



CARBON MONOXIDE

CO is a colorless, odorless gas emitted from combustion processes. Nationally particularly in urban areas, the majority of CO emissions to ambient air come from mobile sources. CO can cause harmful health effects by reducing oxygen delivery to the body's organs and tissues. At extremely high levels, CO can cause death.

Currently, air quality meets the current ambient air quality CO standards throughout the country. Most sites have measured concentrations below the national standards since the early 1990s, since which time improvements in motor vehicle emissions controls have contributed to significant reductions in ambient concentrations.

PARTICULATE MATTER

Particulate matter (PM) consists of solid and liquid particles of dust, soot, aerosols, and other matter that are small enough to remain suspended in the air for a long period of time. PM is regulated in two categories based upon diameter. Course particles (PM₁₀) are between 2.5 and 10 microns in diameter and arise primarily from natural processes such as wind-blown dust. PM_{2.5} are fine particles less than 2.5 microns in diameter and are produced mostly from combustion or burning. Fine particles typically have more adverse health effects, because they are small enough to absorb into the lung tissue. PM in the air is from both natural sources (wind-blown dust and pollen) and manmade sources (combustion, automobiles, field burning, factories, and road dust). A portion of the PM in the atmosphere is also a result of photochemical processes. The effects of high concentrations of PM on humans include aggravation of chronic diseases, including heart/lung disease.

6.3.3.5 Ambient Air Quality Standards

Both the USEPA and CARB have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants that represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called criteria pollutants because the health and other effects of each pollutant are described in criteria documents. The federal and California state ambient air quality standards for important pollutants are summarized in *Table 6-6: Federal and State Ambient Air Quality Standards*. The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and PM₁₀.



Table 6-6: Federal and State Ambient Air Quality Standards for Important Pollutants

Pollutant	Average Time	Federal Primary Standard	State Standard
Ozone	1-Hour	---	0.09 ppm
	8-Hour	0.075 ppm	0.07 ppm
CO	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35 ppm	20.00 ppm
NO ₂	Annual Average	0.053 ppm	0.03 ppm
	1-Hour	---	0.18 ppm
SO ₂	Annual Average	0.03 ppm	---
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour		0.25 ppm
PM ₁₀	Annual Average	---	20 µg/m ³
	24-Hour	150 µg/m ³	50 µg/m ³
PM _{2.5}	Annual Average	15 µg/m ³	12 µg/m ³
	24-Hour	35 µg/m ³	---

Notes:

ppm = parts per million, ug/m³ = micrograms per cubic meter

PM₁₀ = particulate matter 10 microns or less, PM_{2.5} = particulate matter 2.5 microns or less

Source: CARB, 2009a

In March 2008, the USEPA adopted new national air quality standards for ground-level ozone, reducing the 8-hour standard from 0.08 parts per million (ppm) to 0.075 ppm. National standards for PM_{2.5} were amended in 2006 for 24-hour and annual averaging periods. The current PM₁₀ standards were retained, but the method and form for determining compliance with the standards were revised.

6.3.3.6 Ambient Air Quality

Ambient air quality in the project area can be inferred from ambient air quality measurements conducted at nearby air quality monitoring stations. CARB maintains over 60 air quality monitoring stations throughout California. The MBUAPCD operates several air quality-monitoring stations within the NCCAB, with one station located within the City of Hollister on Fairview Road. The data collected at this station is considered to be representative of the baseline air quality experienced in the city. It should be noted that City of Hollister ambient air quality monitoring data is not available for CO, NO₂, SO₂, or hydrogen sulfide. However, air quality monitoring data for ozone and PM₁₀ are available and it is these two criteria pollutants that are abundant enough in the NCCAB atmosphere to designate the air basin to a nonattainment status for the state ozone and PM₁₀ standards.

The Hollister – Fairview Road air quality monitoring station, located less than 4 miles from the project site at 1979 Fairview Road, is the closest station to the project site. The Hollister – Fairview Road air quality monitoring station monitors ambient concentrations of ozone and PM₁₀. Ambient emission concentrations will vary due to localized variations in climate and emission sources, and should be considered generally representative of ambient concentrations within the project area. *Table 6-7* summarizes the published data since 2005 from the Hollister – Fairview Road air quality monitoring station and identifies the relevant standards for each year that the



monitoring data is provided. The table shows that state and federal ozone standards have rarely been exceeded during the last 4 years of available data.

Table 6-7: Federal and State Ambient Air Quality Monitoring – Published Data

Pollutant Standards	2005	2006	2007	2008
Hollister–Fairview Road Air Monitoring Station				
Ozone (O ₃) Maximum concentration (1-hour/8-hour, ppm) Number of days state standard exceeded (1-hour/8-hour) Number of days federal standard exceeded (8-hour)	0.087/0.071 0/1 0	0.099/0.088 1/5 1	0.087/0.074 0/2 0	0.090/0.073 0/2 0
Respirable Particulate Matter (PM ₁₀) Maximum daily concentration (µg/m ³) Number of days state standard exceeded Number of days federal standard exceeded	37.0 0 0	46.0 0 0	40.0 0 0	40.0 0 0

Notes:

(µg/m³) - Micrograms per Cubic Meter

Ppm - Parts per Million

Source: CARB 2009b

6.3.3.7 Attainment Status for Criteria Air Pollutants

The attainment status of the NCCAB is summarized in *Table 6-8: Attainment Status Designations*. An attainment designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A nonattainment designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria.

As depicted in *Table 6-8*, the NCCAB is currently designated nonattainment for the state ozone and PM₁₀ standards. The NCCAB is designated either attainment or unclassified for the remaining federal and state ambient air quality standards.



Table 6-8: Attainment Status Designations

Pollutant	State Standard	Federal Standard
Ozone	Nonattainment	Attainment
CO	Monterey County – Attainment San Benito County – Unclassified Santa Cruz County – Unclassified	Unclassified/Attainment
NO ₂	Attainment	Unclassified/Attainment
SO ₂	Attainment	Unclassified
PM ₁₀	Nonattainment	Unclassified
PM _{2.5}	Attainment	Unclassified
Lead	Attainment	Unclassified/Attainment

Notes:

- 1) Effective July 26, 2007, CARB designated the NCCAB a nonattainment area for the state ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm.
 - 2) On March 12, 2008, USEPA adopted a new 8-hour ozone standard of 0.075 ppm, while temporarily retaining the existing 8-hour standard of 0.08 ppm. USEPA is expected to issue new designations by March 2010.
 - 3) In 2006, the federal 24-hour standard for PM_{2.5} was revised from 65 µg/m³ to 35 µg/m³. Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment.
 - 4) On October 15, 2008, USEPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m³ to 0.15 µg/m³. Final designations are to be made by January 2012.
 - 5) Nonattainment pollutants are bolded.
- Source: MBUAPCD, 2009.

6.3.3.8 Toxic Air Contaminants

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. Unlike criteria pollutants, no safe levels of exposure to TACs have been established. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases of hazardous materials during upset conditions. The health effects of TACs include cancer, birth defects, neurological damage, and death. Potential sources of TACs within the city include all gas stations, auto body shops, and printing services.

Diesel exhaust is a TAC of growing concern in California. According to the *California Almanac of Emissions and Air Quality* (CARB, 2006), the majority of the estimated health risk from TACs can be attributed to relatively few compounds, the most important being PM from diesel-fueled engines (diesel PM). In 1998, CARB identified diesel PM as a TAC. Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. The exhaust from diesel engines contains hundreds of different gaseous and particulate components, many of which are toxic. Many of these compounds adhere to the particles, and because diesel particles are so small, they penetrate deep into the lungs. Diesel engine particulate has been identified as a human carcinogen. Mobile sources, such as trucks, buses, automobiles, trains, ships, and farm equipment, are by far the largest source of diesel emissions.



Studies show that diesel PM concentrations are much higher near heavily traveled highways and intersections.

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 emission control system is present. No ambient monitoring data is 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 CARB's emissions inventory PM₁₀ database, ambient PM₁₀ monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, benzene, 1, 3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, paradichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene pose the greatest existing ambient risk for which data is available in California.

6.3.3.9 Odors

Typically, odors are 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 have the ability to smell 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; in fact, an odor that is offensive to one person (e.g., from a fast-food restaurant) may be perfectly acceptable to another. It is also important to 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.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word "strong" to describe the intensity of an odor. Odor intensity depends on the odorant concentration in the air. When an odorous sample is progressively diluted, the odorant concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

6.3.4 Standards of Significance

An impact to air quality would be considered significant if the proposed project would

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standards or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state



ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);

- expose sensitive receptors to substantial pollutant concentrations; and/or
- create objectionable odors affecting a substantial number of people.

6.3.5 Impact Analysis

Table 6-9: Air Quality Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



6.3.5.1 Air Quality Plan

Impact AQ-1 The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MBUAPCD's rules and regulations, complies with all proposed control measures, and is consistent with the growth forecasts in the applicable air quality attainment plan. Conformity with growth forecasts can be established by demonstrating that the proposed project is consistent with the land use plan that was used to generate the growth forecast. A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds estimates used to develop applicable air quality plans. Projects that propose development that is consistent with the growth anticipated by the relevant land use plans would be consistent with the current MBUAPCD air quality plans. Likewise, projects that propose development that is less dense than anticipated within a general plan (or other governing land use document) would be consistent with the air quality plans because emissions would be less than estimated for the region. If a project proposes development that is greater than that anticipated by growth projections, the project would be in conflict with the MBUAPCD air quality plans, and might have a potentially significant impact on air quality because emissions would exceed those estimated for the region. This situation would warrant further analysis to determine if a proposed project and surrounding projects would exceed the growth projections used in the MBUAPCD air quality plans for a specific sub regional area.

The MBUAPCD has adopted and periodically revises an attainment plan that addresses PM₁₀, ozone, and ozone precursors (NO_x and ROG). Along with the attainment plan, the City of Hollister has outlined measures in their General Plan and EIR to reduce criteria pollutants. The combined effect of these plans ensures that when incorporated into subsequent projects, they will avoid or reduce impacts and result in reasonable further progress toward attainment for air quality standards over time. The MBUAPCD has air quality plans set in place to reduce emissions and meet and maintain attainment status of the NAAQS and CAAQS.

Plans are in place for those pollutants for which the district is in nonattainment of federal standards or for which they recently achieved attainment status. Compliance with the MBUAPCD regulations will ensure that the proposed Vista De Oro Mixed-Use Project will not conflict with or obstruct implementation of the air quality improvement plans.

The proposed Vista De Oro Mixed-Use Project would have no impact to the MBUAPCD's Air Quality Plan because it would not create or cause adverse impacts or alter the current ambient air quality status. The proposed Vista De Oro Mixed-Use Project would adhere to the Air Quality Plan by providing relevant and economically feasible mitigation measures as conditional requirements. Monitoring would be conducted as prescribed by permit conditions to ensure compliance.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.



Level of Significance After Mitigation

Less Than Significant Impact.

6.3.5.2 Air Quality Standards

Impact AQ-2 The proposed project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

CONSTRUCTION

Construction and operations of the proposed 8-acre mixed-use urban development would result in short-term exposure to toxic air contaminants. Diesel PM is considered a carcinogenic by California regulatory agencies, and it is recognized that sensitive receivers exposed to high concentrations of diesel PM over many years could experience a significant cancer risk. However, it is highly unlikely that off-site receptors downwind of temporary construction sites would experience any significant cancer risk directly associated with diesel emissions from the construction project. Delivery trucks that often are powered by diesel will frequent the proposed development upon completion.

The assessment of human cancer risk is typically based on a 70-year exposure period (ARB, 2000). Construction activities are sporadic, transitory, and short-term in nature, and once construction activities have ceased, so too have emissions from construction activities. Because the duration of exposure to diesel exhaust during the temporary construction projects will be much shorter than the assumed 70-year exposure period used to estimate lifetime cancer risks, construction of the proposed project is not anticipated to result in an elevated cancer risk to exposed persons due to the short-term nature of construction-related diesel exposure. It is estimated that construction activities for the project would continue for approximately 12 months, and most of the diesel emissions would occur during site grading and building construction.

In addition, activities is considered minimal.

Table 6-10: Construction Emissions for the Proposed Development indicates that PM₁₀ emissions from diesel equipment are relatively low and well below the MBUAPCD's daily threshold of 82 pounds per day. Consequently, the human health impact of diesel risks associated with construction activities is considered minimal.

Table 6-10: Construction Emissions for the Proposed Development

Source	Emissions (pounds per day)					Tons/year
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}	CO _{2e}
Maximum Construction Emissions – summer (unmitigated)	101.3	27.8	20.8	10.5	6.3	187.5
Maximum Construction Emissions – winter (unmitigated)	101.4	27.9	23	10.5	6.3	
Monterey Bay	137	137	550	82	--	--



Union Air Pollution Control District Threshold						
Exceed Threshold	No	No	No	No	N/A	N/A

Source: CalEEMod 2013 ver. 2.

Air quality violations could occur due to construction or operational emissions. During construction, emissions for ozone precursors NO_x and ROG are below the yearly threshold and, therefore, pose no significant impact. PM₁₀ would have no impact due to the proposed Vista De Oro Mixed-Use Project conformity with MBUAPCD regulations concerning PM₁₀ violations. The proposed project will implement mitigation measures AQ-1 through AQ-4 to reduce PM₁₀ impacts to less than significant.

During construction, various diesel-powered vehicles and equipment in use on the site would create odors. These sources are mobile and transient in nature, and the emission occurs at a substantial distance from nearby receptors (which provides for dilution of odor-producing constituents). These odors would be temporary and unlikely to be noticeable beyond the project site boundaries.

The emissions of ozone precursors NO_x and ROG are estimated to be on a level below the thresholds of significance set by the MBUAPCD. Ozone violations are typically the result of a peak period in emissions of NO_x and ROG. For example, many ozone violations occur in the afternoon of sunny days following morning rush hour traffic, which emits large amounts of NO_x. Because the proposed Vista De Oro Mixed-Use Project would operate 24 hours a day and 7 days a week, its emissions would be incrementally distributed. Because the emissions would be evenly distributed over the course of a day (without a peak period), the emissions at any given time are limited, and, therefore, within prescribed regulations. Mitigation measures would be implemented as needed. Therefore, air quality violations are less than significant with mitigation.

OPERATION

Implementation of the proposed 8-acre mixed-use urban development would result in long-term increases in criteria air pollutants. A CalEEMod 2013 (version 2) analysis was completed to illustrate the effect the proposed land use changes would have. The CalEEMod model showed the proposed project would slightly exceed the MBUAPCD's significance thresholds for PM₁₀ emissions. *Table 6-11: Operational Emission Estimates* indicates the potential increase in air pollutant emissions from the operations of the proposed project. To reduce PM₁₀ emissions to a less-than-significant level, the project will incorporate mitigation measures AQ-1 through AQ-4. After mitigation, the proposed project will not exceed the MBUAPCD's significance threshold for PM₁₀.





Table 6-11: Operational Emission Estimates

Source	Emissions (pounds per day)					Tons/year
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}	CO _{2e}
Summer Emissions	53.4	49.8	277.6	11.8	3.5	2,942.8
Winter Emissions	60.3	55.5	423.1	11.9	3.5	
Monterey Bay Union Air Pollution Control District Threshold	137	137	550	82	--	--
Exceed Thresholds	No	No	No	No	N/A	N/A

Emissions were estimated using the CalEEMod 2013 (v2) computer program, based on default model settings recommended by the MBUAPCD.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM AQ-1 The applicant shall submit a copy of the MBUAPCD approved Dust Control Plan to the City of Hollister prior to issuance of any construction related.

MM AQ-2 Fugitive dust emissions during construction and operational activities shall be controlled by best management practices (BMPs) as mandated by Monterey Bay Unified Air Pollution Control District regulation.

MM AQ-3 All trucks hauling excavated or graded material on-site shall comply with State Vehicle Code Section 23114 regarding the prevention of such material spilling onto public streets by use of shed boards, truck covers, and other protective measures.

MM AQ-4 During construction activities, excessive construction equipment and vehicle exhaust emissions shall be controlled by implementing the following procedures, as specified by the MBUAPCD.

- Properly and routinely maintain all construction equipment, as recommended by manufacturer manuals, to control exhaust emissions;
- Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling engines;
- Encourage ride sharing for construction employee commuting to the project site; and
- Use electric equipment for construction whenever possible in lieu of fossil fuel fired equipment.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.



6.3.5.3 Criteria Pollutants

Impact AQ-3 **The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).**

Implementation of the proposed project in combination with growth throughout the air basin would exacerbate existing regional problems with ozone and PM. The NCCAB is classified a nonattainment area for the state ozone and PM₁₀ standards. In order to improve air quality and achieve the attainment classification, reductions in emissions are necessary within the nonattainment area. The growth in population, vehicle usage, and business activity within the nonattainment area, when considered with growth proposed under the General Plan would contribute to cumulative regional air quality impacts. Implementation of the proposed project along with other growth in the area may either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases. Emissions resulting from development of the 8-acre mixed-use urban development would not exceed the MBUAPCD's significance thresholds for construction or operational emissions.

The MBUAPCD *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)* addresses cumulative air quality impacts for ozone, PM₁₀, CO, and HAPs. Cumulative air quality impacts occur when two or more related individual impacts compound to create a net significant impact. For ozone precursors NO_x and ROG, the GAMAQI recommends that cumulative impacts be based on thresholds of significance.

For PM₁₀, the GAMAQI recommends lead agencies examine PM₁₀ exposure to sensitive receptors during earth-disrupting activities by the proposed Vista De Oro Mixed-Use Project and any other projects that may occur in the surrounding area at the same time. Since all projects within the MBUAPCD must comply with district regulations for PM₁₀ control and sensitive receptors are not in close proximity to the proposed project site or in the path of prevailing winds, this is considered a less-than-significant impact.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.



6.3.5.4 Pollutant Concentrations

Impact AQ-4 The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

Some land uses are considered more sensitive to air pollution than others due to associated population groups and activities. The MBUAPCD GAMAQI defines a sensitive receptor as a location where there is a reasonable expectation of continuous human exposure to pollutants. Sensitive receptors are usually evaluated for more acute, localized pollutants (PM₁₀, SO₂, hydrogen sulfide) rather than regional pollutants such as ozone precursors (NO_x and ROG).

The closest sensitive receptor to the proposed project site is the Calaveras Elementary School, which is ½ mile northeast of the proposed project site.

The only significant stationary-source emission from the proposed Vista De Oro Mixed-Use Project that poses a potential risk to sensitive receptors is cooking exhaust from the proposed restaurants. However, computer modeling has determined that concentrations of this emission at the site of identified sensitive receptors falls far below established thresholds. Also, the favorable winds at the proposed project site are from the north so it is unlikely that fugitive emissions would ever reach the sensitive receptors located north and east of the proposed project site.

CARBON MONOXIDE HOTSPOTS

Carbon monoxide emissions are a function of vehicle idling time, meteorological conditions and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthy levels (i.e., adversely affect residents, school children, hospital patients, the elderly, etc.). To identify CO hotspots, the MBUAPCD recommends using the Transportation Project-Level Carbon Monoxide Protocol (CO Protocol) developed by Caltrans.

Project-generated vehicle trips would increase traffic volumes at roadway intersections in the project site vicinity once the project becomes operational. During periods of near-calm winds, heavily congested intersections can produce elevated levels of CO that could potentially impact nearby sensitive receptors.

The traffic impact analysis prepared for the project was assessed to determine whether a CO hot spot is likely to form due to project-generated traffic. CO hot spots are typically evaluated when

- The level of service (LOS) of an intersection decreases to a LOS E or worse;
- Signalization and/or channelization is added to an intersection; and sensitive receptors such as residences, commercial developments, schools, or hospitals, etc., are located in the vicinity of the affected intersection.

In general, CO hot spots would be anticipated near affected intersections because operation of vehicles in the vicinity of congested intersections involves vehicle stopping and idling for extended periods. According to the traffic impact analysis prepared for the project, the predicted LOS at all study intersections (all currently operating at the most efficient LOS rating of LOS A) would not diminish as a result of the proposed 8-acre mixed-use urban development



project. In addition, the intersections at both ends of the proposed project site are currently signalized intersections.

TAC EMISSIONS

According to Section 39655 of the California Health and Safety Code, a toxic air contaminant is, "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." In addition, 189 substances that have been listed as federal hazardous air pollutants pursuant to Section 7412 of Title 42 of the United States Code are toxic air contaminants under the State's air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code. Toxic air contaminants can cause various cancers, depending on the particular chemicals, their type and duration of exposure. Additionally, some of the toxic air contaminants may cause other health effects over the short or long term. The ten toxic air contaminants posing the greatest health risk in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride perchlorethylene, and diesel particulate matter.

CONSTRUCTION

Although construction and operation of the proposed project would involve the use of diesel fueled vehicles, the construction phases would occur over a limited duration. While operational emissions are ongoing, the construction phase emissions are short-term. The California OEHHA provides exposure variants for 9-, 30-, and 70-year exposures in its Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2002). These exposures are chosen to coincide with the EPA's estimates of the average (9 years), high-end estimates (30 years) of residence time, and a typical lifetime (70 years). OEHHA states its support for the use of cancer potency factors for estimating cancer risks for these exposure durations. However, as the exposure duration decreases, the uncertainties introduced by applying cancer potency factors derived from very-long-term studies increases. Short-term high exposures are not necessarily equivalent to longer-term lower exposures, even when the total dose is the same. OEHHA therefore does not support the use of current cancer potency factors to evaluate cancer risk for exposures of less than 9 years (refer to page 8-4 of OEHHA 2002). Construction phase risks would be considered acute health risks as opposed to cancer risks, which are long-term. OEHHA has yet to define acute risk factors for diesel particulates that would allow the calculation of a hazards risk index; thus, evaluation of this impact would be speculative and no further discussion is necessary.

OPERATION

The project is not anticipated to be a source of TACs during operation. The MBUAPCD does not have an identified screening tool to determine if project impacts exceed the MBUAPCD threshold of 10 in one million probability of contracting cancer for the Maximally Exposed Individual. However the San Joaquin Valley Air Pollution Control District (SJVAPCD) has an established screening tool which has been used to characterize probability of contracting



cancer. The screening tool requires information on the anticipated number of heavy-heavy duty diesel trucks (HHDT) servicing the proposed project site. It was estimated that the project site would not require any HHDT trips for operational use. However, out of an abundance of caution, a total of 10 HHDT trips per year for maintenance and delivery of materials was used. The ARB's Airborne Toxic Control Measure (ATCM) limits diesel truck idling to 5 minutes; however, to provide a very conservative estimate, the idling was estimated at 15 minutes for the HHDT. Trucks were also assumed to travel along San Juan Road adjacent to the residences to access the project site. Table 6-12: Cancer Risks provides an estimate of the cancer risks, who are the residential receptors located north of the project site. As shown in the table, the proposed project would not exceed the threshold of 10 in one million; therefore, the project would not expose sensitive receptors to substantial concentrations of diesel particulate matter and TACs. Impacts would be less than significant.

Table 6-12: Cancer Risks

Project Year	Location	Cancer Risks (risk per million)	Significance Threshold (risk per million)	Exceed Threshold
2015	Maximum Exposed Residential Receptor	0.00000047	10	No
Source: Stantec 2015				

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.3.5.5 Objectionable Odors

Impact AQ-5 The proposed project would create objectionable odors affecting a substantial number of people.

Emissions and odors from the proposed Vista De Oro Mixed-Use Project would be controlled with the best available emission control technology outlined in the mitigation measures. Odors from the diesel engines operating on the delivery trucks would be negligible due to their distances from sensitive receptors, spatial and temporal distribution due to constant movement, and idling restrictions enforced by the mitigation measures and the MBUAPCD. As such, the impact of the





proposed Vista De Oro Mixed-Use Project would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM AQ-5 Idling time shall be minimized (e.g., 10 minute maximum).

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.



6.4 BIOLOGICAL RESOURCES

This section identifies existing biological resources, including any special-status species and sensitive natural communities, present or potentially present at the proposed project area. For biological resources, the study area includes a review of the limited surrounding nearby open space areas and the San Benito River. There are no undisturbed natural habitats in the proposed project area as defined in Sections 1702 (a) and (v) of Title 20 of the CCR. The federal, state, and local regulations pertaining to biological resources within the region are described. This section describes impacts of the proposed project on biological resources and measures to mitigate those impacts determined to be potentially significant.

6.4.1 Background

6.4.1.1 Regulatory Context

FEDERAL REGULATIONS

Federal Endangered Species Act

The United States Congress passed the Federal Endangered Species Act (FESA) in 1973. FESA protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Section 9 of FESA prohibits the taking of endangered wildlife, where taking is defined as "*harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct*" (50CFR§17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16USC1538). Under Section 7 of FESA, federal agencies are required to consult with the USFWS and/or NMFS if their actions, including permit approvals or funding, could adversely affect an endangered plant or wildlife species or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS and/or NMFS may issue an incidental take statement allowing take of a species that is incidental to another authorized activity, provided the action would not jeopardize the continued existence of any federally listed species or result in the destruction or adverse modification of habitat of such species. Section 10 of FESA provides for issuance of incidental take permits to private parties without a federal nexus, provided a habitat conservation plan (HCP) is developed.

Migratory Bird Treaty Act

The federal MBTA, first enacted in 1916, prohibits any person, unless permitted by regulations, to "*pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatsoever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird*" (16 USC 703). As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal.

The list of migratory birds includes nearly all bird species native to the United States. The MBTA Reform Act of 2004 further defined species protected under the act and excluded all non-native species. The statute was extended in 1974 to include parts of birds, as well as eggs and nests.



Thus, it is illegal under the MBTA to directly kill, or destroy a nest of, nearly any bird species, not just endangered species. Activities that result in removal or destruction of an active nest (a nest with eggs or young being attended by one or more adults) would violate the MBTA.

STATE REGULATIONS

California Environmental Quality Act

Section 15064.7 of the CEQA guidelines encourages local agencies to develop and publish the thresholds that the agency uses in determining the significance of environmental effects caused by projects under its review. However, agencies may also rely upon the guidance provided by the expanded initial study checklist contained in Appendix G of the CEQA guidelines, which provides examples of impacts that would normally be considered significant.

An evaluation of whether or not an impact on biological resources would be significant must consider both the resource itself and how that resource fits into the regional or local context. Significant impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, state, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant under CEQA. Such a case occurs when impacts result in an adverse alteration of existing conditions, but do not substantially diminish, or result in the permanent loss of, an important resource on a population-wide or region-wide basis.

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA directs agencies to consult with the California Department of Fish and Wildlife (CDFW) on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "*reasonable and prudent alternatives*" to the project consistent with conserving the species. CESA generally parallels the main provisions of FESA, but unlike its federal counterpart, CESA applies the "take" prohibitions to species proposed for listing (called candidates by the state). "Take" is defined in Section 86 of the California Fish and Game Code (CFG) as to "*hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.*" Section 2080 of the CFG prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. CESA allows the CDFW to authorize exceptions to the state's prohibition against take of a listed species (except for designated fully protected species) if the take of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (CFG § 2081).

Fully Protected Species

The State of California first began to designate species as fully protected prior to the creation of CESA and FESA. Lists of fully protected species were initially developed to provide protection to those species that were rare or faced possible extinction and included fish, amphibians/reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CFG Section 4700) provide that fully protected species may not be taken or possessed at any time. Senate Bill 618, amended in 2011, allows CDFW to issue permits authorizing the incidental take of fully protected species under CESA, as long as any take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan that covers the fully protected species.



California Species of Concern

In addition to formal listing under FESA and CESA, some species receive additional consideration by the CDFW and lead agencies during the CEQA process. Species that may be considered for review are included on a list of species of special concern developed by the CDFW. The list tracks species in California whose numbers, reproductive success, or habitat may be in decline.

California Fish and Game Code

Section 3503.5 of the CFG states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Disturbance activities that result in abandonment of an active bird-of-prey nest in areas adjacent to the disturbance may also be considered a violation of the CFG.

California Native Plant Protection Act and California Native Plant Society

The California Native Plant Protection Act of 1977 (CFG Sections 1900–1913) affords the California Fish and Game Commission the authority to designate native plants as endangered or rare and protects such endangered or rare plants from take. In addition, plants that are not state-listed, but meet the standards for listing, are also protected under CEQA (CEQA guidelines, Section 15380). The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low population numbers, limited distribution, or are otherwise threatened with extinction. Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review. The definitions for each of the CNPS listings are below:

PLANT RANKS

- List 1A: Plants presumed extinct in California
- List 1B: Plants rare, threatened, or endangered in California and elsewhere
- List 2A: Plants presumed extinct in California, but more numerous elsewhere
- List 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3: Plants about which more information is needed (a review list)

THREAT RANKS

- 0.1: Plants are seriously endangered in California
- 0.2: Plants are fairly endangered in California
- 0.3: Plants are not very endangered in California

California Lake and Streambed Alteration Agreement

Sections 1600 through 1616 of the CFG require that a lake and streambed alteration program notification package be submitted to the CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." The CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal on which the CDFW and the applicant agree is the Lake and Streambed Alteration Agreement (LSAA). Often, projects that require a LSAA also require a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (CWA). In these instances, the conditions of the Section 404 permit and the LSAA may overlap.



LOCAL REGULATIONS

General Plan Policy – Natural Resources and Conservation Element

The General Plan includes one goal (Goal NRC1) in Section 7 Natural Resources and Conservation Element pertaining to the protection of biological resources (Table 6-13).

