

HOLLISTER PLANNING COMMISSION AGENDA

Special Meeting August 10, 2023 6:00 PM

CITY OF HOLLISTER

CITY COUNCIL CHAMBERS, CITY HALL 375 FIFTH STREET HOLLISTER, CA 95023 (831) 636-4360 www.hollister.ca.gov

NOTICE TO PUBLIC

Persons who wish to address the Planning Commission are asked to complete a Speaker's Card and give it to the Secretary before addressing the Planning Commission. Those who wish to address the Planning Commission on an Agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the Agenda will be heard under the Public Input Section of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. After hearing audience comments, the public portion of the meeting will be closed, and the matter brought to the Planning Commission for discussion.

PUBLIC PARTICIPATION NOTICE

The public may watch the meeting via live stream at:

Community Media Access Partnership (CMAP) at:

http://cmaptv.com/watch/

or

City of Hollister YouTube Channel:

https://www.youtube.com/channel/UCu SKHetgbOiiz5mH6XgpYw/featured

Public Participation: The public may attend meetings.

NOTICE: The Planning Commission will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Hollister utilizes Zoom teleconferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of the public through this means is at their own risk. (Zoom teleconferencing may not be available at all meetings.)

If you wish to make a public comment remotely during the meeting, please use the zoom registration link below:

https://us02web.zoom.us/webinar/register/WN gU4IFDeSRm26cA3w9wCNKA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Commissioners: Kevin Henderson, Luke Corona, Steven Belong,

Carol Lenoir

VERTIFCIATION OF AGENDA POSTING

APPROVAL OF MINUTES None

PUBLIC INPUT

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the Planning Commission. Speaker cards are available in the lobby, and are to be completed and given to the Secretary before speaking. When the Secretary calls your name, please come to the podium, state your name and city for the record, and speak to the City Planning Commission. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. Each speaker will be limited to three (3) minutes with a maximum of 30 minutes per subject. Please note that state law prohibits the Planning Commission from discussing or taking action on any item not on the agenda.

PUBLIC HEARINGS

1. City of Hollister Draft 2040 General Plan Update, Draft Climate Action Plan, Draft Agricultural Preservation Program, and Draft Environmental Impact Report - Notice is hereby given that the City of Hollister has prepared a Draft EIR (State Clearinghouse No. 2021040277) for the proposed Hollister 2040 General Plan, Climate Action Plan, and Agricultural Lands Preservation Program (proposed project) and will hold a public meeting to receive comments on the Draft EIR. The notice of availability, the Draft EIR, project information, including relevant documents, information on upcoming meetings, and ways you can provide feedback can be viewed online at https://hollister2040.org/. Comments on the Draft 2040 General Plan Update, Draft Climate Action Plan, and Draft Agricultural Preservation Program may be submitted prior to, during, or after the public meeting on August 10, 2023 at 6:00 p.m. However, it is noted that the official

comment period on the <u>Draft Environmental Impact Report only</u> closed on June 30, 2023 at 5:00p.m. Comments will be considered on the Final EIR when it is released for public review. Written comments may be addressed to the City of Hollister Planning Division – Attn: Eva Kelly, 375 Fifth St, Hollister, CA 95023 or via email at <u>generalplan@hollister.ca.gov</u> with "Hollister GPU 2040, CAP, and ALPP" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

NEW BUSINESS

OLD BUSINESS

STUDY SESSION ITEMS

PLANNING DEPARTMENT REPORTS

PLANNING COMMISSION REPORTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Hollister's Planning Division at (831) 636-4360. Notification of 48 hours prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 2.102-35. 104 ADA Title II].

Materials related to an item of this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection at the City Clerk's office at City Hall, 375 Fifth Street, Hollister, Monday through Friday, 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (closed between 12:00 and 1:00 p.m.). Materials are also available at the Development Services Department office located 339 Fifth Street, Hollister, Monday through Thursday, 8:30 a.m. to noon, 1:00 p.m. to 4:30 p.m. (closed between 12:00 p.m. and 1:00 p.m.).

Notice to anyone attending any public meeting: The meeting may be broadcast live on Cable 17 and/or videotaped or photographed. Recent Planning Commission meetings may also be viewed at www.CMAP.com and periodically on Cable Channel 17.

The next Planning Commission Meetings are scheduled as follows:

Planning Commission Special Meeting – Thursday, August 31, 2023 at 6:00 p.m.

Planning Commission Study Session – Thursday, September 14, 2023 at 6:00 p.m.



Planning Commission Staff Report August 10, 2023 Item 1

SUBJECT:

City of Hollister Draft 2040 General Plan Update, Draft Climate Action Plan, Draft Agricultural City of Hollister has prepared a Draft EIR (State Clearinghouse No. 2021040277) for the proposed Hollister 2040 General Plan, Climate Action Plan, and Agricultural Lands Preservation Program (proposed project) and will hold a public meeting to receive comments on the Draft EIR. The notice of availability, the Draft EIR, project information, including relevant documents, information on upcoming meetings, and ways you can provide feedback can be viewed comment period on the Draft Environmental Impact Report only closed on June 30, 2023 at 5:00p.m. Comments will be considered on the Final EIR when it is released for public review. Written comments may be addressed to the City of Hollister Planning Division - Attn: Eva Kelly, 375 Fifth St, Hollister, CA 95023 or via email at generalplan@hollister.ca.gov with "Hollister GPU 2040, CAP, and ALPP" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

STAFF PLANNER:

Eva Kelly, Interim Planning Manager (831) 636-4360 David Early, FAICP, LEED AP, Placeworks Inc.

ATTACHMENTS:

- Memo from Placeworks Overview of Draft General Plan, Draft Climate Action Plan, Draft Agricultural Preservation Program, and Draft Environmental Report
- 2. Public Comments Received on Draft Plans

RECOMMENDATION:

Receive the report and provide feedback to Staff

BACKGROUND

The City of Hollister has contracted with Placeworks Inc. to prepare an update to the City of Hollister General Plan, as well as a Climate Action Plan, Agricultural Preservation Program, and associated Environmental Impact Report (EIR). The Draft General Plan, Draft Climate Action Plan, Draft Agricultural Preservation Program, and Draft EIR have been released for public review and comment. City Staff and Placeworks have compiled the public comments received so far on the draft plans for the consideration of the Planning Commission during their review of the documents. Attached you will find a summary of the documents and comments received. The Study Session will provide an opportunity for additional

Staff Report General Plan Update Study Session Page 2 of 2

public comment as well as the Planning Commission to provide feedback to Staff on the draft plans for consideration of the City Council. The City Council will hold an additional study session to hear public comments and Planning Commission feedback on September 11, 2023. Adoption hearings for the draft plans will be scheduled before the Planning Commission and City Council after the study sessions are completed and direction is received.



MEMORANDUM

DATE August 4, 2023

TO City of Hollister Planning Commission

FROM David Early and Carey Stone, PlaceWorks

SUBJECT Overview of Draft General Plan, Draft Climate Action Plan, Draft Agricultural Preservation

Program, and Draft Environmental Impact Report

The purpose of this memorandum is to provide an overview of the Draft General Plan, Draft Climate Action Plan (CAP), Draft Agricultural Preservation Program, and Draft Environmental Impact Report (DEIR) for consideration at the August 10, 2023 Planning Commission Study Session meeting. The draft documents are available for review at: https://hollister2040.org/

This memorandum includes the following components:

- » Overview of the process to create the draft plans.
- » Summary of the Draft General Plan.
- » Summary of the Draft CAP.
- » Summary of the Draft Agricultural Preservation Program.
- » Overview of community engagement process.
- » Summary of community Input on the Draft Plans.
- » Overview of the Draft Environmental Impact Report.
- Next Steps.

