thus, the project would not contribute to any cumulative impacts on these transportation facilities. As identified in Appendix E (Table 10), the project would not contribute to any cumulative queuing and associated safety impacts along US 101. Construction and access impacts are limited to the site and would not contribute to any cumulative operation or safety impacts.

Appendix E identifies that the operation of the proposed outdoor event center would increase VMT in the region by 3,271 under 2045 conditions that would contribute to cumulative VMT impacts in the County and region. Implementation of Mitigation Measure 3.15-2 would reduce but not offset the project's contribution to this impact. Therefore, the project's potential contribution to cumulative public services and recreation impacts would be cumulatively considerable and significant and unavoidable.

4.3.16 Tribal Cultural Resources

The cumulative context for the analysis of tribal cultural resources considers a broad regional system of which the resources are a part. The cumulative context for tribal cultural resources is the former territory of the Ohlone. As explained in Section 3.16, "Tribal Cultural Resources," the *Ausaima* occupied the eastern side of the valley between Hollister and where Pacheco Creek enters the lowlands; the *Mutsun* lived on the southwestern side of the valley around the present town of San Juan Bautista; and the *Unijaima* claimed the Gilroy area.

Because all tribal cultural resources are unique and nonrenewable members of finite classes, meaning there are a limited number, all adverse effects erode a dwindling resource base. Tribal cultural systems are represented by the total inventory of all sites and other remains in the region. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of tribal cultural resources within a region, rather than on a single project or parcel boundary.

The historical lands of the Ohlone people have been affected by development since the early 1800s as part of Spanish settlement and missionization and through the steady influx of nonnative people during the 1850s Gold Rush. Disturbance of the Ohlone lands continued after the Gold Rush with agricultural endeavors through the mid-1900s. The residential growth after World War II within the region encompassing the project area continued to perpetrate significant adverse effects on tribal cultural resources. Cumulative development in the area continues to contribute to the disturbance and loss of tribal cultural resources.

Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving them in place. Federal, State, and local laws are also in place that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would make projects infeasible, and for this reason the cumulative effects of past and present projects in the Santa Clara Valley as noted above are considered to be significant.

IMPACT CUM-16: CONTRIBUTION TO CUMULATIVE TRIBAL CULTURAL RESOURCE IMPACTS

Section 3.16, "Tribal Cultural Resources," identified the Juristac Tribal Cultural Landscape as a California Register of Historical Resources-eligible tribal cultural resource. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Additional development in this landscape, including the Sargent Quarry Project would contribute to a cumulative impact to this tribal cultural resource. Therefore, the project's potential contribution to cumulative tribal cultural resource impacts would be cumulatively considerable and significant and unavoidable.

4.3.17 Utilities and Service Systems

The cumulative context for water supply is the North San Benito Subbasin of the Gilroy-Hollister Groundwater Basin. The North San Benito Subbasin is made up of four management areas. The project site is part of the San Juan Management Area, which includes the San Juan Valley and adjacent uplands. Important characteristics of the San Juan Management Area are the various land uses, multiple jurisdictions, and multiple sources of water supply. The San Juan Valley is characterized by prime farmland and intensive agriculture, while the uplands are mostly rangeland with some rural residential and industrial land uses. Inflow to San Juan Management Area is primarily comprised of rainfall and irrigation water, percolation from the San Benito River and San Juan Creek, and inflow from the adjacent Hollister Management Area. The draft North San Benito Subbasin Groundwater Sustainability Plan describes the groundwater basin conditions and projects future conditions to estimate the sustainable yield of each management area. The estimate of sustainable yield was based on the future baseline simulation. The sustainable yield for the San Juan Management Area is 19,017 acre-feet per year (AFY).

The project would construct and operate an onsite septic system for wastewater treatment and disposal and would not contribute to cumulative wastewater demands for public systems in the county. The project would also address drainage through the construction and operation of onsite facilities. Cumulative impacts associated with water quality are addressed above in Section 4.3.10.

The project would connect to electrical facilities located on and adjacent to the project site and would part of the cumulative setting associated with PG&E and Central Coast Community Energy. The reader is referred to Section 4.3.6 above regarding cumulative energy impacts.

The cumulative context for solid waste disposal is the county. San Benito County, through the San Benito County Integrated Waste Management Regional Agency, administers a countywide exclusive franchise contract (including the cities of Hollister and San Juan Bautista) for solid waste collection operations through one private hauling firm, Recology (San Benito County 2015). Recology transports waste to the John Smith Landfill located at 2650 John Smith Road in Hollister. The existing 95-acre landfill is estimated to have remaining capacity through 2036. Plans for expansion of the landfill are in progress to add 388-acres of property to reach a total of 483 acres at the landfill. This expansion would allow for an increase from the current 1,000 tons per day of material disposed to 2,300 tons per day.

The San Benito County 2035 General Plan EIR concluded that implementation of the General Plan would not result in a cumulatively considerable contribution to cumulative utility service impacts (San Benito County 2015).

IMPACT CUM-17: CONTRIBUTION TO CUMULATIVE UTILITY AND SERVICE SYSTEM IMPACTS

The project would contribute to groundwater use in the North San Benito Subbasin. As identified in Impact 3.17-2, under the existing conditions, 7,454 AFY of groundwater is produced in the San Juan Management Area. The difference between the current groundwater production level and the sustainable yield is 11,563 AFY. The project's demand of 32 AFY would be less than available groundwater under sustainable conditions (11,563 AFY) and the project is consistent with the existing and future land uses that were considered during development of the sustainable yield. Therefore, the project would not create or contribute to cumulatively considerable groundwater

impacts beyond the sustainable yield of the management unit in the draft North San Benito Subbasin Groundwater Sustainability Plan.

As identified in Impact 3.17-3, the John Smith Landfill has a maximum throughput of 1,000 ton per day. The estimated waste generated from the project would represent a small portion of the allowed throughput at John Smith Landfill (0.08 percent without outdoor event center/0.11 percent with outdoor event center). The landfill is estimated to have capacity to serve San Benito County through 2036. Due new organic diversion requirements, disposal rates at John Smith Landfill may begin to decrease and allow for greater levels of disposal than currently estimated. In addition, plans for expansion of the landfill are in progress and would allow for an increase of nearly 100-acres of disposal area and more than doubling of the throughput per day. Thus, the project would not result in a cumulative considerable contribution to cumulate solid waste impacts.

Therefore, the project's potential contribution to cumulative utility service system impacts would be less than cumulatively considerable.

4.3.18 Wildfire

The cumulative setting for wildfire consists of the San Benito-Monterey Unit of CAL FIRE that encompasses over three million acres (approximately 2.1 million acres consists of State Responsibility Area) that contains San Benito and Monterey counties. Section 3.18, "Wildfire," provides information and mapping of fire risk areas (see Figure 3.18-1) and of fire activity in the region (see Figure 3.18-2).

IMPACT CUM-18: CONTRIBUTION TO CUMULATIVE WILDFIRE IMPACTS

As identified in Impact 3.18-1, while no specific evacuation routes are designated, the project area would use US 101 as the primary evacuation route and may be directed to use SRs 25, 129, 156, or other local roadways depending on direction from the Sheriff's Office. These highways and local roadways provide multiple north-south and east-west escape routes. Project construction would not alter or obstruct US 101 but would add traffic to anticipated congestion on these highways associated with the potential evacuation of other communities (e.g., unincorporated areas of the San Benito and Monterey counties and the cities of San Juan Bautista and Hollister). Evacuation details are developed and directed in real time in response to the unique conditions of the emergency that would include consideration of the length of time to adequately evacuate areas through implementation of the San Benito County Area Emergency Operations Plan. Thus, the project would not conflict with evacuation processes identified in the San Benito County Area Emergency Operations Plan that would contribute to a cumulative impact.

While not completely located in SRA, portions of the project site are in and adjacent to SRA lands that have been mapped as having high fire risk (Figure 3.18-1). The project would also retain approximately 80 acres of fallowed agricultural land (undeveloped area) south and west of the development area. No specific management of the undeveloped area has been identified. The project's contribution to cumulative increased risks of wildfire associated with vegetative fuel increase and proximity to new ignition sources would be offset through implementation of Mitigation Measure 3.18-2 that would require defensible space and the associated reduction of vegetative fuels for the undeveloped area. As identified in Section 3.18, "Wildfire," vegetation fuel management activities have specifically been found to be effective at reducing fire frequency, fire severity, and annual area burned over an extended period of time.

Therefore, the project's potential contribution to cumulative evacuation and wildfire hazards impacts would be less than cumulatively considerable.