Table 6-13: Goal NRC1: Assure Enhanced Habitat for Native Plants and Animals, and Special Protection for Threatened or Endangered Species

NRC		Lead Responsibility	Time Frame	Implementation Measures
NRC 1.1	Protection of Environmental Resources Protect or enhance environmental resources, such as wetlands, creeks and drainage ways, and habitats for threatened and endangered species.	Planning	Ongoing	Require project mitigation for habitat [NRC.V]
		Building	Ongoing	Require wetlands delineation [NRC.X]
NRC 1.2	Protection of Endangered Species Habitat Identify and protect the habitats of endangered species that may be found within the Hollister planning area, in cooperation with the US Fish and Wildlife Service and the California Department of Fish and Game, through the review all development proposals for compliance with regulations established by the US Fish and Wildlife Service and the California Department of Fish and Game as they apply to the protection of endangered species and their habitats.	Planning	Ongoing	Require project mitigation for habitat [NRC.V]
NRC 1.3	Compensatory Habitat, Habitat Enhancement, or Habitat Protection Require developers to assure the provision of compensatory habitat, habitat enhancement, or habitat protection if impacts to sensitive species that could result from proposed development cannot be avoided.	Planning	Ongoing	Require project mitigation for habitat [NRC.V]
NRC 1.4	Other Habitat Planning Measures Utilize regional planning and the use of concepts such as mitigation banking to offset the cumulative effects of piecemeal development on the habitat of special status species.	Planning	2 years	Explore regional planning opportunities to preserve habitats [NRC.B]



Table 6-13: Goal NRC1: Assure Enhanced Habitat for Native Plants and Animals, and Special Protection for Threatened or Endangered Species

NRC	Lead Responsibility	Time Frame	Implementation Measures
<p>NRC 1.5 Wetland Preservation Maintain existing riparian areas in their natural state to provide for wildlife habitat, groundwater percolation, water quality, aesthetic relief, and recreational uses that are environmentally compatible with wetland preservation. Require appropriate public and private wetlands preservation, restoration, and/or rehabilitation through compensatory mitigation in the development process for unavoidable impacts. Support and promote acquisition from willing property owners, and require those development projects that may result in the disturbance of delineated seasonal wetlands to be redesigned to avoid such disturbance.</p>	Building	Ongoing	Require wetlands delineation [NRC.X]
	Planning	Ongoing	Require wetlands replacement plans [NRC.Y]
<p>NRC 1.6 Enhancement of Creeks and Drainage Ways Explore enhancement of, and support continuous upgrades to, drainage ways to serve as wildlife habitat corridors for wildlife movement and to serve as flood control facilities to accommodate storm drainage. Require setbacks, creek enhancement, and associated riparian habitat restoration/creation for projects adjacent to creeks to maintain storm flows, reduce erosion and maintenance, and improve habitat values, where feasible. Generally, all new structures and paved surfaces should be set back 100 feet from wetlands and creeks.</p>	Building	Ongoing	Require wetlands delineation [NRC.X]
	Planning	Ongoing	Require wetlands replacement plans [NRC.Y]

Table 6-13: Goal NRC1: Assure Enhanced Habitat for Native Plants and Animals, and Special Protection for Threatened or Endangered Species

NRC	Lead Responsibility	Time Frame	Implementation Measures
<p>NRC 1.7 Specialized Surveys for Special Status Species Require specialized surveys for special status species for those projects that have been proposed in areas that contain suitable habitat for such species. All surveys should take place during appropriate seasons to determine nesting or breeding occurrences.</p>	Planning	3 years	Establish and update the list of species [NRC.F]
	Building	Ongoing	Require pre-construction surveys for nesting raptors [NRC.U]
	Building	Ongoing	Conduct surveys for burrowing owls [NRC.K]
	Planning	3 years	Establish mitigation for the burrowing owl colony in the Fairview Road / Santa Ana Road area [NRC.G]

6.4.1.2 Required Permits and Approvals

No biological resource permits are required for the proposed Vista De Oro Mixed-Use Project.

6.4.2 Methodology

6.4.2.1 Literature Review

A Stantec Project Biologist conducted a peer review of the most up-to-date biological resources databases for the Vista De Oro Mixed-Use Project, including searches of biological resources databases for the proposed project site in relation to special-status species, habitats, and any designated candidate, threatened, or endangered species or species of concern that may have the potential to occur in the proposed project site. Database information on critical habitat for designated threatened and endangered species was identified for the proposed project site as well as general habitat mapping for the proposed project site itself. Sources of information that were used to compile the species list included the USFWS and NMFS endangered species lists, the CDFW California Natural Diversity Database (CNDDDB), and the CNPS species lists (online version) (see *Figure 6.4-1: California Natural Diversity Database Map*). An assessment of the project site and area was conducted on February 27, 2015, based on a result of the background research conducted and the site assessment.

6.4.2.2 Field Survey

A Stantec biologist conducted a peer review and field survey of the proposed project site and project area on February 27, 2015. The project locations were systematically surveyed on foot to identify all sensitive habitats and determine the potential for the project locations to support each special-status species identified from the record searches. Each species' potential for



occurrence was based on the presence or absence of general habitat requirements (nesting or foraging habitat, specific soil type, permanent water source, etc.). During the field survey, all biological communities were characterized and the observed plant and wildlife species were recorded.

6.4.3 Environmental Setting

The 8-acre proposed project site is comprised of mostly barren ground with interspersed patches of vegetation. Russian thistle (*Salsola tragus*) was the dominant plant species within the proposed project site during the field survey. Other identified species include milk thistle (*Silybum marianum*), cudweed (*Gnaphalium* sp.), Bermuda grass (*Cynodon dactylon*), gumweed (*Grindelia* sp.), and Jimson weed (*Datura stramonium*). All of these species are common ruderal (weedy) species typically found growing in disturbed places. Some of the vegetation was dead or stressed with twisted and curled leaves and stems, indicating that herbicides may be used for vegetation management purposes. The project site lacks trees and shrubs; however, a mature California Fan Palm Tree (*Washingtonia filifera* sp.) was left standing near the demolition site of a house structure that once stood on the proposed project site.

Tire tracks are prevalent in the northern portions of the proposed project site and several walking paths crisscross the proposed project site. Several stockpiles of dirt, gravel, asphalt, yard clippings, and other debris occur in scattered locations on the proposed project site.

Wildlife activity was very limited during the field survey, most likely because of the disturbed nature of the proposed project site and surrounding parcels and lack of habitat diversity. Wildlife species observed on and adjacent to the site include western fence lizard (*Sceloporus occidentalis*), cliff swallow (*Petrochelidon pyrrhonota*), western scrub jay (*Aphelocoma californica*), and Nuttall's woodpecker (*Picoides nuttallii*). Additionally, multiple burrows were observed throughout the project site and appear consistent with ground squirrel (*Spermophilus beecheyi*) burrows and other small rodents such as California vole (*Microtus californicus*), although no squirrels or voles were seen.

6.4.3.1 Special-Status Species

As discussed above, the special-status plant and wildlife species analyzed for the proposed Vista De Oro Mixed-Use Project were identified through the review of existing documentation relevant to the proposed project site and surrounding area. *Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site* lists the regulatory status, habitat requirements, and potential for occurrence on the site for each species considered in the assessment. *Figure 6.4-1: California Natural Diversity Database Map* depicts the locations of special-status species recorded in the CNDDDB within 5 miles of the proposed project site.

6.4.3.2 Special-Status Plants

Due to presumed vegetation management practices and/or the lack of suitable habitats on the proposed project site, none of the special-status plant species known to occur in the vicinity of the proposed project have the potential to occur. For these reasons, the proposed Vista De Oro Mixed-Use project would have no impact on special-status plant species.

6.4.3.3 Special-Status Wildlife

Based on the review of literature relevant to the proposed project site and surrounding areas along with the field survey, several special-status wildlife species have the potential to occur. However, due to the disturbed nature of the proposed project site and surrounding areas and



the lack of habitat diversity, special-status species with the potential to occur on the proposed project site are limited to avian species.

Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status ¹	Habitat Requirements	Potential for Occurrence
Plants			
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	FE	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
San Joaquin spearscale (<i>Atriplex joaquiniana</i>)	1B.2	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Round-leaved filaree (<i>California macrophylla</i>)	1B.1	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	1B.2	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Saline clover (<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>)	1B.2	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status¹	Habitat Requirements	Potential for Occurrence
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	1B.2	Grasslands and rangelands	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Douglas' fiddleneck (<i>Amsinckia douglasiana</i>)	0.3	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	FT, SE, 1B.1	Grasslands and rangelands.	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Pinnacles buckwheat (<i>Eriogonum nortonii</i>)	1B.3	Grasslands and rangelands.	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Hoover's button-celery (<i>Eryngium aristulatum</i> var. <i>hooveri</i>)	1B.1	Grasslands and rangelands.	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Vernal barley (<i>Hordeum intercedens</i>)	CSC	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Santa Lucia dwarf rush (<i>Juncus luciensis</i>)	1B.2	Grasslands and rangelands.	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status¹	Habitat Requirements	Potential for Occurrence
Panoche pepper-grass (<i>Lepidium jaredii</i> ssp. <i>album</i>)	1B.2	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Showy golden madia (<i>Madia radiata</i>)	1B.1	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Shining navarretia (<i>Navarretia nigelliformis</i> ssp. <i>radians</i>)	1B.2	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Robbins' nemacladus (<i>Nemacladus secundiflorus</i> var. <i>robbinsii</i>)	1B.2	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Pale-yellow layia (<i>Layia heterotricha</i>)	1B.1	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Invertebrates			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	FE	Grasslands and rangelands.	None; disturbed nature of the site and lack of suitable habitat preclude the occurrence of this species on the project locations.
Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>)	FE	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE	Vernal pools, seasonal wetlands, and other seasonal freshwater habitats.	None; there is no suitable habitat for this species on the project locations.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status ¹	Habitat Requirements	Potential for Occurrence
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FE	Vernal pools, seasonal wetlands, and other seasonal freshwater habitats.	None; there is no suitable habitat for this species on the project locations.
Fish			
South-Central California Coast Steelhead ESU	FT, CH	San Benito River and tributaries.	None; there is no suitable habitat for this species on the project locations.
Amphibians/Reptiles			
Santa Cruz long-toed salamander (<i>Ambystoma macrodactylum croceum</i>)	FE, CSC	Grasslands and rangelands.	None; there is no suitable habitat for this species on the project locations.
California red-legged frog (<i>Rana aurora draytonii</i>)	FT, CSC	Inhabits lowlands and foothills in or near permanent deep water with dense growth of emergent and woody riparian vegetation, and bordering permanent and semi-permanent ponds, ponded streams, marshes, and springs. Upland habitat surrounding breeding areas is important for shelter during dispersal and estivation. Species is believed to have been extirpated from the Central Valley floor.	None; there is no suitable habitat for this species on the project locations.
California tiger salamander (<i>Ambystoma californiense</i>)	FT, ST	Ponded water required for breeding. Adults spend summer in small-mammal burrows. Species' range extends from the Central Valley and Sierra Nevada foothills from Yolo to Colusa counties south to Tulare County and in coastal valley and foothills from Sonoma to Santa Barbara counties, typically below 1,500 feet elevation.	None; there is no suitable habitat for this species on the project locations.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status ¹	Habitat Requirements	Potential for Occurrence
Foothill yellow-legged frog (<i>Rana boylei</i>)	FT, CSC	Inhabits lowlands and foothills in or near permanent deep water with dense growth of emergent and woody riparian vegetation, and bordering permanent and semi-permanent ponds, ponded streams, marshes, and springs. Upland habitat surrounding breeding areas is important for shelter during dispersal and estivation. Species is believed to have been extirpated from the Central Valley floor.	None; there is no suitable habitat for this species on the project locations.
Western pond turtle (<i>Emys marmorata</i>)	CSC	Found throughout the state inhabiting agricultural ponds, permanent pools along intermittent drainages, irrigation canals, low-gradient rivers and streams with emergent vegetation and suitable basking sites, and their associated upland habitats.	None; there is no suitable habitat for this species on the project locations.
Western spadefoot toad (<i>Spea hammondi</i>)	CSC	Inhabits lowlands in open areas with sandy or gravelly soils in a variety of habitats, including mixed woodlands, grasslands, chaparral, sandy washes, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Breeds from January through May in temporary pools and quiet streams.	None; there is no suitable habitat for this species on the project locations.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status ¹	Habitat Requirements	Potential for Occurrence
Birds			
Bank swallow (<i>Riparia riparia</i>)	ST	Breeding ranges are restricted to the Sacramento Valley (Sacramento and Feather rivers), northeastern California, and small areas of the central and north coast. Inhabits riparian lowlands and nests in colonies. Requires vertical cliffs or soft banks with fine-textured soils near streams, rivers, lakes, and ocean for nesting. Suitable nesting habitat declining from flood-control measures (river channelization and artificial bank stabilization). Winters in South America.	None; there is no suitable habitat for this species on the project locations.
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	FC CSC	Nests near rivers and water.	None, there is no suitable habitat for this species on the project locations.
Tricolored blackbird (<i>Agelaius tricolor</i>)	CSC	Colonial species in the Central Valley and vicinity. Nests primarily in dense blackberry thickets, cattails, and tules.	None, there is no suitable habitat for this species on the project locations.
Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	CSC	Nests in subterranean burrows often created by ground squirrels within open, dry grasslands; deserts; and scrublands characterized by low-growing vegetation.	Low; marginal nesting and foraging habitat occur on the project locations. There was no evidence of the species observed during the field survey.
White-tailed kite (<i>Elanus leucurus</i>)	CFP	Found in open grasslands, savanna, open woodlands, marshes, desert grassland, partially cleared lands, and cultivated fields with scattered trees for nesting and perching. Nests in large shrubs or trees often in riparian corridors where it competes with other raptors for suitable nest sites.	Low; marginal nesting habitat on the project locations, but higher-quality nest trees occur adjacent to the project locations. The project locations provide marginal foraging habitat.



Table 6-14: Special-Status Species Potentially Occurring on the Proposed Project Site

Species	Regulatory Status¹	Habitat Requirements	Potential for Occurrence
Mammals			
Big-eared kangaroo rat (<i>Dipodomys venustus elephantinus</i>)	CSC	Grasslands and rangelands	None, there is no suitable habitat for this species on the project locations.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	FE, ST	Open, dry grassland, shrub, and open forest habitats in the San Joaquin Valley and surrounding foothills.	None, there is no suitable habitat for this species on the project locations.

¹Definitions

Federal

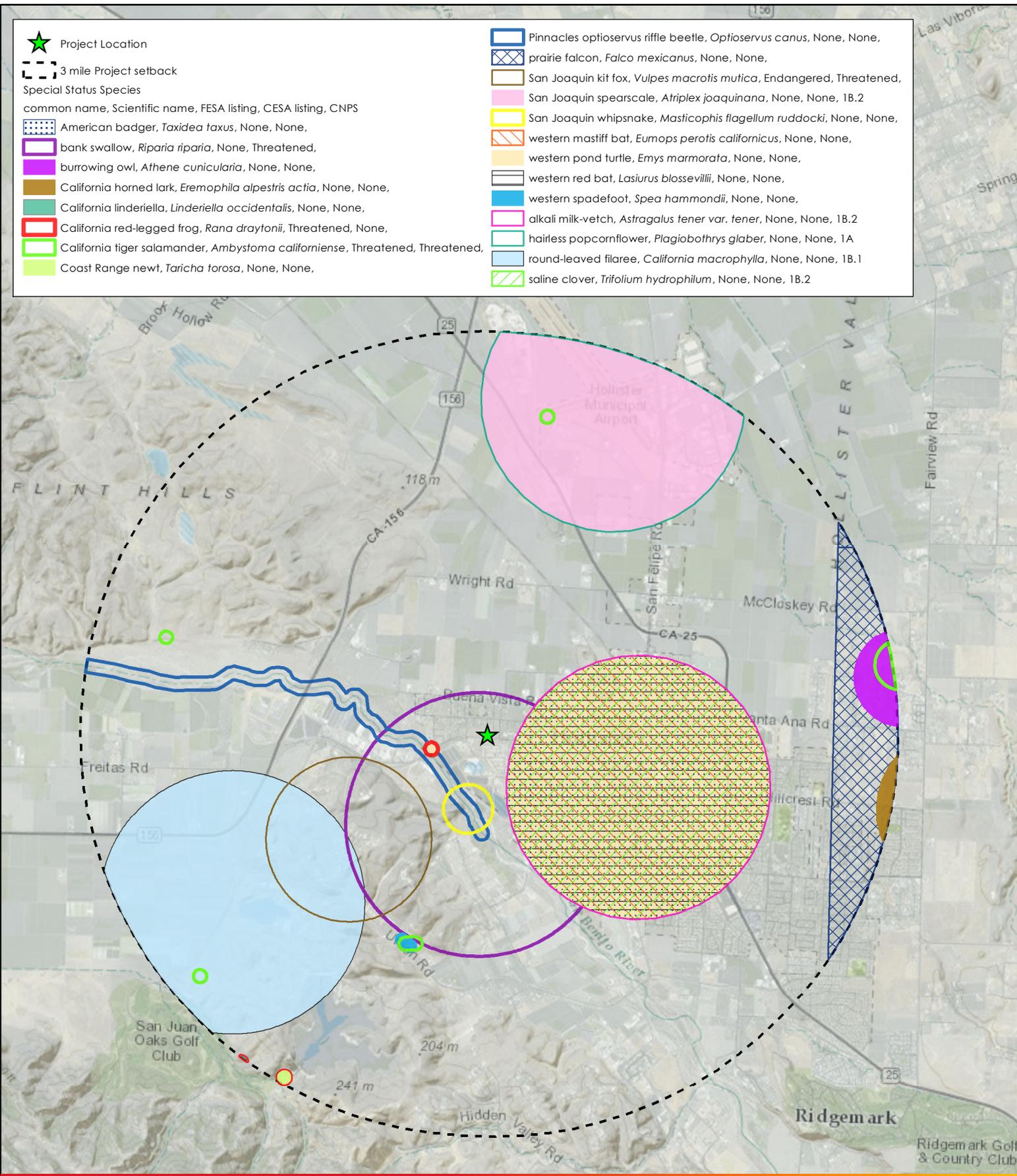
FE Federally endangered
 FT Federally threatened
 CH Critical habitat

California

SE State endangered
 ST State threatened
 SR State rare
 CSC California species of concern
 CFP California fully protected

California Native Plant Society

1B Rare, threatened, or endangered in California and elsewhere
 2B Plants rare, threatened, or endangered in California, but more numerous elsewhere
 0.1 Plants are seriously endangered in California
 0.2 Plants are fairly endangered in California
 0.3 Plants are not very endangered in California



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Stantec

San Benito

0 1.5 Miles

1 inch = 5,000 feet

**Figure 6.4-1
Regional Location**

Vista De Oro Project - Hollister, California



WESTERN BURROWING OWL

The western burrowing owl is a small, ground-dwelling owl that occurs in western North America from Canada to Mexico, and east to Texas and Louisiana. Although in certain areas of its range western burrowing owls are migratory, the owls are predominantly non-migratory in California (Zeiner *et al.*, 1990). The breeding season for western burrowing owls occurs from February to August, peaking in April and May (Zeiner *et al.*, 1990). Western burrowing owls nest in burrows in the ground, often in old ground squirrel burrows. This owl is also known to use artificial burrows, including pipes, culverts, and nest boxes.

The larger burrows observed throughout the proposed project site are the appropriate size for western burrowing owl use; however, no sign of the species was identified on the proposed project site during the field survey. Additionally, the relatively unvegetated portions of the proposed project site provide suitable foraging habitat.

WHITE-TAILED KITE

The white-tailed kite is a medium-sized raptor that is a yearlong resident in coastal and valley lowlands in California. White-tailed kites are monogamous and breed from February to October, peaking from May to August (Zeiner *et al.*, 1990). This species nests near the top of dense oak, willow, or other large trees. White-tailed kites are typically found foraging in open grasslands, farmlands, meadows, and emergent marshes where they prey mostly on small mammals.

Marginal nesting habitat occurs within the project area or the proposed project site with higher-quality nesting habitat just west of the proposed project site along the San Benito River. The proposed project site provide foraging habitat for white-tailed kite even through better opportunities occur in the fallow fields, row crops, and annual grasslands in the vicinity of the project area.

OTHER BIRD SPECIES PROTECTED BY THE MIGRATORY BIRD TREATY ACT

In addition to the bird species discussed above, the project locations provides nesting habitat for bird species protected solely by the MBTA, such as northern mockingbirds and mourning doves. While the project area supports very few trees, should vegetation management practices on the proposed project site cease or not be implemented on a routine basis, the extent of nesting habitat would increase significantly as the herbaceous plant species become re-established. Although nesting habitat provided by vegetation was limited during the inspection, some common birds such as killdeer (*Charadrius vociferus*) are known to nest on the ground.

6.4.3.4 Wetlands and Jurisdictional Waters

Based on the field survey, there are no wetlands, drainage ditches, or other water features on the proposed project site. There was no evidence of wetland hydrology or hydrophytic vegetation observed.



6.4.4 Standards of Significance

Under CEQA, an impact to biological resources is considered significant if the project would

- 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 the CDFW or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the CDFW or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (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 HCP, natural community conservation plan, or other approved local, regional, or state HCP.

In the evaluation process, it is noted that Section 15380 of the CEQA guidelines defines endangered, rare, or threatened species as follows:

- (1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, over-exploitation, predation, competition, disease, or other factors; or
- (2) "Rare" (all animals designated as rare by the Fish and Game Commission prior to January 1, 1985 were automatically reclassified as threatened by Fish and Game Code Sec. 2067) when either:
- (a) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or
 - (b) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.
 - (c) A species of animal or plant shall be presumed to be endangered, rare, or threatened, if it is listed in:
 - (1) Sections 670.2 or 670.5, Title 14, California Administrative Code of Regulations; or
 - (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.2 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.
 - (d) A species not included in any listing identified in subsection (c) shall nevertheless be considered to be rare or endangered if the species can be shown to meet the criteria in subsection (b).
 - (e) This definition shall not include any species of the Class Insecta, which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding task to man as determined by:
 - (1) The Director of Food and Agriculture with regard to economic pests; or
 - (2) The Director of Health Services with regard to health risks."



6.4.5 Impact Analysis

Table 6-15: Biological Resources Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.4.5.1 Species Impacts

Impact BIO-1 The proposed project would 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 the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The development of the proposed Vista De Oro Mixed-Use Project area would permanently remove marginal foraging habitat for western burrowing owl, white-tailed kite, and other birds protected by the MBTA. However, the disturbed nature of the project site and urban development surrounding the proposed project site has diminished the foraging value, thereby reducing potential impacts to sensitive birds to a less-than-significant level.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM BIO-1 Pre-construction surveys for nesting raptors and birds protected by the MBTA should be implemented between March 15 and September 1 prior to onset of project activities. If active nesting is detected, to the maximum extent practicable, a buffer zone from occupied nests should be maintained during physical ground disturbing activities.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.4.5.2 Riparian and Other Sensitive Habitats

Impact BIO-2 The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

There are no riparian habitats or sensitive natural communities within the proposed project site. The proposed project site is highly disturbed and composed of barren land and scattered ruderal vegetation. The proposed Vista De Oro Mixed-Use Project would have no impact on riparian and other sensitive habitats.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.4.5.3 Federally Protected Wetlands

Impact BIO-3 The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

There are no wetland features on the project areas. Therefore, the proposed Vista De Oro Mixed-Use Project would have no impact on federally protected wetlands.

Level of Significance Before Mitigation

No Impact

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.4.5.4 Interfere with Movement of Native Wildlife

Impact BIO-4 **The proposed project would not 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.**

Although the proposed project site is along the Pacific Flyway, an established air route of waterfowl and other birds migrating between wintering grounds in Central and South America and nesting grounds in Pacific Coast states and provinces of North America, the small size of the proposed project site and lack of aquatic features and higher-quality vegetation communities preclude migratory bird species from using the proposed project site as a stopover during their migration. The lack of aquatic features would also eliminate potential project-related impacts to resident and migratory fish.

Although the proposed project site is close to the San Benito River corridor, it is surrounded on all other sides by residential, commercial, and industrial land uses and does not link the river corridor to other natural habitats. Therefore, the proposed project site does not provide wildlife movement corridors and the project will have no impact on the movement of terrestrial or aquatic wildlife.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.4.5.5 Local Policies

Impact BIO-5 **The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

The Vista De Oro Mixed-Use Project is consistent with the General Plan natural resources and conservation element goals to “*assure enhanced habitat for native plants and animals, and special protection for threatened or endangered species.*” The applicant has consulted with city staff to comply with all local policies or ordinances protecting biological resources.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.4.5.6 Habitat Conservation Plan

Impact BIO-6 **The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.**

The Vista De Oro Mixed-Use Project site is consistent with the Natural Resources and Conservation Element of the General Plan and there are no other approved local, regional, or state HCPs adopted at this time.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.5 CULTURAL RESOURCES

Cultural resources are historic and prehistoric archaeological sites, historic buildings and structures, and resources of traditional cultural significance to Native Americans and other groups. This section reviews the proposed Vista De Oro Mixed-Use Project's potential impact to cultural resources.

6.5.1 Background

6.5.1.1 Regulatory Context

Cultural resources in the State of California are recognized as non-renewable resources that require management to assure their benefit to present—and future—Californians. Therefore, cultural resources management work conducted as part of any proposed undertaking must comply with applicable federal, state, and/or local regulations designed to protect the cultural heritage within the proposed project area.

FEDERAL REGULATIONS

National Historic Preservation Act

Enacted in 1966, the National Historic Preservation Act (NHPA) has become the foundation and framework for historic preservation in the United States. The NHPA authorizes the Secretary of the Interior to expand and maintain a National Register of Historic Places, establishes an Advisory Council on Historic Preservation as an independent federal entity, requires federal agencies to take into account the effects of their undertakings on historic properties, affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that may affect historic properties listed, or those eligible for listing, in the National Register of Historic Places, and makes the heads of all federal agencies responsible for the preservation of historic properties owned or controlled by their agencies.

Section 106 of the NHPA governs federal regulations for cultural resources. The goal of the Section 106 process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places. The criteria for determining National Register eligibility are found in 36 CFR Part 60.

State Regulations

Discretionary actions undertaken by state or local governments in California, unless otherwise exempted, must comply with the CEQA guidelines, Sections 21083.2 and 15064.5. Enacted in 1971, CEQA directs lead agencies to first determine whether a cultural resource is a historically significant cultural resource. In the protection and management of the cultural environment, CEQA guidelines provide definitions and standards for cultural resources management. The term “historical resource” is defined as follows:

- “(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
- “(2) A resource included in a local register of historical resources or identified as significant in a historical resource survey shall 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, record, or manuscript, which 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 cultural resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources, including the following:

- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- b. Is associated with the lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history."

The fact that a resource is not listed in, or is determined to be eligible for listing in the California Register of Historical Resources, or is not included in a local register of historical resources, or is identified in a historical resources survey, does not preclude a lead agency from determining that the resource may be a historical resource [Title 14 CCR Section 15064.5(1) (California, 2011)].

As defined in Section 15064.5(1) of the CEQA guidelines, a "unique archaeological resource" is defined as follows:

"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 any 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 historical event or person [Public Resources Code Section 21083.2(g)]."*

A project with an effect that may cause a substantial adverse change in the significance of a historical resource or unique archaeological resource is a project that may have a significant effect on the environment per the CEQA guidelines, Section 21083.2. Effects on cultural properties that qualify as historical resources or unique archaeological resources can be considered adverse if they involve physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The statutes and guidelines cited above specify how cultural resources are to be managed in the context of projects subject to CEQA. Archival and field surveys must be conducted and identified cultural resources must be inventoried and evaluated in prescribed ways per the CEQA guidelines, Section 21083.2.

Prehistoric and historical resources deemed "historically significant" must be considered in project planning and development. As well, any proposed undertaking that may affect historically significant cultural resources must be submitted to the State Historic Preservation Officer (SHPO) for review and comment prior to project approval by the responsible agency and prior to construction. The CEQA guidelines detail methods by which significant effects may



be mitigated and discuss procedures for treatment of human remains discovered in the course of project development.

The California Office of Historic Preservation (COHP) administers the California Register program, the California Register of Historical Landmarks, and California Points of Local Historical Interest programs. The SHPO enforces the designation and protection process and is the head of the COHP. The COHP ensures that the state has a qualified historic preservation review commission, maintains a system for surveys and inventories, and provides for adequate public participation in its activities. The COHP also administers the Certified Local Government program for the State of California.

Section 7050.5 of the California Health and Safety Code (CHSC) states the following in regard to the discovery of human remains.

- “1. Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the [California Public Resources Code (PRC)]. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the [PRC] or to any person authorized to implement Section 5097.98 of the [PRC].
2. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the [California] Government Code [CGC], that the remains are not subject to the provisions of Section 27491 of the [CGC] or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the [PRC]. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
3. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the [Native American Heritage Commission (NAHC)] (CHSC Section 7050.5).”

Of particular note to cultural resources is subsection (c), requiring the coroner to contact the NAHC within 24 hours if discovered human remains are determined to be Native American in origin. After notification, the NAHC will follow the procedures outlined in PRC Section 5097.98, which include notification of most likely descendants (MLDs), if possible, and recommendations for treatment of the remains. The MLD will have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). In addition, knowing or willful possession of Native American human remains or artifacts taken from a grave or cairn is a felony under state law (PRC Section 5097.99).



Native American Consultation

Stantec contacted the NAHC regarding the presence of burials and sacred lands in the project vicinity in February 2015. In its response, the NAHC stated that the sacred lands file records search did not indicate the presence of any known Native American cultural resources within 1/2 mile of the project area. In its transmittal, the NAHC enclosed a list of Native American individuals and/or organizations that might have knowledge of cultural resources in or near the project area.

Stantec sent letters with a project location map to all individuals/groups on the list requesting information and comments. Individuals/groups on the list will be apprised of artifacts if found at this location. No other responses have been received as of this time. The NAHC correspondence can be found in Appendix D.

LOCAL REGULATIONS

General Plan

The City of Hollister's primary objective is to assist in the continual identification of significant cultural resources to ensure their preservation and maintenance of the city's heritage. The following goals and policies relating to cultural resources are applicable to the proposed Vista De Oro Mixed-Use Project:

- Goal LU-8 is to maintain the stability of existing neighborhoods.
 - LU 8.2 Historic Neighborhoods: Ensure that existing historical neighborhoods remain intact by prohibiting incompatible uses and development types.
- There is a three-year timeframe for implementation.
 - LU.L Inventory and Designate Historical Sites: The city should initiate an inventory of structures or sites that may have architectural, historical, archeological, or cultural significance to the community. Hollister should then consider action to list the most significant structures or sites on the California Register of Historical Resources and the National Register of Historic Places.

Hollister Municipal Code

The following sections of the Municipal Code pertain to historical and cultural resources within the City of Hollister:

- Hollister Municipal Code Title 17 Zoning, Chapter 17.16 Performance Standards, Section 17.16.030 Archaeological and Historic Resources
- Hollister Municipal Code Title 15 Buildings and Construction, Chapter 15.15 Historic Resources, Section 15.16.050 Historic Resources Commission
- Hollister Municipal Code Title 15 Buildings and Construction, Chapter 15.15 Historic Resources, Section 15.16.070 Historic Resources Designation Criteria
- Hollister Municipal Code Title 15 Buildings and Construction, Chapter 15.15 Historic Resources, Section 15.16.130 State Historic Building Code

6.5.2 Methodology

6.5.2.1 Archival Research Methods

The California Historic Resources Information System maintains regional offices that manage site records for known cultural resource locations and related technical studies. The regional office for San Benito is the Northwest California Information Center at California State University, Sonoma. Information regarding cultural resource studies and archaeological sites was compiled using a 1-mile radius around the project area. Sources reviewed include all known and recorded archaeological and historic sites and cultural resource reports. Additional resources that were



consulted for relevant information included the California Register, National Register, California Inventory of Historic Resources, and California Points of Historical Interest, California Historical Landmarks, and historic maps.