UPDATE ON DRAFT GENERAL PLAN PROCESS

As a brief reminder, the process to update the General Plan included the phases discussed below:

- » Existing Conditions: Researching and documenting baseline environmental conditions in Hollister and preparing a series of reports available on https://hollister2040.org/documents-past-meetingmaterials/.
- » Vision and Guiding Principles: Establishing a communitywide vision and supporting guiding principles. The General Plan Vision describes the future of Hollister as the community would like it to be in 2040. The Vision and Guiding Principles guided the development of the goals, policies, and actions and land use changes.
- » **Policy Development:** Developing policy options for key issues identified through input given at the General Plan visioning workshops held in Summer 2020 and the three GPAC meetings held in Fall 2020. On June 22, 2021, the City Council provided final policy direction for the following topics:



- o Parks
- o New School Funding
- o Farmland Mitigation
- o Sensitive Habitats
- o Heritage Trees
- o Economic Development
- Retail Leakage
- o Job Creation
- o Industrial Uses
- o Tourism
- Airport
- o Complete Streets and Safe Routes to School
- Level of Service
- o Roundabouts
- o Growth Management
- o Special Planning Areas
- o Residential Land Use Designations
- o Inclusionary Housing
- o Historic and Cultural Resources
- o Coordination with Local Tribes
- Environmental Justice
- o Arts and Culture
- o Climate Change, Sustainability, and Natural Hazards
- » Draft General Plan: On April 4, 2023, the City published the Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program for public review and comment. The Draft General Plan carries forward the majority of the existing General Plan goals, policies and actions along with the policy direction developed through the prior phases and City staff recommended updates all informed by feedback collected during community participation processes.
- » Public Review and Adoption: Public review and Council consideration of final documents, including the General Plan, and the certification of the Environmental Impact Report are the remaining tasks of the General Plan update. This phase includes approximately six months of public review of the Draft General Plan and a 45-day public review period of the Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program Draft Environmental Impact Report (EIR). In addition, a series of City Council and Planning Commission hearings will be held to consider certification and adoption of the Final EIR and Draft Plans. See "Next Steps" below for more detail.



SUMMARY OF THE DRAFT GENERAL PLAN

The Draft General Plan includes an introductory chapter and vision chapter, as well as an individual chapter for each of the 10 General Plan elements that establish goals, policies, and actions for implementing the General Plan. The 10 elements include the eight-mandated topics required by California Government Code Section 65302 as well as two additional topics of particular interest to Hollister. New goals, policies, and actions are noted with "(new)" at the end of each goal, policy or action in each element. The Draft General Plan includes the following elements:

- Land Use and Community Design Element. This element establishes the type, location, density and intensity of development activity in Hollister. It describes the goals and policies that will guide Hollister's future growth patterns and development standards.
- **Circulation Element.** This element describes the services, facilities, and capital improvements needed to facilitate vehicle, pedestrian, transit, bicycle, and emergency circulation.
- Community Services and Facilities Element. This element describes the community facilities that are necessary in the provision of Hollister's essential public services.
- **Economic Development Element.** This is a new element as part of this update to the General Plan and establishes policy guidance to support and maintain an economically viable community.
- Natural Resources and Conservation Element. This element outlines City policy for the preservation of natural resources and provision of outdoor recreation opportunities.
- Health and Safety Element. This element covers two of the 8 State-mandated elements: safety and noise. The safety section of this element identifies and assesses hazards in the community and establishes the goals, policies, and actions necessary to ensure community safety and protection from noise.
- Open Space and Agriculture Element. This element outlines City policy for the preservation of open space and agricultural areas.
- Housing Element. This element identifies the housing needs of the city for all income levels and strategies and policies for providing housing to meet those needs. Since the Housing Element is updated more frequently than the other elements, as required by State law, it exists as its own document outside of the proposed 2040 General Plan and is therefore not part of the proposed project. The current Housing Element addresses housing needs in Hollister for the 2015 to 2023 housing cycle and is currently being updated by the City through a separate process.
- Arts and Culture Element. This is a new element as part of this update to the General Plan and outlines City policy for creating a lively arts scene that encourages self-expression and ensures the representation of Hollister's arts and cultural communities.
- **Environmental Justice Element.** This is a new element as part of this update to the General Plan and identifies impacted communities and sets policy direction to minimize effects of environmental



hazards on these communities, with an emphasis on pollution exposure, food access, and safe and sanitary homes.

Proposed Sphere of Influence Change

The Hollister Sphere of Influence (SOI) is defined and determined by San Benito County Local Agency Formation Commission (LAFCO), although the City can propose the area that it would like its SOI to include. Per the direction of the City Council, the City is proposing changes to the currently approved SOI near Union Road as shown on Figure 1.

The current SOI is roughly 1,817 acres or about 2.8 square miles. The proposed SOI expansion would add about 289 acres (about 0.5 square miles) to increase to approximately 2,106 acres and 3.2 square miles. The proposed SOI would extend further south of the existing SOI, but would remain contiguous with the existing SOI border to the east and west. The proposed SOI would expand to Union Road between San Benito Street and Southside Road and to Enterprise Road between Southside Road and State Route (SR) 25. As described in the Draft General Plan policy guidance for the Union Road Special Planning Area, development in this expansion area would be subject to specific guidelines for development, including the creation of a Specific Plan for proposed projects within the Union Road Special Planning Area.

Proposed Land Use Changes

The Draft General Plan land use map, as shown in Figure 2, carries forward the majority of existing designations. However, the land use map does propose targeted changes. Figure 3 shows the parcels that have a new General Plan land use designation compared to the existing General Plan land use map. A summary of the major land use changes as directed by the City Council include:

Designate sufficient land as High Density Residential to utilize the Government Code section 65583.2, subdivision (c)(3)(B) default density standard provision which allows jurisdictions to identify Housing Element sites for lower income households without additional analysis such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower-income households. The California Department of Housing and Community Development, also referred to as HCD classifies Hollister as Metropolitan jurisdiction which requires a default density standard of a minimum of 30 dwelling units/acre. Note that the City of Hollister is not required to use the 30 du/ac default density standard. However, using the default density standard does make the process to identify the Housing Element sites inventory easier and less cumbersome.

Also, subsequent to the June 22, 2021 Council direction, HCD released a memorandum on March 21, 2022 that changed Hollister's classification from a Suburban jurisdiction to a

 $^{^{1} \}qquad \text{https://www.hcd.ca.gov/community-development/housing-element/housin$



Metropolitan jurisdiction. When Hollister was classified as a Suburban jurisdiction, the default density standard was 20 du/ac. As a Metropolitan jurisdiction, Hollister's default density standard is 30 du/ac. Since Council direction was to apply the default density standard, City staff suggests the High Density Residential minimum density be 30 du/ac.

- Apply the Medium Density Residential and Mixed Use designations in the Union Road Special Planning Area to create a mix of residential units and new job generating uses.
- Apply Residential Estate to align with the surrounding uses in the Meridian Street Extension Special Planning Area. Also apply the General Commercial designation in this area to improve access to commercial services on the east side of the city.
- For areas outside the SOI, the City Council directed staff to apply the Agricultural designation. For already urbanized areas outside the SOI, the City Council directed staff to apply the land use designation that matched the existing use.