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5 OTHER CEQA

5.1 GROWTH INDUCEMENT

California Environmental Quality Act (CEQA) Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an environmental impact report (EIR). Section 15126.2(d) of the State CEQA Guidelines provides the following guidance for assessing growth-inducing impacts of a project:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can induce growth directly, indirectly, or both. Direct growth inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for instance, if implementing a project resulted in any of the following:

- ▶ substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- ▶ substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; and/or
- ▶ removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand for housing, demand for other community and public services and infrastructure capacity, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open-space land to urban uses, and other effects.

5.1.1 Growth-Inducing Impacts of the Project

The project would foster short-term and long-term economic growth associated with construction and operational employment. Construction would begin as early as 2023 and last for approximately 2 years. As described in Chapter 2, "Project Description," the project would be expected to provide a total of 136 jobs and volunteer positions (including the planned farm stand).

The San Benito County 2035 General Plan EIR identified that the county at buildout (assumed to be year 2035) would consist of 94,731 residents (54,581 residents in the unincorporated area and 40,150 residents within the incorporated cities whose growth is directed by their general plans), 20,269 residential units in the unincorporated area, and up to 13,470 jobs (San Benito County 2015: 4-5 – 4-13). This includes anticipated job growth associated with the General Plan designated commercial nodes, which includes the project site.

The project's increase in employment could lead to some population growth in the area if employees relocated from outside of the area. Given that most jobs generated by the project would require skill levels that could be provided by existing residents of the region (i.e., San Benito County), induced employment is not anticipated to have a substantial effect on population growth. As identified in Section 3.13, "Land Use and Planning," the project site is

consistent with the San Benito County 2035 General Plan and zoning and is part of the planned growth of the unincorporated area of the county. The environmental impacts of this growth was addressed in the San Benito County 2035 General Plan EIR.

As described in Chapter 2, "Project Description," the project would connect to existing available infrastructure near the site as well as accommodate utilities (water and wastewater) onsite and would not involve the expansion of new infrastructure facilities that could induce growth.

5.2 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The State CEQA Guidelines Section 15126.2(b) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. As documented throughout Chapter 3 (project level impacts) and Chapter 4, "Cumulative Impacts," of this Draft EIR, after implementation of the recommended mitigation measures, most of the impacts associated with the proposed project would be reduced to a less-than-significant level. The following impacts are considered significant and unavoidable; that is, no feasible mitigation is available to reduce the project's impacts to a less-than-significant level.

AESTHETICS

Project development would occur along US 101, which is not designated as a state scenic highway but is County designated as a locally scenic roadway. Proposed development would be compatible and visually cohesive with existing development, consistent with County General Plan policies and regulations related to development near scenic resources. However, it would be visible and would potentially further reduce views westward from US 101 and of the surrounding landscape. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Therefore, the impact is **significant and unavoidable** (Impact 3.1-2).

Development of the project, in combination with cumulative development, could result in substantial changes to the local viewshed because it would alter conditions associated with a designated scenic resource. This would be a **cumulatively considerable and significant and unavoidable** cumulative visual impact (Impact CUM-1).

AGRICULTURAL RESOURCES

The Betabel Commercial Development Conditional Use Permit Project would result in the conversion of up to 27.07 acres of Important Farmland to non-agricultural uses. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Therefore, the impact is **significant and unavoidable** (Impact 3.2-1).

The project site contains 80.76 acres of Important Farmland (Prime, Unique, or Farmland of Statewide Importance). Development of the proposed project would result in the conversion of up to 27.07 acres of land designated as Prime Farmland to non-agricultural uses. The remaining 53.69 acres of Important Farmland would remain undeveloped but may not be returned to agricultural uses. This would contribute to the cumulative loss of agricultural resources in the County as identified above. This would be a **cumulatively considerable and significant and unavoidable** cumulative visual impact (Impact CUM-2).

TRANSPORTATION

Land uses associated with the project, except for the outdoor event area, are not anticipated to generate a net increase in VMT during operation. However, due to the regional draw that events at the outdoor event area would potentially generate, it is anticipated that there could be a net increase in VMT associated with this land use and therefore the project as a whole. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Therefore, the impact is **significant and unavoidable** (Impact 3.15-2).

Development of the project, in combination with cumulative development would result in increases in VMT. This would be a **cumulatively considerable and significant and unavoidable** impact (Impact CUM-15).

TRIBAL CULTURAL RESOURCES

Consultation with the Amah Mutsun Tribal Band identified that the entire project area is sacred and sensitive for the presence of tribal cultural resources because it is within a California Register of Historical Resources-eligible tribal cultural resource (Juristac Tribal Cultural Landscape). Mitigation measures have been recommended to reduce this impact. However, the mitigation measures would not completely mitigate these impacts to below a level of significance, based on the information received in tribal consultation pursuant to AB 52 (Gatto 2014). Therefore, the impact is **significant and unavoidable** (Impact 3.16-1).

Additional development in this landscape, including the Sargent Quarry Project would contribute to a cumulative impact to this tribal cultural resource, resulting in a **cumulatively considerable and significant and unavoidable** tribal cultural resources impact (Impact CUM-16).

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6 ALTERNATIVES

6.1 INTRODUCTION

State CEQA Guidelines Section 15126.6(a) requires EIRs to describe:

a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis is as follows:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (State CEQA Guidelines Section 15126.6[d]).

The State CEQA Guidelines further require that the “no project” alternative be considered (State CEQA Guidelines Section 15126.6[e]). The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the no project alternative is the environmentally superior alternative, CEQA requires that the EIR “shall also identify an environmentally superior alternative among the other alternatives” (State CEQA Guidelines Section 15126[e][2]).

In defining “feasibility” (e.g., “feasibly attain most of the basic objectives of the project”), State CEQA Guidelines Section 15126.6(f)(1) states, in part:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project’s significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of “potentially feasible” alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency’s decision-making body. (See PRC Sections 21081.5, 21081[a][3].)

6.2 CONSIDERATIONS FOR SELECTION OF ALTERNATIVES

6.2.1 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the project (State CEQA Guidelines Section 15126.6[a]). Chapter 2, "Project Description," articulated the following project objectives:

- ▶ Honor the memory of Errol McDowell by generating revenues for the applicant to be used 100 percent for funding children's cancer research to cure childhood brain cancer (the number one cause of death by cancer in kids).
- ▶ Provide a one-stop roadside experience, with visitor-oriented commercial uses that promote the local history and local economy.
- ▶ Provide retail, hospitality, automotive service/ fuel station, and feature local events to passengers driving on US 101.
- ▶ Create destination attractions that celebrate San Benito County's unique heritage, including contemporary and performing arts, winemaking culture, agritourism, and San Benito history.
- ▶ Create new employment opportunities within the County for residents, which are vital to the economic health of the community, allowing the County to make the most of the commercial and tax potential of the only portion of the County through which US 101 passes.

6.2.2 Environmental Impacts of the Project

Sections 3.1 through 3.18 and Chapter 4 of this Draft EIR address the environmental impacts of implementation of the proposed project. Potentially feasible alternatives were developed with consideration of avoiding or lessening the significant adverse effects of the project. The following list is composed of significant or potentially significant impacts associated with the project.

AESTHETICS

- ▶ Project development would occur along US 101, which is not designated as a state scenic highway but is County designated as a locally scenic roadway. Proposed development would be compatible and visually cohesive with existing development, consistent with County General Plan policies and regulations related to development near scenic resources. However, it would be visible and would potentially further reduce views westward from US 101 and of the surrounding landscape, including the Juristac Tribal Cultural Landscape. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Therefore, the impact is significant and unavoidable (Impact 3.1-2).
- ▶ Development of the project, in combination with cumulative development, could result in substantial changes to the local viewshed because it would alter conditions associated with a designated scenic resource, including the Juristac Tribal Cultural Landscape. This would be a cumulatively considerable and significant and unavoidable cumulative visual impact (Impact CUM-1).

AGRICULTURAL RESOURCES

- ▶ The Betabel Commercial Development Conditional Use Permit Project would result in the conversion of up to 27.07 acres of Important Farmland to non-agricultural uses. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this impact. Therefore, the impact is significant and unavoidable (Impact 3.2-1).
- ▶ The project site contains 80.76 acres of Important Farmland (Prime, Unique, or Farmland of Statewide Importance). Development of the proposed project would result in the conversion of up to 27.07 acres of land designated as Prime Farmland to non-agricultural uses. The remaining 53.69 acres of Important Farmland would

remain undeveloped but may or may not be returned to agricultural uses. This would contribute to the cumulative loss of agricultural resources in the County as identified above. This would be a cumulatively considerable and significant and unavoidable impact (Impact CUM-2).