6.5.3 Environmental Setting

The Proposed Vista De Oro Mixed-Use Project is located in the City of Hollister within the Hollister Valley near the San Benito River. The Hollister Valley is part of an extensive region occupied by Native Americans known during the Historic Period as "Costanoans" (Spanish "Costanos" or "coast people"). Anthropologists including Kroeber (1925:462-473) and Levy (1978:485-495) refer to the tribe as Costanoans. Many contemporary scholars, however, prefer the term Ohlone (Bean 1994; Wildesen 1969). The Costanoan tribelets occupied permanent village sites in the Hollister Valley.

6.5.3.1 Prehistory

Little is known of the earliest occupants of the Delta region, due to the meandering and rapid erosional patterns of the San Joaquin and Sacramento Rivers. There are several proposed sequences of cultural patterns (Fredrickson, 1974; Moratto, 1984; Ragir, 1972). The sequence utilized here is very broad and includes the Lower, Middle, and Late Archaic periods, and the Emergent Occupation.

A recent review (Jones et al. 2007:125-146) summarizes the current status of central coast and interior valley prehistoric chronology, including Hollister and adjacent regions. However, no archeological sites within the Hollister are mentioned in the Jones review, which is not to imply that its archeology is inconsequential, but instead is indicative of the lack of knowledge of the city's prehistory. Several periods of prehistoric development along the coast and coastal interior zone are as follows:

Paleo-Indian (pre -8000 BC). This period is based on the presence of two fluted projectile points found near San Luis Obispo.

Millingstone or Early Archaic (8000 BC to 3500 BC). This period is characterized by "the large number of well-made handstones and/or millingslabs, crude cores and cobble-core tools, and less abundant flake tools and large side-notched projectile points."

Hunting Culture (3500/3000 BC to AD 1000/1250). Three periods (or phases) are recognized of the Hunting Culture, which essentially are comparable to the "Early, Middle and Late" periods of the Central Valley and Delta Region discussed by Lillard and Purves (1936) and Lillard et al. (1939). The Early period is identified at Little Pico I (CA-SLO-175) and the Middle Period at Little Pico II (CA-SLO- 175 and -267). Late Period (AD 1250 to 1769).

Positas Complex; (ca. 3300 to 2600 BC) (CA-MER-94, The earliest complex identified by Olsen is based on a very limited archeological inventory, consisting of one-spire ground Olivella bead, a single small bone bead, two projectile points, one leaf-shaped, one stemmed, and a few milling stones, cobble pestles, and cobble manos.

Pacheco Complex; (ca. 2600 BC to AD 300) This complex is identified by various types of shell beads, including thick rectangular Olivella, square Haliotis, and rectangular mussel shell varieties. The upper strata of the site yielded large and small disc, modified saddle, and variant thin rectangular Olivella beads. Flaked stone specimens consist of large side-notched and stemless projectile points, scrapers, and polished stones. Large and small bowl mortars, slab millingsstones, and manos comprise the ground stone inventory. Burials, oriented in flexed position, are frequently accompanied by grave goods.



Panoche Complex (ca. AD 1500 to 1850) The Panoche Complex is the local manifestation of the protohistoric period since it includes evidence of historic contact. It is considered as ancestral to the West Side Yokuts. Diagnostic elements include a distinctive shell complex, including lipped, thin, and rough small disc *Olivella* beads, side-ground *Olivella* tubular clam shell beads, and small steatite disc beads. Stone artifacts comprise distinctive, small, side-notched concave based projectile points, bowl mortars, and infrequent manos and metates. Pottery occurs, with baked clay "spindle whorls" and a few baked clay cylinders of unknown function. Burials are primary and flexed; some are cremated. Architectural remains include very large structures from 30 to 50 feet in diameter; post holes indicate that a multiple, circular arrangement of posts is typical, supporting a superstructure made of grass or tule.

ETHNOGRAPHY

The project area lies within the former territory of the Costanoans, today known as the Ohlone Indian Tribe. The Costanoans were among the first contacted and most severely impacted Native American tribes in California. Contact was firmly established in their territory with the founding of the Mission Nuestra Señora de la Soledad in 1791 and other missions in the region, notably San Juan Bautista, established in 1797. The Costanoans, like many other California Indian tribes, suffered disenfranchisement and cultural collapse during the post-contact period (Cook 1943, 1968; Heizer and Almquist 1971). In 1971, descendants of the Costanoans united as a corporation—the Ohlone Indian Tribe.

HISTORIC PERIOD

The project area is within the vicinity of the agricultural town of Hollister. The project site is on lands of the historic Rancho Justo, first awarded to Jose Castro, and later transferred to Francisco Pacheco in 1844. The town was built after the Hollister drive, which started from Ohio with 6,000 sheep, led by Colonel William W. Hollister and his brother Joseph Hollister. In 1855, Flint-Bixby and Company bought Rancho San Juan Justo from Pacheco, with the understanding that Colonel Hollister would acquire a half-interest in the ranch in 1857, but Flint and Hollister had a falling out and the land was divided, with Flint taking all the land east of the San Benito River, Hollister land west of it, and the sheep being divided equally. In 1868, Hollister sold his part of the rancho (20,773 acres) to the San Juan Homestead Association. Members of the new civic-minded Association as part of the development project founded a town that they elected to call Hollister. Some 12,000 acres were divided into 50 homestead lots of approximately 172 acres each, and 100 acres were reserved for the town of Hollister. The Association auctioned off land to the highest bidders in 1868. The proposed project site is located west of the downtown Hollister Historic District. Hollister continues to be an important center for agricultural production of fruits, vegetables, and wines; it has also grown as a commercial and industrial center for the area.

PALEONTOLOGY

In February 2015 an online locality record search was conducted for the proposed project on the University of California Museum of Paleontology website (University of California 2015). No localities were found within the proposed project area for invertebrates, microfossils, or vertebrates. The geologic map of the area was checked for the geologic rock units for the proposed project area (Wagner et al., 1991). This formation is predominantly floodbasin deposits with low probability of fossils.

San Benito County is within the Coast Range physiographic province of California. Bounded by the Pacific Ocean to the west and Central Valley to the east, the region is typified by northwest-southeast trending mountains ranges and fault systems. From the Upper Cretaceous geological



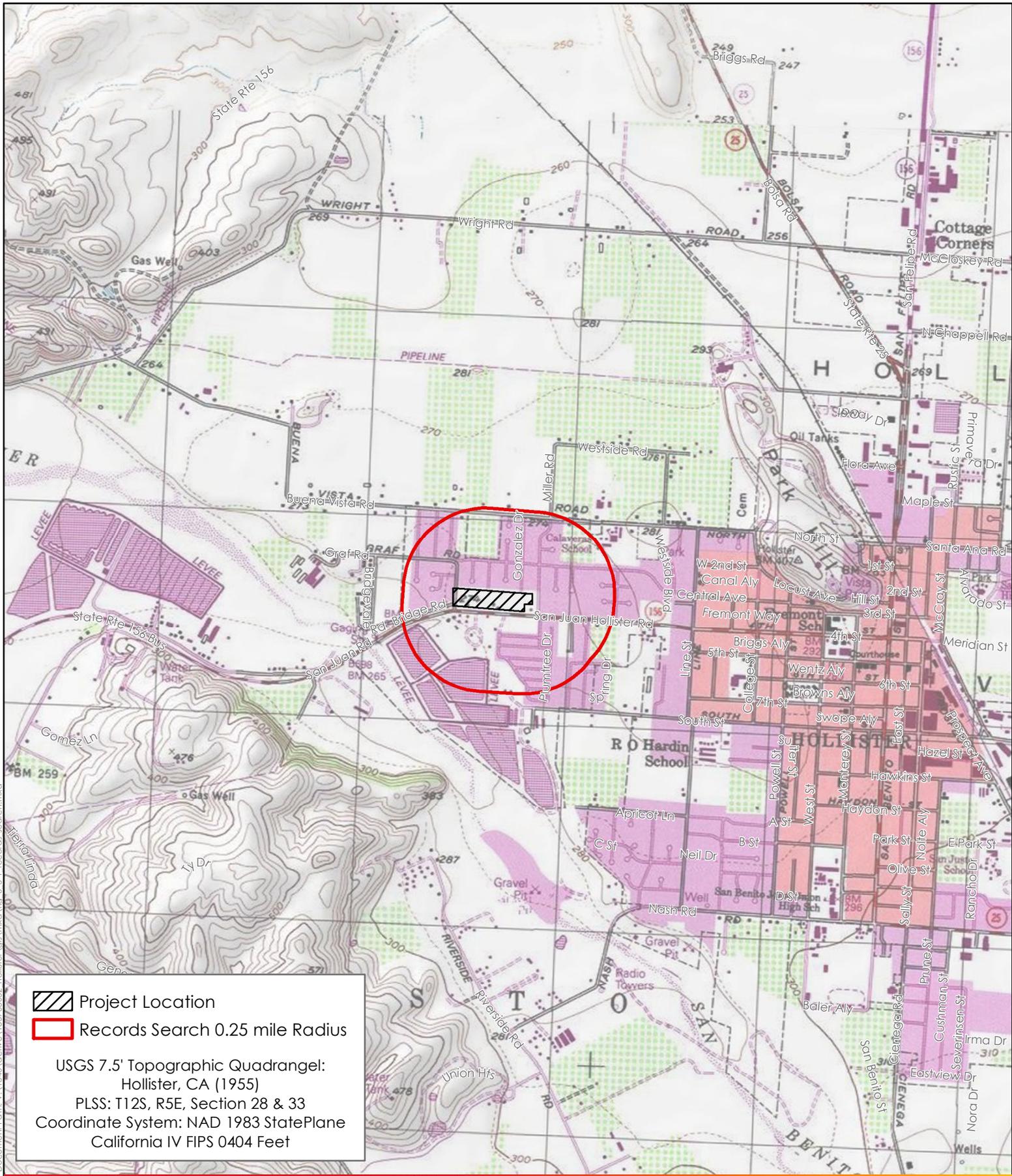
period through the Miocene epoch, much of the Hollister area was covered by shallow, warm seas. Sediment washed from adjacent mountains accumulated in the valleys producing extensive terrestrial sediment deposits, within which paleontological remains are preserved.

Fossil sites have produced a range of plant and animal remains found at many locations, including the San Benito River valley. In general, paleontological resources found on land within the city are recognized as a fragile and non-renewable scientific resource. These resources contribute to the history of life on Earth, and accordingly represent a valuable component of our national heritage.

SUMMARY OF KNOWN CULTURAL RESOURCES AND SIGNIFICANT FINDINGS

The Vista De Oro proposed project site was previously reviewed for cultural resources in 2010 by Peak & Associates, Inc. for the proposed Hollister Family Apartments Project. This review included a determination of eligibility and effect for Section 106 of the NHPA and CEQA. The study identified one built environment resource (P-35-000534), a 1940s house and garage; however, it was concluded that there were no historic properties in the within the project area and that for the purposes of CEQA the project would have no impact cultural resources (Peak 2010). It was recommended at that time that the lead federal agency seek concurrence from the SHPO with a finding of "no historic properties affected" per § 800.4(d) (1); however, no record of concurrence was found on file.

Michelle Cross, Cultural Resources Program Manager with Stantec, served as principal investigator for the study and completed the supplemental field survey and records search (Figure 6.5-1).



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Sources: Stantec 2015. Created By: K Gross. Updated: 4/3/2015. Service Layer Credits: Copyright © 2013 National Geographic Society, f-cubed




0 2,000 Feet

Scale 1:24,000

Figure 6.5-1
Records Search Area



A records search was conducted for the project area at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on February 26, 2015 (IC File Number: 14-1119) (see Attachment C). There was one previously recorded resource, P-35-000534, identified in the project area. This resource was recorded by Peak & Associates (2010) during their study of the same project area and was described as two buildings within the project area: a residence and garage in the Minimal Traditional Style, popular from 1935 to 1950. Both the residence and garage appeared to have been constructed at the same date, 1942, according to the City of Hollister Building Department records. The Minimal Traditional Style residence is not the best example of this common form. Homes such as these were constructed in great numbers in California following the immediate postwar period when building materials were scarce and demand for housing high. The home was constructed just as the war effort began. P-35-000534 did not appear eligible for the National Register of Historic Places (NRHP) and/or California Register of Historic Resources (CRHR), and therefore was not recommended as eligible as a historical property for either the CRHR or NRHP.

No other resources were noted in the project area during the records search; however, there is one other recorded resource within 1/2 mile of the project area and immediately adjacent to the project area, P-35-000564, 1550 San Juan Road, a circa-1930s, two-story, gable-roofed abandoned shed/barn. The current project will not impact this resource.

Stantec staff completed a field survey of the project site on February 24, 2015, with an inspection of the proposed project site using 5 m wide transects. Ground visibility was good throughout. There was no evidence of prehistoric cultural resources within the project area. Additionally, the resource identified in the project area as P-35-000534 is no longer in existence in the project area. The home and garage have been removed and all that remains are the concrete foundations for the buildings. Stantec will prepare a Department of Parks and Recreation (DPR) – 523 site record continuation sheet / update noting that the resource has been removed and submit it to the NWIC for informational purposes. No other historic-era or built environment features were noted in the project area during the current survey effort.

In conclusion, the previously identified cultural resource (P-35-000534) within the project area has been removed and no other cultural materials or resources were observed during the current survey effort. While the majority of the project area appears to have been previously disturbed and altered (i.e., removal of buildings), there is always the possibility that subsurface archaeological deposits may exist in the project area, as archaeological sites may be buried with no surface manifestation. If previously unidentified cultural materials are unearthed during construction, work should be halted in that area until a qualified archaeologist can assess the significance of the find. An additional archaeological survey will be needed if project limits are extended beyond the present survey limits.

6.5.4 Standards of Significance

CEQA guidelines Section 15064.5 defines historical resources as follows:

“A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources;

A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall 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; or



Any object, building, structure, site, area, place, record, or manuscript in which 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 an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources."

Determination of the significance of impacts to archaeological resources was made in accordance with Section 15064.5 of CEQA, which indicates that the project's impact to cultural resources would be considered significant if it would

- Cause a substantial adverse change in the significance of a historical resource;
- Cause a substantial adverse change in the significance of unique archaeological resource;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and/or
- Disturb any human remains, including those interred outside of formal cemeteries.

6.5.5 Impact Analysis

Table 6-16: Cultural Resources Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



6.5.5.1 Historical Resource

Impact CUL-1 The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

The proposed project site for the Vista De Oro Mixed-Use Project is not listed in the National Register of Historic Places, California Register of Historic Resources, California Inventory of Historic Resources, California Historical Landmarks, Survey of Surveys, or California Points of Historical Interest. A records search revealed that the proposed project site has been the subject of major improvements and demolition of permanent structures. No other resources were noted in the project area during the records search; however, there is one other recorded resource within 1/2 mile of the project area and immediately adjacent to the project area, P-35-000564, 1550 San Juan Road, a circa-1930s, two-story, gable-roofed abandoned shed/barn. The current project will not impact this resource. Additionally, the City of Hollister has not determined any object, building, structure, site, or area of the project area to be historically significant. Therefore, the proposed improvements and operations would not cause any substantial adverse change in the significance of a historical resource as identified by the lead agency, in accordance with CEQA guidelines Section 15064.5. Therefore, there is no impact on historical resources.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.5.5.2 Archaeological Resource

Impact CUL-2 The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

A cultural resource records search completed at the Northwest California Information Center indicated that there were no cultural resources recorded within the proposed Vista De Oro Mixed-Use Project area. Although no evidence of any archaeological features are known within the proposed project area, there is still a possibility that undocumented finds may be encountered. Additionally, the NAHC was contacted and their records were searched for known cultural resources recorded within the proposed Vista De Oro Mixed-Use Project area, and letters were sent to Native American individuals and organizations that may have knowledge of cultural resources in the proposed project area. No known cultural resources were recorded within the proposed Vista De Oro Mixed-Use Project area. As such, the proposed project will have a less-than-significant impact since it is highly unlikely that cultural resources will pose a potential issue.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

**Level of Significance After Mitigation**

Less Than Significant Impact.

6.5.5.3 Paleontological Resource

Impact CUL-3 The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

A search of geologic maps of the area shows that the proposed Vista De Oro Mixed-Use Project does not show a high probability of paleontological resources. The proposed project site formation is predominantly flood basin deposits with low probability of containing fossils. Although unlikely, there is potential for unknown paleontological resources to be impacted as a result of the proposed Vista De Oro Mixed-Use Project activities. With the low likelihood for the existing formation to contain fossils or other sensitive cultural resources, impacts to paleontological resources are considered less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.5.5.4 Human Remains

Impact CUL-4 The proposed project would potentially disturb any human remains, including those interred outside of formal cemeteries.

The cultural resources records search concluded that no evidence of any known human remains was located within the proposed project area. Due to the buried nature of such finds, and the uncertainty of whether or not any significant cultural resource exists, it is not feasible to conduct extensive studies prior to implementation of the proposed project.

Research showed that there are no known archaeological sites with human remains within a 1-mile radius of the proposed project site and no known cemeteries nearby. Nevertheless, while the likelihood of finding human remains is small, there is potential that unidentified human remains could be found within or nearby the proposed project site. With the implementation of the mitigation measure Arch-1, any potential impacts would be considered negligible. Therefore, construction of the proposed Vista De Oro Mixed-Use Project would not disturb any human remains, including those interred outside of formal cemeteries. Project-related impacts to human remains would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM CUL-1 In the event that unanticipated archaeological resources should be accidentally discovered during project construction, a qualified archaeologist or paleontologist will be retained for evaluation of the find. If the find is determined to be a historical or unique archaeological resource, appropriate mitigation or avoidance measures will be taken in accordance with CEQA guidelines 15064.5(f). During mitigation of unanticipated archaeological resources, it would not be necessary for work to halt in construction areas not affected by such finds. Any historically significant cultural materials discovered during project construction will be the subject of professional scientific analysis and a report will be prepared by a qualified archaeologist. In the event that such a discovery should contain human remains, the following steps shall be taken as outlined in CEQA guidelines 15064.5 (e) (1):

- "(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*
- (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and*
 - (B) If the coroner determines the remains to be Native American:*
 - 1. The coroner shall contact the Native American Heritage Commission within 24 hours.*
 - 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.*
 - 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98 or*
- (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.*
- (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.*
 - (B) The Descendant identified fails to make a recommendation; or*
 - (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."*

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.



6.6 GEOLOGY, SOILS, AND SEISMICITY

This section contains a description of the setting regarding geology, soils, and seismicity in the proposed project site, along with a description of The existing regional physiography, geologic hazards, and soil characteristics in the area. The following discussion is based primarily on the following information sources, and other publicly available geologic literature:

- United States Geological Survey (USGS) topographic and geologic maps;
- United States Department of Agriculture Natural Resource Conservation Service;
- California Division of Mines and Geology;
- California Geological Survey;
- California Building Standards Commission; and
- State Mining and Geology Board.

6.6.1 Background

6.6.1.1 Regulatory Context

Title 24 International Building Code (IBC) sets building construction standards for safety and protection in the event of ground shaking.

6.6.2 Methodology

Information on geologic, soil, mineral resource, and paleontological resource conditions in the proposed project area was compiled from existing literature, maps, and data.

6.6.3 Environmental Setting

6.6.3.1 Geologic Setting

The proposed project is located within a region known as the Coastal Ranges Geomorphic Province. The proposed project rests in the Hollister Valley, which is characterized by the relatively flat topography that is composed of alluvium. The Hollister Valley is very fertile and support extensive agriculture activities and is surrounded by the mountains of the Diablo Range to the east and the Gabilan Range to the west. Active geologic features within the vicinity of the proposed project site are well known, including the most significant geologic feature of the San Andreas Fault Zone. The San Andreas Fault is a right lateral strikeslip fault and can be traced offshore from near Cape Mendocino in Humboldt County to the Salton Sea in the Imperial Valley. The San Andreas Fault spans the length of San Benito County, stretching 60 miles from the Santa Cruz County line in the north to the Monterey County line in the south. The San Andreas Fault strike is 45° west of north. There are several other known faults near the proposed project site, including the Calaveras.

6.6.3.2 Topography Setting

The proposed project site is relatively level and gently sloping to the north with less than 5 feet of topographic relief. The proposed project site is nearly level in elevation with the surrounding area. Limited topographic relief is found on the northern side of the proposed project site and is due to stock piles of dirt dumped on the lot. Elevation changes to the public ROW are extremely limited.



6.6.3.3 Soils

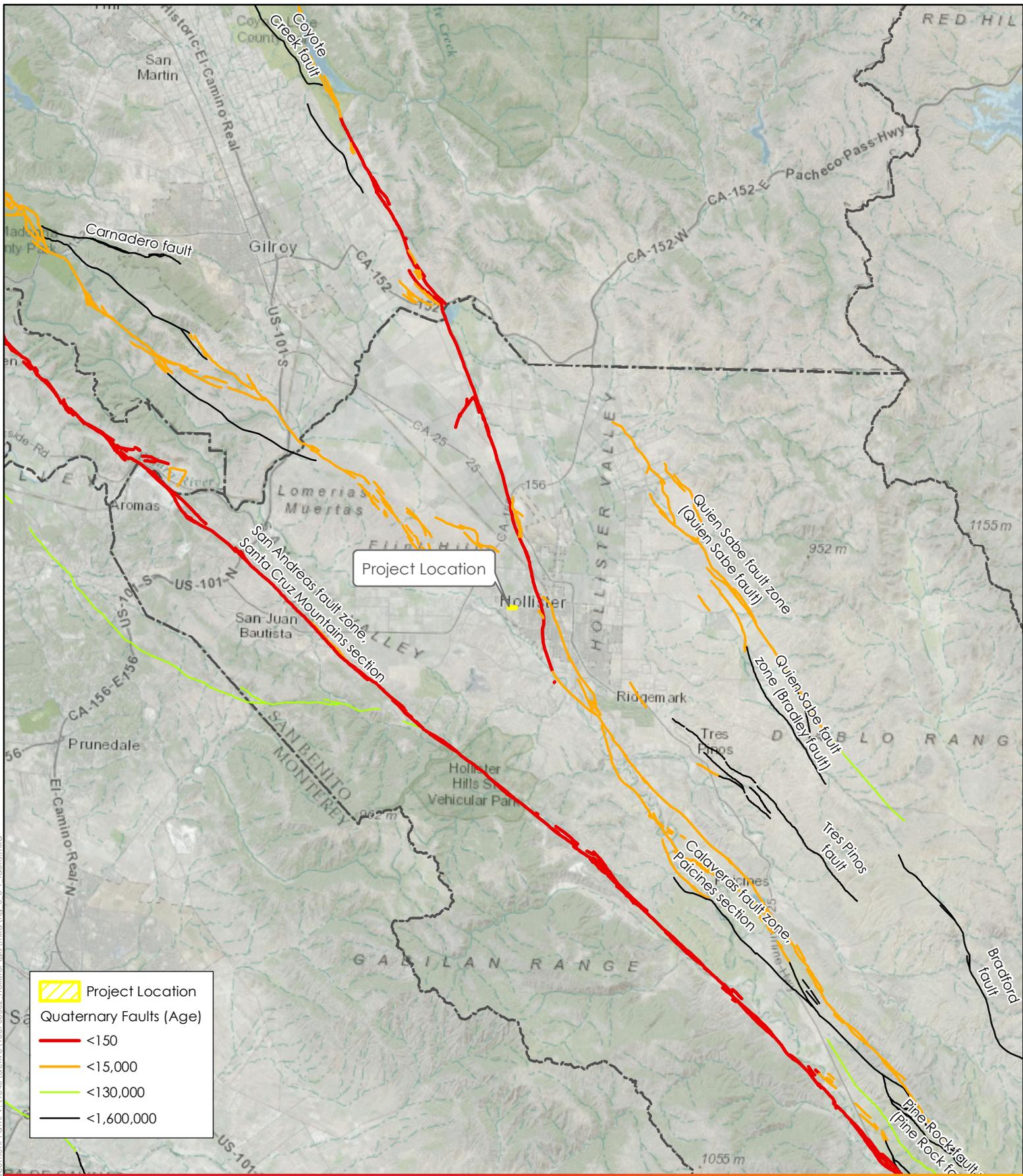
According to the US Department of Agriculture (USDA), Soil Conservation Service, 2010, soils found on the proposed project site are primarily Sorrento-Yolo-Mocho association. This soil association consists of well-drained soil that formed in alluvium derived from mixed rock sources of medium texture. Sorrento-Yolo-Mocho soils are on flood plains and alluvial fans. Estimated engineering properties of soils in the proposed project site indicate that this soil type is predominantly a silt loam with a moderate shrink-swell potential. There is minimal potential for landslide hazard because the soil is relatively flat. The project area has a moderate potential for liquefaction hazard. The slope is 0%–2%. The mean annual precipitation is about 17 inches and the mean annual temperature is about 60 °F.

6.6.3.4 Geologic Hazards

EARTHQUAKES

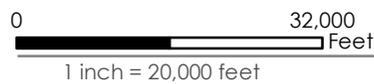
The proposed project site is located within a currently designated Alquist-Priolo Earthquake Fault Zone (formerly known as a Special Studies Zone). The City of Hollister is located within a seismically active region, and has experienced severe damage caused by ground shaking within the last 35 years. The closest active fault system to the project site is the Calaveras Fault, which runs south and north through the City of Hollister. The fault splits into the main branch and the east branch at Park Hill, about 1/2 mile east of the proposed project site. The main branch is at the surface in some parts of Hollister and is actively creeping. The east branch is also considered to be a potentially active fault with a potential for surface fault rupture. The project is located at least 1/2 mile from known faults and the potential for surface fault rupture at the project site is insignificant (see Figure 6.1-1). The fault rupture hazard study indicates that the site is approximately 4,400 feet east of the main branch of the Calaveras Fault and approximately 3,500 feet west of the east branch of the Calaveras Fault. The study found no traces of the Calaveras Fault Zone across the proposed project site.

The applicant will prepare a geotechnical report to provide guidance and requirements for design and construction activities. Registered geologists and registered engineers will prepare the report, which will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the Vista de Oro Mixed-Use Project can develop the site as planned. The applicant designers and its construction contractor will use the geotechnical report and other data to construct the buildings in conformance with the requirements of the IBC to withstand anticipated geological risks. The proposed project could expose people or structures to substantial adverse effects involving strong seismic ground shaking, but the potential risks are not substantial based on the seismic standards found in the building code, and the project's impacts are therefore less than significant.



Document Path: V:\1840\active\185703032_hollister\gis\mxd\fig_6_6-1_faults.mxd

Sources: Stantec 2015. Created By: K Gross. Updated: 4/3/2015. Service Layer Credits: Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**Figure 6.6-1
Fault Map**

Vista De Oro Project - Hollister, California



SEISMIC GROUND SHAKING

A qualitative evaluation of geologic hazards made by the Working Group on California Earthquake Probabilities identified a 93% probability of a magnitude 6.7 or greater earthquake, and a 16% probability of magnitude 7.5 or greater earthquake occurring during the next 30 years in northern California. The San Andreas and Calaveras Faults have the highest earthquake probability within the Hollister Valley. A major earthquake in an area as remote as the San Francisco Bay area could have significant direct impacts in Hollister, including seismic shaking, liquefaction, and ground rupture.

LIQUEFACTION

Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similar to a fluid when subjected to high-intensity ground shaking. An increase in pore pressure occurs as the soil attempts to compact in response to the shaking, resulting in less grain-to-grain solid contact, and therefore loss of strength. Liquefaction occurs when three general conditions exist: shallow groundwater (i.e., 40 feet below ground surface or less); low density, fine-grained sandy soils; and high-intensity ground motion. Effects of liquefaction on level ground can include sand boils, settlement, and bearing capacity failures below structure foundations.

Geologic records search and analysis performed by Stantec concluded that, in general, there appears to be a fairly consistent liquefiable layer across the proposed project site. Differential settlement from liquefaction for shallow foundations and site improvements were estimated to be approximately 1 inch in the upper 50 feet.

LATERAL SPREADING

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face such as an open body of water, channel, or excavation. In soils, this movement is generally due to failure along a weak plane, and may often be associated with liquefaction. The San Benito River runs to the west of the proposed project site. However, the river is approximately 1/2 mile from the proposed project site boundary and the shallow liquefiable layers are not consistent throughout the project area. Therefore, the probability of lateral spreading occurring at the proposed project site during a seismic event is relatively low.

6.6.4 Standards of Significance

An impact to geology, soils, and seismicity would be considered significant if the project would

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving
 - rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
 - strong seismic ground shaking;
 - seismic-related ground failure, including liquefaction;
 - landslides; and/or
 - subsidence;
- Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil, or unstable soil conditions from excavation, grading, or fill;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;



- Be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial risks to life or property; and/or
- 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.



6.6.5 Impact Analysis

Table 6-17: Geology, Soils, and Seismicity Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Table 6-17: Geology, Soils, and Seismicity Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.6.5.1 Exposed People to Potential Substantial Adverse Effects:

Impact GEO-1 The proposed project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

It is highly improbable that the proposed Vista De Oro Mixed-Use Project would be the cause of loss of life or other injury from risks associated with geologic and soil factors of the proposed project. The improvements of the proposed Vista De Oro Mixed-Use Project will be constructed in accordance with local, state, and federal regulations (as will be discussed in ensuing sections of the document). Included in these regulations is the IBC (Chapter). This Chapter provides specific seismic regulations, as discussed below, in order to reduce the impact from seismic activity. The proposed Vista De Oro Mixed-Use Project will be constructed to these standards, and as such, will result in a less-than-significant level related to exposure to loss of life and/or injury. The GEO-1 mitigation measure has been applied to ensure the proposed project is designing to appropriate standards to manage risks associated with a seismic event within the acceptable tolerance level established by public policy. The proposed project will have a less-than-significant impact on the environment with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GEO-1 Prior to issuance of a grading or building permit or approval of plans for grading, drainage, or erosion control on the project site, the applicant shall prepare a geotechnical soils report with engineering recommendations to minimize impacts from seismic-induced ground



shaking, liquefaction, erosion, and soil expansion or contraction for all structures, utilities, and paved surfaces. The recommendations from the report shall be incorporated into the improvement plans for grading, drainage, building foundations and plans, paving, and erosion control. Prior to obtaining approvals for building permits and improvement plans, the City of Hollister Engineering and Building Departments will review the plans for compliance with recommendations in the geotechnical report.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.6.5.2 Alquist-Priolo Earthquake Faults

Impact GEO-2 The proposed project would not rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map.