In addition, the Draft General Plan proposes residential density changes as summarized in Table 1. A summary of these changes includes:

- As discussed, the Draft General Plan increases the High Density Residential designation minimum density as directed by the City Council to meet the HCD default density standard. City staff also suggests this same minimum density be applied to the Mixed-Use, Downtown Mixed Use, and West Gateway Commercial and Mixed Use designations for the same reason.
- As directed by the City Council, the Draft General Plan increases the upper range of the Downtown Mixed Use density to 125 du/ac because the small parcels in the Downtown limit what can actually be built. Raising the maximum residential density to 125 du/ac per acre could potentially encourage developers to add residential components to their mixed-use projects.
- To better align with the High Density Residential density range, the Draft General Plan changes to the Low Density Residential and Medium Density Residential designation density ranges as shown in Table 1.
- The Draft General Plan also modifies the Medium Density Residential designation to preclude single family residential uses as an allowed use to increase the diversity of housing options in Hollister.
- As directed by the City Council, the Draft General Plan measures all densities based on gross acres instead of net acres.

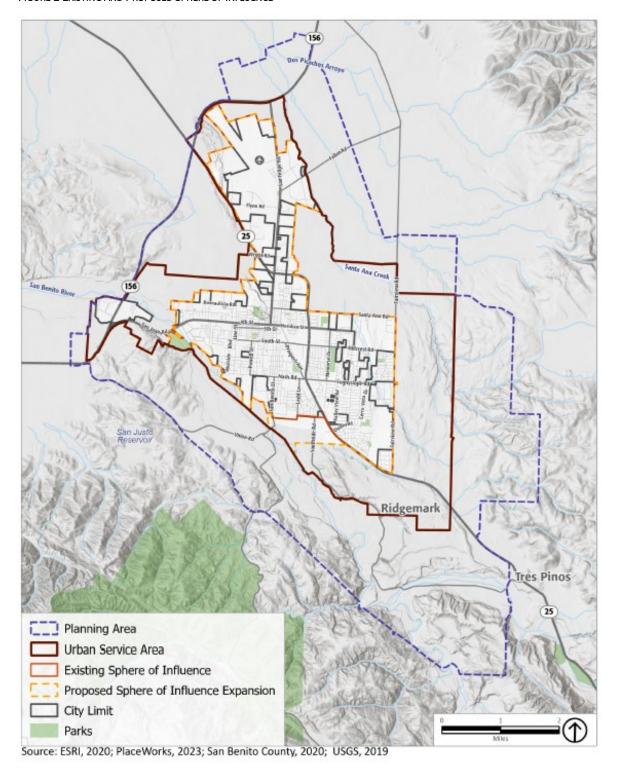


TABLE 1 SUMMARY OF GENERAL PLAN LAND USE DESIGNATION UPDATES

Land Use Designation	Existing GPLU Density	Draft GPLU Density
Residential Estate	1 du/5 ac	0.2 to 1 du /ac
ow Density Residential	1 to 8 du/ac	6 to 10 du/ac
Medium Density Residential	8 to 12 du/ac	11 to 29 du/ac
High Density Residential	12 to 35 du/ac	30 to 65 du/ac
Mixed-Use Commercial and Residential	25 to 40 du/ac	30 to 65 du/ac
Oowntown Commercial and Mixed-Use	25 to 45 du/ac	30 to 125 du/ac
West Gateway Commercial and Mixed- Jse	20 to 35 du/ac	30 to 65 du/ac
Home Office	8 to 12 du/ac	11 to 29 du/ac



FIGURE 1 EXISTING AND PROPOSED SPHERE OF INFLUENCE



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FIGURE 2 DRAFT GENERAL PLAN LAND USE MAP

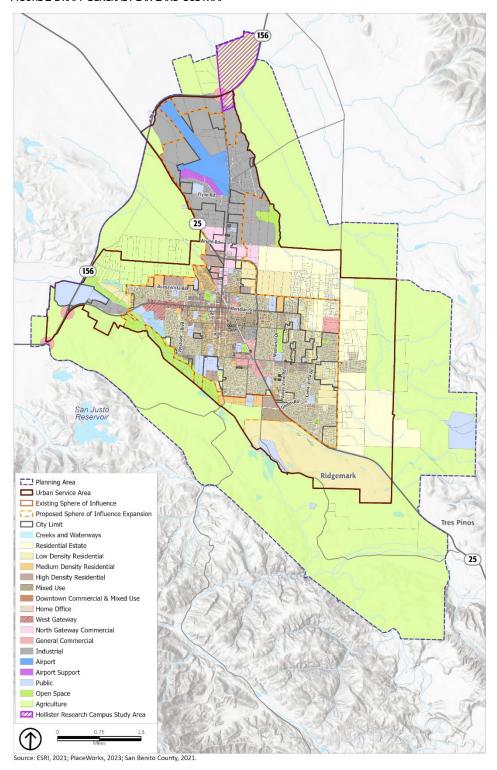
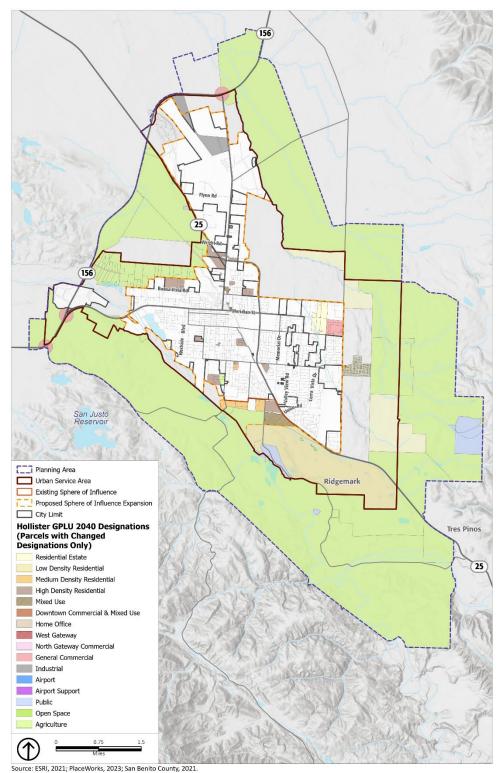




FIGURE 3 DRAFT GENERAL PLAN LAND USE MAP CHANGES





SUMMARY OF THE DRAFT CLIMATE ACTION PLAN

The Draft Climate Action Plan (CAP) proposes a strategic plan to assess and reduce Hollister's greenhouse gas (GHG) emissions, consistent with State targets and directions. It identifies Hollister's current and projected future sources of GHG emissions, including electricity and natural gas use, vehicle travel, solid waste generation, and other activities. The CAP also includes a discussion of how climate change may affect Hollister by increasing the frequency and severity of flooding, drought, extreme heat, regional wildfires, and other natural hazards.

The CAP contains a comprehensive set of strategies that reduces these emissions 88 percent below 1990 levels by the year 2045. Key strategies in the CAP include:

- Encouraging community members to replace natural gas appliances with electric models.
- Reducing vehicle travel through improved access to local and regional transit systems.
- Increasing Hollister's electric vehicle adoption rate.
- Transitioning away from diesel-powered construction and landscaping equipment.
- Decreasing the amount of waste sent to landfills.

SUMMARY OF THE DRAFT AGRICULTURAL PRESERVATION PROGRAM

The Draft Agricultural Preservation Program proposes a new addition to the Hollister Municipal Code (HMC) Title 17, *Zoning*. The proposed addition would be adopted and codified as new HMC Chapter 17.13, *Agricultural Lands Preservation Program*. The purpose of the proposed Agricultural Lands Preservation Program is to ensure the benefits of agricultural activities are maintained by requiring that activities that convert existing agricultural lands to non-agricultural uses (i.e., urban uses) directly address that loss through a program that funds agricultural conservation easements. As directed by the City Council through the policy options phase of this project, the Draft Agricultural Preservation Program would require the permanent preservation of two acres of agricultural land for every one acre of land that is converted to a non-agricultural use within the City Limits. The land that would be permanently preserved must occur within the Hollister Planning Area.