BIOLOGICAL RESOURCES

- ▶ Development of the project site, including ground disturbance associated with construction of roads, parking areas, or buildings, could result in direct removal, or damage that results in eventual death or loss of special-status plants, if present on the project site. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.4-1).
- ▶ Project implementation would include land use conversion and development activities including ground disturbance, vegetation removal, and overall conversion of wildlife habitat, which could result in disturbance, injury, or mortality of several special-status wildlife species if present, reduced breeding productivity of these species, and loss of species habitat. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.4-2).
- ▶ Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal of riparian woodland and sensitive natural communities. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.4-3).
- ▶ Project implementation would include activities resulting in ground disturbance, vegetation removal, and land development, which would result in removal (fill) of potential wetlands within a drainage ditch on the project site. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.4-4).

CULTURAL RESOURCES

- ▶ Project construction could impact the Sanchez Adobe archaeological site. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.5-1).

ENERGY

- ▶ Construction and operation of the project features would result in consumption of fuel (gasoline and diesel), and electricity. While the project would be required to comply with the California Energy Code for energy efficiency in building design, the project would not include renewable energy or additional energy efficiency measures. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.6-1).
- ▶ The project design would not include renewable energy or additional energy efficiency measures. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.6-2).

GREENHOUSE GAS EMISSIONS

- ▶ The project is estimated to generate maximum annual construction and operational emissions of 1,448 MTCO₂e and 13,591 MTCO₂e, respectively. This level of GHG emissions has the potential to result in a considerable contribution to cumulative emissions related to global climate change and conflict with statewide GHG reduction targets established for 2030 and 2045. Mitigation has been recommended to reduce this impact. Thus, the contribution of GHG emissions associated with the project to cumulative GHG emissions would be mitigated to less than cumulatively considerable. (Impact 3.8-1 and CUM-8).

HAZARDS AND HAZARDOUS MATERIALS

- ▶ Project construction would involve the use of materials that may create a hazard if released into the environment. Use, transport, and disposal of materials in compliance with established regulations would effectively address

hazards associated with the use of these materials. However, the disturbance of undocumented hazardous wastes or release of onsite contamination from historic land uses during grading or excavation activities may result in hazards to the environment and human health. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.9-1).

HYDROLOGY AND WATER QUALITY

- ▶ The project would construct several structures in an area that is located within the 100-year floodplain. Construction of the project would alter onsite grading conditions and place structures within the floodplain that could alter the floodplain area which could increase flooding upstream or downstream of the site. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.10-1).
- ▶ Portions of the development area of the project are located within the 100-year floodplain and would include onsite improvements that may house fuels, lubricants, and other pollutants that could be released from the project site during a flood event. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.10-2).

NOISE

- ▶ Project construction could result in potentially significant impacts if construction activities are proposed during the hours not exempted by Municipal Code Section 19.39.051.H. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.12-1).
- ▶ The project would generate excessive long-term traffic-generated noise at existing sensitive uses at the Betabel RV Park. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.12-3).

PUBLIC SERVICES AND RECREATION

- ▶ Implementing the project may result in an increase in demand for law enforcement services provided by the San Benito County Office of the Sheriff and the California Highway Patrol. The project would be required to pay law enforcement impact fees to address its contribution to equipment and facility needs, but would require onsite facilities to ensure adequate services. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.14-2).

TRANSPORTATION

- ▶ All land uses associated with the project, except for the outdoor event area, are not anticipated to generate a net increase in VMT during operation. However, due to the regional draw that events at the outdoor event area would potentially generate, it is anticipated that there could be a net increase in VMT associated with this land use and the project as a whole. Mitigation has been recommended to reduce this impact. However, the mitigation measures would not completely offset this VMT impact. Therefore, the impact is significant and unavoidable (Impact 3.15-2).
- ▶ Development of the project, in combination with cumulative development would result in increases in VMT. This would be a cumulatively considerable and significant and unavoidable impact (Impact CUM-15).

TRIBAL CULTURAL RESOURCES

- ▶ Consultation with the Amah Mutsun Tribal Band identified that the entire project area is sacred and sensitive for the presence of tribal cultural resources because it is within a California Register of Historical Resources-eligible tribal cultural resource (Juristac Tribal Cultural Landscape). Mitigation measures have been recommended to reduce this impact. However, the mitigation measures would not completely mitigate these impacts to below a level of significance, based on the information received in tribal consultation pursuant to AB 52 (Gatto 2014). Therefore, the impact is significant and unavoidable (Impact 3.16-1).

- ▶ Project development in combination with cumulative development and land use activities in the region would result in a cumulatively considerable and significant and unavoidable tribal cultural resources impact (Impact CUM-16).

WILDFIRE

- ▶ Implementation of the project could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. Mitigation has been recommended to reduce this impact to less than significant (Impact 3.18-2).

6.3 ALTERNATIVES CONSIDERED BUT NOT EVALUATED FURTHER

As described above, State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR.

The EIR should also identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternative was considered but not evaluated further in this Draft EIR.

6.3.1 Off-Site Alternative

Under this alternative, the proposed project would be relocated to another General Plan designated regional commercial node along US 101. In addition to the project site there are two other designated regional commercial nodes. Neither of the sites are owned by the project applicant and would not avoid significant and unavoidable impacts associated with visual impacts along the designated scenic resource/corridor of US 101 or avoid the loss of farmland. Thus, this alternative is not considered to be feasible.

6.4 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS

The following alternatives evaluated in this Draft EIR.

- ▶ Alternative 1: No Project–No Development Alternative assumes no development of the project site. The project site would remain in its current condition.
- ▶ Alternative 2: No Project – Orchard and Flea Market Alternative would involve not moving forward with the proposed project and the re-establishment of orchard agricultural uses on the site with a flea market operation along the site's frontage with US 101 as allowed under County Use Permit No. 1006-08.
- ▶ Alternative 3: Modified Site Design Alternative would remove the proposed motel site and its associated parking. All other aspects of the project would be retained.
- ▶ Alternative 4: Reduced Intensity Alternative would remove the outdoor event center in the southern portion of the development and reduce the size of the motel to two-stories and a total of 77 rooms. The motel movie screen would also be removed. All other aspects of the project would be retained.
- ▶ Alternative 5: North Site Development Only Alternative would reduce site development and associated improvements to the proposed gas station and convenience store, restaurant, and operation of the approved farm stand.

Further details on these alternatives, and an evaluation of environmental effects relative to the proposed project, are provided below.

6.4.1 Alternative 1: No Project-No Development Alternative

Under Alternative 1, the No Project–No Development Alternative, no actions would be taken by County and the project site would remain unchanged from current conditions. The project site would remain vacant and in its current condition with the exception of the approved farm stand. Current General Plan and zoning designations for commercial uses would remain that would allow a project similar to the proposed project to be developed and result in similar environmental impacts as the project. However, no development activity is assumed for this alternative. The No Project – No Development Alternative would not meet the project objectives. The No Project – No Development Alternative is also not reasonably expected to occur if the County denies all the action alternatives, because the project proponent in that circumstance intends to proceed with the No Project – Orchard and Flea Market Alternative. Nevertheless, the No Project – No Development Alternative is evaluated in this Draft EIR.

EVALUATION OF ENVIRONMENTAL EFFECTS

No Project – No Development Alternative would not result in any site development or new special events on the project site. It would avoid the significant impacts of the project identified in Section 6.2.2, “Summary of Project Impacts,” associated with aesthetics, agricultural resources, air quality, biological resources, cultural resources, greenhouse gas emissions, onsite contamination, construction noise, law enforcement services, tribal cultural resources, and wildfire. Thus, the magnitude of environmental impacts would be less under Alternative 1 than the project.

6.4.2 Alternative 2: No Project - Orchard and Flea Market Alternative

Alternative 2 (No Project – Orchard and Flea Market Alternative) would involve not moving forward with the proposed project and the re-establishment of orchard agricultural uses on the site. As identified in Section 3.8, “Hazards and Hazardous Materials,” agricultural activities on the project site consisted of both row crops and orchards and associated ancillary structures from 1952 to 2010. Orchards are a permitted use under the site’s Agricultural Rangeland zoning; therefore this alternative would not require review under CEQA. In addition, this alternative would include the operational of a flea market along the site’s frontage with US 101 as allowed under County Use Permit No. 1006-08 (San Benito County 2009). This use permit, which also does not require review under CEQA, allows for the operation of a flea market between April 1 and October 31 from 7:00 a.m. to 5:00 p.m. each year. The County Use Permit No. 1006-08 requires the submittal of event plans that are to define event details (e.g., dates and times of the event, whether live music or entertainment would be provided, food provision, and site security). Parking for the customers of the flea market is limited to 550 vehicles. Operation of the approved farm stand on the project site would remain under this alternative. The No Project–Orchard and Flea Alternative would not meet the project objectives. However, as required by CEQA (Section 15126.6[e]), this alternative is evaluated in this Draft EIR.