The Modified Mercalli Scale—which ranges from I (not felt) to XII (widespread devastation)—measures ground-shaking intensity. The effect of an earthquake's shaking on the proposed project site will depend on the location of the fault, distance from the earthquake's epicenter to the project site, magnitude of the earthquake, and the geology of the area.

The proposed project site is within approximately 3,500 feet to 4,500 feet of the active Calaveras Fault, and the Vista De Oro Mixed-Use Project therefore expects the proposed commercial structures and residential dwellings to experience ground shaking if a moderate-size earthquake occurs in the vicinity or a major earthquake occurs with an epicenter located at a distance from the proposed project site.

The applicant's design effort will implement the GEO-1 Mitigation Measure, which includes preparation of a geotechnical report to provide guidance and requirements for design and construction activities. Registered geologists and registered engineers will prepare the report, which will describe the methods and results of a geotechnical exploration; develop design recommendations for foundation type, grading, pavement design, and other pertinent topics; and verify that the proposed project can develop the site as planned. The applicant's designers and its construction contractor will use the geotechnical report and other data to construct the building in conformance with the requirements of the CBC to withstand anticipated geological risks. The project could expose people or structures to substantial adverse effects involving strong seismic ground shaking, but the potential risks are not substantial, and the project's impacts are therefore less than significant with mitigation measures.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.



6.6.5.3 Ground Shaking

Impact GEO-3 The proposed project would not result in having strong seismic ground shaking.

The Calaveras Fault, located approximately 3,500 feet to 4,000 feet from the proposed project site, has historically produced a peak ground acceleration of 0.15 g in Hollister. Current practice indicates a peak ground surface acceleration of 0.30 g to be expected to occur at the proposed project site. The proposed Vista De Oro Mixed-Use Project would be constructed to meet the safety standards established by the UBC and the API Standards for underground Petroleum Storage Tanks (API Standards) for gas tanks associated with the proposed convenience store. Adherence to applicable seismic standards requirements reduces this impact to a less-than-significant level.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.6.5.4 Liquefaction

Impact GEO-4 The proposed project would not result in seismic-related ground failure, including liquefaction.

All structures would be designed to withstand strong ground motion and ground failure (liquefaction) resulting from a design earthquake in accordance with the adopted standards. The soil series associated with the proposed project site indicates that some of the sand and silt layers encountered may theoretically liquefy and result in post-seismic total and differential settlement. Geotechnical engineering will recommend structures on the project site be supported on deep foundations consisting of driven, precast, prestressed concrete friction piles or augered cast-in-place piles. Such measures would ensure adequate protection of the structures proposed for the project. The Vista De Oro Mixed-Use Project would incorporate the recommended project design specifications outlined in the required geotechnical investigation; therefore, no additional-project specific mitigation measures are proposed and impacts resulting from liquefaction are anticipated to be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.



6.6.5.5 Landslides

Impact GEO-5 The proposed project would not result in impact from landslides.

The proposed project site is relatively level and gently sloping to the north with limited topographic relief; furthermore, the proposed facilities will be built upon compacted soils (per the geotechnical report). The lack of significant slopes on or near the proposed project site indicates that the hazard from slope instability, both landslides and debris flows, is negligible. Therefore, no impacts resulting from landslides are anticipated.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.6.5.6 Subsidence

Impact GEO-6 The proposed project would not result in substantial soil erosion or the loss of topsoil.

Some of the sand and silt layers at the proposed project site may theoretically liquefy and result in post-seismic total and differential settlement. Typically a Geotechnical Investigation includes the provision of design parameters, such as foundations, to resist or accommodate post-seismic total and differential settlement; therefore, this impact would be less than significant and no project specific mitigation measures are required.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.6.5.7 Soil Erosion

Impact GEO-7 The proposed project would not result in substantial soil erosion or the loss of topsoil.

Since the proposed project site is relatively flat, the potential for substantial soil erosion is considered minimal. BMPs for control of erosion would be implemented as part of the city's grading and building permits to reduce erosion of soils on the proposed project site. BMPs would be implemented as part of the encroachment permits for the roadway and sidewalk installation within public ROWs, which would mitigate potential impacts on soil erosion as a result of



construction. Such BMPs could include, but are not limited to, the utilization of a sediment trap for all drains, straw bale barriers, the placement of mulch (straw or hydraulic) throughout the property, and the placement of geotextile mats for any of the sloped areas. In addition, the requirements of the State General Construction Stormwater Permit for projects would provide further review, monitoring, and mitigation as required by the State Regional Water Quality Control Board, which would ensure that this impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.6.5.8 Unstable Soils

Impact GEO-8 The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

It has been suggested that several of the soil layers beneath the highest anticipated level of groundwater would be expected to liquefy or experience liquefaction induced settlement from a maximum credible earthquake (MCE) magnitude of 6.8. All grading would be performed in accordance with the recommended grading specifications contained in the City of Hollister Grading Regulations, which would reduce any potential impacts to a less-than-significant level.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.6.5.9 Expansive Soils

Impact GEO-9 The proposed project would not be located on expansive soil, creating substantial risks to life or property.

The proposed project site does not contain expansive soils that exhibit expansion-related hazards. However, should the required geotechnical investigation indicate that surficial soils of the project area are moderately expansive, then standard design for such factors as the building's slab-on-grade and exterior concrete flatwork would be supported on a layer of non-expansive fill; therefore, no additional-project specific mitigation measures are proposed and the resulting impacts would be less than significant.



Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.6.5.10 Septic Tanks and Wastewater Disposal System

Impact GEO-10 The proposed project would not 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.

A soil data search did not identify that soils at the proposed project site would be incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater. No in-ground sewage disposal is proposed. Therefore, no impacts are anticipated.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.7 GREENHOUSE GAS EMISSIONS

This section describes the potential effect on greenhouse gas (GHG) emissions as a result of implementing the proposed Vista De Oro Mixed-Use Project. In addition, this section provides a discussion of federal and state regulations regarding GHG emissions. Potential impacts to air quality, as a general matter, associated with implementation of the proposed Vista De Oro Mixed-Use Project, were previously discussed in this document. (see: Section 6.3: Air Quality). Updates to the CEQA guidelines, codified in March 2010, require lead agencies to consider the potential for a project to result in significant emissions of GHGs. Guidelines state that the leading factors that lead agencies should consider in determining the significance of a project's GHG emissions is whether the project's anticipated emissions would comply with applicable regulations and whether an individual project's incremental contribution to global climate change may have a cumulatively considerable impact. These are the primary considerations to be discussed in the following section of this document.

6.7.1 Background

GHGs have been regulated internationally, federally, and at the state level for nearly a quarter of a century. While several regulations of the matter have failed, and the successes of others have yet to be determined, this section discusses the application of several of these regulations as related to the proposed Vista De Oro Mixed-Use Project.

6.7.1.1 Regulatory Context

INTERNATIONAL REGULATIONS

In 1988, nearly a decade after the first World Climate Conference (hosted by the World Meteorological Organization) was held to discuss the anthropogenic (human) effects of climate change, the United Nations established the Intergovernmental Panel on Climate Change (IPCC). As a result of subsequent years of IPCC discussions, the IPCC developed a worldwide treaty that outlined several general objectives and principles aimed at limiting worldwide GHG emissions, known as the United Nations Framework Convention on Climate Change agreement (developed in 1990, signed in 1992, and effective as of 1994). In November 1998, the IPCC hosted another series of meetings aimed at the worldwide reduction of GHGs. Throughout the course of these meetings, the IPCC developed the Kyoto Protocol, which required specific reductions of GHGs (in particular, the Kyoto Protocol required each signatory country to commit to a particular goal in GHG emissions reductions). While the Kyoto Protocol was successful, in that it heightened global awareness of increasing GHGs, the Kyoto Protocol was seen by many as a failure, as the US and several other nations with mass GHG emissions failed to sign or ratify the Kyoto Protocol. As such, these nations were never bound by the goals and implementation mechanisms of the Kyoto Protocol.

Again in December 2009, representatives from 170 countries convened to prepare an updated international treaty for GHG emission reductions, known as the Copenhagen Protocol. The Copenhagen Protocol sought to establish a 2 °C limit on global warming increase by 2050. While the Copenhagen Protocol demonstrated the international attempt to regulate GHG emissions, many have considered the negotiations a failure, as the document produced failed to provide a legally binding document on the participant nations.

FEDERAL REGULATIONS

In October 2009, USEPA issued a Final Rule for mandatory reporting of GHG emissions. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and



manufacturers of heavy-duty and off-road vehicles and vehicle engines, and requires annual reporting of emissions. The Final Rule went into effect on December 29, 2009, with data collection between January 1, 2010, and March 2011. This rule does not regulate the emission of GHGs, but only requires the monitoring and reporting of GHG emissions for sources above specific thresholds. Additional legislative measures have been taken to attempt to regulate GHGs in other manners; however, each has failed in the process. The most recent attempt was the American Clean Energy and Security Act of 2009 (Waxman-Markey Bill), which had success in the House of Representatives but failed to receive necessary support in the Senate.

Greenhouse Gas Reduction Initiatives

According to the USEPA, the United States government is using voluntary and incentive-based programs to reduce emissions and has established programs to promote climate technology and science.

Endangerment and Cause or Contribute Findings

On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

“Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases – carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) – in the atmosphere threaten the public health and welfare of current and future generations.

Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution, which threatens public health and welfare.”

Proposed Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards

On September 15, 2009, the USEPA and the United States Department of Transportation's (USDOT's) National Highway Traffic Safety Administration proposed a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

Proposed Prevention of Significant Deterioration/Title V Greenhouse Gas Tailoring Rule

On August 31, 2009, the USEPA released the draft *Prevention of Significant Deterioration/Title V Greenhouse Gas Tailoring Rule*. This proposed rule would limit federal permitting requirements to industrial sources that emit 25,000 tonnes of CO₂ equivalent (CO₂e) per year.

Final Mandatory Reporting of Greenhouse Gas Rule

On September 22, 2009, the USEPA administrator signed the *Final Mandatory Reporting of Greenhouse Gas Rule* to require large emitters and suppliers of GHGs to begin collecting data starting January 1, 2010, under a new reporting system.



STATE REGULATIONS

As previously discussed, CARB is responsible for implementing state policy to address air quality issues and global climate change. CARB, in coordinating and administering state air pollution control programs, adopted Resolution 07-55 on December 6, 2007. Resolution 07-55 approved a 427 million metric ton of CO₂e as the statewide GHG emissions limit as of 2020. This statewide target is equivalent to 1990 level of CO₂e measured in the atmosphere, a common goal for several of California's emissions reductions programs (see Section 6.3 – Air Quality for a discussion on AB 32, which implements a similar goal).

California Executive Order S-03-05 (June 1, 2005) mandated a reduction of GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050. Although the 2020 target is the core of AB 32, and has effectively been incorporated into AB 32, the 2050 target remains the goal of the executive order.

Senate Bill 375 (2008). SB 375

Signed into law on September 30, 2008, SB 375 aligns regional transportation planning efforts, regional GHG 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 (APS), which will prescribe land use allocation in that MPO's regional transportation plan (RTP). CARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035.

Actions Taken by California Attorney General's Office

The California Attorney General (AG) has filed comment letters under CEQA on a number of proposed projects regarding their identification and quantification of potential GHG effects, and the identification of mitigation programs and actions. The AG has also filed several complaints and obtained settlement agreements for CEQA documents covering general plans and individual programs that the AG found either failed to analyze GHG emissions or failed to provide adequate GHG mitigation.

LOCAL REGULATIONS

The MBUAPCD, the regional air quality management agency for the NCCAB, and the agency with air permitting authority, has not yet adopted any significance thresholds for GHG emissions. The MBUAPCD encourages lead agencies to consider a variety of metrics for evaluating GHG emissions and related mitigation measures as they apply to a specific project.

The MBUAPCD and CARB are the primary agencies responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the NCCAB, within which the City of Hollister is situated. The MBUAPCD and CARB assist lead agencies in assessing and reducing the impacts of project-specific GHG emissions on global climate change. The MBUAPCD and CARB rely on the use of performance-based standards, otherwise known as best performance standards (BPS) to assess significance of project-specific GHG emissions on global climate change. Projects implementing BPS are determined to have a less-than-significant impact. Otherwise, demonstration of a 29% reduction in GHG emissions from standard operating is required to classify a project's impact as less than significant.



6.7.2 Methodology

To quantify the predicted GHG emissions from the proposed project, an Environmental Specialist from Stantec conducted an evaluation using the CalEEMod. CalEEMod calculates air and GHG emissions from construction and operation of a project. GHG emissions associated with the proposed project were estimated using CO₂e emissions as a proxy for all GHG emissions. This is consistent with the current reporting protocol of the California Climate Action Registry. According to the CalEEMod, all GHGs will be reported in CO₂e. An assessment of the GHG emissions resulting from the proposed project was previously discussed in Section 6.3 – Air Quality, and it was determined that there would be no significant impacts resulting from the construction and operation of the proposed project.

6.7.3 Environmental Setting

The environmental setting was previously discussed in detail in the air quality section. GHG and various forms thereof were defined and described (see Section 6.3 – Air Quality).

6.7.4 Standards of Significance

GHG emissions of the proposed Vista De Oro Mixed-Use Project would be considered significant should the project

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and
- Conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of GHGs.

6.7.5 Impact Analysis

Table 6-18: Greenhouse Gas Emissions Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



6.7.5.1 Generate Greenhouse Gas Emissions

Impact GHG-1 The proposed project would temporarily generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

The cumulative setting for air quality is the NCCAB. This includes the three counties of Santa Cruz, Monterey, and San Benito.

The project, in addition to existing, approved, proposed, and reasonably foreseeable development in the NCCAB, may contribute to an increase in GHG emissions in the earth's atmosphere. Higher concentrations of GHGs have been linked to the phenomenon of climate change.

Human activities are exerting a major and growing influence on the climate by changing the composition of the atmosphere through the increased consumption of fossil fuels (natural gas, coal, gasoline, etc.) for energy production and transportation fuel; this has substantially increased atmospheric levels of GHGs. The amount of GHG emissions produced from commercial buildings is related to the amount of energy that is used to operate the buildings, such as electricity, natural gas, and fuel oil.

It is estimated that the proposed 8-acre mixed-use urban development as proposed with the Vista De Oro Mixed-Use Project will result in the production of 2,942.8 tons/year of CO₂e. It is generally believed that climate changes are occurring and will continue to occur because of the increase of GHGs throughout the world. Assembly Bill (AB) 32 requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This will require an overall reduction GHGs emitted in the state. Construction of the proposed project will result in an increase of GHG emissions. The primary source of GHG emissions from the project is vehicle emissions.

The proposed Vista De Oro Mixed-Use Project would be designed and operated in accordance with the MBUAPCD's BPSs. The proposed project is therefore deemed to represent a less-than-significant impact as established by the MBUAPCD's portion of the applicable state implementation plan (SIP) for the State of California. Additionally, while GHGs will likely be emitted throughout the construction phase (through the utilization of heavy duty construction equipment), the construction methods will be temporary and will not cause a significant increase in GHG emissions (see *Section 6.3 – Air Quality* for detailed analysis). In addition, mitigation measures GHG-1 through GHG-5 will be employed throughout the construction phase to ensure that air pollution emitted from the construction equipment is limited. As such, the impact on GHG emissions from both the construction and operation of the proposed Vista De Oro Mixed-Use Project is less than significant with mitigation measures incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

- MM GHG-1** Use Alternative fuel or catalyst-equipped diesel construction equipment;
- MM GHG-2** Minimize Idling time (e.g., 10-minute maximum)
- MM GHG-3** Replace Fossil-fueled equipment with electrically driven equivalents when possible;



MM GHG-4 Reduce Unnecessary idling usually needed to maintain climate control in the cab of trucks by offering electric power options; and

MM GHG-5 Equip Trucks with NO_x reduction catalyst systems (See: Section 6.3 for complete discussion). Through the implementation of these mitigation measures, the GHGs emitted from the proposed Vista De Oro Mixed-Use Project will be found to be less than significant.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.7.5.2 Plan Adopted to Reduce Greenhouse Gas Emissions

Impact GHG-2 The proposed project would not conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of GHGs.

As discussed in the air quality section (See: Section 6.3), the proposed Vista De Oro Mixed-Use Project will not conflict with the MBUAPCD 's portion of the applicable state implementation plan (SIP) for the State of California, and therefore, will have no impact on any such plan. The primary concern of the SIP is to demonstrate the reduction of 29 percent in GHGs from a business-as-usual scenario. According to the SIP, projects implementing BPS will be considered to have a less-than-significant impact. The proposed Vista De Oro Mixed-Use Project will follow BPS guidelines as defined by the CARB's climate change programs for all gas station equipment, restaurant equipment, renewable energy (solar) on residential and commercial structures, design for walking and bicycling, passive solar design, reduce heat island effect on site, landscaping measures that reduce water consumption, reduced materials consumption during construction through design and build efficiencies, use or recycle materials in construction, energy efficiency buildings and appliances, and other applicable equipment. Considering the implementation of these measures there will be No Impact to the state's climate action plan that has been adopted to reduce GHGs.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.



6.8 HAZARDS AND HAZARDOUS MATERIALS

This section contains a description of hazards and hazardous materials in the proposed project area as well as Hazardous materials which may be found within the city and within the region, generally. The discussion is based primarily on the Phase I Environmental Site Assessment prepared for the proposed project area in June of 2008 (Appendix E), and Other available environmental hazard literature. These data sources were supplemented by Observations made during site reconnaissance visits conducted on February 25, 2015.

Hazards related to the proposed Vista De Oro Mixed-Use Project primarily fall under two categories based on the origin of the hazard: (1) hazards created by project operations that impact facilities and/or people on the proposed project area or nearby and (2) hazards created by nearby uses that impact the facilities and/or people on or near the proposed project area. Exposure to hazardous chemicals could fall under both categories (hazardous chemicals could originate on or off site), whereas risk to people and property on the proposed project area by proximity to airports would fall under the second category.

6.8.1 Background

6.8.1.1 Hazardous Substances Defined

Hazardous materials can be defined based on various criteria, including toxicity, ignitability, corrosivity, and reactivity. The term "hazardous material" is defined as any material that, because of quantity, concentration, or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment (CCR Title 22, Division 4.5 Chapter 10, Article 2, §66260.10).

Once a hazardous material becomes ready for discard, it becomes a hazardous waste. A hazardous waste, for the purpose of this report, is any hazardous material that is abandoned, discarded, or (planned to be) recycled. In addition, hazardous wastes may occasionally be generated by actions that change the composition of previously non-hazardous materials. The same criteria that render a material hazardous—toxicity, ignitability, corrosivity, or reactivity—render waste hazardous (CCR Tit. 22, Div. 4.5 Ch. 10, Art. 3).

6.8.1.2 Regulatory Context

Numerous federal, state, and local agencies regulate the storage, use, transport, generation, or handling of these materials. The transfer, handling, storage, and transport of hazardous liquid bulk cargoes within the city are governed by the San Benito County Environmental Health Department (SBCEHD).

FEDERAL REGULATIONS

Regulations Pertaining to Hazardous Substances

Federal regulatory agencies include the USEPA, Occupational Safety and Health Administration (Fed/OSHA), the USDOT, and the National Institute of Health. The following represent some of the federal laws and guidelines governing hazardous substances:

- Clean Air Act (CAA) (42 US Code Section 7401, et seq./40 CFR)
- Occupational Safety and Health Act (29 US Code Sections 651, et seq./29 CFR)
- Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (42 US Code Section 9601, et seq./29, 40 CFR)
- Superfund Amendments and Reauthorization Act Title III (42 USC Section 11001, et seq./29, 40 CFR)



- Resource Conservation and Recovery Act (RCRA) (42 US Code Section 6901, et seq./40 CFR)
- Safe Drinking Water Act (42 US Code Section 300f, et seq./40 CFR)
- Toxic Substances Control Act (15 US Code Section 2601, et seq./40 CFR)
- Hazardous Materials Transportation Act (49 U.S.C. 1801, et seq.) and regulations issued under that Act by the Department of Transportation
- Pollution Prevention Act (42 US Code Section 13101, et seq./40 CFR)
- Renewable Fuel Standard Program and RIN Generation registration (40 CFR 80.1126(e) (2).
- Emergency Planning and Community Right-to-Know Act 40 CFR 355
- Reporting Hazardous Chemical Storage – Tier II Reporting

At the federal level, the principal agency regulating the generation, transport, and disposal of hazardous substances is the USEPA, under the authority of RCRA. The USEPA regulates hazardous substance sites under CERCLA. Applicable federal regulations are contained primarily in Titles 29, 40, and 49 of the CFR.

Hazardous Substances Worker Safety Requirements

The Fed/OSHA is the agency responsible for ensuring worker safety. Fed/OSHA sets federal standards for implementation of training in the workplace, exposure limits, and safety procedures in the handling of hazardous substances (as well as other hazards). Fed/OSHA also establishes criteria by which each state can implement its own health and safety program.

Hazardous Materials Transportation

The USDOT regulates the interstate transport of hazardous materials and wastes through implementation of the Hazardous Materials Transportation Act. This Act specifies driver training requirements, load labeling procedures, and container design and safety specifications. Transporters of hazardous wastes must also meet the requirements of additional statutes such as RCRA.

Hazardous Substances Handling Requirements

RCRA established a federal hazardous substance “cradle-to-grave” regulatory program that is administered by the USEPA. Under RCRA, the USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the cradle-to-grave regulations and specifically prohibits the use of certain techniques for the disposal of certain hazardous substances.

U.S. Environmental Protection Agency

The USEPA is responsible for the National Contingency Plan and acts as the lead agency in response to an onshore spill. The USEPA also serves as co-chairman of the Regional Response Team, which is a team of agencies established to provide assistance and guidance to the on-scene coordinator during the response to a spill. The USEPA also regulates disposal of recovered oil and is responsible for developing regulations for Spill Prevention, Control, and Countermeasures (SPCC) Plans. SPCC Plans are required for non-transportation-related onshore and offshore facilities that have the potential to spill oil into waters of the US or onto adjoining shorelines. The proposed Vista De Oro Mixed-Use Project would be required to prepare and maintain a SPCC Plan.



STATE REGULATIONS

Regulations Pertaining to Hazardous Substances

The agency that has primary state jurisdiction to regulate and enforce hazardous materials regulations within the city is SBCEHD. However, the Regional Water Quality Control Board (RWQCB) and the California Department of Toxic Substances Control (DTSC) have secondary jurisdiction, and in instances in which hazardous waste may cause air pollution, the MBUAPCD would also have jurisdiction. In addition, both the Fed/OSHA and the California Occupational Safety and Health Administration (Cal/OSHA) has jurisdiction in the preparation of hazardous materials, remediation, and site safety plan, which are intended to protect the health of construction and contamination remediation workers.

The California Environmental Protection Agency (Cal/EPA) and the Office of Emergency Services (OES) establish rules governing the use of hazardous substances. The SWRCB has primary responsibility to protect water quality and supply.

Cal/EPA was created in 1991 to better coordinate state environmental programs, reduce administrative duplication, and address the greatest environmental and health risks. Cal/EPA unifies the state's environmental authority under a single accountable cabinet-level agency. The Secretary for Cal/EPA oversees the following agencies: CARB, Integrated Waste Management Board, Department of Pesticide Regulation, SWRCB, DTSC, and OES.

Applicable state laws include the following:

- California Accidental Release Prevention Law (CHSC Section 25531, et seq. /19 CCR)
- California Fire Code (CHSC Section 13000, et seq./19 CCR)
- Uniform Fire Code (California Code of Regulation Section 1924(b), 3221, 6150, 6184)
- Carpenter-Presley-Tanner Hazardous Substance Account Act "State Superfund" (CHSC Section 25300, et seq. /California Revenue and Tax Code Section 43001, et seq.)
- CBC (CHSC Section 18901, et seq./24 CCR)
- Hazardous Waste Control Law (HWCL) (CHSC Section 25100, et seq./22 CCR)
- California Occupational Safety and Health Act (Cal/OSHA) (California Labor Code Section 6300-6718/ 8 CCR)
- Hazardous Materials Handling and Emergency Response "Waters Bill" (CHSC Section 25500, et seq./19 CCR)
- Hazardous Substances Act (CHSC Section 108100, et seq.)
- Safe Drinking Water and Toxic Enforcement Act "Proposition 65" (CHSC Sections 25180.7, 25189.5, 25192, 25249.5-25249.13/8, 22 CCR)
- California Air Quality Laws (CHSC Section 39000, et seq./17 CCR)
- California Clean Air Act (CHSC Section 44300, et seq./17 CCR)
- Hazardous Substances Information and Training Act (Cal/OSHA) (Worker Right-to-Know Law) (California Labor Code Section 6360, et seq.)
- Hazardous Substances Release Response Plans and Inventory Act
- Air Toxics "Hot Spots" Information and Assessment Act of 1987 (A.B. 2588) (CHSC Section 44300, et seq.) (17 CCR Section 90700, et seq.)

Hazardous Substances Handling Requirements

Within the Cal/EPA, DTSC has primary regulatory responsibility, with delegation of enforcement to disposal of hazardous substances under the authority of the HWCL. Regulations implement the HWCL list of hazardous chemicals and more common substances that may be considered hazardous; establish criteria for identifying, packaging, and labeling hazardous substances;



prescribe management of hazardous substances; establish permit requirements for hazardous substances treatment, storage, disposal, and transportation; and identify hazardous substances that cannot be deposited in landfills.

Under both RCRA and the HWCL, the generator of a hazardous substance must complete a manifest that accompanies the waste from the point of generation to the ultimate treatment, storage, or disposal location. The manifest describes the waste, its intended destination, and other regulatory information about the waste. Copies must be filed with the DTSC. Generators must also match copies of waste manifests with receipts from the treatment, storage, or disposal facility to which it sends waste.

Hazardous Substances Worker Safety Requirements

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are more stringent than federal regulations. Cal/OSHA regulations concerning the use of hazardous substances include requirements for safety training, availability of safety equipment, hazardous substances exposure warnings, and emergency action and fire prevention.

Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous substances, describing the hazards of chemicals, and documenting employee-training programs.

Both federal and state laws include special provisions for hazard communication to employees who work with and/or encounter hazardous materials and wastes. The training must include safe methods for handling hazardous substances, an explanation of the Material Safety Data Sheet (MSDS), use of emergency response equipment, implementation of an emergency response plan, and use of personal protective equipment.

Groundwater Regulatory Background

Acting through the RWQCB, the SWRCB regulates surface and groundwater quality pursuant to the Porter-Cologne Water Quality Act, the federal Clean Water Act, and Underground Tank Regulations. Under these laws, RWQCB is authorized to supervise the cleanup of hazardous wastes sites when two conditions are met: (1) the potential for water pollution exists, and (2) RWQCB assistance is requested by local agencies.

Depending on the nature of contamination, the lead agency responsible for the regulation of hazardous materials at the site can be the DTSC, RWQCB, or both. DTSC evaluates contaminated sites to ascertain risks to human health and the environment. Sites can be ranked by DTSC or referred for evaluation by the RWQCB. Cal/EPA (DTSC) and Cal/OSHA are responsible for ensuring that appropriate measures are taken to protect workers from exposure to potential groundwater contaminants.

Hazardous Materials Transport

California law requires that hazardous waste (as defined in Section 6.8.1.1) be transported by a California-registered hazardous waste transporter that meets specific registration requirements. The requirements include: possession of a valid hazardous waste transporter registration, proof of public liability insurance, which includes coverage for environmental restoration, and compliance with California Vehicle Code registration regulations required for vehicle and driver licensing.

State agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol



(CHP) and Caltrans. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads.

LOCAL REGULATIONS

The Unified Hazardous Waste and Hazardous Management Regulatory Program (SB 1082, 1993) is a state and local effort to consolidate, coordinate, and make consistent existing programs regulating hazardous waste and hazardous materials management. Cal/EPA has adopted regulations for the Unified Program (CCR, Title 27, Division 1, Subdivision 4, and Chapter 1) in January 1996. The Unified Program is implemented at the local level by CUPAs.

The SBCEHD is the CUPA for cities and unincorporated areas within San Benito County. SBCEHD regulates the use, storage and disposal of hazardous materials by issuing permits, inspecting facilities, and investigating complaints. SBCEHD issues permits for installation and removal of aboveground and USTs. SBCEHD inspects businesses for compliance with the HWCL, which places limitations on hazardous waste, including storage duration, disposal, and labeling. SBCEHD also requires businesses that handle hazardous materials and hazardous wastes to submit an annual inventory of hazardous materials and hazardous wastes as well as emergency responses to incidents involving those hazardous materials and wastes.

General Plan

The General Plan contains goals and policies for hazardous materials, including the following specific goals and policies that are applicable to the proposed Vista De Oro Mixed-Use Project:

CSF.U Continue to require proper disposal of pollutants: Develop an illicit discharge elimination program, which will seek to eliminate illegal connections to the storm drain system and the illegal dumping of toxic materials into the storm drain system.

HS-1 Protect community health and safety from natural and man-made hazards: The city shall require that hazardous materials are used, stored, transported, and disposed of within the city in a safe manner and in compliance with local, State, and Federal safety standards. Coordinate with the SBCEHD.

HS-1.11 Airport Safety: The city shall avoid residential dwellings in the Aircraft Flight Zones and establish compatible land use zones around the Airport consistent with Hollister Municipal Airport planning.

Hollister Municipal Code (Title 8 Health and Safety Chapter 8.20, Hazardous Materials and Chapter 8.36, Toxic Gases)

These portions of the Hollister Municipal Code regulate the construction of buildings and other structures used to store flammable hazardous materials and the storage of these same materials. These sections ensure that the business is equipped properly and operates in a safe manner and in accordance with all applicable laws and regulations. Permits are issued by the Hollister Fire Department (HFD). The Code also requires maintaining emergency response plans, including evacuation plans, which are approved by the HFD.

6.8.1.3 Required Permits and Approvals

The USEPA will require the gas station at the Vista De Oro Mixed-Use Project site to prepare and submit an SPCC Plan and a Risk Management Plan.



6.8.2 Methodology

Surrounding potential hazards, hazardous materials, and public health impacts associated with the proposed Vista De Oro Mixed-Use Project were evaluated through the review of historical records and government agency-maintained databases and records of known hazards within the neighborhood of the proposed project site, hazardous materials contamination, generation, and/or storage as part of the Environmental Database Report. An ESA (ASTM 1527-E Phase I Site Assessment) was performed on the property in 2009, which revealed no existing hazardous conditions.

Four steps have been undertaken to assess the safety impacts and the hazards associated with the proposed Vista De Oro Mixed-Use Project: (1) develop a range of potential upset scenarios associated with the proposed Vista De Oro Mixed-Use Project; (2) estimate the likelihood of the upset scenarios occurring; (3) estimate the consequences of the scenarios, should they occur; and (4) determine the significance of risk based on the probability of occurrence and the severity of consequences.