The Draft Program applies to agricultural land within the City Limits that is proposed for conversion to a non-agricultural use and has one or more of the following qualities:

- Classified as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance per the State of California.
- Class I or Class II soils (US Department of Agriculture Natural Resources Conservation Service classification).
- Rangelands that support at least one animal per acre (US Department of Agriculture classification).



Orchards or vegetable farms which produce a minimum annual return of \$200/acre.

OVERVIEW OF COMMUNITY ENGAGEMENT PROCESS

The Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program were developed through a public process, consisting of issue exploration, visioning, and policy development as described above. A General Plan Advisory Committee provided overall direction, with the assistance of citizen representatives who worked closely with the consultant team and City staff to guide the public process for updating the plan.

Table 2 summarizes the outreach events and Table 3 summarizes the meetings undertaken through May 2023. Due to the COVID-19 pandemic, which began in early 2020, the City collected community input primarily through virtual workshops and online activities. Although most of the workshops were virtual, they still allowed for dialogue and small group participation so community members could share ideas and hear feedback from their neighbors. Note that the original scope of work included a total of 22 meetings and events (excluding the adoption hearings) and the project team will have completed 29 meetings once the Council reviews the Draft Plans on September 11, 2023.

The public input received from the workshops, online activities, survey, and General Plan Advisory Committee meetings helped inform the development of the Draft Plans. The Draft General Plan Update will be reviewed in public discussion and subsequently refined before adoption based on Council direction which will be provided on September 11, 2023.

The City is also collecting public comments via email and in writing. Attachment 1 includes the public comments received through July 30, 2023.



TABLE 2	SUMMARY OF OUTREACH EVENTS		
#	Meeting Date	Topic	# of Participants
Workshops			
1	Saturday, June 27, 2020	Visioning Workshop	12
2	Tuesday, June 30, 2020	Visioning Workshop	18
3	Wednesday, July 8, 2020	Visioning Workshop	15
4	Thursday, July 9, 2020	Visioning Workshop	20
5	Tuesday, March 9, 2021	Policy Options Workshop	16
6	Wednesday, March 10, 2021	Policy Options Workshop	20
7	Thursday, May 6, 2021	Spanish Language Workshop Draft General Plan, Draft CAP, and Draft	45
8	Wednesday, May 17, 2023	Agricultural Preservation Program- Farmers Market Pop-up	71
9	Thursday, May 18, 2023	Draft General Plan and CAP - Virtual Workshop	15
Online Activiti	ies		
1	Summer 2020	Visioning Online Engagement	47
2	Spring 2021	Policy Options Online Engagement	8

Source: PlaceWorks, 2023.



TABLE 3	SUMMARY OF MEETINGS				
#	Meeting Date	Topic			
GPAC Mee	GPAC Meetings				
_1	Thursday, June 4, 2020	General Plan Kick-off			
2	Tuesday, October 6, 2020	Visioning			
3	Tuesday, November 17, 2020	Existing Conditions			
4	Tuesday, March 23, 2021	Policy Options			
5	Tuesday, March 30, 2021	Policy Options			
6	Tuesday, April 6, 2021	Policy Options			
_7	Tuesday, April 13, 2021	Policy Options			
8	Tuesday, April 27, 2021	Policy Options			
Planning (Commission Meetings				
1	Thursday, April 22, 2021	EIR Scoping Meeting			
2	Monday, May 24, 2021	Draft Vision Statement and Policy Options			
3	Thursday, August 10, 2023	Draft General Plan, Draft CAP, Draft Agricultural Preservation Program, and Draft EIR			
City Coun	cil Meetings				
1	Monday, April 6, 2020	GPAC Formation			
2	Monday, March 1, 2021	Project Update			
3	Tuesday, June 22, 2021	Draft Vision Statement and Policy Options			
4	Tuesday, January 18, 2022	Project Update			

Source: PlaceWorks, 2023.

COMMUNITY INPUT ON THE DRAFT PLANS

This section includes a summary of the community feedback collected on the Draft Plans from April 2023 through July 2023 via the May 17, 2023 Farmers' Market Pop-up Event, May 18, 2023 Virtual Workshop, and emails sent to City staff:

» Property owner requests:



- Request for Low Density Residential designation instead of High Density Residential for the approximately 8-acre parcel at the western terminus of Glenmore Drive.
 Surrounding neighbors have also expressed concerns about the proposed density increase.
- o Request for Low Density Residential instead of Residential Estate for the 43 acres in the Meridian Street Extension Special Planning Area.
- o Request for Medium Density Residential instead of Mixed-Use for a 4.65-acre property in Downtown Hollister where Republic Urban Properties is proposing a mixed-use development project. The developer indicates the High Density Residential designation makes the project financially infeasible.
- Concern that a proposed senior housing project, located at East North Street and North Monterey Street, zoning designation of Performance Overlay could be jeopardized. The Draft General Plan maintains the existing designation of High Density Residential, but proposes an increased density from 12 to 35 du/ac to 30 to 65 du/ac.
- Request for parcels along Buena Vista Road and outside the Sphere of Influence maintain existing General Plan designation of Low Density Residential instead of proposed change to Agriculture. Commenter concerned that changing these parcels to Agriculture could affect property values and ability to secure loans for future agricultural operations.
- o Request to be included in the SOI for the parcel at the corner of Enterprise and Southside Roads (APN 020-290-054).
- Request for a residential designation for the parcel at Union Round and Southside Road (APN 020-280-040), also known as Bertuccio Corners. The property owner states that continuing agricultural use will be infeasible given position between two urban designations.
- o Request for the property at 1660 Buena Vista Road to be included in the SOI and to have a residential designation, as it does under the existing General Plan, instead of an Agriculture designation.
- » Expand the SOI to allow for increased housing and job growth opportunities.
- » Extend the SOI to the Urban Service Area or the Planning Area to support comprehensive planning and utility service.
- » Do not prohibit single family homes in Medium Density Residential designation.
- » Do not change urban land use designations to agriculture.
- » Amend the North Gateway Commercial zoning district to allow:
 - o Research & Development
 - o Creative / Flex Office / Maker Space
 - Life Sciences related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)



- o E-Commerce related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- o Robotics related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- Computer, Artificial Intelligence, and Technology related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- o Data Centers and the technological evolution thereof.
- o Electrical Vehicles Services
- o Collision Centers
- o Battery and Other Energy Related Power Systems and their Manufacturing, Servicing, and Sales
- o High Density Residential
- o Medium Density Residential
- o Educational uses
- Professional Offices
- o Convenience Store
- o Food Products / Food Processing
- o Pharmaceuticals
- o Repair and Maintenance Consumer Products
- o Equipment Sales, Services, Rental
- Food and Beverage Sales
- Health / Fitness Clubs (Recreation)
- o Storage, Personal Storage Facilities
- » Redesignate the parcels with a North Gateway designation south of McCloskey Road and without access to San Felipe Road to Industrial.
- » Extend the Buena Vista Road Special Planning Area west to SR 156.
- » Extend Mixed Use along San Benito Street, possibly all the way to Nash Road.
- » Include a mechanism in the General Plan to extend sewer service to unincorporated county land.
- » Allow project applicants to decide upon stormwater retention methods.
- » Consider the availability of future water supply and impacts to groundwater when planning for future growth.
- » PG&E has gas and electric service deficiencies in the northern portion of the city.
- » Include a link to the Multijurisdictional Hazard Mitigation Plan in the Safety Element as requested by the California Governor's Office of Emergency Services.
- » Increase protected bike lanes and walking trails throughout the city.