AESTHETICS

As identified in Section 3.1, “Aesthetics,” and Chapter 4, “Cumulative,” the project would result in significant and unavoidable impacts to scenic resources under project and cumulative conditions. Alternative 2 would result in temporary structures and activities associated with flea market events, as well as permanent new structures associated with resumed agricultural operations. This would avoid project visual impacts associated with some of the building massing and parking areas of the project design. The magnitude of this impact would be less under Alternative 2 to the project, because it would reduce the extent of new permanent structures on the site.

AGRICULTURAL RESOURCES

Alternative 2 would re-establish agricultural uses on the site through the development of orchards and not result in the permanent loss of important farmland loss as compared to the project as identified in Section 3.2, “Agricultural

Resources,” and Chapter 4, “Cumulative Impacts.” Operation of the flea market would result in temporary loss of important farmland when in operation. The magnitude of this impact would be less under Alternative 2 to the project, because it would reduce the loss of important farmland.

AIR QUALITY

The No Project – Orchard and Flea Market Alternative would involve construction and operational activities that would generate air pollutant emissions. As identified in Section 3.3, “Air Quality,” no significant air quality impacts were identified for the project. The magnitude of this impact would be less under Alternative 2 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the overall site development and operation proposed by the project.

BIOLOGICAL RESOURCES

Similar to the project, the No Project – Orchard and Flea Market Alternative could result in significant impacts to special-status plant and wildlife species associated with orchard development and operation of the flea market. Project mitigation has been identified to reduce these impacts to less than significant, but that mitigation could not be required as part of this alternative, as there would be no CEQA review. The magnitude of this impact would be greater under Alternative 2 to the project because it would have an increased extent of site development and would not include any of the mitigation measures for the project.

CULTURAL RESOURCES

The No Project – Orchard and Flea Market Alternative construction and operation could impact the Sanchez Adobe archaeological site similar to the project. As identified in Section 3.5, “Cultural Resources,” this impact would be less than significant with the implementation of mitigation required by County Use Permit No. 1006-08, whose conditions of approval include protections for discovered archaeological resources. The magnitude of this impact would be similar under this alternative to the project because it would have the same extent of site disturbance near this archaeological resource site.

ENERGY

The No Project – Orchard and Flea Market Alternative would involve construction and operational activities associated with the orchard and flea market that would involve the use of energy, but would be less as compared to project development and operation of commercial uses. Project mitigation has been identified that would reduce this impact to a less-than-significant level, but that mitigation could not be required as part of this alternative, as there would be no CEQA review. The magnitude of this impact would be similar under Alternative 2 to the project, because it would eliminate the energy use associated with the operation of the project commercial uses, but it would not include any of the mitigation measures for the project.

GEOLOGY, SOILS, AND MINERAL RESOURCES

The project would not result in any significant geology, soil, or mineral impacts. The No Project – Orchard and Flea Market Alternative would not result in any significant geology, soil, or mineral impacts. Overall, impacts under this alternative would be similar to those that would occur under the project.

GREENHOUSE GAS EMISSIONS

The No Project – Orchard and Flea Market Alternative would involve construction and operational activities that would generate GHG emissions associated with orchard development and operation of the flea market. However, this alternative would also provide opportunities for carbon sequestration through carbon capture of the orchard

operation. The magnitude of this impact would be less under Alternative 2 to the project, because it would eliminate emissions associated with commercial development and operation as well as provide for the carbon capture.

HAZARDS AND HAZARDOUS MATERIALS

The project could result in potentially significant hazard impacts associated with contaminated soils. Project mitigation has been identified that would reduce this impact to a less-than-significant level, but those mitigation measures could not be required as part of this alternative, as there would be no CEQA review. The No Project – Orchard and Flea Market Alternative would have a reduced potential for hazards associated with contaminated soils exposure due to the elimination of site development and associated grading activities. Overall, impacts under this alternative would be less to those that would occur under the project.

HYDROLOGY AND WATER QUALITY

The No Project – Orchard and Flea Market Alternative would avoid the construction of commercial structures within the 100-year floodplain as proposed by the project, but structures associated with the agricultural operations could still be built in the floodplain. The magnitude of this impact would be similar under Alternative 2 to the project because it would not eliminate the location of buildings in the floodplain.

LAND USE AND PLANNING

The project would not result in any significant land use impacts. This alternative also would not result in significant land use impacts (division of an established community or conflict with plans adopted for the purpose of avoiding or mitigating a significant effect). Overall, impacts under this alternative would be similar to those that would occur under the project.

NOISE

The No Project – Orchard and Flea Market Alternative would avoid construction noise impacts as it would not involve the construction of commercial structures near the Betabel RV Park. This alternative would also avoid traffic noise impacts along Betabel Road as it would generate less traffic associated with operation of the orchard and the flea market because County Use Permit No. 1006-08 would limit flea market customer vehicle parking to 550 spaces. Thus, the magnitude of this impact would be less under Alternative 2 to the project.

POPULATION AND HOUSING

The project would not result in any significant population, employment, or housing impacts. This alternative also would not result in significant impacts. Overall, impacts under this alternative would be similar to those that would occur under the project.

PUBLIC SERVICES AND RECREATION

As identified in Section 3.14, "Public Services and Recreation," the project may result in an increase in demand for law enforcement services that would require onsite facilities to ensure adequate services. The No Project – Orchard and Flea Market Alternative would reduce the extent of law enforcement service needs as it would not accommodate as many users/visitors as the project. County Use Permit No. 1006-08 conditions of approval include requirements for a security plan to be approved by the County Office of the Sheriff and onsite 10,000-gallon water tank for fire protection. Overall, impacts under this alternative would be less to those that would occur under the project.

TRANSPORTATION

The No Project – Orchard and Flea Market Alternative would reduce the extent of vehicle miles traveled (VMT) through the elimination of the commercial uses and outdoor event center, which was identified as a significant and unavoidable impact for the project. Thus, the magnitude of this impact would be less under Alternative 2 to the project.

TRIBAL CULTURAL RESOURCES

The project would result in significant impacts to tribal cultural resources that would remain significant and unavoidable under project and cumulative conditions. The extent of site disturbance and operation would be substantially increased over the project because the entire site would be agriculturally-developed to the extent allowable under existing entitlements and permitted by existing zoning. The No Project – Orchard and Flea Market Alternative could also impact tribal cultural resources including the Juristac Tribal Cultural Landscape and none of the mitigation measures for the project would be incorporated into this alternative. However, the primary tribal concerns related to this California Register of Historical Resources-eligible tribal cultural landscape are related to the visual impacts of the motel and amphitheater and the entertainment atmosphere that would be prevalent in the area. Ethnobotanical resources near the river are also a tribal concern, however this is not an area that was historically used for orchards or row crops. Overall, impacts under this alternative would be less to those that would occur under the project because it would reduce impacts to the Juristac Tribal Cultural Landscape.

UTILITIES AND SERVICE SYSTEMS

As identified in Section 3.17, "Utilities and Service Systems," the project would not result in any significant impacts. Assuming at least 40 acres of orchards on site and a water demand of 3.24 acre-feet per acre¹, the No Project – Orchard and Flea Market Alternative orchard would have a water demand of 130 acre-feet annually. This water demand would exceed the project's estimated water demand. As described in Impact 3.17-2, there is adequate groundwater to accommodate this alternative based on the draft North San Benito Subbasin Groundwater Sustainability Plan (GSP) sustainable yield estimates. This alternative would also result in less onsite wastewater treatment demand as compared to the project. Overall, impacts under this alternative would be greater to those that would occur under the project.

WILDFIRE

Like the project, this alternative could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the project area that may not be properly maintained. Mitigation has been recommended to reduce this impact to less than significant. The No Project – Orchard and Flea Market Alternative would reduce the extent of this impact from reducing site visitation and the management of the orchard area that would reduce the extent of vegetative fuels. Overall, impacts under this alternative would be less to those that would occur under the project.

6.4.3 Alternative 3: Modified Site Design Alternative

Alternative 3 (Modified Site Design Alternative) would eliminate the proposed motel (including parking, landscaping, and driveways) portion of the project site design and retain this area as open space. Site development would be reduced to approximately 20 acres and 40,375 square feet of commercial space (gas station with convenience store, a restaurant, amusement buildings with exhibits, and an outdoor event center) as well as the approved farm stand. The design of the project would be reminiscent of the 1940s and 1950s American roadside. Figure 6-1 illustrates the Modified Site Design Alternative.

¹ Based on agricultural irrigation demands in Table 3.10-3 of the Yolo County Cannabis Land Use Ordinance Draft EIR (Yolo County 2019).