The risk-of-upset analysis evaluates outcomes of potential upset scenarios, which are the culmination of several events that result in a hazard to the public and/or environment. Some upset scenarios could lead to a significant impact to public safety (e.g., an overpressure in a storage tank results in tank rupture, gas leak, and subsequent fire that reaches a residence and results in injury). Other upset scenarios do not create a significant impact to safety but create a significant impact to the environment (e.g., an overpressure in a storage tank results in tank rupture, oil leak, and damage to an endangered species habitat). Parts of a given scenario have different likelihoods or probabilities. Probabilities and consequences of various project-related upset events and scenarios are assessed in this section.

6.8.3 Environmental Setting

6.8.3.1 Phase I Site Assessment

The neighborhood that contains the proposed project site has several sites that have recorded releases of hazardous materials as reported by Environmental First Search Report, May 26, 2010. The USEPA has reported 20 sites with reported releases of oil and hazardous substances. Spills of petroleum products at Victory Gas and Food and Quick Stop Market are closed remediation sites. These records were reviewed in conjunction with the Phase I Site Assessment completed by RNC Environmental, LLC in May 2010.

No Recognized Environmental Condition (REC) or other contamination was found on the property in 2010. Two monitoring wells are located on the proposed project site from the two convenience store and gas station contaminations adjacent to the proposed project site.

Table 6-19 includes the findings from the *2010 Environmental First Search Report*, including known hazardous sites within the region.



Table 6-19: 2010 Environmental First Search Report Findings

Agency Database	Survey Distance (miles from subject site)	Number of Sites Identified
Federal Records		
USEPA National Priority List (NPL) sites (including de-listed sites)	1.00	0
USEPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) – No Further Remediation Action Planned List	1.25	0
USEPA RCRA Corrective Action Report List	0.50	0
USEPA RCRA Registered Large and Small Generators of Hazardous Waste	0.50	0
USEPA RCRA Permitted Treatment, Storage, and Disposal Facilities	0.75	0
USEPA Emergency Response Notification System List	0.25	0
USEPA Chemical Hazardous Materials Incident Report System and Hazardous Materials Incident Report System	0.25	0
USEPA NPL for Superfund Sites	1.25	0
USEPA Toxic Chemical Release Inventory System	0.25	0
State and Tribal Records		
State and Tribal NPL Equivalent	0.25	1
State and Tribal CERCLIS-Equivalent (EnviroStor)	1.25	1
State Permitted Solid Waste Landfill, Incinerators or Transfer Stations	0.50	1
State and Tribal Leaky Underground Storage Tank	0.50	1
State and Tribal Registered Storage Tanks	0.50	13
State and Tribal Voluntary Clean-ups	0.75	2
Local Lists of Landfill / Solid Waste Disposal Sites	0.75	0
Local Lists of Hazardous Waste / Contaminated Sites	1.25	0

6.8.3.2 Hazardous Materials which may occur within the City

The City of Hollister has a large variety of activities that use hazardous materials that may be stored or used in or around the proposed project site. Numerous facilities that handle, store, or transport hazardous material are located within the close proximity of the proposed project site. Regulated hazardous materials in the project area may include compounds such as chlorinated solvents, petroleum products, compressed gases, paints, cleaners, fertilizers, and pesticides. Numerous federal, state, and local agencies regulate the storage, use, transport, generation, or handling of these materials. The transfer, handling, storage, and transport of hazardous liquid



within the city is planned for by the city, regional, and county plans, and is also under the review of a number of agencies and regulations, including the USCG, SFD, SBCEHD-CUPA, and state and federal departments of transportation (49 CFR 2 Part 176).

6.8.4 Standards of Significance

An impact regarding hazards or hazardous material would be considered significant if the project would

- 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 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 1/4 mile of an existing or proposed school;
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
- Be 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, resulting in a safety hazard for people residing or working in the project area;
- Be located within the vicinity of a private airstrip, resulting in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.



6.8.5 Impact Analysis

Table 6-20: Hazards and Hazardous Materials Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing on working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.8.5.1 Transport or Use of Hazardous Materials

Impact HM-1 The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The San Juan Road and State Route 156 located approximately 1 mile to the west of the proposed project site are used as routes for transporting hazardous materials. All hazardous materials transported by commercial freight are permitted through the CHP. Transportation through the State Route 156 and San Juan Road must comply with all USDOT, USEPA, California DTSC, CHP, and the California State Fire Marshal regulations for the transportation of hazardous materials.

The project design minimizes the risk of hazardous materials release through appropriate technological development and design; some of these design factors are required by law, and others will be implemented as mitigation measures. Construction and operation of the project would involve the minor routine transport and handling of hazardous substances such as diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers. Handling and transportation of these materials could result in the exposure of workers to hazardous materials. However, the project would not create a significant hazard to the public or the environment because project construction and operation would be in compliance with applicable federal, state, and local laws pertaining to the safe handling and transport of hazardous materials.

In addition to the construction of impervious surfaces for vehicle transportation and storage, secondary containment of gas pumps would contain any spills that may occur plus freeboard for rainfall as required by 40 CFR 112.8. Curbing would also be constructed surrounding the gas island to contain any fluid that may be released in the dispensing of motor fuels. Additionally, businesses in the proposed project, as may be required, would prepare, submit, and implement a hazardous materials business plan that would ensure all employees, including drivers, handlers, and haulers are adequately trained on handling the hazardous materials, as directed in mitigation measure HM-1. Therefore, this impact would be less than significant with the implementation of the discussed mitigation measures and design factors.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HM-1 All employees at the gas station and restaurants shall be provided with a required hazardous materials business plan that educates employees on the handling and shipping of hazardous materials.





Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.8.5.2 Foreseeable Accident

Impact HM-2	The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
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Potential impacts to the public are determined by delineating hazard footprints for the type of accidents that can potentially occur. It is then determined if the hazard footprints would reach the sensitive receptors or vulnerable resources identified in the area, as well as the number of injuries and/or fatalities that could occur. Types of hazards evaluated include radiant heat from a fire, flammable gas cloud from a release, and blast overpressure and flying debris from an explosion. Generally, gasoline and diesel are safe substances and present low fire risk. However, operating a gas station may present potential risk for fire hazards. Such hazards generally result due to the storage of motor fuels and oils stored on site. Petroleum products such as regular gas or diesel are highly flammable substances.

To protect against fire hazards, convenience store and gas station staff will go through gas spill and fire response training in order to help preserve property and ensure personnel safety. Such training will include general information, such as informative training on MSDS for chemicals present at the site, fire and safety training (including storage locations, designated work locations, designated smoking/non-smoking areas, etc.), and other training in accordance with Fed/OSHA and Cal/OSHA, International Fire Code standards, and supporting local or state safety protocols. In addition, state of the art fire suppression systems will be designed for and installed in the gas station and restaurant facilities planned for the Vista De Oro Mixed-Use Project. Such training would be accomplished in conjunction with the development and implementation of a hazardous materials business plan, which is required by law.

Fire protective equipment (e.g., fire extinguishers and signage) will be available in several locations throughout the gas station and restaurant facilities. Fire emergency exits will be clearly labeled for ease of access. Gas station personnel will be trained on the operations of the fire safety systems. With the above-described training program and fire suppression systems at the gas station and restaurant facilities, risks of fire hazards will be managed within acceptable risk factors and the proposed project will not have a significant impact on fire hazards.

Due to the location of the proposed gas station and distance from any component of the proposed project and the closest sensitive receptor, no significant impact is anticipated from the risk of upset associated with the operation of the gas station. Additionally, the gas station proposes utilizing a design that limits the potential of spills or leaks that reach off-site locations. Such design features shall include mitigation measures HM-2 and HM-3, which will result in a less than significant impact.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HM-2 Facilities shall be designed with secondary containment for all USTs.



MM HM-3 Underground tank leak detection would be provided for each of the fuel storage tanks. The leak detection system would meet the requirements of API 650. Such a leak detection system would alert gas station staff should any leaks occur, thereby ensuring quick action in the event of a spill. Such a timely response would ensure that any such spill is controlled as close to the onset as possible.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.8.5.3 Emit Hazards within 0.25 Mile of a Proposed or Existing School

Impact HM-3 The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.

The nearest existing school is the Calaveras Elementary school approximately 1/2 mile from the proposed project site. No school has been proposed within the 1/4 mile radius of the proposed Vista De Oro Mixed-Use Project. As the entire project area is zoned West Gateway, it is unlikely that a school would be constructed within this radius. In addition, the proposed project would not emit significant levels of hazardous emissions, as shown in Section 6.3: Air Quality, and the routine use and transport of hazardous substances would be in compliance with applicable federal, state, and local laws. The proposed project will have no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.8.5.4 Located on a Hazardous Materials Site

Impact HM-4 The proposed project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5.

As determined by the May 2010 Phase I ESA (Appendix E), the proposed project is not located on a hazardous materials site; therefore, there will be no impact on the public or environment.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.8.5.5 Public Airport

Impact HM-5 **The proposed project would not be 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 for people residing on working in the project area.**

The Hollister Municipal Airport is the nearest airport to the proposed project area and is roughly 4 miles to the northeast. As such, the proposed project area does not pose a threat to the safety of those residing or working within airport zones. The site is surrounded by existing residential dwellings and commercial development, with no airports or airstrips. As such, there will be no impact to a nearby airport.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.8.5.6 Private Airstrip

Impact HM-6 **The proposed project would not be located within the vicinity of a private airstrip.**

No private airstrip is within the vicinity of the proposed project area and as such, the proposed project area does not pose a threat to the safety of those residing or working within airstrip area. No impact to airstrips would occur from the proposed project.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.8.5.7 Emergency Response Plan

Impact HM-7 **The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

The City of Hollister maintains an up-to-date Emergency Operations Plan that provides emergency planning, mitigation, response, and recovery activities. The city has reviewed the proposed project and has determined that the project would not impair or alter the



implementation of an adopted emergency response plan because the project would not create an obstruction to surrounding roadways or other access routes used by emergency response vehicles. Furthermore, the project includes a number of roadway improvements, which will improve circulation and traffic efficiency. As such, no impact would occur.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.8.5.8 Wildfires or Wildlands

Impact HM-8	The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
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No wildlands are within the vicinity of the proposed project, being in infill urban development; as such, the proposed project does not pose a threat to destruction of any such lands. The site is surrounded by urban land uses and no wildlands. Therefore, there would be no impact to wildfires or wildlands.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.9 HYDROLOGY AND WATER QUALITY

This section analyzes the potential impacts on water quality and hydrology that may result from the proposed Vista De Oro Mixed-Use Project located in the San Pajaro River hydrologic region. Additionally, this section addresses the following potential issues related to the implementation of the proposed project: General water quality issues, Flood hazards, Storm drainage issues, and Project-specific impacts on the City of Hollister's domestic wastewater treatment plant. These data sources were supplemented by observations made during site visits conducted during the February 2015.

6.9.1 Background

6.9.1.1 Regulatory Context

The water surface quality is federally regulated by the USEPA. In California, the SWRCB and its RWQCBs regulate groundwater quality. The RWQCB is the primary agency tasked with protecting California surface and groundwater quality, including the regulation of discharges from wastewater treatment facilities and of urban stormwater runoff.

The RWQCB for the Central Coast Region has established a Water Quality Control Plan (WQCP) that designates surface and ground waters in the region and assigns beneficial uses to such waters. Additionally, the WQCP establishes water quality objectives to protect those waters. The water quality objectives and beneficial uses are collectively referred to as Water Quality Standards.

Two drainages in Hollister are Santa Ana Creek, which flows into San Felipe Lake, the Pajaro River, which ultimately drains into Monterey Bay. The Pajaro Watershed Authority has determined that Hollister does not contribute to peak flows downstream. However, the Monterey Bay Marine Sanctuary is subject to water quality legislation and regulations, and the Regional Water Quality Control Board has identified the Pajaro River as an impaired water body for its water quality.

FEDERAL REGULATIONS

The CWA (33 USC 1251-1376) is the federal legislation that governs water quality. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

Applicable sections of the act are as follows:

- Section 301 prohibits the discharge of any pollutant by any person, except as in compliance with Sections 302, 306, 307, 318, 402, and 404 of the CWA.
- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 303(d) of the CWA requires states to develop a list of impaired water bodies. In California, the SWRCB has developed the list of impaired waters, applying the following criteria: chlopyrifos, dichlorodiphenyltrichloroethane (DDT), diazinon, Group A pesticides, mercury, unknown toxicity, and organic enrichment / low dissolved oxygen (DO). Due to low DO levels, the Pajaro River has been placed on the impaired list. Due to these impairments, the proposed project would need to operate within the parameters of the Total Max Daily Load (TMDL) and all other water quality standards as discussed within the "State Regulations" Section.



STATE REGULATIONS

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.), which is the principal law governing water quality regulation in California, establishes a comprehensive program to protect water quality and the beneficial uses of state waters. The act established the SWRCB and nine RWQCBs, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The Porter-Cologne Water Quality Control Act also implements many provisions of the federal CWA, such as the NPDES permitting program. CWA § 401 gives the SWRCB the authority to review any proposed federally permitted or federally licensed activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with state water quality standards. If the SWRCB imposes a condition on its certification, it must be included in the federal permit or license.

RWQCB Construction Permit

The RWQCB administers the NPDES stormwater permitting (federal stormwater permitting program that is implemented by each state) program in the Central Coast Region for construction and industrial activities. Because the proposed site is an infill, mixed-use urban site that would require construction prior to its development, the applicant would be required to obtain a construction NPDES permit from the RWQCB prior to construction and/or operation.

To require a construction permit, a construction site must disturb 1 acre or more of land (this is more commonly referred to as a General Construction Permit). Qualifying projects require the applicant to submit a notice of intent (NOI) to the SWRCB prior to the beginning of construction. The General Construction Permit requires the preparation and implementation of a SWPPP, which must be completed before construction begins. The SWPPP must describe the BMPs and monitoring programs that would be implemented during the construction phase to ensure that runoff from the construction site does not cause or contribute to exceedances of water quality standards relevant to receiving waters downstream of the site. Implementation of the plan starts with the commencement of construction and continues through the completion of the project. Upon completion of the project, the applicant must submit a Notice of Termination to the RWQCB to indicate that construction is completed.

Hollister Storm Water Management Plan

The CWA, initially passed in 1972, regulates the discharge of pollutants into watersheds throughout the nation. Section 402(p) of the act establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program. Section 402(p) requires that stormwater associated with industrial activity that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit. On December 8, 1999, USEPA circulated regulations requiring permits for stormwater discharges from Small Municipal Separate Storm Sewer System operators, which includes the City of Hollister. Permits for small municipal storm sewer systems (MS4s) generally fall under the Phase II permits program, which regulates non-point source pollutants. In California, the NPDES Program is administered by the state.

The SWRCB is responsible for implementing the CWA and does so through issuing NPDES permits to cities and counties through regional water quality control boards. Federal regulations allow two permitting options for stormwater discharges (individual permits and general permits). The SWRCB elected to adopt a statewide general permit (Water Quality Order No. 2003-0005-DWQ) for small MS4s covered under the CWA to efficiently regulate numerous stormwater discharges under a single permit. Permittees must meet the requirements in Provision D of the General Permit, which require the development and implementation of a stormwater management plan



(SWMP) with the goal of reducing the discharge of pollutants to the maximum extent practicable. The SWMP must include the following six minimum control measures:

- Public Education and Outreach
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention / Good Housekeeping for Municipal Operations

Prior to developing a SWMP, the city evaluated maps of the watersheds and land uses within each watershed in order to assess resources and urban runoff issues. The city also identified the potential sources of pollutants within each watershed. Upon review of the watersheds and the potential sources of pollutants, the city determined that it was preferable to take an overall approach to reducing urban runoff pollution, rather than focusing on reducing certain pollutants within specific watersheds. This is primarily because there are multiple land uses within each of the city's watersheds and because no single watershed is significantly more impaired than another.

California Toxics Rule of 2000 (40 CFR Part 131)

This rule establishes numeric criteria for priority toxic pollutants in inland waters as well as enclosed bays and estuaries to protect ambient aquatic life (23 priority toxics) and human health (57 priority toxics). The California Toxics Rule also includes provisions for compliance schedules to be issued for new or revised NPDES permit limits when certain conditions are met. The numeric criteria are the same as those recommended by the USEPA in its CWA Section 304(a) guidance.

Spill Prevention, Control, and Countermeasure

SPCC regulations require the city to have in-place measures that help ensure spills do not occur. However, if they do, there are protocols and response equipment in place to contain the spill and neutralize the potential harmful impacts. A SPCC Plan would be prepared that would be reviewed and approved by the RWQCB. The SPCC Plan would detail and implement spill prevention and control measures for the gas station within the proposed project.

LOCAL REGULATIONS

The City of Hollister operates the receiving wastewater treatment facility for waters from the proposed project. The city's treatment plant is subject to its own NPDES permit. The city, to ensure compliance with its NPDES permit, requires commercial operations to obtain a permit for the discharge of domestic wastewater and project process-related wastewater to its treatment facility. These permitting requirements are found in the city's Ordinance 13.04: Sewer Service System. Ordinance 13.04.350 requires all dischargers to obtain a discharge permit from the city prior to the commencement of operations and pay the fees. This discharge permit will contain specific numeric criteria for the flows entering the treatment plant from the proposed project and would require each commercial connection to monitor its flows (ensuring adherence to these numeric criteria).

In addition to adherence to the city's NPDES permit, the applicant would be required to comply with the city's stormwater development standards plan under its municipal NPDES permit programs. Pursuant to the city's plan, the applicant would be required to implement certain BMPs designed to control sources of pollutants including



- Storm drain signage (e.g., signs stating “no polluting flows to river”);
- Specific requirements related to the design of certain outdoor areas used for material storage, trash storage, loading docks, vehicle/equipment maintenance, vehicle/equipment washing, and fueling (to prevent or reduce the potential for stormwater runoff to contact potential pollutants in these areas);
- Tracking controls for transitions between paved and unpaved areas (to reduce the potential for sediment tracking onto paved roadways); and
- Specific design requirements for open drainage culverts (to prevent erosion and reduce storm flow velocities).

Additionally, the stormwater development standards require that the project applicant treat runoff from the area of new development (from the newly created impervious area). The selected treatment device may consist of one or more BMPs, such as vegetated swales, extended detention basins, and media filters (that meet specified design requirements to treat small rain events and the initial portion of larger rain events). Specifically, the treatment devices must capture and treat a volume of rain to be produced from a 24-hour 85th percentile storm event (the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity multiplied by a factor of two).

General Plan Policies Related to Hydrology, Water Quality, Water Supply, and Water Treatment

“CSF1 Coordinate with other agencies and plan for the provision of adequate infrastructure, facilities and services.

CSF1.1 Adequate capabilities and capacity of local public services. Ensure that future growth does not exceed the capabilities and capacity of local public services such as wastewater collection and treatment, local water supply systems, fire and police protection, maintenance of streets and roads, local school systems, parks and recreational facilities, and landfill capacity, and ensure that public services meet Federal and State standards and are available in a timely fashion.

CSF1.2 New development requirements for public services. Require new development applications to identify the impacts that the proposed development would have on the provision of public services, and approve those applications that can mitigate impacts or contribute a proportional fair share so that local public services can be maintained at an acceptable level.

CSF1.7 Development review criteria for public services. Prior to granting approval, evaluate each new development in terms of the following criteria:

- 1. Would the proposed development share a common border with a property that has already been developed?*
- 2. Would the proposed development be adequately served by infrastructure (water, sewer, streets, schools, parks, etc.), which is already in place or mitigated?*
- 3. Would the proposed development be located within the existing service areas of local service providers (fire protection, police protection, solid waste disposal, schools, etc.), and not result in a reduction in their current capabilities?*

CSF2.1 Sewer and water facilities. Coordinate with responsible districts and agencies to assure that sewer and water facility expansion and/or improvements meet Federal and State standards and occur in a timely manner.



- CSF2.2 *Provision of sanitary sewerage capacity for commercial and industrial uses. Reserve sanitary sewerage capacity for future commercial and industrial uses.*
- CSF2.4 *Local water supply system. Encourage development in those portions of the Hollister Planning Area which are already served by the local water supply systems or to which water supply systems can reasonably be extended.*
- CSF2.6 *Provision of water service to new development. Require developers who will require water service for their project to apply to the City of Hollister, the Sunnyslope County Water District and the San Benito County Water District, in that order, for service. Only if the proposed development is denied service by all three agencies can it then be allowed to use groundwater as a source of water.*
- CSF3.1 *Adequate drainage facilities. Require project developers to provide adequate storm drains for stormwater runoff. Review all proposed development projects to ensure that adequate provisions have been included to accommodate peak flows and that projects will not significantly impact downstream lands, and will avoid impacts on riparian vegetation.*
- Goal CSF3 *Provide adequate drainage facilities, limit erosion and maintain clean water.*
- CSF 3.2 *Erosion and sediment control. Require project developers to implement suitable erosion control measures.*
- CSF3.7 *Pollution from urban runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring BMPs. This would include:*
- 1. Support alternatives to impervious surfaces in new development, redevelopment, or public improvement projects to reduce urban runoff into storm drain system and creeks;*
 - 2. Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems; and,*
 - 3. Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.*
- CSF4 *Provide for an adequate level of community services and facilities to ensure the continued health, education, welfare and safety of all residents and businesses."*

6.9.2 Methodology

This analysis considers the potential for the proposed project impacts to local surface and groundwater hydrology and water quality. The impact analysis focuses on foreseeable changes to existing hydrological and water conditions. The impact analysis provides a separate discussion for major proposed project components. Potential water and sediment quality impacts of the proposed project are assessed through a comparison of literature data (including all applicable water quality criteria) and results from past projects in the city to estimated discharges from the proposed project using scientific expertise of the preparers. Mitigation measures are identified where appropriate.



6.9.3 Environmental Setting

6.9.3.1 Project Setting

WATER QUALITY

Annual rainfall, most of which takes place during the fall and winter, generally limit the amount of surface water in local stream systems. Groundwater recharge occurs mostly through infiltration from the San Benito River and Tres Pinos Creek south of Hollister.

Irrigated acreage has increased from approximately 1,000 acres in 1890 to 20,000 acres in 1929, and to about 50,000 acres currently, with groundwater pumping increasing roughly in proportion to the increase in irrigated acreage. Between 1913 and the beginning of water imports in 1987, average annual groundwater extraction exceeded average annual recharge, resulting in groundwater overdraft and declining water levels.

Existing sources of groundwater recharge in the study area include

- Local rainfall and surface water in creeks;
- Direct recharge with imported water released to creek channels;
- Indirect recharge from the percolation of imported water used for irrigation;
- Direct recharge using local surface water stored and then released from reservoirs; and
- Percolation of treated wastewater.

Groundwater quality in the basin is marginally acceptable for potable and irrigation use.

The water quality constituents of greatest concern are salinity, sodium, chloride, sulfate, nitrate, boron, arsenic, hardness, and trace elements that occasionally exceed drinking water standards. Constituents that have occasionally exceeded secondary drinking water standards, which deal with the aesthetic quality of the water and include specific conductance, total dissolved solids, chloride, iron, manganese, and turbidity. Almost all groundwater in the basin has a very high hardness. Hardness (the calcium and magnesium content of water) is not regulated under drinking water standards, but impairs the effectiveness of soap (causing it to form scum) and causes deposits in pipes and water heaters that can contribute to the inefficient operation or failure of water-using appliances or pipes.

There are a wide variety of agricultural and industrial hazardous materials that are handled and stored within the city. One of the most pervasively used is the variety of organic phosphate pesticides that are applied throughout the agricultural lands that surround the city.

Suppliers of domestic drinking water are subject to federal regulations under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) as well as California Department of Health Services regulations under the California Safe Drinking Water Plan Act (Health and Safety Code Sections 116270–116750). These regulations address primary drinking water standards, or maximum contaminant levels (MCL) for inorganic and organic chemicals and radioactivity. MCLs are based on health protection, technical feasibility, and economic factors. Secondary drinking water standards have also been established to address aesthetic factors, such as taste, smell, and clarity.

The State of California requires public water systems to analyze their drinking water for contaminants on a regular basis. Sampling frequency depends on the contaminant, type of water source, and previous sampling results. According to the Groundwater Management Plan Update (2004) there are a number of known groundwater contamination sites undergoing active investigation and remediation. These sites are all under the supervision of the RWQCB. A



total of seven sites are presently undergoing remediation (2004 data), five of which are leaking gasoline / Methyl Tertiary Butyl Ether (MTBE) storage tanks. At this time, no municipal supply wells have been affected by MTBE.

The quality of stormwater runoff in the city affects the biotic health of inland waterways. Contaminated runoff is generated and concentrated over impervious surfaces in the urbanized portions of the watersheds and enters storm drains, eventually reaching San Benito River, Santa Ana Creek, and floodwater basins or other bodies of water, including the Pajaro River and Monterey Bay. Constituents in urban stormwater typically include fine sediments, heavy metals, trace organics (e.g., pesticides, Polychlorinated Biphenyls, nutrients, and oil and grease. Imported Central Valley Project (CVP) (San Felipe) water is of generally excellent quality. Sources of CVP water include Shasta Lake, Whiskeytown Reservoir, Clair Engel Lake, Folsom Lake, New Melones Reservoir, Millerton Lake, the Delta-Mendota Canal, and San Luis Reservoir. The 3-MGD LESSALT Surface Water Treatment Plant is a joint venture between the City of Hollister and the Sunnyslope County Water District and began operating January 2003. The LESSALT Plant treats surface water from the Central Valley Project – San Felipe Division for distribution to the Sunnyslope County Water District and the City of Hollister. The San Benito County Water District is the contract agency for San Felipe water. All improvements will comply with the Safe Drinking Water Act.

WATER SUPPLIERS

City area has two independent water suppliers: Sunnyslope County Water District (portions of Hollister East and Tres Pinos Sub-basins) and the City of Hollister (portions of the Hollister East, Hollister West, and small areas of Pacheco, San Juan, and the Tres Pinos Sub-basins). Properties outside the service area boundaries for Sunnyslope and the City of Hollister generally use private groundwater wells or are part of smaller water systems.

The *Hollister Area Urban Water Management Plan 2000* was prepared jointly by the Sunnyslope County Water District, the City of Hollister and San Benito County Water District. The 2000 Plan is an update of an earlier 1991 report. The Urban Water Management Plan includes goals for strengthening the connection between regional land use planning and availability of water supplies; continuing collaboration between water agencies; providing a resource tool to make sound and consistent decisions regarding regional growth and water management; meeting state and federal regulatory requirements; and defining water conservation plans.

The City of Hollister, San Benito County, and the San Benito County Water District have signed a memorandum of understanding that establishes a process and standards for the parties to undertake the cooperative and mutually beneficial development of a comprehensive master plan for water supply and wastewater treatment and disposal for the Hollister urban area (HUA). This would be an update of the *Hollister Area Urban Water Management Plan 2000*.

The new HUA water and wastewater master plan will be consistent with the San Benito County Water District groundwater management plan and would provide a framework for regional water management in accordance with land use planning and policies (including the growth management ordinance) of the city. Growth rates used for water and wastewater planning purposes would be required to be consistent between the HUA water and wastewater master plan, the General Plan, the San Benito County general plan, and the Association of Monterey Bay Area Governments (AMBAG) forecasts.



SUNNYSLOPE COUNTY WATER DISTRICT

The Sunnyslope County Water District (SCWD) is an independent public agency that provides water to a portion of the City of Hollister and the unincorporated territory of San Benito County east and southeast of Hollister.

The SCWD during the year 2004 obtained 68% of its potable drinking water from the district's four active deep groundwater wells located throughout the district, 29% from San Felipe surface water treated at the LESSALT Water Treatment Plant, and 3% through distribution system inter-ties with the City of Hollister. The SCWD had no violations of water quality standards in 2004. There are three points in the SCWD system that are connected to the City of Hollister water system. They are (1) the intersection of Hillcrest Road and Memorial Drive; (2) the intersection of Sunnyslope Road and Memorial Drive; and (3) the intersection of Sunset Drive and Memorial Drive. This allows for the transfer of water through meters between the two systems during times of emergency, giving each system an increased safety factor.

SCWD policy requires that the district be able to meet the maximum daily demand with one well out of operation, and by establishing and maintaining a minimum and maximum static pressure in the system. The policy of the SCWD is to ensure that development within the Hollister planning area does not exceed the capacity of the HFD and the San Benito County Fire Department (SBCFD) to provide an adequate level of fire protection. This helps to insure that development does not exceed the capacity of the local water supply systems.

CITY OF HOLLISTER

Typically, the City of Hollister obtains 69% of its potable drinking water from its seven active deep groundwater wells located throughout the city and Cienega Valley, 24% from San Felipe surface water (treated at the LESSALT Water Treatment Plant), and 7% through distribution system inter-ties with the Sunnyslope County Water District. The City of Hollister routinely monitors for contaminants in drinking water according to federal and state laws. The city had no recent violations of water quality standards.

Similar to Sunnyslope, city policy requires that the city be able to meet the maximum daily demand with one well out of operation, and by establishing and maintaining a minimum and maximum static pressure in the system. The policy of the city, similar to the SCWD, is to insure that development within the Hollister planning area does not exceed the capacity of the HFD and the SBCFD to provide an adequate level of fire protection. Together with Sunnyslope, this helps to insure that development does not exceed the capacity of the local water supply system. The basic policy of the City of Hollister Public Works Department and the City of Hollister Engineering Department for the water distribution system is to place enough 12-inch water mains in the system to maintain fire flow requirements throughout the system.

WASTEWATER FACILITIES

Wastewater facilities and treatment are provided by the City of Hollister. The city operates two wastewater treatment and disposal facilities. The Domestic Wastewater Treatment Plant (DWTP) is located west of downtown on both sides of the Highway 156 bypass near the San Benito River. This facility is permitted to treat up to 2.69 million gallons of wastewater per day and percolation ponds at this facility can percolate approximately 2 million gallons of undisinfectated treated wastewater per day. The Industrial Wastewater Treatment Plant (IWTP) is located west of downtown Hollister at the west end of South Street and on the north side of the San Benito River, less than 1 mile east of the DWTP. Treated wastewater from both facilities is disposed of by



percolation, which contributes to localized areas of high groundwater in the Hollister West subbasin.

The SCWD operates a domestic wastewater treatment and disposal system south and east of Hollister. The treatment facilities consist of four aerated ponds, and disposal facilities consist of six percolation ponds. The design capacity of the system is 370,000 gallons per day. Wastewater is percolated into the ground in ponds located at the Ridgemark golf course, north of the San Benito River, and along Tres Pinos Creek.