- » Increase public transit ridership.
- » Reduce traffic; increase routes to/from the city.
- » Improve sidewalk and street maintenance.
- » Include 4-way stops at the intersection of Dry Creek Road/Cerra Vista Drive/Sunnyslope Road and Highland Drive/Sunnyslope Road
- » Increase affordable housing.
- » Slow the amount of development in Hollister.
- » Provide housing for the unhoused.
- » Increase parks and recreation activities and facilities.
- » Increase local businesses.
- » Limited broadband capacity is an economic development issue.
- » Requested policy and action edits:
 - o Remove Policy LU 1.5 which calls for the City to wait to accept project applications until the land has been annexed.
 - o Amend Policy LU-1.7 which calls for the preparation of a Specific Plan for annexations over 20 acres to a larger acreage limit.
 - Amend Action LU-2.1 which requires the adoption of a 20 percent inclusionary housing ordinance. Commenter states that a 20 percent requirement is not economically feasible.
 - Amend Policy LU-2.7 which prohibits single family units in medium and high-density designations. Commenter states that a project should be allowed if a project can meet the required density.
 - Amend Action LU-13.1 which calls for a fair-share cost development contribution fee
 to support the ultimate development of the Meridian Street extension bridge.
 Commenter states that the bridge would benefit all residents so the cost should not
 be placed solely on new development.
 - o Remove Action 13-2, which requires the development of a Specific Plan for the Meridian Street Extension Special Planning Area. Commenter states that it would be cost prohibitive.
 - o Eliminate or amend Policy LU-16.1, which discourages the use of franchise architecture and/or corporate branding. Commenter states that this could negatively affect national chains.
 - Eliminate or amend Policy LU-18.9 requires 48" box trees for street trees.
 Commenter suggests that this goes against what most arborists recommend.
 - o Clarify Policy C-4.6 so that it is clear when Transportation Demand Management strategies will be required.
 - o Add the following actions to the Community Services and Facilities Element:



- Add an action that mandates that a list of development incentives to be achieved in exchange for voluntary mitigation agreements in excess of school impact fees be presented these developers at the earliest possible point in the development process.
- Add an action requiring City participation in an intergovernmental committee comprised of school districts, City officials and County officials to ensure that coordination of development occurs as identified.
- Add an action that requires every developer to participate in a mandatory meeting with the District to discuss (voluntary) mitigation options, as a condition of receiving project approval. Extend Sphere of Influence to include SBHSD parcel located on Best Road.
- Amend Policy NRC-1.7, which requires an impact fee paid to the County for every home or acre developed within San Joaquin Kit Fox habitat area boundaries.
 Commenter states that there should be no fee due if there are no kit fox detected on a given during the preconstruction surveys.
- o Modify Policy NRC-1.8, which requires site assessments within critical California tiger salamander (CTS) and California red-legged frog (CRLF) habitat areas. Commenter asks several questions which suggest alternative requirements.
- o Remove Policy NRC-3.8, which requires commercial and industrial projects exceeding 10,000 SF to be zero emissions operations. Commenter states that this would make projects economically infeasible.
- o Remove Policy OS-2.2m which requires 200-foot agricultural buffers. Commenter states that this would be economically infeasible.
- » Redesignate property at the northwest corner of Hillcrest and Fairview within the Meridian Special Study Area from General Commercial to Mixed Use.
- » Agricultural Lands Preservation Program comments:
 - » City of Hollister should not be able to decide what is and isn't agricultural land.
 - » 2:1 dedication requirement is too large.
 - » Lands inside of the City's Planning Area are more expensive than more remote properties. Commenter would like to see a larger area for dedication of development rights to minimize costs.

The requirement that parcels be a minimum size of 20 acres will make it difficult to find suitable parcels.

OVERVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

As required by the California Environmental Quality Act (CEQA), the City has prepared an Environmental Impact Report (EIR) to address the environmental effects associated with adoption and implementation of the Draft General Plan. Because of the long-term planning horizon of the proposed project and the permitting, planning, and development actions that are related both geographically and as logical parts



in the chain of contemplated actions for implementation, the EIR was prepared as a program EIR, pursuant to Section 15168 of the CEQA Guidelines.

The CEQA environmental review process started on April 9, 2021, with issuance of a Notice of Preparation ("NOP") of an EIR. A 30-day public comment period for the NOP ended on May 10, 2021. A virtual public scoping meeting was held on April 22, 2021, to accept public input on environmental topics to be analyzed in the EIR and approaches to the impact analyses. During this time, the City received comment letters from the California Department of Fish and Wildlife, Native American Heritage Commission, and San Benito High School District. Issues of particular concern to agencies during the environmental review process included:

- Potential impacts to biological resources.
- Tribal consultation and compliance with Assembly Bill 52 and Senate Bill 18.
- Cumulative impact on the capacity to serve future students at San Benito High School.

A Notice of Availability was issued on May 17, 2023. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. The Draft EIR was made available for review to interested parties on the project website at: www.hollister2040.org.

The EIR evaluation included a detailed analysis of impacts in eighteen (18) environmental topics, analyzing the Draft General Plan 2040, and alternatives to the General Plan 2040, including a No Project Alternative. The EIR discloses the environmental impacts expected to result from implementation of the General Plan 2040 including the effects of potential future buildout during both construction and operational phases. Impacts under the following environmental topics were determined to be less than significant with implementation of the General Plan goals, policies, and actions.

- Aesthetics
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services and Recreation
- Utilities and Service Systems
- Wildfire

The Draft EIR identified the following impacts, which can be mitigated somewhat by General Plan policies and actions, but which would not be able to be mitigated to a less-than-significant level and would therefore remain significant and unavoidable.

 Impact AG-1: Implementation of the proposed project would result in the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland land to non-agricultural land uses.



- Impact AG-2: Implementation of the proposed project would result in the loss of agricultural land under the Williamson Act.
- Impact AG-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to the conversion of farmland of concern under CEQA and Williamson Act properties to non-agricultural uses.
- Impact AIR-1: Implementation of the proposed project would result in the generation of substantial operational (long-term) criteria air pollutant emissions that would exceed the Monterey Bay Air Resources District's (MBARD's) regional significance threshold for Volatile Organic Compounds (VOC) and would; therefore, not be considered consistent with the existing Air Quality Management Plan.
- Impact AIR-2a: Operation of development projects that could occur from implementation of the project would generate emissions that would exceed Monterey Bay Air Resources District's (MBARD's) regional significance thresholds for Volatile Organic Compounds (VOC), nitrogen oxides (NO_x), and Carbon Monoxide (CO).
- Impact AIR-2b: Construction activities that could occur over the buildout horizon of the proposed 2040 General Plan would generate substantial short-term criteria air pollutant emissions that would exceed Monterey Bay Air Resources District's (MBARD's) regional significance thresholds and cumulative contribute to the nonattainment designations of the North Central Coast Air Basin (NCCAB).
- Impact AIR-3a: Implementation of the proposed project could expose air quality sensitive receptors to substantial toxic air contaminant concentrations from non-permitted sources during operation.
- Impact AIR-3b: Construction activities associated with potential future development could expose nearby air quality sensitive receptors to substantial concentrations of toxic air contaminants during construction.
- Impact AIR-5: The emissions that could occur over the buildout horizon of the proposed 2040 General Plan could generate a substantial increase in emissions that exceeds the Monterey Bay Air Resources District's (MBARD's) significance thresholds and cumulatively contribute to the nonattainment designations and health risk in the North Central Coast Air Basin (NCCAB).
- Impact NOI-1.1: Construction activities associated with potential future development could expose sensitive receptors in close proximity to a construction site to excessive noise from construction equipment.
- **Impact NOI-1.2:** Operational vehicle traffic noise increases would exceed the City's significance threshold with implementation of the proposed project.