AESTHETICS

Similar to the project, the Modified Site Design Alternative would involve the development of multiple structures onsite with surface parking and driveways within the designated scenic resource/corridor of US 101. As identified in Section 3.1, "Aesthetics," and Chapter 4, "Cumulative," the project would result in a significant and unavoidable impacts to scenic resources under project and cumulative conditions. The elimination of the proposed motel under this alternative would reduce the extent of this impact through elimination of the massing of the hotel, but would not eliminate this significant and unavoidable impact. The magnitude of this impact would be less under Alternative 3 to the project, because it would reduce the overall extent of site development.

AGRICULTURAL RESOURCES

The Modified Site Design Alternative would reduce the extent of important farmland loss by approximately 6 acres as compared to the project and cumulative impacts identified in Section 3.2, "Agricultural Resources," and Chapter 4, "Cumulative Impacts." However, this impact would remain significant and unavoidable under this alternative. The magnitude of this impact would be less under Alternative 3 to the project, because it would reduce the loss of important farmland.

AIR QUALITY

Similar to the project, the Modified Site Design Alternative would involve construction and operational activities that would generate air pollutant emissions. As identified in Section 3.3, "Air Quality," no significant air quality impacts were identified for the project. The magnitude of this impact would be less under Alternative 3 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel site.

BIOLOGICAL RESOURCES

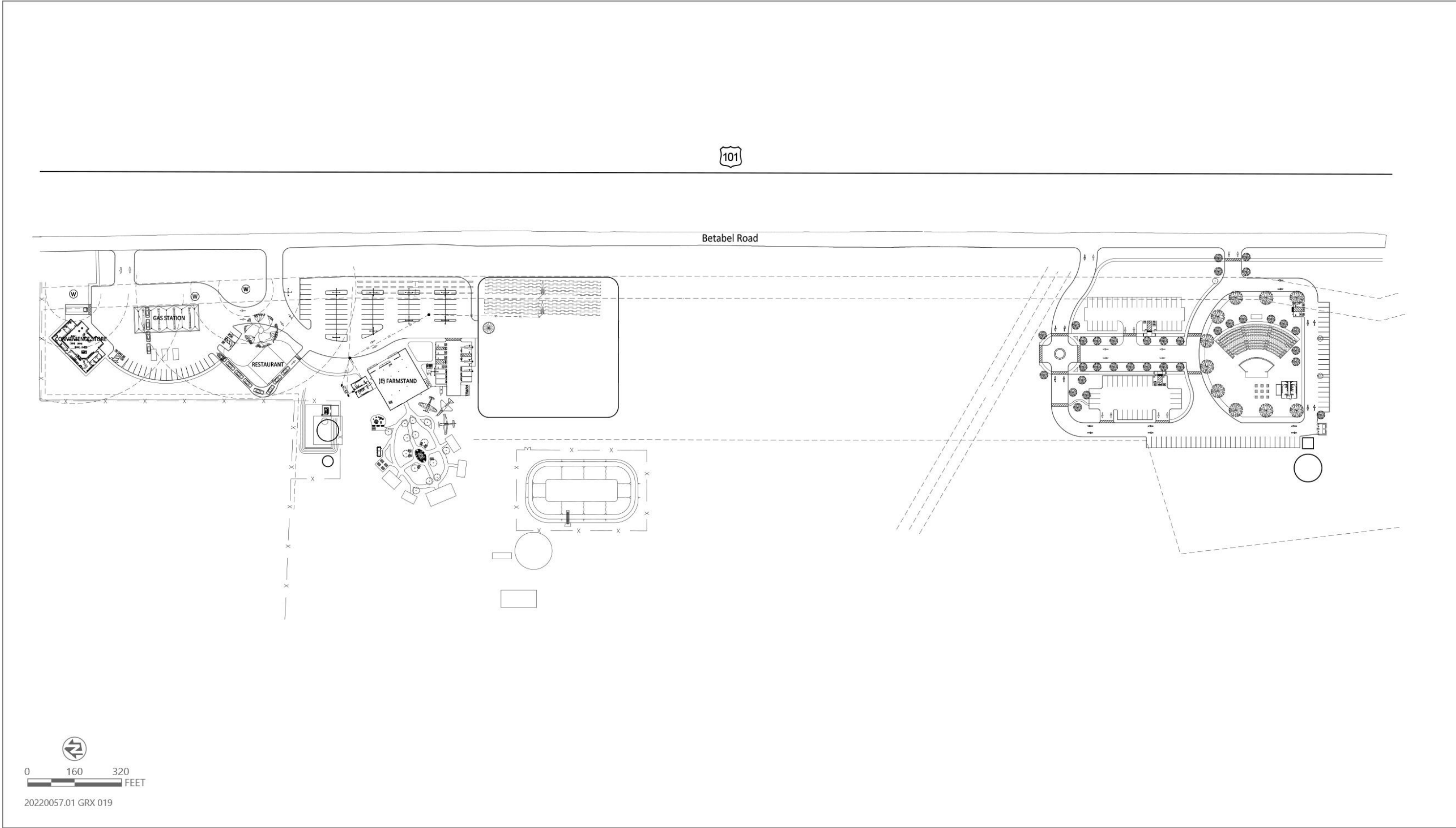
Similar to the project, site construction under the Modified Site Design Alternative could result in significant impacts to special-status plant and wildlife species. Project mitigation has been identified to reduce these impacts to less than significant. The magnitude of this impact would be less under Alternative 3 to the project because it would have a reduced extent of site development and would avoid impacts to wetland habitat features associated with the retention of the drainage ditch.

CULTURAL RESOURCES

The Modified Site Design Alternative construction could impact the Sanchez Adobe archaeological site similar to the project. As identified in Section 3.5, "Cultural Resources," this impact would be less than significant with the implementation of mitigation. The magnitude of this impact would be similar under this alternative to the project because it would have the same extent of site development near this archaeological resource site.

ENERGY

Similar to the project, the Modified Site Design Alternative would involve construction and operational activities that would involve the use of energy. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The magnitude of this impact would be less under Alternative 3 to the project, because it would eliminate the energy use associated with the motel site.



Source: Image prepared and provided by RFE Engineering, Inc. in 2022

Figure 6-1 Modified Site Design Alternative

GEOLOGY, SOILS, AND MINERAL RESOURCES

The project would not result in any significant geology, soil, or mineral impacts. The Modified Site Design Alternative would as not result in any significant geology, soil, or mineral impacts. Overall, impacts under this alternative would be less to those that would occur under the project.

GREENHOUSE GAS EMISSIONS

Similar to the project, the Modified Site Design Alternative would involve construction and operational activities that would generate GHG emissions. The magnitude of this impact would be less under Alternative 3 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel site.

HAZARDS AND HAZARDOUS MATERIALS

The project could result in potentially significant hazard impacts associated with contaminated soils. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The Modified Site Design Alternative would have a reduced development area and would reduce the potential for hazards associated with contaminated soils. Overall, impacts under this alternative would be less to those that would occur under the project.

HYDROLOGY AND WATER QUALITY

Similar to the project, the Modified Site Design Alternative would construct several structures (visitor center, amusement buildings, and water tanks) in an area that is located within the 100-year floodplain. Mitigation has been recommended to reduce this impact to less than significant. The magnitude of this impact would be less under Alternative 3 to the project because it would eliminate the motel site and the associated buildings in the floodplain.

LAND USE AND PLANNING

The project would not result in any significant land use impacts. This alternative also would not result in significant land use impacts (division of an established community or conflict with plans adopted for the purpose of avoiding or mitigating a significant effect). Overall, impacts under this alternative would be similar to those that would occur under the project.

NOISE

Similar to the project, the Modified Site Design Alternative would involve potential construction noise impacts and potential traffic noise impacts along Betabel Road at the Betabel RV Park. Project mitigation has been identified that would reduce these impacts to a less-than-significant level. The magnitude of this impact would be less under Alternative 3 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel site.

POPULATION AND HOUSING

The project would not result in any significant population, employment, or housing impacts. This alternative also would not result in significant impacts, but would have 75 fewer jobs than the project. Overall, impacts under this alternative would be similar to those that would occur under the project.

PUBLIC SERVICES AND RECREATION

As identified in Section 3.14, "Public Services and Recreation," the project may result in an increase in demand for law enforcement services that would require onsite facilities to ensure adequate services. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, the Modified Site Design Alternative would also result in increased demand for law enforcement services. Overall, impacts under this alternative would be similar to those that would occur under the project.

TRANSPORTATION

The Modified Site Design Alternative would reduce the extent of vehicle miles traveled (VMT) through the elimination of the motel as compared to the project under project and cumulative conditions. However, this impact would remain significant and unavoidable under this alternative as it would retain the outdoor event center. Thus, the magnitude of this impact would be similar under Alternative 3 to the project.