The RWQCB regulates waste discharges to protect beneficial uses through the establishment of Waste Discharge Requirements (WDRs) to meet specific water quality objectives. The City of Hollister operates its wastewater treatment and disposal facilities under two sets of WDR5/Monitoring and Reporting Programs: one for the DWTP (RWQCB Order No. 87-47) and one for the IWTP (RWQCB Order No. 00-020). In September 2002, the RWQCB issued Cease and Desist Order No. R3-2002-0105 to the City of Hollister as a result of the accidental discharge of approximately 15 million gallons of treated, undisinfected domestic wastewater to the San Benito River channel from Pond 6 of the Hollister IWTP. The city is in the design and approval process to build a new treatment plant with increased capacity.

6.9.3.2 Regional Setting

Average annual precipitation in City of Hollister per year is 13 inches per year (NRCS, 1969). The climate is moderate, with a long growing season that allows multiple crops per year. Summers are hot and dry, necessitating irrigation. There are two significant surface water features within the City of Hollister: the San Benito River and Santa Ana Creek. The San Benito River flows from southeast to northwest in the southern portion of the city. Much of the city drains northerly to Santa Ana Creek, which flows into San Felipe Lake, located approximately 7 miles north of the Hollister Municipal Airport. San Felipe Lake and San Benito River are tributary to the Pajaro River, which ultimately drains into Monterey Bay. The Pajaro Watershed Authority has determined that Hollister does not contribute to peak flows downstream. However, the Monterey Bay Marine Sanctuary is subject to water quality legislation and regulations, and the Regional Water Quality Control Board has identified the Pajaro River as an impaired water body for its water quality.

Groundwater is the major source of water supply in Hollister. The basin, composed of alluvial deposits with varying aquifer properties and both unconfined and confined conditions, has been subdivided for management purposes into three subbasins: Northern Hollister East, Southern Hollister East, and Hollister West. Local groundwater is mineralized as a result of natural conditions and agricultural and urban activities. SBCWD and other agencies are actively engaged in plans and programs to monitor and improve groundwater quality, including efforts to lessen total dissolved solids, hardness, chloride, boron, and nitrate.

6.9.3.3 Flooding

Portions of Hollister are built on the prehistoric flood plain of the San Benito River. Consequently, the city has regularly encountered flooding problems, at an average rate of once every 4–5 years. The principal drainage basins in the city are the San Benito River and the Santa Ana Creek basins. All runoff from the city flows to one of these basins. The San Benito River flows through the southern and western portion of the city, while Santa Ana Creek and its tributary flow through the eastern and northern portions of the city. Hollister and its environs have historically been subject to flooding and a number of improvements have been installed to drain the area.

In response to growth that has occurred in and around the City of Hollister, the city has commissioned a series of planning and engineering studies to address drainage needs. A number of drainage improvements and detention ponds have been installed. Those that have



been completed include the San Juan Road / South Street / Hillcrest Road trunk line, the Rustic Street system including the detention pond, and a downstream portion of the Bundeson storm line south of Nash Road in the Cienega Road area.

The Federal Emergency Management Agency (FEMA) has conducted hydrologic analyses to establish peak discharge and frequency relationships for these flooding sources among other streams in San Benito County. (Discharge is the volume of water passing through a given section of a channel expressed in cubic feet per second.) In addition, FEMA has mapped the special flood hazard areas inundated by the 100-year flood. (The 100-year flood is the flood that is statistically anticipated once in a century.) The 100-year flood plain is illustrated in Map 14 from the General Plan. The proposed project site is outside a FEMA designated 100-year flood plain.

6.9.3.4 Storm Drainage System

The city developed a storm drain master plan in April 2011. The city's storm drainage system is comprised of multiple networks of inlets, pipes, and basins that flow to the San Benito River, the Santa Ana Creek, or to terminal (retention) basins. Over 59 miles of piping flows to one of the 20 river outfalls or to one of the five terminal basins in the city's system. The city's system does not include any stormwater pumping stations. The proposed project fronts San Juan Road in which storm drains carry urban runoff to the San Benito River to the west. The Hollister storm drain master plan specifies a number of BMPs. All stormwater within the proposed project area drains to storm pipes in San Juan Road and then to the San Benito River west of the project site.

6.9.3.5 Surface Water Quality and Supply

The City of Hollister is part of a large watershed that extends from Tres Pinos Creek south of the city to the northern border of San Benito County, as defined by the NRCS in cooperation with the California Interagency Watershed Mapping Committee. The city drains to the San Benito River and the Santa Ana Creek, which both flow north to the Pajaro River. In general, the watershed slopes north and northwest. All waterways within the Hollister watershed have been designated as impaired for a variety of contaminants, primarily from agricultural sources in the surrounding region. Pollutant impairments in the waterways include various pesticides and unknown toxicity among others. The most recently produced TMDL impaired waters list included the San Benito River as being impaired by several pollutants, including diazinon, chlorpyrifos, DDT, Group A pesticides, and mercury (Appendix A of the 2009 RWQCB TMDL publication). In addition, information in the *Qualitative and Quantitative Analysis of Degradation of the San Benito River* report (Golder Associates, 1997) was used as the basis for listing the San Benito River as impaired due to sediments.

6.9.3.6 Groundwater Basin Characteristics

Groundwater supply in the HUA is part of the Gilroy-Hollister Valley Groundwater Basin (California Department of Water Resources [DWR] Basin Number 3-3.03), which underlies the broad valley that extends from the northern part of San Benito County into the southern part of Santa Clara County. The basin is located between the Diablo Range on the east and the Gabilan Range and the Santa Cruz Mountains to the west. It is bounded on the southwest by the San Andreas Rift Zone. The northern portion is drained toward Monterey Bay by the Pajaro River and its tributaries. The southern portion is drained by the San Benito River and its tributaries.

The Gilroy-Hollister Valley Groundwater Basin is comprised of a sedimentary sequence consisting mainly of clays, silts, sands, and gravels, ranging in age from Tertiary to Holocene that contains the principal aquifers underlying Hollister and San Juan Valleys (DWR 2004; HDR 2008:2-1). The Calaveras, San Andreas, and Sargent are the major faults that bound the groundwater basin and are relatively impermeable barriers to groundwater flow. Three geologic units are present in the subbasin: Alluvium, which consists of sediment that is generally coarser near the fringes of the



subbasins and finer toward the flatter central portion of the valley; Older Alluvium, which consists of deposits that are weakly consolidated interbedded gravel, sand, and mudstones; and the Panoche Formation, which consists of deposits that are consolidated, thick interbedded sand and gravels and mudstones (Bookman-Edmonston Engineering 2006: ES-2). San Benito Gravels are included in the Older Alluvium unit and constitute the main source of groundwater within the Hollister Valley subbasin.

DWR divides the Gilroy-Hollister Valley Groundwater Basin into three subbasins: the Bolsa, Hollister Valley, and San Juan (Kennedy/Jenks Consultants 2008:2-3). The SBCWD further divides the Gilroy-Hollister Valley Groundwater Basin into seven different subbasins: San Juan, Hollister West, Hollister East, Bolsa, Pacheco, Bolsa Southeast, and Tres Pinos. The majority of the HUA is within the DWR Hollister Valley subbasin and SBCWD's Hollister East, Hollister West, and Tres Pinos subbasins (Kennedy/Jenks Consultants 2008:2-4). The SBCWD subbasin classification is used throughout the remainder of this section of the PEIR.

6.9.3.7 Groundwater Wells in Hollister

The city and the SCWD extract groundwater from the Gilroy-Hollister Valley Groundwater Basin for municipal and industrial (M&I) uses within the HUA. The city maintains one inactive and five active municipal groundwater wells in the HUA that are between 500 and 645 feet deep. Four active groundwater wells (City Wells 2, 4, 5, and 6) are located along the southern boundary of the HUA and the San Benito River, and one inactive groundwater well (City Well 1) and one active groundwater well (City Well 3) are located in the northern portion of the HUA (HDR 2008:2-13). City Well 1 has been inactive for several years because of high nitrate levels, and City Well 6 pumps sand and has water quality issues. SCWD has five municipal groundwater wells (SCWD Wells 2, 5, 7, 8, and 11) that are generally located to the east of the city's groundwater wells along the southern boundary of the HUA (HDR 2008). The SCWD groundwater wells range from 336 feet to 550 feet deep. The groundwater wells within the HUA have a maximum combined pumping capacity of approximately 15.45 million gallons per day.

6.9.3.8 Groundwater Quality in Hollister

In general, groundwater quality in the Gilroy-Hollister Valley Groundwater Basin is marginally acceptable for potable and irrigation use, but its levels of salinity, sodium, chloride, sulfate, nitrate, boron, arsenic, hardness, and trace elements can occasionally exceed drinking water standards (SBCWDWRA 2003:57). Substantial differences between groundwater and imported surface water quality exist with regard to constituent concentrations such as TDS, hardness, and nitrates. Most of the salts in the local groundwater derive from dissolution of aquifer materials, but others are added by human activities such as agriculture and the disposal of treated wastewater. A total of 18 monitoring wells are located throughout northern San Benito County. Water quality from the majority of these wells includes TDS concentrations exceeding 500 mg/L, the recommended limit for drinking water by the California Department of Public Health (DPH). Additionally, 10 of the 18 wells have TDS concentrations exceeding 1,000 mg/L, the upper DPH limit for drinking water, including all five wells located in the San Juan subbasin (SBCWD and SCVWD 2007). Groundwater in the Hollister East and West subbasins also has high TDS concentrations and historically has been used as the M&I supply for the city. A lobe of good quality water, with a TDS of less than 500 mg/L, extends from the mouth of Pacheco Creek and Arroyo de las Viboras to the west (GEI Consultants 2009:1). Almost all groundwater in the basin has a very high calcium and magnesium content, also called hardness. Total hardness concentrations in the groundwater have ranged from 295 mg/L to 594 mg/L as CaCO_3 (SBCWDWRA 2003:59).



6.9.4 Standards of Significance

An impact to hydrology and water quality would be considered significant if the project would

- Violate any water quality standards or waste discharge requirement;
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted);
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of amount of surface runoff in a manner that would result in substantial erosion or siltation on or off site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate of amount of surface runoff in a manner that would result in flooding on 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;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map (FIRM) or other flood hazard delineation map;
- Place hazard area structures that would impede or redirect flood flows within a 100-year flood;
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Result in inundation by seiche, tsunami, or mudflow.



6.9.5 Impact Analysis

Table 6-21: Hydrology and Water Quality Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



WOULD THE PROJECT:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or FIRM or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.9.5.1 Violate Any Water Quality Standards

Impact HYD-1 The proposed project would not violate any water quality standards or waste discharge requirements.

Standard stormwater BMPs, such as erosion controls, soil barriers, sedimentation basins, site contouring, and others would be used during construction activities to minimize runoff of soils and associated contaminants. Erosion controls are used during construction to reduce the amount of soils disturbed and to prevent disturbed soils from entering runoff. Erosion controls can include both logistical practices, such as scheduling construction during seasons with the least potential for erosion (e.g., non-storm seasons, and sediment control practices. The combined effectiveness of the erosion and sediment control systems is not easily predicted or quantified (USEPA 1993).

Sediment basins and sediment traps are engineered impoundments that allow soils to settle out of runoff prior to discharge to receiving waters. Filter fabric fences and straw bale barriers are used under different site conditions to filter soils from runoff. Inlet protection consists of a barrier placed around a storm drain drop inlet to trap soils before they enter a storm drain. One or more of these types of runoff control structures would be placed and maintained around the construction area to minimize loss of site soils to the storm drain system. Although the specific BMPs that would be used at the proposed project area have not yet been designed, it is reasonable to estimate that erosion and runoff control BMPs would be 60% effective or more at removing soils from runoff that occurred during construction.

Spills associated with construction equipment, such as oil/fluid drips or gasoline/diesel spills during fueling, typically involve small volumes that can be effectively contained in the work area and cleaned up immediately. Other spills of fuels and lubricants from construction equipment on



land would have a very low potential to occur and enter storm drains, including during the rainy season, due to implementation of BMPs in the project-specific SWPPP and assuming the following are included in the SWPPP:

- Equipment shall be inspected regularly (daily) during construction, and any leaks found shall be repaired immediately.
- Refueling of vehicles and equipment shall be in a designated, contained area.
- Drip pans shall be used under stationary equipment (e.g., diesel fuel generators) during refueling and when equipment is maintained.
- Drip pans that are in use shall be covered during rainfall to prevent washout of pollutants.
- Monitoring shall occur to verify that the BMPs are implemented and kept in good working order.

Construction activities associated with the proposed project would not result in discharges that create pollution, contamination, or nuisance, or cause regulatory standards to be violated. Some minor changes to water quality would occur as a result of installing pilings or foundations, but these changes would not affect beneficial uses. Therefore, construction activities would have less-than-significant impacts on water quality. No mitigation is required.

Through implementation of BMPs in accordance with the city's storm drain master plan, the proposed project would ensure the city's NPDES permit requirements are met relative to flows from the project area, and by doing so, it is anticipated that water quality standards would be maintained as required by the city's permit relative to the runoff from the project area. Furthermore, through the inclusion of the aforementioned BMPs it is anticipated that the proposed project would not violate any applicable permit requirements, that water quality standards in receiving waters would be maintained, and that the proposed project would have less-than-significant water quality impacts.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.9.5.2 Groundwater

Impact HYD-2 The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).

Potable water and sanitary sewer would be provided by the city. The project site is within City of Hollister service area for water supply. According to the HUA water and wastewater master plan, adequate water supplies exist for planned development through the 20-year timeframe of the plan, or 2028. Water demand in the Hollister area estimated within the plan is based on



population growth projections by AMBAG, which in turn rely in part on allowable population density based on General Plan land-use densities. Because the project is consistent with the General Plan, it is therefore consistent with AMBAG population projections, and therefore accounted for within the water master plan. The proposed project would not result in groundwater depletion and, hence, there would be no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.9.5.3 Erosion

Impact HYD-3 The proposed project would not 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 off site.

Construction of the proposed project would require grading and trenching that would disturb the ground surface, even in areas that are currently paved. Ground surface disturbance also would result from installation of foundation systems for proposed structures, the proposed storm drain and other underground utilities, and for excavation of building/equipment foundations. Since construction activities would include work in one or more rainy seasons, soils exposed by grading and trenching would be subject to erosion by stormwater runoff and/or possibly wind.

Construction sites would be managed by complying with the project's NPDES general stormwater permit, which requires preparation and implementation of a project-specific SWPPP. Standard construction BMPs would include both procedural and structural controls. Procedural controls include minimizing the amount and duration of soils exposed during grading and trenching, washing dirt off of construction equipment, and refueling only in designated areas. Structural BMPs can include silt fences/straw bale barriers or sedimentation basins that would be installed and maintained during construction to minimize sediment runoff. Maintenance of these control measures would include daily checks during the rainy season of systems. The construction contractor would be responsible for ensuring compliance with permit conditions.

With implementation of procedural and structural BMPs, erosion of site soils to the San Benito River is expected to be minimal. Small amounts of sediment added to the San Benito River via runoff would not cause localized erosion or sedimentation because sediment particles would be sufficiently dispersed prior to settling to the bottom. Effects of runoff on DO concentrations and other water quality parameters from soil runoff into the San Benito River would be minor and limited to the vicinity of the drain discharge locations. No water quality standards or objectives would be exceeded because of the implementation and maintenance of required BMPs.

Construction activities associated with the proposed project would not accelerate erosion or sedimentation that could not be contained on site due to implementation and maintenance of required BMPs, as described in the preceding paragraphs. Therefore, impacts to water quality



from erosion and sedimentation would be less than significant. No mitigation is required as the SWPPP will provide adequate environmental protection for erosion and sediment.

The proposed project would not alter existing drainage patterns. A SWPPP would be filed with the RWQCB prior to project construction to ensure that erosion is limited to the greatest extent feasible. There would be no alteration of the course of the San Benito River. Stormwater from the site would be discharged to the city's nearby stormwater drainage system, which conveys stormwater to the San Benito River. No impact has been identified.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.9.5.4 Flooding

Impact HYD-4 The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

Construction of the proposed buildings, paved parking surfaces, and roadways would add impervious surfaces (i.e., pavement) at the 8-acre proposed project site. Storm drains and a drainage system would be installed and would collect and route runoff from the construction site at the proposed project site. The design capacity of the existing and constructed storm drains would be adequate to handle runoff from a 50-year storm event. Construction activities on land would not increase the potential for flooding, impede runoff flows, or endanger people, property, or biological resources because the staging and storage areas would be protected with stormwater controls in accordance with the project's construction stormwater permit and SWPPP. Construction activities for the proposed project would not cause or increase the potential for flooding that could harm people or sensitive biological resources or damage property. Therefore, impacts from construction operations on flood flows would be less than significant. No mitigation is required.

The proposed project would not alter existing drainage patterns. A SWPPP would be filed with the RWQCB prior to project construction to limit the potential of flooding due to the construction of the proposed project. There would be no alteration of the course of the San Benito River, which would cause downstream flooding. Stormwater from the site would be discharged to the city's nearby stormwater drainage system, thereby limiting the possibility for discharge outside of the facility (and potential flooding). No impact has been identified.

Level of Significance Before Mitigation

No Impact.

**Mitigation Measures**

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.9.5.5 Polluted Runoff

Impact HYD-5 The proposed project would not 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.

The proposed project has the potential to alter the surface infiltration characteristics of the site, which could result in increases in both the volume and discharge rate of stormwater runoff, which could contribute to flooding on site or at adjacent. Throughout the construction phase of the proposed project, it is possible that some of the runoff water will be polluted, either from leaky equipment or from workers leaving refuse/waste in the open (containers will be provided). Following construction, the impervious surfaces associated with the mixed-use facilities and paved areas are expected to result in increases in peak drainage flows, some of which may be polluted water. It is possible that petroleum products from the gas station may accidentally spill during gas pumping activities. This potential impact has been addressed in regulations requiring a SPCC or SWPPP. To limit these potential spills, the applicant would comply with the previously discussed SWPPP, SPCC, and all aforementioned BMPs. With the implementation of such programs, the potential pollution would be greatly limited, and, therefore, the potential effects from water pollution runoff would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.

6.9.5.6 Water Quality

Impact HYD-6 The proposed project would not substantially degrade water quality.

Operational Impacts to Water Quality**RUNOFF**

Episodic stormwater runoff represents the primary operational discharge associated with the proposed project. Stormwater discharges would be a potential source for contaminants associated with on-site aerial deposition of particulates and other equipment residues, such as leaks and spills of petroleum products from the proposed gas station, which are subject to off-site transport via runoff. Maintenance chemicals such as cleaners, paints, coatings, and lubricants, would be brought on site as needed and removed when maintenance is completed.



Runoff of maintenance or petroleum products would not be expected to occur as a result of project operations.

Airborne pollutants, such as exhaust particles from project-related, non-electric equipment such as kitchen exhausts from the proposed restaurants would be deposited on upland portions of the site, where they would be subject to stormwater runoff into the San Benito River. However, the facilities associated with the proposed project would be operated in accordance with the community commercial SWPPP that contains monitoring requirements to ensure that the quality of the stormwater runoff complies with the permit conditions. These discharges would contribute small and episodic loadings of pollutants to the San Benito River but would not cause concentrations to exceed water quality standards or objectives.

Stormwater from non-process areas such as parking areas, paved surfaces, and buildings would be collected by storm drains and routed to drainage systems. Stormwater from the fueling area of the gas pump island would be collected in a tank and then routed to an oil/water separator to remove pollutants. The collected pollutants would be treated and disposed of in accordance with regulation and acceptable practices. The water effluent would be discharged to the San Benito River under the approved NPDES permit. Existing regulatory controls for runoff and storm drain discharges are designed to reduce impacts to water quality and would be fully implemented. The applicant would be responsible for all conditions of the stormwater discharge permits, including compliance monitoring and reporting, as well as all city pollution control requirements. Based on implementation of BMPs and compliance with regulations no impact to water quality will result from the proposed project.

WATER CONSUMPTION

The proposed residential development is for 80 multi-dwelling residential units, which will house approximately 240 people. Average annual demand from this development would be 58 acre-feet, based on the historical city's multi-family dwelling unit's water system design criteria and the gross developed acres on the site. The City of Hollister planned on water demand for this site for a mixed-use (commercial and residential) development in the HUA water and wastewater master plan. It is estimated the commercial development will employ approximately 300 employees who would demand an average of about 19 acre-feet per year. The city is currently utilizing about 10,000 acre-feet of water annually. Total city groundwater supply safe yield is estimated at 54,000 acre-feet per year in a normal year. Surface water entitlements from Hernandez Reservoir and Paicines Reservoir, owned by SBCWD, provides another water supply to the city of 17,200 acre-feet per year. The SBCWD can also purchase imported CVP surface water from the United States Bureau of Reclamation (USBR). The current SBCWD contract with the USBR is for a total supply of 43,800 acre-feet per year, of which 35,550 acre-feet per year is for agricultural use and 8,250 acre-feet per year is for M&I use. The anticipated increase in demand of 77 acre-feet/year will be less than significant.

EFFLUENT DISCHARGES

Effluent discharges resulting from the proposed project would be pre-treated where necessary and piped to the nearby Hollister DWTP, where the water would be treated. The HUA water and wastewater master plan calls for improvements at the DWTP to meet the build-out of the General Plan. Treatment plant improvements are being implemented by the City of Hollister and SCWD to meet RWQCB WDR permits and orders. The RWQCB WDR water quality requirements (e.g., Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), ammonia, nitrate, total dissolved solids, sodium, chloride, etc.) are intended to protect beneficial use of surface and groundwater. The treatment plant improvements that have been identified to date focus on typical wastewater constituents such as BOD, TSS, ammonia, and nitrate. Salinity levels in



wastewater are expected to be reduced with the implementation of the drinking water improvements.

The proposed discharge associated with the project, including potential pollutants, would be in conformity with the reviewed plans. This review has included recent orders from the RWQCB (2015). Under the proposed circumstances, the proposed project would not result in discharges that would substantially degrade water quality or exceed the capacity of existing or planned DWTP systems. Thus, no impact would occur to DWTP capacity or water quality from the proposed project.

The applicant would employ BMPs throughout the construction and operations phases of the project to ensure that discharges are limited to the greatest extent possible. Furthermore, the applicant would comply with all applicable regulations, including compliance with the city's storm drain master plan as well as federal law, which required the implementation of an SPCC and an SWPPP; each of these regulations will assist in limiting degradation to water quality, thus leaving the impacts as less than significant.

In addition, mitigation measures HYD-1 through HYD-4 have been recommended for the project to reduce project specific potential impacts to hydrology or water quality.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-1 The applicant and/or contractor shall develop and implement an SWPPP and submit an NOI stating its intent to discharge stormwater to the SWRCB prior to beginning construction activities. The SWPPP must specify BMPs that would minimize all construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving off site into receiving waters.

MM HYD-2 Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other appropriate locations).

MM HYD-3 For equipment that must be fueled on site, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water. All fueling done at the job site shall provide containment to the degree that any spill shall be unable to enter the city's storm drainage system or damage river and wetland vegetation.

MM HYD-4 A pollutant control plan shall be prepared that specifies logistics and a schedule for construction activities that will minimize the potential for erosion and standard practices that include monitoring and maintenance of control measures.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.9.5.7 Place Housing within a 100-Year Flood Plain

Impact HYD-7 The proposed project would temporarily not place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or FIRM or other flood hazard delineation map.



The project area is not located within a FEMA-designated flood zone; therefore, no housing would be placed within any such zone and the proposed project will have no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.9.5.8 Place Structures within 100-Year Flood Plain

Impact HYD-8 The proposed project would not place structures within a 100-year flood hazard area structures that would impede or redirect flood flows.

The project area is not located within a FEMA-designated flood zone; therefore, no structure would be placed within any such zone and the project will have no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.9.5.9 Expose People to Loss Due to Levee or Dam Failure

Impact HYD-9 The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

The project area has no levee system to fail. Dams and lakes within the region are at far enough remote locations so as not impact the proposed project site in the event of a dam failure. As such, no impact would occur from levee or dam failure.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.9.5.10 Inundation by seiche, tsunami, or mudflow

Impact HYD-10 The proposed project would not be subject to seiche, tsunami, or mudflow.

The project area is not located within areas that are inundated by seiche, tsunami, or mudflows; therefore, no impact would occur.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.10 LAND USE AND PLANNING

This section analyzes the potential impacts on land use and planning that may result from the proposed Vista De Oro Mixed-Use Project. The discussion is based primarily on Observations made during site visits conducted during February 2015. The goals and policies of the General Plan are implemented by zoning regulations found in the Hollister Municipal Code Title 17 Zoning. Each area within the city is assigned a land use plan designation and zoning classification, which describes the standards for use or development. The zoning regulations set forth development standards for such items as building height, property-line setbacks, and landscaping.

6.10.1 Background

6.10.1.1 Regulatory Context

FEDERAL REGULATIONS

No applicable federal plans or policies are anticipated to have an effect on land.

STATE REGULATIONS

California Environmental Quality Act

The primary applicable state regulation is CEQA, Public Resources Code Sections 21000–211781 and the CEQA guidelines Code of Regulations Sections 15000–15387. No other applicable state land use plans or policies have been identified.

Government Code – Land Use Laws

California Government Code Sections 65000 et seq. is the foundation for local planning in California. California Government Code Sections 65000 et seq. contains many of the laws pertaining to the regulation of land uses by local governments, including the general plan requirement, specific plans, subdivisions, and zoning.

California Subdivision Map Act

In order to create the two lots proposed and record a parcel map, the Vista De Oro Mixed-Use Project must follow the Subdivision Map Act. Regulation and control of the design and improvement of subdivisions is vested in the City of Hollister, City Council. Hollister by ordinance regulate and control the initial design and improvement of common interest developments as defined in Section 1351 of the Civil Code and subdivisions for which this division requires a tentative and final parcel map. In the development, adoption, revision, and application of such ordinance, the City of Hollister complies with the provisions of Section 65913.2.

REGIONAL REGULATIONS

California Government Code Section 65584 (a) requires the San Benito Council of Governments (SBCOG) to prepare a Regional Housing Allocation Plan and to distribute the state-identified regional housing need allocation to each jurisdiction in the San Benito County region, which includes San Benito County and the City of Hollister or the Hollister Valley portions of the San Benito County region. The California State Housing and Community Development (HCD) Department is the state agency responsible for determining the San Benito County region-wide share of the estimated statewide housing need for the seven year period. The state estimates the housing need for the region at 2,194 housing units (SBCOG 2014). SBCOG is required to distribute the HCD number to the various San Benito County Jurisdictions—in order to meet the very low, low, moderate, and above moderate income housing needs for the county region—and has done so as follows:



- City of Hollister – 1,316 housing units subdivided as follows:
 - Very Low – 312 units
 - Low – 189 units
 - Moderate – 258 units
 - Above Moderate – 557 units
- City of San Juan Bautista – 41 housing units
- San Benito County – 837 housing units

State legislation requires that localities zone sufficient sites for residential use that are affordable to all economic segments and consistent with the needs identified in the local General Plan and housing element. A number of constraints to affordable housing have been identified, some of which are difficult to resolve.

LOCAL REGULATIONS

City and County Zoning and General Plan Designations

The California State Legislature, pursuant to Government Code Section 65300, requires each city jurisdiction in the state to prepare a local general plan. The general plan is the primary planning document that establishes policies to regulate the development, function, and use of land within the boundaries and planning area of each city. General plans are required to contain the following seven elements or chapters: land use, circulation, housing, conservation, open space, noise, and safety. Although all elements carry equal weight, the land use element designates the pattern and scope of development. Land use designations are one of the primary tools cities use to establish a comprehensive plan for guiding development. Typical land use designations are residential, commercial, agricultural, industrial, and open space, with subcategories based on densities or uses. Land use designations are supported by general plan policies that generally define how land can and cannot be used.

General plan policies are supported by local ordinances such as zoning, which describe the specific requirements for developing a parcel within an identified land use designation. Zoning ordinances define the specific allowable uses for each type of land use designation. Land uses may be classified in the zoning ordinance as principally permitted, conditionally permitted, or permitted under other special circumstances. Under most zoning ordinances, principally permitted land uses require a simplified land use permitting process, whereas Conditional Use Permits and other special-circumstance-use permits have additional criteria for being considered allowable.

City of Hollister General Plan (2005–2023)

Hollister's General Plan outlines a vision of a long-range physical and economic development as well as conservation. The General Plan was revised and approved on June 18, 2007. The range of the General Plan is set at 18 years. The General Plan helps to ensure that day-to-day planning and land use decisions are in conformance with the long-range program designed to protect and further the public interest. It will be periodically reviewed and updated as the goals and requirements of the city evolve and change. Pertinent policies for mixed-use development in the city are outlined in the City of Hollister General Plan and listed below. The following General Plan goals, policies, and action items are specifically applicable to the proposed mixed-use development project.

General Plan Six Major Goals

1. Encourage Pedestrian Friendly Mixed-Use Development Downtown
2. Provide Core Services in Every Neighborhood
3. Encourage Multiple Modes of Transportation
4. Provide a Range of Housing Styles and Affordability Levels



5. Provide for an Environment that Encourages Healthy Living
6. Promote Economic and Environmental Sustainability

General Plan Primary Strategies

1. Attract and maintain a diverse mix of land uses downtown. LU 5.3, H3.2, H3.6, and H3.7
2. Create an appealing physical environment for living, working, and shopping downtown. LU 3.1, CSF 4.4, H 3.1
3. Promote affordable housing and special needs housing development. H 1.5, H 4.2, H 4.3,
4. H 4.4, H 4.5, H 4.6, H 4.8, H 4.9
5. Encourage development of a diverse range of housing styles. LU 7.2, LU7.5
6. Establish design standards and project review to foster diverse housing types. H2.1, H2.3, H3.1
7. Create and improve natural open spaces for public use. LU 3.5, CSF 4.4, CSF 4.5, OS 1.8
8. Strengthen physical infrastructure connections throughout all neighborhoods. H 1.4, CSF 1.5, CSF 1.6, CSF 2.1, CSF 4.3, HS 2.4
9. Provide access to social and community services from neighborhoods. LU 2.3, CSF 4.1, CSF 4.2, CSF 4.6, CSF 4.7, CSF 4.8, CSF 4.9, CSF 4.14 , HS 2.2
10. Where appropriate, protect and preserve natural resources from development. OS 1.1, OS 1.3, NRC 1.1, NRC 1.2, NRC 1.5
11. Create environmentally sustainable design and development. LU 9.3, H 2.4, H 2.5, CSF 2.7, CSF 3.6, CSF 3.7, CSF 4.11, OS 1.5, NRC 3.1, NRC 3.2, NRC 3.3, NRC 3.4, HS 1.1, HS 1.10
12. Develop a strong and diverse economic development framework. LU 2.2, LU 5.4, LU 10.3
13. Support bike- and pedestrian-oriented development and circulation systems. LU 4.1, LU 4.2, LU 4.4, LU 4.8, C 3.4, C 3.6
14. Create a supportive environment for transit use. C 3.2, C 3.3, NRC 3.6

Chapter 2: Land Use and Community Design

Refer to *Table 6-24: Consistency with Relevant General Plan / Community Plan Land Use Policies.*

- Goal LU 1: Maintain and enhance Hollister's small town agricultural valley culture and identity. Organize and design the City with an attractive and positive image.
 - Policy LU1.1: To the greatest extent possible, eliminate intrusions, such as noise and commercial traffic and parking, into residential areas from nonresidential areas and provide buffers between incongruous land uses.
 - Policy LU1.5: Maintain the existing regulations that promote the undergrounding of utility lines.
 - Policy LU1.7: Develop special planning areas and design guidelines for the North Gateway, West Gateway, Downtown, "Old Town", Residential, and Home Office districts.
 - Policy LU1.8: Require that building signs be designed to fit within the scale and character of buildings
 - Policy LU1.9: Use cohesive design elements in street trees, lighting and street furniture to strengthen character of the special planning areas and residential neighborhoods.