- Impact TRANS-2: Implementation of the proposed project would result in a significant vehicle miles traveled (VMT) impact for VMT per Capita (Residential), VMT per Employee (Office), VMT per Employee (Other), and Retail VMT over 50,000 square feet, due to forecasted land use growth through 2040, based on a comparison of the VMT rate increment for VMT to the corresponding average baseline rates for the San Benito County region.
- Impact TRANS-5: Implementation of the proposed project would cumulatively contribute to regional vehicle miles traveled (VMT).

Where possible, General Plan 2040 policies and actions, and mitigation measures were identified to avoid or minimize each of these significant environmental effects. In addition, the City committed to implementing measures in order to reduce the direct and indirect impacts that will result from Draft General Plan 2040 activities.

The Draft EIR was made available for public review for a 45-day public review period through Friday, June 30, 2023. There were 11 comments received, five of which were from public agencies.

NEXT STEPS

Publishing the Draft Plans and Draft EIR was an important milestone for the Hollister General Plan Update project. The remaining key milestones of the General Plan Update include:

- » September 11, 2023 City Council study session on Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program.
- » September 2023 Publish Final EIR.
- » October 2023 Publish Final General Plan, CAP, Agricultural Preservation Program and EIR; the final plans will incorporate Council direction.
- » October to November 2023 City Council and Planning Commission considers Final General Plan, CAP, Agricultural Preservation Program and EIR for adoption.

From: <u>Eva Kelly</u>
To: <u>Carey Stone</u>

Cc: <u>David Early</u>; <u>Ambur Cameron</u>; <u>Christine Hopper</u>

Subject: FW: City of Hollister Draft General Plan Safety Element - Available for Review

Date: Friday, April 14, 2023 4:17:40 PM

Attachments: <u>image002.png</u>

Good afternoon Carey,

We received the comment below from CALOES regarding the safety plan.

The City has a direct link to the MJHMP on our website here: https://hollister.ca.gov/wp-content/uploads/2023/02/San_Benito_County_MJHMP_9.2022_FINAL.pdf

But, if you think it would be better to put a non-direct link and directions as was provided as an option by CALOES, the plan can be found on the City's Planning Division Page at: https://hollister.ca.gov/government/city-departments/development-services/planning/

Thank you, Eva



Eva Kelly, Interim Planning Manager
City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023

P (831) 636-4360

E eva.kelly@hollister.ca.gov

Hollister.ca.gov

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General Plan Update

Hollister2040.org|generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Phan, Tina@CalOES [mailto:Tina.Phan@CalOES.ca.gov]

Sent: Friday, April 14, 2023 11:15 AM

To: CalOES Mitigation Planning <mitigationplanning@caloes.ca.gov>; Eva Kelly

<eva.kelly@hollister.ca.gov>

Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>; Newton, Jody (Contractor)@CalOES.ca.gov <ContractorJody.Newton@CalOES.ca.gov>

Subject: RE: City of Hollister Draft General Plan Safety Element - Available for Review

Goodmorning Eva,

Cal OES has reviewed your submission and at this time, the City of Hollister is

not AB2140 complaint.

The Safety Element of the General Plan should direct the reader to where they can find the most current LHMP. This can be done by 1.) including a web link to the LHMP, 2.) inserting the LHMP itself into the safety element of the general plan, or 3.) including directions such as where it may be found at a local library. The benefit of using a link in which the year of the plan isn't mentioned is that the Safety Element will not need to be modified to accommodate the next update of the LHMP.

Please reach out to us again once you have included this requirement.

Have a wonderful weekend.

Kind Regards,

Tina Phan, Emergency Services Coordinator Local Mitigation Planning | Recovery Directorate **California Governor's Office of Emergency Services**



Office: (916) 845-8238 Cell: (916) 539-1625 www.caloes.ca.gov/HMGP

From: CalOES Mitigation Planning **Sent:** Friday, April 7, 2023 11:34 AM

To: Eva Kelly <<u>eva.kelly@hollister.ca.gov</u>>; CalOES Mitigation Planning

<mitigationplanning@caloes.ca.gov>

Cc: Christine Hopper < christine.hopper@hollister.ca.gov>; Ambur Cameron

<ambur.cameron@hollister.ca.gov>

Subject: RE: City of Hollister Draft General Plan Safety Element - Available for Review

Hello,

We have received and will begin reviewing shortly.

Thank you

Kind Regards,

Tina Phan, Emergency Services Coordinator

Local Mitigation Planning | Recovery Directorate California Governor's Office of Emergency Services



Office: (916) 845-8238 Cell: (916) 539-1625

www.caloes.ca.gov/HMGP

From: Eva Kelly < eva.kelly@hollister.ca.gov>

Sent: Friday, April 7, 2023 9:47 AM

To: CalOES Mitigation Planning < mitigationplanning@caloes.ca.gov >

Cc: Christine Hopper < christine.hopper@hollister.ca.gov>; Ambur Cameron

<ambur.cameron@hollister.ca.gov>

Subject: City of Hollister Draft General Plan Safety Element - Available for Review

This Message is From an External Sender

This message came from outside your organization.

Good morning,

On behalf of the City of Hollister, I wanted to let you know that the draft Hollister General Plan Health and Safety Element is available for review at https://hollister2040.org/wp-content/uploads/2023/04/Hollister_Draft_GeneralPlan_web.pdf. The Health and Safety Element incorporates by reference the 2022 San Benito County Multi-Jurisdictional Hazard Mitigation Plan, as authorized by AB 2140. It includes a discussion of the HMP and specific language related to the incorporation. This language is found on pages HS-2 to HS-3 of the Health and Safety Element. The General Plan is set to go to public hearings starting September 2023.

If you have any questions related to Hollister's AB 2140 status, please let me know.

Thank you,
Eva Kelly
Interim Planning Manager



Eva Kelly, Interim Planning Manager City of Hollister Development Services Department 339 Fifth Street. Hollister. CA 95023

(831) 636-4360

eva.kelly@hollister.ca.gov

V Hollister.ca.gov

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Friday - Sunday CLOSED

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WARNING: Do not click links or attachments unless you recognize the sender and know the email is safe.

From: <u>Ambur Cameron</u>

To: Tammy Seale; Carey Stone
Cc: Eli Krispi; David Early; Eva Kelly

Subject: FW: City of Hollister Climate Action Plan Comment

Date: Wednesday, April 12, 2023 8:05:22 AM

Good morning Tammy,

Please see the email below from Sustainability Program Manager, Amaury Berteaud, of the Association of Monterey Bay Area Governments (AMBAG) regarding the City of Hollister's Draft Climate Action Plan.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

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ambur.cameron@hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Amaury Berteaud [mailto:aberteaud@ambag.org]

Sent: Tuesday, April 11, 2023 1:50 PM

To: GeneralPlan <generalplan@hollister.ca.gov>; Ambur Cameron

<ambur.cameron@hollister.ca.gov>

Subject: City of Hollister Climate Action Plan Comment

Hi Ambur,

I had a chance to leaf through your draft climate action plan, and it was quite the interesting read!