TRIBAL CULTURAL RESOURCES

The project would result in significant impacts to tribal cultural resources that would remain significant and unavoidable under project and cumulative conditions. While the extent of site development and operation would be less intensive, the Modified Site Design Alternative would also impact tribal cultural resources because development would occur within the tribal cultural landscape. However, removal of the motel would reduce the visual extent of the impact to the viewshed of elements of the Juristac Tribal Cultural Landscape. Overall, impacts under this alternative would be less to those that would occur under the project.

UTILITIES AND SERVICE SYSTEMS

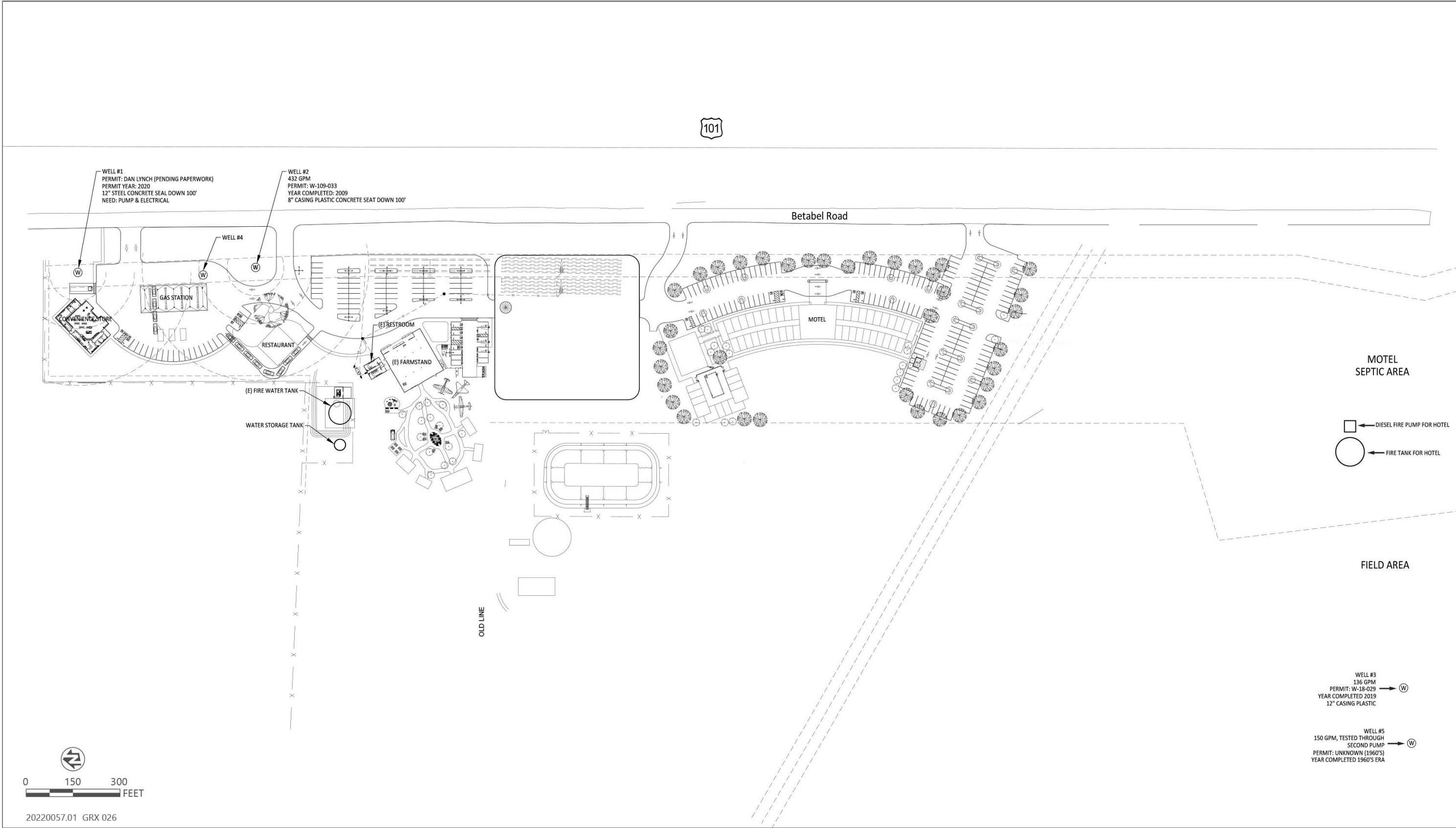
As identified in Section 3.17, "Utilities and Service Systems," the project would not result in any significant impacts. The elimination of the motel under the Modified Site Design Alternative would reduce water demand by approximately 87 percent and solid waste generation by approximately 45 percent. Overall, impacts under this alternative would be less to those that would occur under the project.

WILDFIRE

Similar to the project, this alternative could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, the Modified Site Design Alternative could also exacerbate wildfire hazards. Overall, impacts under this alternative would be similar to those that would occur under the project.

6.4.4 Alternative 4: Reduced Intensity Alternative

Alternative 4 (Reduced Intensity Alternative) would modify the site design through the removal the outdoor event center in the southern portion of the development. The motel size would be reduced to two-stories and a total of 77 rooms. The motel movie screen would also be removed. All other aspects of the project would be retained. Figure 6-2 illustrates the Reduced Intensity Alternative.



Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 6-2 Reduced Intensity Alternative

AESTHETICS

As identified in Section 3.1, "Aesthetics," and Chapter 4, "Cumulative," the project would result in a significant and unavoidable impacts to scenic resources under project and cumulative conditions. The elimination of the proposed motel, amusement buildings with exhibits, and an outdoor event center under this alternative would reduce the extent of this impact through reductions of building massing of the motel and extent of site development, but would not eliminate this significant and unavoidable impact. The magnitude of this impact would be less under Reduced Intensity Alternative to the project because it would reduce the overall extent of site development.

AGRICULTURAL RESOURCES

The Reduced Intensity Alternative would reduce the extent of important farmland loss by approximately 7 acres as compared to the project and cumulative impacts identified in Section 3.2, "Agricultural Resources," and Chapter 4, "Cumulative Impacts." However, this impact would remain significant and unavoidable under this alternative. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the loss of important farmland.

AIR QUALITY

Similar to the project, the Reduced Intensity Alternative would involve construction and operational activities that would generate air pollutant emissions. As identified in Section 3.3, no significant air quality impacts were identified for the project. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the overall extent of site development and operation associated with the reduction of the motel size and elimination of the outdoor event center in the southern portion of the site.

BIOLOGICAL RESOURCES

Similar to the project, site construction under the Reduced Intensity Alternative could result in significant impacts to special-status plant and wildlife species. Project mitigation has been identified to reduce these impacts to less than significant. The magnitude of this impact would be less under Alternative 4 to the project because it would have a reduced extent of site development and avoid impacts to wetland habitat features associated with the retention of the drainage ditch.

CULTURAL RESOURCES

The Reduced Intensity Alternative construction could impact the Sanchez Adobe archaeological site similar to the project. As identified in Section 3.5, "Cultural Resources," this impact would be less than significant with the implementation of mitigation. The magnitude of this impact would be similar under this alternative to the project because Alternative 4 would have the same extent of site development near this archaeological resource site.

ENERGY

Similar to the project, the Reduced Intensity Alternative would involve construction and operational activities that would involve the use of energy. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the energy use associated with the motel size reduction and elimination of the outdoor event center in the southern portion of the site.

GEOLOGY, SOILS, AND MINERAL RESOURCES

The project would not result in any significant geology, soil, or mineral impacts. The Reduced Intensity Alternative would also not result in any significant geology, soil, or mineral impacts. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the overall extent of site development and ground disturbance associated with the elimination of the outdoor event center in the southern portion of the site.

GREENHOUSE GAS EMISSIONS

Similar to the project, the Reduced Intensity Alternative would involve construction and operational activities that would generate GHG emissions. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the overall extent of site development and operation associated with the associated with the motel size reduction and elimination of the outdoor event center in the southern portion of the site.

HAZARDS AND HAZARDOUS MATERIALS

The project could result in potentially significant hazard impacts associated with contaminated soils. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The Reduced Intensity Alternative would have a reduced development area associated with the elimination of the outdoor event center in the southern portion of the site and would reduce the potential for hazards associated with contaminated soils. Overall, impacts under this alternative would be less to those that would occur under the project.

HYDROLOGY AND WATER QUALITY

As identified in Section 3.10, "Hydrology and Water Quality," the project would construct several structures (motel, visitor center, amusement buildings, and water tanks) in an area that is located within the 100-year floodplain. Mitigation has been recommended to reduce this impact to less than significant. The Reduced Intensity Alternative would retain the motel building and other features that located in the floodplain. Thus, magnitude of this impact would be similar under Alternative 4 as compared to the project.