- Goal LU 2: Ensure that public utilities and infrastructure adequately meet the demand for services placed on them by existing and future commercial and residential users.
 - Policy LU 2.1: Evaluate existing development fee structure, review every two years, and restructure as needed.
 - Policy LU 2.2: Evaluate the fiscal impact of projects as part of the development review process to assure that new development does not reduce standards or unduly increase the burden on existing residents.
- Goal LU 3: Develop and maintain landscaping on public and private properties, open space and public gathering spaces.
 - Policy LU 3.2: Promote street tree planting and other community design features to maintain visual quality and small town atmosphere.
 - Policy LU 3.3: Maintain roadway landscaping through both public and private means.
 - Policy LU 3.4: Preserve existing significant trees and tree groupings where possible. Replace trees removed due to site development.
 - Policy LU 3.5: Require the provision of usable open space in multi-family residential developments in the form of ground-floor patios, upper-floor decks and balconies, and common recreational facilities.
 - Policy LU 3.6: Require landscaping on public and private sites, including, entry areas street medians, parks, schools, parking lots, plazas, courtyards and recreational areas.
 - Policy LU 3.7: Promote the beautification of alleys to encourage their use as open space.
- Goal LU 4: Ensure that Hollister has attractive, safe and functional streets, parking areas and pedestrian walkways.
 - Policy LU 4.1: Ensure that business areas have adequate pedestrian and bicycle facilities and universal accessibility and that easy connection to transit are available whenever possible. Secure funding to implement the Hollister bicycle master plan.
 - Policy LU4.2: To the extent possible, encourage alternative to the use of private automobiles. Encourage a range of transportation options, including driving, walking, biking and transit, without allowing any one to preclude the other.
 - Policy LU 4.4: Ensure that streets, paths and bikeways contribute to the system of a fully connected transportation network.
 - Policy LU 4.5: Require compatible pedestrian and bicycle pathways and automobile routes with design elements that use buildings, trees, lighting and street furniture to define spaces for travelers.
 - Policy LU 4.7: Design safe, accessible, convenient, comfortable and functional pedestrian crossings, intersections, sidewalks, street plantings, street furniture and traffic signals.
- Goal LU 5: Develop a land use pattern and mix of uses that contribute to the financial health and stability of the community.
 - Policy LU 5.1: Strive to maintain balance between the number of local jobs and the number of available housing units within the planning area.
- Goal LU 7: Promote diverse housing opportunities for existing and future residents
 - Policy LU 7.1: Promote and encourage the use of creative residential site planning techniques such as clustered development and planned development to facilitate the objective of providing a mix and range of housing types.
 - Policy LU 7.2: Promote suitably located housing and services for people from a range of age and income within the city.



- Policy LU 7.5: Encourage the development of well-integrated neighborhoods of single-family and multi-family homes that include owner-occupied and rental housing units in single-use and mixed-use environments.
- Goal LU 8: Maintain the stability of existing neighborhoods
 - Policy LU 8.3: Ensure that new development in multifamily neighborhoods supports, rather than detracts from, the existing residential character of the area.
 - Policy LU 8.4: Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with surrounding uses.
- Goal LU 9: Encourage development patterns that promote energy efficiency and conservation of natural resources.
 - Policy LU 9.1: Ensure that building design takes into consideration air circulation, natural lighting, views, solar orientation, and shading areas to interior and exterior spaces.
 - Policy LU 9.2: Integrate good design with the use of energy efficient techniques and equipment and with materials and construction practices that minimize adverse environmental effects.
 - Policy LU 9.3: Encourage the use of "green" and non-toxic building materials and advise builders to apply for regional, state and national incentives programs.
 - Policy LU 9.4: Encourage attractive, accessible, and pedestrian friendly street frontages that contribute to the retail vitality of downtown and other special planning areas.
- Goal LU 11: Encourage well-designed buildings that are compatible with their surroundings
 - Policy LU 11.1: Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design such as blank walls or an unbroken series of garage doors on street frontages.
 - Policy LU 11.2: Ensure that building designs include varied building façades, rooflines, and building heights to create interesting and differentiated building forms and shapes.

City of Hollister Zoning Code- Title 17, Chapter 17.08 Commercial Zone Land Uses and Permit Requirements Section 17.08.060 West Gateway Mixed Use Supplemental Standards

The zoning classification for the proposed project area is West Gateway Mixed-Use Zoning District, and applies to areas of the city that are part of the western entry into the City of Hollister. Under Title 17, Municipal Code 17.08.060 carries out policies specifically for the West Gateway mixed-use zoning classification.

These policies are as follows:

- "A. *Site Development and Orientation of Land Use.*
 - 1. *Coordinate with property owners to use of flexible parking standards in establishing public plazas and outdoor gathering areas.*
 - 2. *Multifamily residential buildings or mixed-use buildings are encouraged near existing residential properties.*
- B. *Plaza/Outdoor Gathering Areas. The Planning Commission shall have the authority to authorize a reduction in total landscape requirements, and increase the Floor Area Ratio to 0.2 for projects in the West Gateway plazas for outdoor gathering areas.*



- C. *Multifamily residential buildings or mixed-use buildings are encouraged near existing residential properties and commercial building shall be oriented toward public streets.*
- D. *Parking. The establishment of a parking assessment district(s) is strongly encouraged for the undeveloped areas in the West Gateway."*

The Planning Commission shall have the authority to authorize a reduction in the total off-street parking requirements for all uses in a mixed-use development provided that all off-site parking requirements for the residential land uses have been met and 50% of the off-street parking requirements for the commercial buildings have been satisfied. The reduction shall be approved by the Planning Commission and shall include measures to assure long-term funding to reduce off-street parking demand such as the following:

- Recordation of reciprocal parking agreements for the entire development area.
- A plan to denote parking areas reserved for residents.
- A travel demand program that will include measures to reduce parking demand such as traffic calming, additional bicycle parking facilities, two-wheel vehicle parking, rental housing for employees in the West Gateway, a Zip Car, and improved transit or vanpool access.

6.10.2 Methodology

Guidelines and key sources of data used in the preparation of this section include the following:

- A site reconnaissance survey
- Review of current USGS 7.5-minute topographic quadrangle maps
- Aerial photography
- Review of local land use ordinances and the General Plan and EIR
- Review of state codes pertaining to land uses and development standards

6.10.3 Environmental Setting

6.10.3.1 Regional Land Use

The City of Hollister, situated in the Hollister Valley, is the county seat of and largest city in San Benito County. Major highways that pass through Hollister (and near to the proposed project site) include US Highway 101, State Route 156, and State Route 25. The Hollister Valley is primarily farmland with a mix of various uses throughout the region. The City of Hollister is a community that serves the need of the agricultural pursuits and is the primary employment center for the region. The City of Hollister is connected to the north to the Silicon Valley and San Francisco Bay Area by US Highway 101.

6.10.3.2 Surrounding Land Use

The proposed project site is surrounded by mixed commercial and residential uses. To the north of the project site is a fully built-out single-family residential development. Immediately south of the proposed project site are both residential and commercial land uses with some vacant lots, which are expected to receive mixed-use infill development under the West Gateway zoning classification. To the west of the proposed project is fully developed single-family residential neighborhood. To the east of the proposed project are commercial land uses represented by neighborhood businesses in a strip commercial development and corner convenience store and gas station. Furthermore, the proposed project is located within the West Gateway Mixed-Use zoning classification, which possesses a specifically dedicated zoning classification that allows



for multi-family dwellings and commercial uses, with public space for gatherings and outdoor activity.

6.10.3.3 Planning

GENERAL PLAN

The proposed project area is designated as West Gateway land use by the General Plan (see Figure 6.10-1: General Plan Map). The plan designates 57 acres of land within the city as West Gateway land use designation, of which the proposed project site represents 8 acres (14%) of the entire West Gateway–designated land. The General Plan designation calls for residential housing at a density range between 20 and 35 dwelling units per acre. The General Plan assumes the West Gateway land use designation will build out at an average of 28 dwelling units per acre (see Appendix B of the General Plan). The West Gateway designation promotes mixed uses such as multi-family residential, offices, retail sales and services, public and quasi-public uses, and other related and compatible uses. The West Gateway designation seeks a high enough housing density to be able to support the neighborhood-serving commercial retail component called for in the West Gateway designation. The West Gateway designation also calls for a public plaza to create a sense of place and a focal point for the community to gather and enrich public life. The West Gateway designation promotes the development of an entry feature to the City on San Juan Road with the historical themes of Hollister’s past.

SPECIAL PLANNING AREA

The General Plan calls for special planning areas be established within the city to provide additional policy direction for development. The General Plan identifies design concepts for circulation and parking, site organization, building detailing, landscaping, and streetscape elements for each special planning area. The proposed project site is located within the West Gateway Commercial Special Planning Area (WGCSPA). The WGCSPA provides general design guidance for development, such as incorporation of a public plaza, entry features to create sense of place, and medium- to high-density housing (average 28 dwelling units/acre) to support commercial activities within the WGCSPA. The WGCSPA also provides more specific development design requirements as outlined in Table 6-22: West Gateway Commercial Special Planning Area Design Elements.

Table 6-22: West Gateway Commercial Special Planning Area Design Elements

West Gateway	Specific Design Element
Circulation and Parking	<ul style="list-style-type: none"> • Limit entry and exit points to main roads; encourage internal circulation between mixed-use buildings and residential developments.
Site Organization	<ul style="list-style-type: none"> • Encourage three-story building forms on the street, stepping down to the north and south. • Maintain large ROW areas and setbacks around residences to buffer new uses from exiting adjacent residential uses. • Design public space that is conducive to retail sales and community gatherings, such



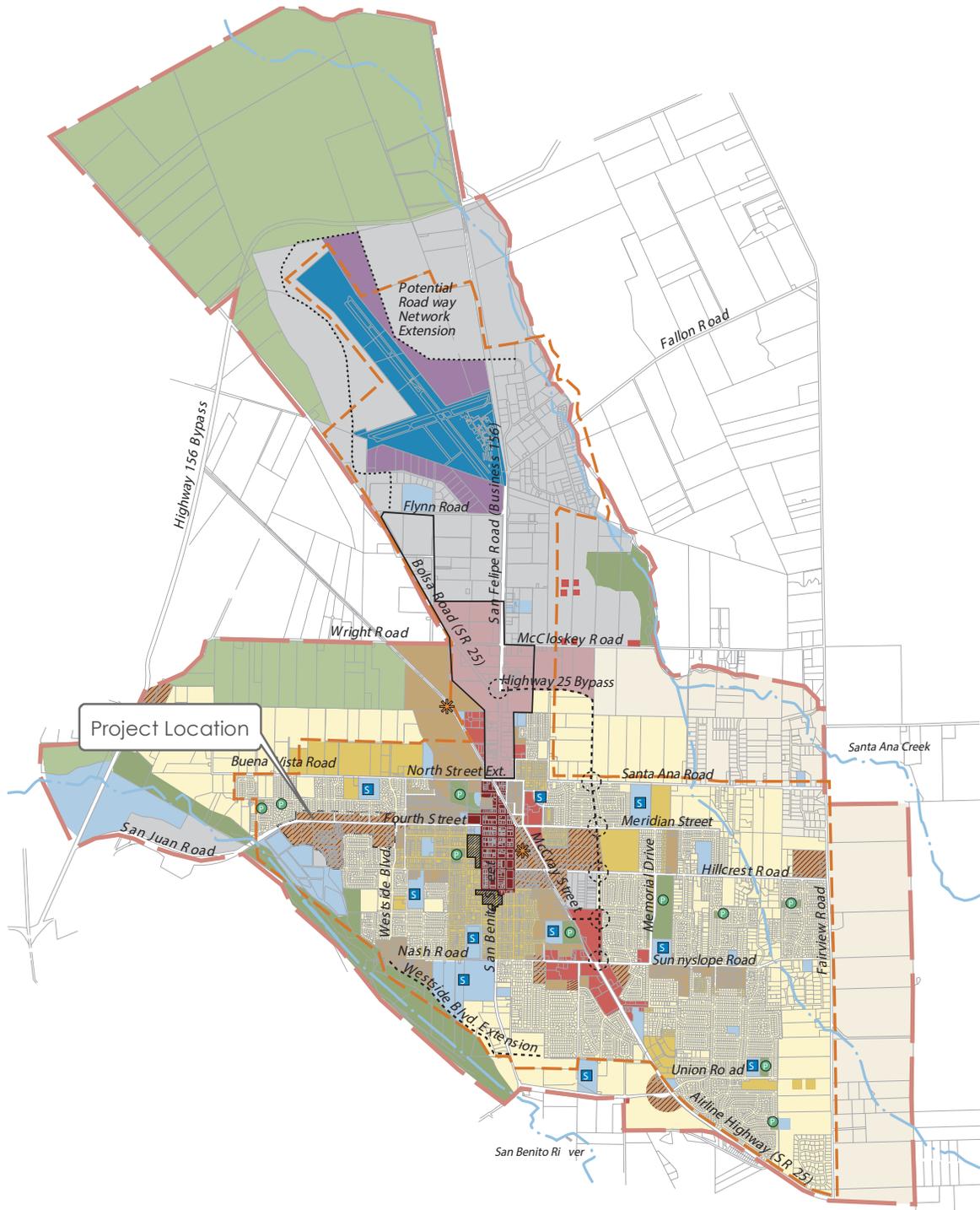
	as a Mercado or plaza.
Building Details	<ul style="list-style-type: none"> • Encourage sloping roofs. • Consider a unified design theme for building architecture within the district that is different from Downtown Hollister.
Landscaping	<ul style="list-style-type: none"> • Develop a common landscaping treatment for the district. • Install a double row of trees, one at the street and one closer to the building edge.

CITY OF HOLLISTER ZONING

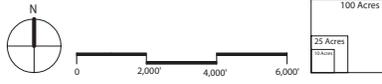
The zoning classification for the proposed project area is West Gateway Mixed-Use Zoning District, which is consistent with the West Gateway land use designation of the General Plan and the WGCSPA for the city (as applicable). The development and operations of the proposed convenience store and gas station is a conditional use in the West Gateway zoning classification, requiring discretionary approval under the Hollister Zoning Code. The following proposed uses in the project site are considered permitted uses in the West Gateway zoning classification:

- Proposed Coffee Shop (which falls under the category of “Food and Beverage Sales”)
- Office Building (both business and professional)
- Commercial Retail Building

The West Gateway zoning classification requires an administrative permit review approval for the proposed fast food restaurants with drive-through. In addition, a site and architectural review approval will be required for all new buildings proposed for the project site under the West Gateway zoning classification(see *Figure 3.10-2: Zoning Map*).



- | | | | | | |
|---------------------|----------------------------|-----------------------------------|--------------------------|-----------------|-----------------------|
| Sphere of Influence | Residential Estate | Mixed-Use | North Gateway Commercial | Airport Support | Transit Hub |
| Planning Area | Low Density Residential | Downtown Commercial and Mixed-Use | General Commercial | Public | School |
| Creeks and Rivers | Medium Density Residential | Home Office | Industrial | Open Space | Park |
| | High Density Residential I | West Gateway | Airport | Agriculture | North Gateway Overlay |



Map prepared by MIG, Inc. - December 2005

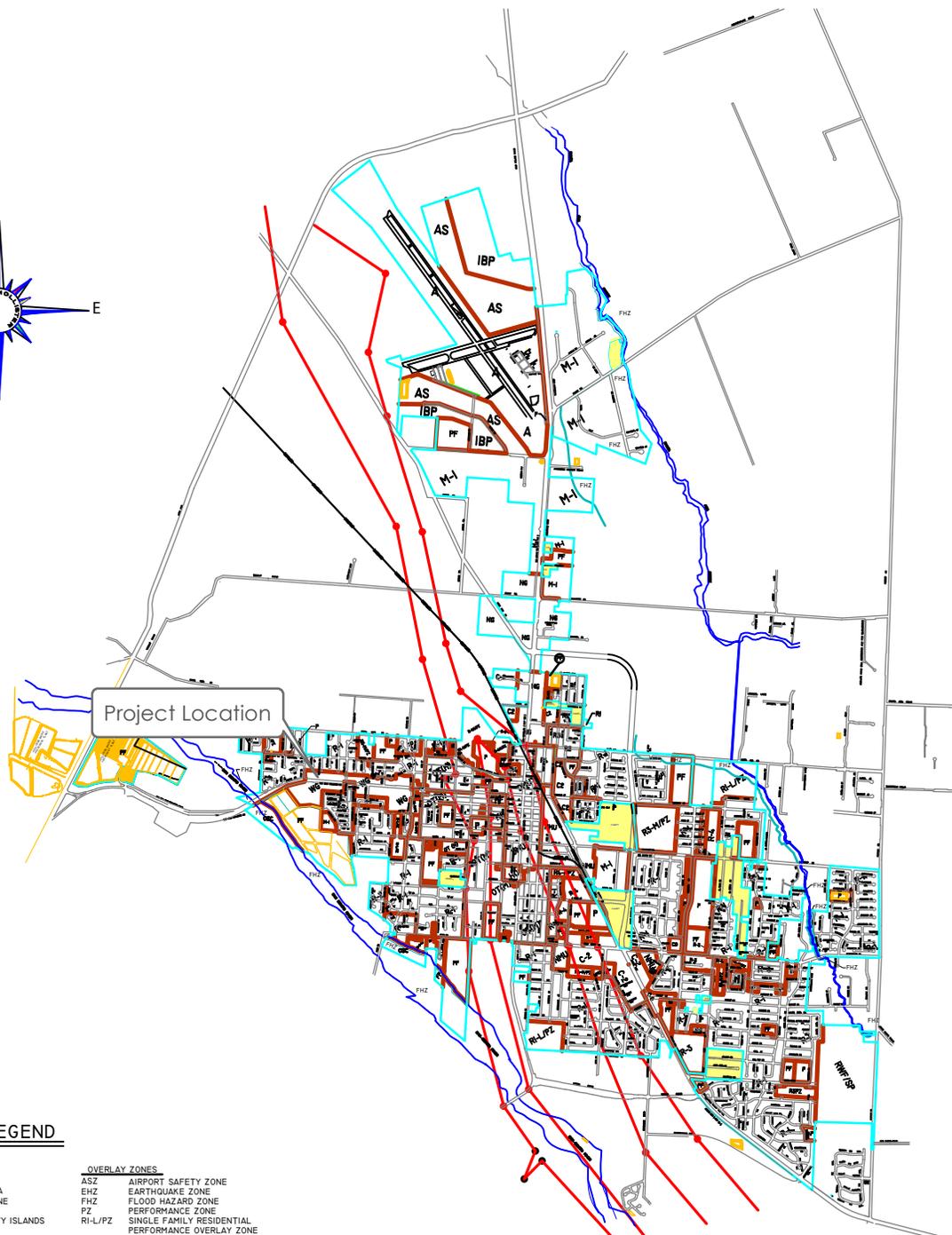
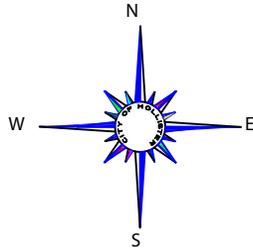
Map 2 Land Use Plan

City of Hollister 2005 General Plan



Figure 6.10-1 General Plan Map

Vista De Oro Project - Hollister, California



Project Location

LEGEND

- | | | | |
|--------------------------|----------------------------------|--|---|
| | CITY LIMITS | | OVERLAY ZONES |
| | ZONING AREA | | ASZ AIRPORT SAFETY ZONE |
| | SEISMIC ZONE AREA | | EHZ EARTHQUAKE ZONE |
| | FLOOD HAZARD ZONE | | FHZ FLOOD HAZARD ZONE |
| | SAN BENITO COUNTY ISLANDS | | PZ PERFORMANCE ZONE |
| RESIDENTIAL ZONES | | | RI-L/PZ SINGLE FAMILY RESIDENTIAL PERFORMANCE OVERLAY ZONE (1-8 UNITS PER NET ACRE) |
| RE | RESIDENTIAL ESTATES | | R3-M/PZ MEDIUM DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE (1-12 UNITS PER NET ACRE) |
| R1 | LOW DENSITY RESIDENTIAL | | R4-H/PZ HIGH DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE (1-35 UNITS PER NET ACRE) |
| R2 | TWO FAMILY RESIDENTIAL DISTRICT | | PD PLANNED DEVELOPEMENT SPECIFIC PLAN |
| R-3 | MEDIUM DENSITY RESIDENTIAL | | SP |
| R-4 | HIGH DENSITY RESIDENTIAL | | |
| OT | OLD TOWN RESIDENTIAL DISTRICT | | |
| RMH | SINGLE FAMILY MOBILE HOME | | |
| RWF | WEST FAIRVIEW ROAD | | |
| COMMERCIAL ZONES | | | |
| CO | COMMERCIAL OFFICE | | |
| NC | NEIGHBORHOOD COMMERCIAL | | |
| NG | NORTH GATEWAY | | |
| MIXED USE | | | |
| DMV | DOWNTOWN COMMERCIAL MIXED USE | | |
| HO | HOME OFFICE | | |
| NMU | NEIGHBORHOOD COMMERCIAL MIX USED | | |
| WG | WEST GATEWAY | | |

CITY OF HOLLISTER ZONING MAP

DECEMBER 2008 FOR ORDINANCE 1038
 AMENDED
 ORDINANCE 1043 2/2/2009
 ORDINANCE 1062 3/1/2010

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Sources: Stantec 2015. Created By: K Gross. Updated: 4/3/2015. Service Layer Credits:



Figure 6.10-2 Zoning Map

Vista De Oro Project - Hollister, California



6.10.4 Standards of Significance

An impact to land use would be considered significant if the proposed project would

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and/or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

6.10.5 Impact Analysis

Table 6-23: Land Use and Planning Initial Study Responses

WOULD THE PROJECT:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.10.5.1 Divide a Community

Impact LU-1 The proposed project would physically divide an established community.

Prescriptive Easement along Northern Boundary of Project Site

The existing residents residing to the north of the proposed project site have established a right to a prescriptive easement along the northern boundary of the project site. The rationale behind



prescriptive easements is that long-time users of property can acquire a legal interest at the expense of the property owners. A user of land may establish a prescriptive easement by proving that his or her use of another's land was (1) continuous and uninterrupted for five years; (2) open and notorious; and (3) hostile.

The first requirement is relatively straightforward. "Continuous" use means that the use occurred over a 5-year period on occasions necessary for the convenience of the user. The residents to the north of the proposed project site have been using the northern 15 feet of the project site property for both vehicle and pedestrian access to the backyards of their residential lots for the past 20 plus years. The residents use of this access has been continuous and year around. The proposed project site property owners have failed to post the necessary signage under Civil Code Section 1008, stating "*Right to Pass by Permission, and subject to Control, of Owner*" prior to the residents use of this land ripening into a prescriptive easement (5-year period).

The second requirement—open and notorious—means that the use of the land is sufficiently visible that anyone who viewed it would be able to discover it. Generally, the use will be considered open and notorious as long as it is not hidden or concealed from the property owner. The properties along the northern edge of the proposed project site are viewable to all the general public as it is worn into a pathway that is large and distinctive from the grass and vegetation growing elsewhere on the proposed project site. The pathway is visible from Miller Road, Graf Road, and the ends of Gonzalez Drive, San Lorenzo Drive, and San Juan Road. In addition, several residents have made improvements to the easement to allow all weather passage, establish sheds to store various items within the easement, and installed gates or doors in the fencing along the property boundary to allow access to the project site. Instead of a solid fence to create a barrier between the existing single-family residential neighborhood and the proposed project site, the doors and gates make it open and notorious so that the easement is present and used.

The final requirement is that use of the land qualifies as "hostile," meaning the residents to the north of the proposed project site have used the land on the project site without the express permission of the project site property owner. Hostility is reflected in the fact that the property owners have proposed a site plan for the Vista De Oro Mixed-Use Project that would retake the land by adverse possession (through easement by prescription). In addition, in interviewing existing residents who use the easement it was stated that no permission was ever granted, that it simply has always been that way.

The proposed Vista De Oro Mixed-Use Project has provided a site plan that does not allow pedestrian or vehicle access along the property boundary between the existing single-family residential development to the north and the project site. Landscaping, parking, and fencing for the pool decking sited within a few feet of the property boundary will interfere with existing and future access along the property boundary. This site plan will result in cutting off the residents from their prescriptive easement and creating a barrier that would physically divide the existing residents from the commercial areas within their neighborhood. The proposed improvements within the prescriptive easement area along the northern boundary under the site plan, as submitted, would be in jeopardy until 5 years has passed and the residents to the north (Easement Owners) have failed to enforce their easement right in court.

If the applicant proposes to use this prescriptive easement as shown in the site plan, it must be taken back in the same manner as it was taken, which is an open, notorious, continuous, manner for five years or more. In essence, such self-help is tantamount to re-taking the land by adverse possession (by easement by prescription). "*It is settled law that an easement, whether acquired through a grant, adverse use, or as an abutter's right, may be extinguished by the owner of the servient tenement by acts adverse to the exercise of the easement for the period*



required to give title to the land by adverse possession." (Popovich v. O'Neal, 219 Cal. App. 2d 553, 556 [Cal. App. 5th Dist.1963]. See also, Glatts v. Henson, 31 Cal.2d 368, 370 [188 P.2d 745]; Rest, Property, § 506, p. 3090; 17 Cal.Jur.2d § 40, p. 149.) "Generally, a prescriptive easement once acquired can be extinguished by actions of the servient tenement which satisfy the same elements required for the creation of the easement." (Zimmer v. Dykstra, 39 Cal. App. 3d 422, 435 [Cal. App. 2d Dist.1974].)

If the proposed site plan is not modified to rectify the prescriptive easement issue, it would constitute a significant impact to land use regarding the division of a community. This significant impact, if not mitigated, would require an EIR to be prepared and overriding considerations. Furthermore, the future disruption of the property having to demolish what was built on the project site, assuming the Easement Owners prevailed in court, would impact the character, design, and efficient use of the proposed project site. City approval of the current site plan also will pit the existing residents to the north against the property owner and applicant for the requested planning approval of Vista De Oro Mixed-Use Project, making the city potentially a party in the Easement Owners' lawsuit to enforce their easement rights. The city may be held liable for legal costs and damages of the Easement Owners in enforcing their easement rights as a result of the city's decision in the matter to approve the site plan as proposed.

The following mitigation measures, LU-1 and LU-2, have been incorporated to diminish any potentially significant impacts related to dividing a community or interfering unreasonably with the easement along the northern boundary of the proposed project site. In addition, the proposed mitigation measures LU-1 and LU-2 will ensure compliance with the West Gateway design elements of "Maintain large right-of-way areas and setbacks around residences to buffer new uses from exiting adjacent residential uses" and "...encourage internal circulation between mixed-use buildings and residential developments."

The proposed project area is surrounded by urban development, which includes residential and commercial development. The project will divide the community unless mitigation measures LU-1 and LU-2 are implemented. With mitigation measures LU-1 and LU-2 implemented, the proposed mixed-use development will not divide an established community. The proposed project is intended to integrate with the existing surrounding community and land uses and reflect existing land use patterns and local stewardships of land. The overall design of the proposed project with mitigation measures will be compatible with the surrounding land uses as discussed in Section 6.1 – Aesthetics (Visual Resources). Therefore, the project will result in a less-than-significant impact with mitigation measures LU-1 and LU-2.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM LU-1 A site plan shall be prepared that respects the existing prescriptive easement by providing a 12 feet minimum set back, from the property line and providing an all-weather surface to allow access to and use of the prescriptive easement. City planning staff will verify site plan has incorporated the required easement and allowed the continued access along the property boundary line prior to issuance of building permits.

MM LU-2 A dedicated access easement of 12 feet shall be provided along the northern property boundary of the proposed project site and reflect such easement on the parcel map to be prepared for the project. A legal description of the easement shall be recorded with the San Benito County recorder's office.



Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

6.10.5.2 Conflict with Plans or Policies

Impact LU-2	The proposed project would conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
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CONFLICT WITH GENERAL PLAN, WEST GATEWAY, AND WEST GATEWAY MIXED-USE ZONING CLASSIFICATION

Land use conflicts can arise from two basic causes: 1) a new development or land use that may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site that may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

The proposed project is not consistent with the all the goals and policies of the General Plan, nor the West Gateway. The land use patterns, spatial relationships, public facilities, and resources to support the proposed project do not meet the goals, objectives, policies, implementation measures, nor the criteria or standards, set out by the General Plan and the West Gateway. In many instances, the proposed project is in conflict with many aspects of the General Plan and the West Gateway. The Vista De Oro Mixed-Use Project conflicts with and is not consistent with the General Plan and the West Gateway's various elements, as noted in the subsequent section.

GENERAL PLAN CONFORMANCE

Residential Dwelling Density per Acre - Compliance for Mixed-Use Development

The proposed project is proposing 80 residential dwelling units on the proposed 4-acre parcel located on the eastern portion of the project site, which will provide a residential dwelling unit density of 20 units per acre. The General Plan land use designation of West Gateway calls for a residential housing density range of 20–35 dwelling units per acre, with an assumption that the West Gateway land use designation will average 28 dwelling units per acre. The proposed site plan will provide the minimum allowable required 20 dwelling units per acre, which is the minimum density of the lowest permissible residential density in the zoning classification and general plan designation.