I have one small comment: AMBAG is no longer running an Energy Watch program. We still do have a number of sustainability and energy offerings, so where appropriate I would suggest replacing language around "AMBAG Energy Watch", with "AMBAG".

Thank you!

Best,

Amaury Berteaud (he/him)
Sustainability Program Manager
Association of Monterey Bay Area Governments
aberteaud@ambag.org

Cell: (281)881-5290 Office: (831)264-5089



June 9, 2023

Eva Kelly
Interim Planning Manager.
Development Service Department -Planning Division
City of Hollister
339 Fifth Street
Hollister, California 95023

RE: Comments on City of Hollister's GP 2040, CAP, and ALPP Draft Environmental Impact Report (State Clearinghouse # 2021040277)

Dear Ms. Kelly:

Thank you for the opportunity to review Draft Environmental Impact Report (DEIR) for the City of Hollister's General Plan 2040, Climate Action Plan, and Agricultural Lands Preservation Program. The following comments are offered for your consideration.

In Chapter 4 (Environmental Analysis), Chapter 4.8 (Greenhouse Gas Emissions), Chapter 4.11 (Land Use Planning), and Chapter 4.14 (Population and Housing), Chapter 4.16 (Transportation), and Chapter 6 (CEQA Required Assessment), AMBAG requests the following revisions:

Chapter 4. (Environmental Analysis)

• On page 4-8, the DIER states: "Land Use and Planning: The geographic context for the cumulative land use and planning effects considers impacts from projected growth in the rest of San Benito County and the surrounding region, as forecast in the 2045 AMBAG MTP/SCS" and "Public Services and Recreation: Cumulative impacts are considered in the context of projected growth in the rest of San Benito County and the surrounding region, as forecast by the 2045 AMBAG MTP/SCS, and contiguous with the service area boundaries of the service providers evaluated in this section."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

Chapter 4.8 (Greenhouse Gas Emissions)

• On page 4.8-25, revise the sentence regarding the AMBAG Energy Watch Program. The AMBAG Energy Watch Program does not exist anymore and instead AMBAG has a Sustainability Program.

Furthermore, the proposed 2023 CAP also supports partnering with CCCE and AMBAG Energy AMBAG's Sustainability Program by publicizing energy-efficiency programs (Strategies 3, 4, and 7). Thus, implementation of the proposed 2023 CAP would result in beneficial impacts to GHG emissions. Implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and impacts would be *less than significant*.

 On page 4.8-26, the DIER states: "The 2045 AMBAG RTP/SCS focuses on achieving GHG reduction goals by focusing housing and employment growth in urbanized areas; protecting sensitive habitat and open space; and investing in a more accessible transportation system."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

 On page 4.8-26, revise the citation regarding the adoption date of the 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy. The 2045 MTP/SCS was adopted in June 2022, not June 2020.

Association of Monterey Bay Area Governments (AMBAG), <u>2022</u>2020, June. Monterey Bay 2045 Moving Forward: 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). https://www.ambag.org/sites/default/files/2022-07/AMBAG_MTP-SCS_Final_EntireDocument_PDFA_Updated071422.pdf, accessed August 11, 2022.

• On page 4.8-27, the DEIR states: "As described in Chapter 4.16, *Transportation*, the proposed 2040 General Plan outlines specific goals, policies, and actions that will help reduce VMT and therefore reduce GHG emissions from automobiles. Please see Impact Discussion TRANS-2 for a complete list of these goals, policies, and actions. Furthermore, implementation of the 2040 General Plan is projected to result in a decrease in GHG emissions on a per-capita basis. Thus, the proposed project would be consistent with the overall goals of AMBAG's 2045 RTP/SCS in concentrating new development in locations where there is existing infrastructure and transit (see Chapter 4.11, *Land Use and Planning*). Therefore, the proposed project would not conflict with the land use concept plan in AMBAG's 2045 RTP/SCS and impacts would be *less than significant*."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

• On page 4.8-27, the DEIR states: "The proposed 2023 CAP is a strategic plan focused on GHG emissions reduction through recommended community-wide GHG reduction strategies and an implementation plan and does not involve any land use changes that would result in indirect growth or change in building density and intensity. Furthermore, as discussed under Impact Discussion GHG-1, implementation of the 2023 CAP would result in beneficial GHG emissions impacts by contributing to reducing VMT, increasing energy and water use efficiency, and increasing renewable energy use. Therefore, the 2023 CAP would be complementary to statewide and regional plans to reduce GHG and would not interfere with or obstruct the implementation of the CARB Scoping Plan or the 2045 AMBAG RTP/SCS. Implementation of the proposed CAP would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions and impacts would be less than significant."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

Chapter 4.11 (Land Use Planning)

 On pages 4.11-2, the DEIR states "By considering the regional forecasts, and goals and policies of the AMBAG MTS/SCS, the City of Hollister General Plan can support these regional planning efforts. AMBAG is currently developing the 2050 MTP/SCS, which is scheduled for adoption in 2026."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

Chapter 4.14 (Population and Housing)

• On page 4.14-1, the DEIR states "The Association of Monterey Bay Area Governments (AMBAG) is the official comprehensive planning agency for Monterey County, San Benito County, and Santa Cruz County. AMBAG is responsible for taking the overall regional housing needs allocation (RHNA) provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction. AMBAG produces growth projections on four-year cycles so that other regional agencies, including the San Benito County Council of Governments, can use the forecast to make project funding and regulatory decisions. AMBAG projections have practical consequences that shape growth and environmental quality, and the general plans, zoning regulations, and growth management programs of local jurisdictions inform the AMBAG projections. The AMBAG projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater

development and redevelopment in urban core and transit-accessible areas throughout the AMBAG region.

AMBAG is the Metropolitan Planning Organization for the tri-county region of Monterey, San Benito, and Santa Cruz Counites and prepares regional growth forecasts for the tri-county region. AMBAG is the Council of Governments for Monterey and Santa Cruz Counites. AMBAG develops RHNA for Monterey and Santa Cruz Counties only. The Council of San Benito County Governments is the Council of Governments for San Benito County and prepares RHNA for the Cities of Hollister and San Juan Bautista and the County of San Benito. Please revise this section to correctly state that the Council of San Benito County Governments allocates RHNA in San Benito County.

• On page 4.14-7, the DEIR states "The regional projections for Hollister anticipate a 17 percent increase in population and a 26 percent increase in housing units, as shown in Table 4.14-6, *Buildout Comparison of the Proposed 2040 General Plan to Regional Growth Projections*. However, the table also shows that the regional forecasts do not accommodate the City's fair share of 4,163 housing units for the 2023–2031 Housing Element. Though the RHNA methodology considered the AMBAG 2022 Regional Growth Forecast, the forecast data were accepted for planning purposes by AMBAG Board of Directors in November 2020 and did not consider the 2023-2031 RHNA allocations, which were finalized in 2022.2 Accordingly, this indicates that the City needs to plan for development that exceeds the AMBAG 2040 regional growth forecasts, and the City is appropriately planning in order to provide its fair share of regional housing as part of the future Housing Element 2023-2031."

AMBAG does not develop RHNA for the City of Hollister. Furthermore, the Regional Growth Forecast and RHNA projections are based on different assumptions and serve different purposes. The Regional Growth Forecast projects a realistic future housing demand, while the RHNA numbers include unmet existing housing need AND future housing demand. Finally, the Regional Housing Needs Determination was issued in September 2021 to the County of San Benito County Governments, well after the regional growth forecast was completed.