LAND USE AND PLANNING

The project would not result in any significant land use impacts. This alternative also would not result in significant land use impacts (division of an established community or conflict with plans adopted for the purpose of avoiding or mitigating a significant effect). Overall, impacts under this alternative would be similar to those that would occur under the project.

NOISE

Similar to the project, the Reduced Intensity Alternative would involve potential construction noise impacts and potential traffic noise impacts along Betabel Road at the Betabel RV Park. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The magnitude of this impact would be less under Alternative 4 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the outdoor event center in the southern portion of the site.

POPULATION AND HOUSING

The project would not result in any significant population, employment, or housing impacts. This alternative also would not result in significant impacts. Overall, impacts under this alternative would be similar to those that would occur under the project.

PUBLIC SERVICES AND RECREATION

As identified in Section 3.14, "Public Services and Recreation," the project may result in an increase in demand for law enforcement services that would require onsite facilities to ensure adequate services. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, the Reduced Intensity Alternative would also result in increased demand for law enforcement services. Overall, impacts under this alternative would be similar to those that would occur under the project.

TRANSPORTATION

The Reduced Intensity Alternative would reduce the extent of vehicle miles traveled (VMT) through the size reduction of the motel and elimination of the outdoor event center under project and cumulative conditions. Thus, the magnitude of this impact would be less under Alternative 4.

TRIBAL CULTURAL RESOURCES

The project would result in significant impacts to tribal cultural resources that would remain significant and unavoidable with mitigation incorporated. While the extent of site development, building massing and operation would be less, the Reduced Intensity Alternative would also impact tribal cultural resources under project and cumulative conditions because of the occurrence of development within the tribal cultural resources landscape. Overall, impacts under this alternative would be less because it would reduce the overall extent of site development, building massing reductions would lessen the visual extent of the impact to the viewshed of elements of the Juristac Tribal Cultural Landscape, and operations associated with the elimination of the outdoor event center in the southern portion of the site. Elimination of the outdoor event center would also address the tribal concern related to the entertainment atmosphere that would be prevalent under the proposed project.

UTILITIES AND SERVICE SYSTEMS

As identified in Section 3.17, "Utilities and Service Systems," the project would not result in any significant impacts. The elimination of the motel under the Reduced Intensity Alternative would reduce water demand by approximately 38 percent. Overall, impacts under this alternative would be less to those that would occur under the project.

WILDFIRE

Similar to the project, this alternative could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, the Reduced Intensity Alternative could also exacerbate wildfire hazards. Overall, impacts under this alternative would be less to those that would occur under the project because it would reduce the overall extent of site development and operation associated with the elimination of the outdoor event center in the southern portion of the site.

6.4.5 Alternative 5: North Site Development Only Alternative

Alternative 5 (North Site Development Only Alternative) would reduce site development and associated improvements to the proposed gas station and convenience store, restaurant, and operation of the approved farm stand and retain the remaining project area as open space. Site development would be reduced to approximately 7 acres and 13,164 square feet of commercial structures in addition to approved farm stand. Figure 6-3 illustrates the North Site Development Only Alternative.

AESTHETICS

As identified in Section 3.1, "Aesthetics," and Chapter 4, "Cumulative," the project would result in a significant and unavoidable impacts to scenic resources under project and cumulative conditions. The elimination of the proposed motel, amusement buildings with exhibits, and an outdoor event center under this alternative would reduce the extent of this impact through elimination of the massing of the hotel as well as the extent of site development, but would not eliminate this significant and unavoidable impact. The magnitude of this impact would be less under North Site Development Only Alternative to the project because it would reduce the overall extent of site development.

AGRICULTURAL RESOURCES

The North Site Development Only Alternative would reduce the extent of important farmland loss by approximately 20 acres as compared to the project and cumulative impacts identified in Section 3.2, "Agricultural Resources," and Chapter 4, "Cumulative Impacts." However, this impact would remain significant and unavoidable under this alternative. The magnitude of this impact would be less under Alternative 5 to the project, because it would reduce the loss of important farmland.

AIR QUALITY

Similar to the project, the North Site Development Only Alternative would involve construction and operational activities that would generate air pollutant emissions. As identified in Section 3.3, no significant air quality impacts were identified for the project. The magnitude of this impact would be less under Alternative 5 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel, amusement buildings with exhibits, and outdoor event center components.

BIOLOGICAL RESOURCES

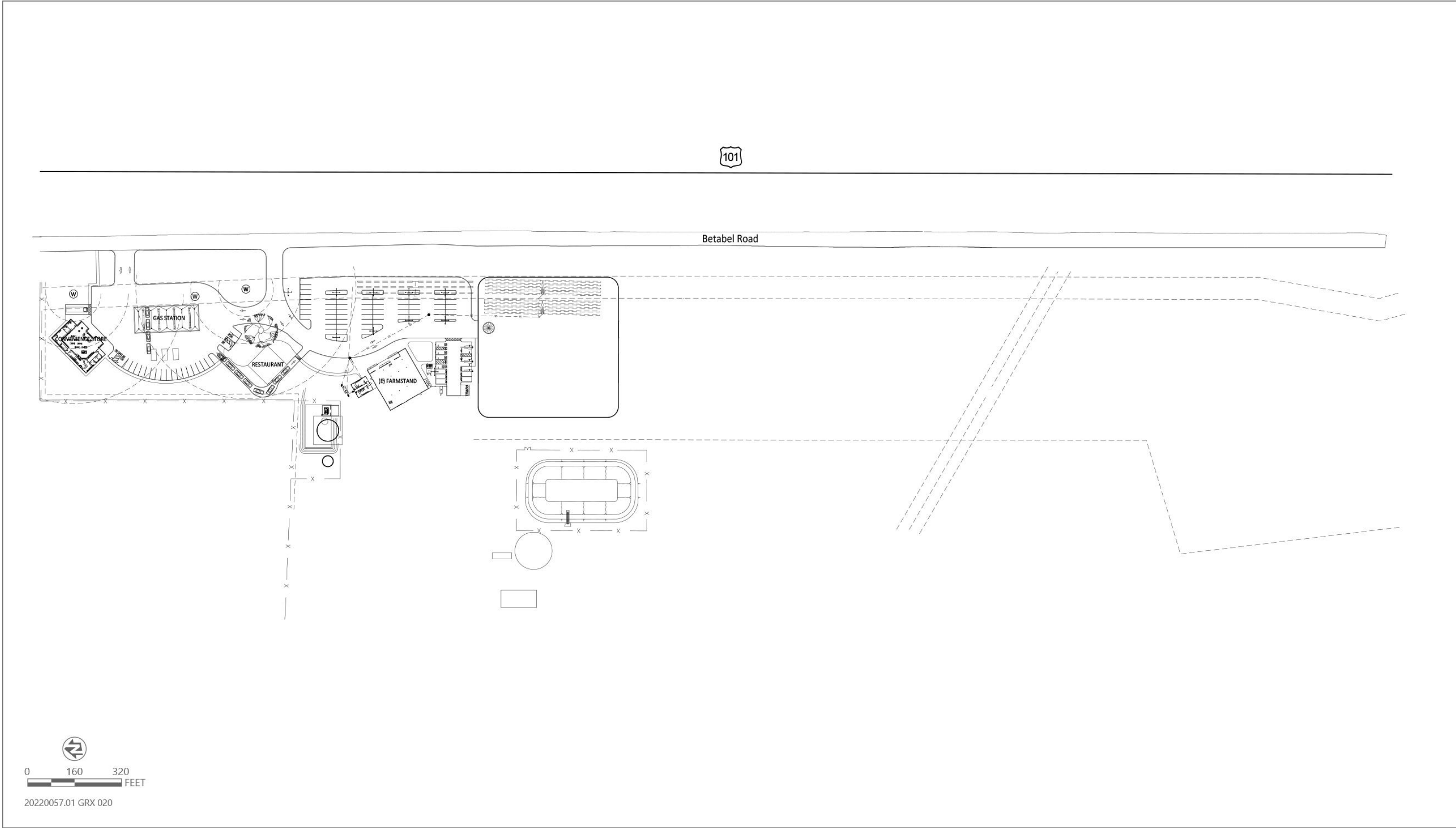
Similar to the project, site construction under the North Site Development Only Alternative could result in significant impacts to special-status plant and wildlife species. Project mitigation has been identified to reduce these impacts to less than significant. The magnitude of this impact would be less under Alternative 5 to the project because it would have a reduced extent of site development and would avoid impacts to wetland habitat features associated with the retention of the drainage ditch.

CULTURAL RESOURCES

The North Site Development Only Alternative construction could impact the Sanchez Adobe archaeological site similar to the project. As identified in Section 3.5, "Cultural Resources," this impact would be less than significant with the implementation of mitigation. The magnitude of this impact would be similar under this alternative to the project because Alternative 5 would have the same extent of site development near this archaeological resource site.