The plan contemplated this site as a mixed-use development that requires a residential density minimum of 20 residential dwelling units per acre to allow the designated West Gateway space to be successful in supporting commercial development, reduce automobile dependence, support public transit, combat sprawl, preserve open space, promote economic development, and limit the expense of providing and maintaining infrastructure in low density environments. The proposed 20 residential dwelling units per acre will meet those objectives. Therefore, the





proposed project does reflect the mixed-use concepts of infill locations, respond to changing consumer demands, allow integration of land uses, and capitalize on the synergies created by the integration of complementary uses.

Integration of Uses within Mixed-Use Development Site

The proposed project also segregates the residential land uses from the commercial land uses on the proposed project site, with all the residential dwellings being located on the eastern portion of the site and all the commercial structures located on the western portion of the site. The General Plan West Gateway land use designation encourages integration of land uses, not the segregation as the proposed Vista De Oro Mixed-Use Project site plan displays. The West Gateway land use designation vision was for structures to be mixed use, allowing the structure to serve as a both a residence and a place of business. The existing Vista De Oro Mixed-Use Project site plan does not meet this design element.

The Vista De Oro Mixed-Use Project site plan must embody the key principles of mixed-use development as outlined by the General Plan. The proposed project must incorporate three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation) that are mutually supporting and integrated. The proposed site plan must develop significant physical and functional integration of project components (and thus a relatively close-knit and intensive use of land), including uninterrupted pedestrian connections. The site plan as constituted represents a multi-use development with its segregation of land uses and uncoordinated spatial relationships between structures and dwellings lacking integration, density, and compatibility of land uses required to create a walkable, sustainable neighborhood with uninterrupted pedestrian connections between the various project components. Additionally, the General Plan specifies that mixed-use must include integrated uses, and each of them must be substantial enough to attract a significant market in their own right, which excludes uses that simply serve as amenities for a primary use. The LU-3 mitigation measure will reduce the potential land use impact to a less-than-significant level.

Public Plaza

The proposed site plan for the Vista De Oro Mixed-Use Project does not incorporate a public plaza as an element of the mixed-use development. The West Gateway land use designation calls for a public plaza to create a sense of place and focal point to enrich public life. The lack of a public plaza in the proposed project is in conflict with the General Plan and would constitute a significant land use impact. The lack of a public plaza also contributes to the proposed project conflicting with the General Plan policies of having pedestrian-oriented circulation. A key component of an effective pedestrian network is a well-designed central open space. The required public plaza provides a central open space to facilitate spatial orientation and provide strong visual connections and sight lines for pedestrians within the proposed development. Additionally, it is important to establish a clear hierarchy of streets, paths, and open spaces that radiate out from the central open space to create visual interest and draw people into the different areas of the development. The current site plan is lacking this hierarchy and shows predominance toward vehicle facilities, which dominate the site. The LU-3 mitigation measure will reduce the potential land use impact to a less-than-significant level.

Entry Feature

The West Gateway land use designation promotes the development of an entry feature to the city on San Juan Road with the historical themes of Hollister's past. The proposed project has proposed a traffic circle at the intersection of San Juan Road and Graf Road as a means to create an entry feature to the mixed-use development. The applicant proposes that the traffic circle conforms to the General Plan requirement for an entry feature and for place-making. The



proposed traffic circle will create a vibrant, distinctive; pedestrian-friendly facility at the entrance to Hollister on San Juan Road and the entrance to the Vista De Oro Mixed-Use Project if the final design of the entry feature is consistent with the General Plan. To ensure the entry feature is in compliance with the West Gateway land use designation design elements, mitigation measure LU-3 is provided. The LU-3 mitigation measure will reduce the potential land use impact to a less-than-significant level.

WEST GATEWAY COMMERCIAL CONFORMANCE

Circulation and Parking

The West Gateway instructs that mixed-use development limits the entry and exit points to the proposed project to main roads. The West Gateway also stipulates that a mixed-use development site plan should be prepared to encourage internal circulation between mixed-use buildings and existing residential developments. The proposed project has limited egress/ingress to the site in accordance with the design requirements outlined in the WGCSPA. One egress/ingress is proposed via San Juan road, one egress/ingress via Graf Road and one egress/ingress via Miller Road. The Hollister Circulation Element classifies San Juan Road as a "Major Thoroughfare".

The Circulation Element further defines the function and design of Major Thoroughfares, which states on page 4.23 "Direct access to adjacent properties should be limited to right-turn-in and right-turn-out movements only," or access to Major Thoroughfares be limited to signalized intersections with major and minor collector streets or major commercial driveways with high traffic volumes. The proposed circulation plan for Vista De Oro calling for two driveways on San Juan road with traffic signals and major driveways with proper intersection design and geometry will meet the function and design requirements called out in the Circulation Element.

As discussed, the circulation facilities of the mixed-use development are focused on vehicles and not pedestrians. Parking spaces take up a large portion of the space and are not clustered to break up the mass of blacktop associated with vehicle storage. Large expanses of parking lot and vehicle travel lanes reduce the pedestrian experience to less than desirable. The proposed circulation plan does not provide for easy continual pedestrian access between buildings and surrounding existing residential development. Instead, a pedestrian must move from the numerous islands of dwellings and structures across vehicle parking areas or vehicle travel lanes within the proposed project site. This arrangement increases the conflict between pedestrian and vehicle by forcing the two modes of travel to share facilities. To meet the objectives of the WGCSPA, the site plan must cluster the vehicle circulation facilities and design the pedestrian facilities so as to separate vehicles and pedestrians. The site plan also does not allow for either pedestrian or vehicle circulation along the northern boundary property line (see the discussion on prescriptive easement in Section 0). It is anticipated that implementation of mitigation measures LU-1 through LU-3 will reduce these circulation and parking impacts to a less-than-significant level.

Site Organization

The proposed project shows two-story buildings for both residential dwellings and commercial buildings. The West Gateway calls for the use of three-story building forms on the street and stepping down to the north and south. The proposed elevations of the residential dwellings should reflect the three-story standard. The West Gateway calls for mixed-use development to maintain large ROW areas and setbacks around residences to buffer new uses from existing, adjacent residential uses. The proposed site plan does not provide a large ROW or setback along the northern boundary of the proposed project site (see the discussion on prescriptive easement in Section 0). It is anticipated that implementation of mitigation measures LU-1 through LU-3 will reduce site organization impacts to a less-than-significant level.



The West Gateway also calls for the site plan to provide for public space that is conducive to retail sales and community gatherings, such as a Mercado or plaza. As stated, the proposed project site plan has no Mercado or plaza incorporated into the layout (see the discussion on public plaza above). It is anticipated that implementation of mitigation measures LU-1 through LU-3 will reduce site organization impacts to a less-than-significant level.

CITY OF HOLLISTER ZONING

The proposed project will comply with the West Gateway Mixed-Use Zoning District, which is consistent with the West Gateway land use designation of the General Plan and the West Gateway for the city (as applicable). It is anticipated that implementation of mitigation measures LU-1 through LU-3 will reduce impacts associated with zoning code compliance to a less-than-significant level. Approval of the Conditional Use Permit for the convenience store and gas pumps, Administrative Permit Review and approval for the proposed fast food restaurants with drive-through, and the Site and Architectural Review Approval for all new buildings proposed for the project site will ensure compliance with the West Gateway zoning classification. It is anticipated that implementation of mitigation measures LU-1 through LU-3 will reduce the Hollister zoning code impacts and compliance to a less-than-significant level.

However, regardless of the project site's General Plan land use designation, development of the proposed project must be consistent with the General Plan. Analysis of the proposed project's consistency with the General Plan's goals, policies, and actions is provided in *Table 6-24: Consistency with Relevant General Plan / Community Plan Land Use Policies*.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM LU-3 Vista De Oro Mixed-Use Project site plan shall meet all the requirements of Chapter 17.08 of the Hollister Municipal Code, which includes standards for mixed-use development and supplemental standards for the West Gateway Mixed-Use Zoning District. Prior to issuance of building permits site plan will be verified for compliance with Chapter 17.08.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.



Table 6-24: Consistency with Relevant General Plan / Community Plan Land Use Policies

General Plan Goal, Policy, or Action	Consistency Summary
Chapter 2: Land Use and Community Design Element	
<p>Goal LU 1: Maintain and enhance Hollister's small town agricultural valley culture and identity. Organize and design the city with an attractive and positive image.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project will be organized and designed to comply with the West Gateway design elements. Therefore, the project will be consistent with the visual character of Hollister.</p>
<p>Policy LU1.1: To the greatest extent possible, eliminate intrusions, such as noise and commercial traffic and parking, into residential areas from nonresidential areas and provide buffers between incongruous land uses.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. <i>Section 6.12 –Noise</i> of this Initial Study includes an evaluation of the proposed project's noise impacts, which determined that both construction and operational noise, with the incorporation of mitigation measures, will comply with all applicable City of Hollister noise standards and will be less than significant.</p>
<p>Policy LU1.5: Maintain the existing regulations that promote the undergrounding of utility lines.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. All utility lines will be undergrounded, which is conducive to the city's regulations.</p>
<p>Policy LU1.7: Develop special planning areas and design guidelines for the North Gateway, West Gateway, Downtown, "Old Town", Residential, and Home Office districts.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project will be developed in the West Gateway Mixed-Use land designation. The proposed project will follow the special design element guidelines, as set for in the General Plan. These special design elements are outlined in <i>Table 6-22: West Gateway Commercial Special Planning Area Design Elements</i>).</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU1.8: Require that building signs be designed to fit within the scale and character of buildings.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project will comply with all design requirements outlined in the General Plan and applicable agency requirements. Therefore, the proposed project will be compatible with the visual character of the surrounding area.</p>
<p>Policy LU1.9: Use cohesive design elements in street trees, lighting, and street furniture to strengthen character of the special planning areas and residential neighborhoods.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project design will implement the associated special design elements of the West Gateway Mixed-Use zone that will project a cohesive design strengthening the visual quality of the area.</p>
<p>Goal LU 2: Ensure that public utilities and infrastructure adequately meet the demand for services placed on them by existing and future commercial and residential users.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project site is currently served by existing public and municipal utilities. Any utilities or other infrastructure that would be expanded as a result of the proposed project would be located underground.</p>
<p>Policy LU 2.2: Evaluate the fiscal impact of projects as part of the development review process to assure that new development does not reduce standards or unduly increase the burden on existing residents.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The project will provide a fiscal impact analysis as part of the design review process.</p>
<p>Goal LU 3: Develop and maintain landscaping on public and private properties, open spaces, and public gathering spaces.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed Landscape Plan, as discussed in <i>Section 6.1 – Aesthetics (Visual Resources)</i>, will be implemented on the project site. The Landscape Plan currently proposes to designate 25.34% of the project site for landscape and open space areas.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU 3.2: Promote street tree planting and other community design features to maintain visual quality and small-town atmosphere.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. As discussed in <i>Section 6.1 – Aesthetics (Visual Resources)</i>, the landscape plan implements tree planting along San Juan, Miller, and Graf Roads in order to maintain visual quality of the small town atmosphere.</p>
<p>Policy LU 3.4: Preserve existing significant trees and tree groupings where possible. Replace trees removed due to site development.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. Currently, two non-native ornamental trees that are not significant will be removed. The Vista De Oro development shall replace these trees with more than 50 native trees, shrubs, and groundcover.</p>
<p>Policy LU 3.5: Require the provision of usable open space in multi-family residential developments in the form of ground-floor patios, upper-floor decks and balconies, and common recreational facilities.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project site will implement usable open space throughout the area. Open spaces will include a recreation facility, community swimming pool, picnic areas, and tot lots with turf areas. The applicant will provide residents with 9,300 square feet of common open space.</p>
<p>Policy LU 3.6: Require landscaping on public and private sites, including entry area street medians, parks, schools, parking lots, plazas, courtyards, and recreational areas.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. As discussed in <i>Section 6.1: Aesthetics (Visual Resources)</i>, the Vista De Oro development shall implement a Landscape Plan, which will implement landscaping designs throughout the residential, recreational, commercial, and open spaces.</p>
<p>Goal LU 4: Ensure that Hollister has attractive, safe, and functional streets, parking areas, and pedestrian walkways.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The project site will include a combination of safe pedestrian walkways, commercial and residential parking, and roadways meeting requirements for emergency vehicle access.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU 4.1: Ensure that business areas have adequate pedestrian and bicycle facilities and universal accessibility and that easy connection to transit are available whenever possible. Secure funding to implement the Hollister bicycle master plan.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. Twenty bicycle spaces will be provided for residential users. The proposed project site is conveniently located adjacent to the 4th and Miller bus stop, offering residents an easy connection to alternate transportation. Sidewalks will be tied into existing city sidewalks extending into the downtown area.</p>
<p>Policy LU4.2: To the extent possible, encourage alternatives to the use of private automobiles. Encourage a range of transportation options, including driving, walking, biking and transit, without allowing any one to preclude the other.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project site is located in close proximity to downtown Hollister and surrounding commercial land uses. The proposed project will create 20 bicycle spaces for residents and is located adjacent to the 4th and Miller bus stop. Thus, the location of the project site will encourage walking, biking, transit, and driving uses.</p>
<p>Policy LU4.4: Ensure that streets, paths, and bikeways contribute to the system of a fully connected transportation network.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The project site will include a network of pedestrian paths and streets that will allow both on- and off-site visitors to traverse the various land uses on the project site. All pedestrian paths and streets will seamlessly integrate with existing city sidewalks and streets.</p>
<p>Policy LU4.5: Require compatible pedestrian and bicycle pathways and automobile routes with design elements that use buildings, trees, lighting, and street furniture to define spaces for travelers.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. <i>Section 6.16 – Transportation/Traffic</i> of this Initial Study includes an evaluation of the proposed project's alternative transportation impacts. This evaluation determined that the project development will not significantly impact existing or planned bicycle facilities adjacent to the project site.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU4.7: Design safe, accessible convenient, comfortable, and functional pedestrian crossings, intersections, sidewalks, street plantings, street furniture and traffic signals.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The project site will include a network of pedestrian paths that will transverse the parking lots and other areas within the project site to facilitate safe passage.</p>
<p>Goal LU 5: Develop a land use pattern and mix of uses that contribute to the financial health and stability of the community.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project will include a complimentary mix of residential and commercial uses that will increase property and retail tax revenues for the city.</p>
<p>Policy LU 5.1: Strive to maintain balance between the number of local jobs and the number of available housing units within the planning area.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Goal LU 7: Promote diverse housing opportunities for existing and future residents.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU 7.1: Promote and encourage the use of creative residential site planning techniques such as clustered development and planned development to facilitate the objective of providing a mix and range of housing types.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU 7.2: Promote suitably located housing and services for people from a range of ages and incomes within the city.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU 7.5: Encourage the development of well-integrated neighborhoods of single-family and multi-family homes that include owner-occupied and rental housing units in single-use and mixed-use environments.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project shall be integrated with the surrounding single-family residences by connecting Gonzalez Drive with the project.</p>
<p>Goal LU 8: Maintain the stability of existing neighborhoods</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU 8.3: Ensure that new development in multi-family neighborhoods supports, rather than detracts from, the existing residential character of the area.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Goal LU 9: Encourage development patterns that promote energy efficiency and conservation of natural resources.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU9.1: Ensure that building design takes into consideration air circulation, natural lighting, views, solar orientation, and shading areas to interior and exterior spaces.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. As required by Title 17.16.120 all building designs will take into consideration the orientation of structures and lot design in order to maximize solar access opportunities.</p>
<p>Policy LU9.2: Integrate good design with the use of energy-efficient techniques and equipment and with materials and construction practices that minimize adverse environmental effects.</p>	<p>Consistent. The Vista De Oro development will incorporate California Green Building Code standards to minimize environmental impacts.</p>
<p>Policy LU9.3: Encourage the use of “green” and non-toxic building materials and advise builders to apply for regional, state, and national incentives programs.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU9.1: Encourage easy access to local businesses as focal points for neighborhood and social interaction.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project is a mixed-use development, which offers residents access to commercial/retail businesses. Additionally, existing local commercial businesses located on Miller Road will also be easily accessible for residents.</p>
<p>Policy LU9.2: Encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, public safety, a healthy environment, and a high quality of life</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy LU9.3: Provide for economic development that assures the availability and diversity of resident-serving goods and services.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU9.4: Encourage attractive, accessible, and pedestrian-friendly street frontages that contribute to the retail vitality of downtown and other special planning areas.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project will be compatible with the design elements outlined in the West Gateway. These design elements promote a unified design theme for building and landscape architecture, reflective of the city's historical theme.</p>
<p>Policy LU 11.1: Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design such as blank walls or an unbroken series of garage doors on street frontages.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy LU 11.2: Ensure that building designs include varied building façades, rooflines, and building heights to create interesting and differentiated building forms and shapes.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. In order to be compliant with the West Gateway design elements, the Vista De Oro development will have sloping rooflines, various building heights, and unified design themes.</p>
<p>Chapter 3: Housing Element</p>	
<p>Goal H 1: Work together to build a sense of community and achieve housing goals.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The development of this project is compatible with the City of Hollister's goals for the West Gateway Mixed-Use land use area.</p>
<p>Policy H 1.3: Manage new growth and assure orderly development of vacant land while expanding public services and infrastructure to meet housing needs. Assure that a growth management program does not preclude the city's ability to meet affordable housing goals for lower- and moderate-income households.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>Policy H 3.1: Achieve a mix of housing types, densities, and designs to provide choice in owner and renter housing, small and large units, single- and multi-family housing, housing close to jobs and transit, mixed-use housing, varying affordability levels, mobile homes and manufactured housing, assisted living and supportive housing, and other housing types.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy H 3.2: Maintain an adequate supply of land designated for all types of residential development to meet the regional housing need. Within this total, maintain a sufficient supply of land for multi-family housing and mixed-use housing to meet the quantitative housing need for Very Low, Low and Moderate income housing units.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Policy H 3.6: Promote and provide incentives for well-designed mixed-use residential/non-residential developments in areas that allow mixed uses, where residential use is appropriate to the setting, and development impacts can be mitigated. Allow residential use as part of mixed-use projects, particularly downtown.</p>	<p>Consistent With mitigation measures LU-1 through LU-3.</p>
<p>Policy H 4.4: To increase affordable housing construction, require residential developments involving seven or more units to provide a percentage of units affordable to very low, low and moderate income households. (The units provided through this policy are intended for permanent occupancy and must be deed restricted, including but not limited to single-family housing, multi-family housing, condominiums, townhouses, stock cooperatives or land subdivisions.)</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>Chapter 4: Community Services and Facilities (CSF) Element</p>	



General Plan Goal, Policy, or Action	Consistency Summary
<p>CSF 1.2: Require new development applications to identify the impacts that the proposed development would have on the provision of public services, and approve those applications that can mitigate impacts or contribute a proportional fair share so that local public services can be maintain an acceptable level.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>CSF 1.3: Require all applicants proposing development projects within the Hollister Planning Area to meet performance standards for community services and facilities to be established in the Performance Standards Ordinance. Once adopted, require applications for new development to provide evidence that such development will meet all performance standards prior to approval, as provided by the Performance Standards Ordinance.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>CSF 1.7:</p> <ol style="list-style-type: none"> 1. Prior to granting approval, evaluate each new development in terms of the following criteria: 1. Would the proposed development share a common border with a property that has already been developed? 2. Would the proposed development be adequately served by infrastructure (water, sewer, streets, schools, parks, etc.), which is already in place or mitigated? 3. Would the proposed development be located within the existing service areas of local service providers (fire protection, police protection, solid waste disposal, schools, etc.) and not result in a reduction in their current capabilities? 	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>CSF 2.7: Encourage water-conserving practices and features in the design of structures and landscaping, and in the operation of businesses, homes, and institutions, and increase the use of recycled water.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The proposed project would comply with the current California Energy Code (Title 24, CCR), which requires the integration of energy-efficient design measures during project design and construction to reduce the consumption of energy, water, and natural resources. Additionally, the proposed project will also incorporate native, drought-tolerant vegetation into the landscaping design, which will help conserve water as well.</p>
<p>Chapter 6: Open Space and Agriculture Element</p>	
<p>OS 1.3: Hollister shall consider the use of creative site planning in a way that is responsive to open-space values. Require those proposing new development to design open spaces to minimize paved areas and to maximize landscaping to reduce outdoor air temperatures around buildings in warm weather.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. The design of the proposed project offers multiple open spaces for commercial and residential users, approximately 2 acres in size. The project site will also implement a Landscape Plan to ensure landscaping is maximized throughout the site.</p>
<p>Chapter 7: Natural Resources and Conservation Element</p>	
<p>Goal NRC 2: Provide for clean air.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3. <i>Section 6.3 – Air Quality</i> of this Initial Study includes an evaluation of the proposed project's potential air quality impacts related to federal, state, and regional standards.</p>
<p>NRC 2.2: To ensure excellent air quality, promote land use compatibility for new development by using buffering techniques such as landscaping, setbacks, and screening in areas where different land uses abut one another.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



General Plan Goal, Policy, or Action	Consistency Summary
<p>NRC 2.3: Integrate air quality considerations with the land use and transportation processes by mitigating air quality impacts through land use design measures, such as encouraging project design that will foster walking and biking.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>
<p>NRC 2.4: Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities. This would include: 1) requiring the watering of exposed earth surfaces during excavation, grading and construction activities; 2) requiring the daily (or as needed based upon actual circumstances) cleanup of mud and dust carried onto street surfaces by construction vehicles; and 3) requiring that appropriate measures to be taken to reduce wind erosion during construction, such as watering of soil, replanting and repaving.</p>	<p>Consistent. With mitigation measures LU-1 through LU-3.</p>



6.10.5.3 Habitat Conservation Plan

Impact LU-3 The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

The proposed project site is not located within any HCP or Natural Community Conservation Plan. Section 6.4 – *Biological Resources* contains a complete discussion of the potential biological effects of the proposed project. Development of the proposed project site will result in the conversion of 8-acres of upland and native habitat. The goals, objectives, and policies of the General Plan serve as a yardstick for measuring the reasonableness of General Plan designations and zoning categories for a specific area of the city. In reviewing the proposed mixed-use development for this property and the conversion of acreage to residential and commercial land uses in accordance with the General Plan, one must use the goals and objectives as guiding principles to choose among multiple scenarios allowed by the General Plan designation for land use.

The General Plan mosaic of land use designations was adopted for the entire city in trying to balance the competing goals, objectives, and policies as set forth above. Other areas of the city have been designated different land uses to serve the above goals, objectives, and policies. The proposed project site was designated as West Gateway to meet the goals of urban infill development, and other areas of the city were designated for agriculture and open space to serve the needs of biological resources. It is not the responsibility nor intentions of the authors of the General Plan that the West Gateway designation was to achieve the total objectives of the above outlined goals and policies pertaining to natural habitat. The proposed project, with dedication of open space, public plaza, and landscaping, fully implements the intentions of the General Plan designations and zoning classification. The General Plan designations and zoning classifications are consistent with the property. Therefore, land use impacts of converting native habitat to residential, commercial, and open space from vacant urban land is considered less than significant and no mitigation measures are necessary.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less Than Significant Impact.



6.11 MINERAL RESOURCES

This section describes Mineral resources in the City of Hollister and analyzes the potential impacts on mineral resources that may result from the proposed project. The discussion is based primarily on United States Geological Survey topographic and geologic maps, Information contained in other available mineral resource literature.

6.11.1 Background

6.11.1.1 Regulatory Context

FEDERAL REGULATIONS

There are no federal regulations regarding mineral resources that are applicable to the project.

STATE REGULATIONS

California Surface Mining and Reclamation Act

The California Surface Mining and Reclamation Act of 1975 requires classification of lands into mineral resource zones (MRZs) based on the known or inferred mineral resource potential of that land. The classification process is to be completed by a State Geologist and is based solely on geology, without regard to land use or land ownership. The primary goal of mineral land classification is to help ensure that the mineral resource potential of lands are recognized and considered in the land use planning process. Following are the MRZ dedications below:

- **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 significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.
- **MRZ-3:** Areas containing mineral deposits, the significance of which cannot be evaluated from available data.
- **MRZ-4:** Areas where available information is inadequate for assignment to any other MRZ.

LOCAL REGULATIONS

General Plan

The General Plan states that mineral deposits of significant quantity, value, or quality, as identified by the California Geological Survey reports as MRZ-2, are limited along the San Benito River and are related to construction aggregate deposits (sand, gravel and crushed rock). The General Plan calls for these significant regional mineral resources to remain available under the management of the General Plan. The General Plan further states, "*Land uses that require a high public or private investment in structures, land improvements, and landscaping and that would prevent mining (i.e., high density residential development, public facilities, intensive industrial and commercial uses) are inherently incompatible with mining. Those land uses that require a low public or private investment in structures, land improvements, and landscaping that would allow mining (i.e., extensive industrial, recreation, agricultural and open space uses) may be compatible with mining in these areas. Interim land uses that require structures, land improvements, and landscaping of a limited useful life may be able to accommodate mining at the end of that useful life.*"



6.11.2 Methodology

Information for this section was obtained from the General Plan.

6.11.3 Environmental Setting

6.11.3.1 Regional Overview

Important extractive resources in the City of Hollister include sand, gravel, and crushed rock. Extraction of these minerals is focused in along the San Benito River flood plain.

6.11.3.2 Study Area Setting

The area of the proposed project is classified as a MRZ-1; adequate information indicates that no significant mineral deposits are present or it is judged that little likelihood exists for their presence. The proposed project does not contain any known mineral resources including any rock, sand, or gravel resources. The proposed project site is an infill urban site that would not be suitable for mining operations.

6.11.4 Standards of Significance

An impact to mineral resources would be considered significant if the proposed project would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; 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.

6.11.5 Impact Analysis

Table 6-25: Mineral Resources Initial Study Responses

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



6.11.5.1 Loss of Mineral Resource

Impact MIN-1 **The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.**

No significant mineral deposits are present in the proposed project area or it is judged that little likelihood exists for their presence. The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, as no significant mineral deposits are present in the proposed project site, or it is judged that little likelihood exists for their presence. Therefore, there would be no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.

6.11.5.2 Loss of Mineral Resource Recovery Site

Impact MIN-2 **The proposed project would not 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.**

The California Geological Survey identifies the project area to be classified as a MRZ-1; adequate information indicates that no significant mineral deposits are present or it is judged that little likelihood exists for their presence. The proposed project area does not include a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, there would be no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No Impact.



6.12 NOISE

The following section addresses noise as it relates to the construction and operation of the proposed project. A review of the setting surrounding the proposed project area was carried out in order to identify any noise impacts that might occur. Noise sensitive receptors closest to the project area are identified as well as the laws, ordinances, regulations, and standards that regulate noise levels at those receptors. The following discussion addresses noise terminology, existing noise levels in the project area, anticipated noise levels from proposed project operations, and how impacts to noise-sensitive receptors would be avoided. Noise generated by the proposed project is assessed using CEQA and noise guidelines adopted by the City of Hollister.

6.12.1 Background

6.12.1.1 Fundamentals of Environmental Acoustics

The decibel scale used to describe sound levels is a logarithmic rating system to account for large range in audible sound intensities. A general rule for the decibel scale is that a 10-decibel (dB) increase in sound is perceived as a doubling of loudness by the human ear. For example, a 55 dB sound level would sound twice as loud as a 45 dB sound level. Generally, people cannot detect differences of 1 dB whereas a 5 dB change is clearly noticeable.

Several sound measurement descriptors are used to assess the effects of sound on the human environment. These include the equivalent continuous sound level (L_{eq}), which is the level of a constant sound that has the same sound energy as the actual fluctuating sound. It is similar to the average sound level. The day-night average sound level (L_{dn}) is similar to the 24-hour L_{eq} except that a 10 dB penalty is added to sound levels between 10:00 PM and 7:00 AM to account for the greater sensitivity of people to sound at night. The Community Noise Equivalent Level (CNEL) also places a weighted factor on sound events occurring in the evening hours. L_{90} is the sound level that is exceeded 90% of the time and is often used to describe the background or residual sound level. Each of these sound level descriptors is found within the General Plan Health and Safety Element or City Municipal Code Title 8 Health and Safety, Chapter 8.28 Noise, which describes noise regulation or policy.

Acoustics is defined as the science of sound, including the generation, transmission, and effects of sound waves, both audible and inaudible. Noise, on the other hand, is generally defined as loud, unpleasant, unexpected, or undesired sound that disrupts or interferes with normal human activities. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The objectionable nature of sound is caused by its pitch or loudness. Pitch is the height or depth of a tone or sound wave, depending on the relative rapidity (frequency) of the sound vibrations by which it is produced. Higher-pitched signals sound louder to humans than sounds with a lower pitch. Loudness is intensity of sound waves combined with the reception characteristics of the ear. Intensity is a measure of the amplitude or height of the sound wave. Frequency describes the sound's pitch and is measured in Hertz (Hz), while intensity describes the sound's loudness and is measured in decibels.



APPLICABLE SOUND MEASUREMENTS

The A-weighted decibel (dBA) is a method of sound measurement that assigns weighted values to selected frequency bands in an attempt to reflect how the human ear responds to sound. The range of human hearing is from 0 dBA (the threshold of hearing) to about 140 dBA, which is the threshold of pain. Examples of noise and their A-weighted decibel levels are shown in *Table 6-26: Typical Sounds Levels Measured in the Environment*. In general, a 3–5 dBA change in community noise levels starts to become noticeable, while 1–2 dBA changes are generally not perceived. Quiet suburban areas typically have noise levels in the range of 40–50 dBA, while those along arterial streets are in the 50–65+ dBA range. Normal conversational levels are in the 60–65 dBA ranges.

Table 6-26: Typical Sounds Levels Measured in the Environment

At a Given Distance from Noise Source (feet)	A-Weighted Sound Level in dBA	Noise Environments	Subjective Impression
Civil Defense Siren (100)	140	Rock Music Concert	Pain Threshold
Jet Takeoff (200)	130		
	120		
Diesel Pile Driver (100)	110	Boiler Room Printing Press Plant	Very Loud
	100		
	90		
Freight Cars (50)	80	In Kitchen with Garbage Disposal Running	Moderately Loud
Pneumatic Drill (50)	70		
Freeway (100')	60		
Vacuum Cleaner (10)	50	Data Processing Center	Quiet
Light Traffic (100)	40	Department Store	
Large Transformer (200)	30	Private Business Office	
Soft Whisper (5)	20	Quiet Bedroom	Threshold of Hearing
	10	Recording Studio	
	0		

Source: US.EPA, 1971; Barnes, et al. 1976.

In addition to the actual instantaneous measurements of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. To analyze the overall noise levels in an area, noise events are combined for an instantaneous value or averaged over a specific time period. The time-weighted measure is referred to as equivalent sound level and represented by energy equivalent sound level (L_{eq}). The percentage of time that a given sound