ENERGY

Similar to the project, the North Site Development Only Alternative would involve construction and operational activities that would involve the use of energy. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The magnitude of this impact would be less under Alternative 5 to the project, because it would eliminate the energy use associated with the motel, amusement buildings with exhibits, and outdoor event center components.



Source: Image prepared and provided by RFE Engineering, Inc. in 2022.

Figure 6-3 North Site Development Only Alternative

GEOLOGY, SOILS, AND MINERAL RESOURCES

The project would not result in any significant geology, soil, or mineral impacts. The North Site Development Only Alternative would also not result in any significant geology, soil, or mineral impacts. The magnitude of this impact would be less under Alternative 5 to the project because it would reduce the overall extent of site development and ground disturbance associated with the elimination of the motel, amusement buildings with exhibits, and outdoor event center components.

GREENHOUSE GAS EMISSIONS

Similar to the project, the Reduced Intensity Alternative would involve construction and operational activities that would generate GHG emissions. The magnitude of this impact would be less under Alternative 5 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel, amusement buildings with exhibits, and outdoor event center components.

HAZARDS AND HAZARDOUS MATERIALS

The project could result in potentially significant hazard impacts associated with contaminated soils. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The North Site Development Only Alternative would have a reduced development area associated with the elimination of the motel, amusement buildings with exhibits, and an outdoor event center components and would reduce the potential for hazards associated with contaminated soils. Overall, impacts under this alternative would be less to those that would occur under the project.

HYDROLOGY AND WATER QUALITY

As identified in Section 3.10, "Hydrology and Water Quality," the project would construct several structures (motel, visitor center, amusement buildings, and water tanks) in an area that is located within the 100-year floodplain. Mitigation has been recommended to reduce this impact to less than significant. The North Site Development Only Alternative would avoid this impact by limiting development to the gas station, convenience store, and restaurant which are all located outside of the floodplain. Thus, magnitude of this impact would be less under Alternative 5 as compared to the project.

LAND USE AND PLANNING

The project would not result in any significant land use impacts. This alternative also would not result in significant land use impacts (division of an established community or conflict with plans adopted for the purpose of avoiding or mitigating a significant effect). Overall, impacts under this alternative would be similar to those that would occur under the project.

NOISE

Similar to the project, the North Site Development Only Alternative would involve potential construction noise impacts and potential traffic noise impacts along Betabel Road at the Betabel RV Park. Project mitigation has been identified that would reduce this impact to a less-than-significant level. The magnitude of this impact would be less under Alternative 5 to the project, because it would reduce the overall extent of site development and operation associated with the elimination of the motel, amusement buildings with exhibits, and the outdoor event center.

POPULATION AND HOUSING

The project would not result in any significant population, employment, or housing impacts. This alternative also would not result in significant impacts, but would have 75 fewer jobs than the project. Overall, impacts under this alternative would be similar to those that would occur under the project.

PUBLIC SERVICES AND RECREATION

As identified in Section 3.14, "Public Services and Recreation," the project may result in an increase in demand for law enforcement services that would require onsite facilities to ensure adequate services. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, North Site Development Only Alternative would also result in increased demand for law enforcement services. Overall, impacts under this alternative would be similar to those that would occur under the project.

TRANSPORTATION

The North Site Development Only Alternative would reduce the extent of vehicle miles traveled (VMT) through the elimination of onsite uses as compared to the project under project and cumulative conditions. However, this impact would be avoided under this alternative as it would eliminate the outdoor event center. Thus, the magnitude of this impact would be less under Alternative 5 to the project.

TRIBAL CULTURAL RESOURCES

The project would result in significant impacts to tribal cultural resources that would remain significant and unavoidable with mitigation incorporated. While the extent of site development and operation would be less, the North Site Development Only Alternative would also impact tribal cultural resources under project and cumulative conditions. Overall, impacts under this alternative would be less because it would reduce the overall extent of site development and operation associated with the elimination of the motel, amusement buildings with exhibits, and construction of the outdoor event center.

UTILITIES AND SERVICE SYSTEMS

As identified in Section 3.17, "Utilities and Service Systems," the project would not result in any significant impacts. The elimination of the motel under the North Site Development Only Alternative would reduce water demand by approximately 91 percent and solid waste generation by approximately 76 percent. Overall, impacts under this alternative would be less to those that would occur under the project.

WILDFIRE

Similar to the project, this alternative could exacerbate wildfire hazards and associated environmental impacts in the project area from the creation of new fire ignition sources near vegetative fuels in the undeveloped area that may not be properly maintained. Mitigation has been recommended to reduce this impact to less than significant. While the extent of site development and operation would be less, the North Site Development Only Alternative could also exacerbate wildfire hazards. Overall, impacts under this alternative would be less to those that would occur under the project because it would reduce the overall extent of site development and operation associated with the elimination of the motel, amusement buildings with exhibits, and outdoor event center components.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Because Alternative 1 would avoid all adverse impacts resulting from construction and operation of the project, it is the environmentally superior alternative. However, Alternative 1 would not meet any of the project objectives.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126.6[e][2]) require identification of an environmentally superior alternative among the other action alternatives evaluated. As illustrated in Table 6-1, below, the Alternative 5 would be environmentally superior alternative due to the reduced development of the site. This alternative would not be as effective as proposed project or Alternative 3 and Alternative 5 in meeting all project objectives.

Table 6-1 Summary of Environmental Effects of the Alternatives Relative to the Proposed Project

Environmental Topic	Proposed Project	Alternative 1: No Project – No Development Alternative	Alternative 2: No Project – Orchard and Flea Market Alternative	Alternative 3: Modified Site Design Alternative	Alternative 4: Reduced Intensity Alternative	Alternative 5: North Site Development Only Alternative
Aesthetics	Significant and Unavoidable	Less	Less	Less	Less	Less
Agricultural Resources	Significant and Unavoidable	Less	Less	Less	Less	Less
Air Quality	Less Than Significant	Less	Less	Less	Less	Less
Biological Resources	Less Than Significant (with Mitigation)	Less	Greater	Less	Less	Less
Cultural Resources	Less Than Significant (with Mitigation)	Less	Similar	Similar	Similar	Similar
Energy	Less Than Significant (with Mitigation)	Less	Similar	Less	Less	Less
Geology, Soils, and Mineral Resources	Less Than Significant	Less	Similar	Less	Less	Less
Greenhouse Gas Emissions	Less Than Significant (with Mitigation)	Less	Less	Less	Less	Less
Hazards and Hazardous Materials	Less Than Significant (with Mitigation)	Less	Less	Less	Less	Less
Hydrology and Water Quality	Less Than Significant (with Mitigation)	Less	Similar	Less	Similar	Less
Land Use and Planning	Less Than Significant	Less	Similar	Similar	Similar	Similar
Noise	Less Than Significant (with Mitigation)	Less	Less	Less	Less	Less
Population and Housing	Less Than Significant	Less	Similar	Similar	Similar	Similar
Public Services and Recreation	Less Than Significant (with Mitigation)	Less	Less	Similar	Similar	Similar
Transportation	Significant and Unavoidable	Less	Less	Similar	Less	Less
Tribal Cultural Resources	Significant and Unavoidable	Less	Less	Less	Less	Less
Utilities and Service Systems	Less Than Significant	Less	Greater	Less	Less	Less
Wildfire	Less Than Significant (with Mitigation)	Less	Less	Similar	Less	Less

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7 REPORT PREPARERS

San Benito County (Lead Agency)

Abraham Prado Assistant Director of Planning and Building Services
Arielle Goodspeed Principal Planner
Joel Ellinwood Assistant County Counsel

Ascent Environmental, Inc. (CEQA Compliance)

Pat Angell Principal
Alta Cunningham Project Manager, Cultural Resources, and Tribal Cultural Resources
Chris Mundhenk Aesthetics, Geology and Soils, and Hydrology and Water Quality
Honey Walters Air Quality, Energy, and Greenhouse Gas Emissions
Dimitri Antoniou Air Quality, Energy, and Greenhouse Gas Emissions
Eric Cohen Air Quality, Energy, and Greenhouse Gas Emissions
Linda Leeman Biological Resources
Allison Fuller Biological Resources
Saba Asghary Agricultural Resources, Land Use, and Population, Employment, and Housing
Tanya Jones Noise
Zach Miller Transportation
Jazmin Amini Transportation
Marianne Lowenthal Utilities and Service Systems
Lisa Merry GIS Specialist
Brian Perry Graphic Specialist
Gayiety Lane Publishing Specialist
Michele Mattei Publishing Specialist

Bollard Acoustical Consultants (Noise Report)

Paul Bollard President

Kimley-Horn (Local Transportation Analysis)

Mehul Champaneri Transportation Engineer
Frederik Venter Transportation Engineer

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