Chapter 4.16 (Transportation)

On page 4.16-30, the DEIR states "Implementation of AMBAG's SB 375 Measures. Some
of the key strategies identified in the AMBAG RTP/SCS that would apply to the Hollister
General Plan include land use strategies, such as improve job-housing balance in the
region, focus new growth around transit; and transportation strategies such as improve

transit network, promote and improve active transportation, and promote shared mobility."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

Chapter 6 (CEQA Required Assessment)

• On page 6.5, the DEIR states "The proposed project is a plan-level document and does not propose any specific development; however, implementation of the proposed project would induce growth by increasing the development potential in the EIR Study Area, as shown in Table 3-3, *Proposed 2040 Buildout Projections in the EIR Study Area*, in Chapter 3, *Project Description*. As shown in Table 3-3, the 2040 forecast for the EIR Study Area is approximately 60,535 total population, 17,640 housing units, 16,985 households, and 20,025 jobs. State law requires the City to promote the production of housing to meet its fair share of the regional housing needs distribution made by AMBAG. While the City provides adequate sites to meet its fair-share housing obligations, the additional housing capacity provided by the project would meet the additional demand generated by new job growth. In addition, the proposed 2040 General Plan would result in regional benefits by promoting growth that encourages less automobile dependence, which could have associated air quality and GHG benefits. Encouraging infill growth in designated areas would help to reduce development pressures on lands outside the City Limits."

AMBAG does not prepare RHNA for San Benito County. RHNA for Hollister, San Juan Bautista, and San Benito County is developed by Council of San Benito County Governments.

Thank you for the opportunity to review the DEIR for the General Plan 2040. Please feel free to contact me at hadamson@ambag.org or (831) 264-5086 if you have any questions.

Sincerely,

Heather Adamson

Director of Planning



June 15, 2023

City of Hollister 975 Fifth St. Hollister, CA 95023 TRANSMITTED VIA EMAIL

Re: Comments to Draft 2040 General Plan Update

Dear Sir/Madam,

The Building Industry Association of the Bay Area (BIA) respectfully submits the following comments to the City of Hollister's Draft 2040 General Plan Update. BIA offers these comments in the spirit of collaboration and support for the City adopting a comprehensive and productive General Plan that paves the way for achieving its challenging housing goals. These comments to the Draft 2040 General Plan may also pertain to the Draft EIR as many BIA comments and recommendations would touch on the Environmental Impact Report.

BIA is concerned that political opposition to housing production in the City and San Benito County has been ingrained in the Draft 2040 General Plan. The City has worked hard to bring forward a Draft General Plan that preserves and enhances many wonderful features of the region: a productive farming industry, scenic parks and open spaces, and picturesque towns.

Integrating responsible future growth into the Draft General Plan is the key. The Draft 2040 General Plan is an excellent opportunity to balance and blend the rural, agricultural character of Hollister with future well planned residential communities that support families, business and a thriving economy.

Still, BIA remains concerned that the Draft 2040 General Plan Update has incorporated several concerning new policy proposals, actions and fees that may create major obstacles to housing production by choking off land supply, prescribing intractable new rules and burdening each home with tens of thousands of dollars in new fees.

Housing Element Law requires that the City identify adequate sites to accommodate its regional housing needs allocation (RHNA) at all income levels. BIA encourages the City Council and Staff to take steps to revise policies and actions that may potentially constrain the production of housing during the lifespans of the 2040 General Plan and 6th Cycle Housing Element.

Policies that may require the City to analyze these rules as severe constraints to housing and mitigate accordingly include:

- Constrained Land Supply Plan for sufficient land to accommodate housing production necessitated by the City's 6th Cycle RHNA and additional land requirements;
- Inflexible Transportation Policies Compliance with Vehicle Miles Travelled (VMT) policies in the Plan will present an obstacle to housing under current and future transportation systems and development patterns unless mitigated with policies to offset this significant hindrance;
- Onerous Ag Land Mitigation Policies Agriculture mitigation at a 2:1 ratio plus Agricultural Buffer Zone requirements would stymie many projects and land deals;
- Impracticable Inclusionary Zoning Policy A requirement of 20% inclusionary affordable housing on market rate for sale and rental housing would render projects infeasible or require implementation of a massive density bonus program.

Land Use and Community Design Element

The Draft 2040 General Plan Update severely constrains production of housing through limited Development Capacity, and tight Sphere of Influence (SOI). Figure LU-2, the Draft 2040 General Plan Update Land Use Map, when compared to the current General Plan shows that the SOI and Urban Service Area are nearly unchanged.

In order to accommodate more housing growth, BIA urges the City to expand the limited proposed Sphere of Influence in the Draft Plan to coincide with the Urban Service Line especially in the East and South quadrants of the City, incorporating more land for potential development where Prime Farmland is less prevalent.

LU-1.3. Development Capacity. Housing element site inventory requirements state that the purpose of the housing element's site inventory is to identify and analyze specific land (sites) that is available and suitable for residential development in order to determine the jurisdiction's capacity to accommodate residential development and reconcile that capacity with the jurisdiction's Regional Housing Need Allocation (RHNA).

In the 6th Cycle Housing Element that spans the 8 year time period from 2024 to 2032, the City of Hollister must plan the capacity for an unprecedented Regional Housing Needs Assessment (RHNA) of 4,163 housing units. In addition, to comply with the "No Net Loss Requirements Law" (Government Code § 65863), the State Department of Housing and Community Development (HCD) recommend that to reduce the likelihood of having to rezone should an identified housing site develop with less units than assigned, it is a best practice to have 30% more units listed in the inventory than are required to meet a jurisdiction's RHNA.

Accommodating a 30%+ buffer capacity of Housing Element Site Inventories would add about 1248 units for a total housing need of 5,411 units. The Draft General Plan states capacity for 6,455 units, leaving only 1,292 units in excess capacity through 2040.

Finally, the goal of the Draft 2040 General Plan Update is to create a vision for the City's next 20 years of growth. BIA strongly encourages the City to assume now that the 7th Cycle Housing Element, spanning the years 2032 to 2040, may require at least another 4,000 units plus a capacity buffer of 1500 units. In other words, the Plan is grossly under capacity by more than

4,000 residential units just for the City of Hollister's future RHNA and other units that the City may need to absorb from the County.

LUD - Land Use Designations. Table LU-2 General Plan Land Use Designations shows several hundred acres identified for Medium Density and High Density Residential. Yet no market study or analysis is provided to substantiate that development of these residential densities can be feasible in Hollister.

LUD 3.3.3. Medium & High Density Residential. This paragraph is confusing as it lumps High Density Residential (30-65 DU/AC) in with Medium Density Residential (12-29 DU/AC). Medium Density may support a viable product in the Hollister market in the future, but any densities above approximately 20 DU/AC (townhouses) will be very difficult to develop. High construction costs and low market demand make the Hollister market a tough sell to nonsubsidized multifamily builders.

Additionally, there is no need for High Density Residential land use and zoning in the Plan. In the Housing Element, HCD allows jurisdictions to use zoned density as a proxy for lower income, as long as certain statutory requirements are met. These include counting sites zoned at 20 units per acre as affordable because Hollister is a "suburban jurisdiction" as opposed to an "urban jurisdiction". This is called the default density. BIA strongly recommends that reliance on Medium and especially High Density Land Use Designation to achieve housing production numbers be reduced.

Policy LU-2.1. Land Supply. This policy claims to ensure that there is adequate land designated to meet the projected future housing needs of the City. However, as noted earlier in this letter, the Draft 2040 General Plan Update fails to plan for enough housing to support this policy. The Draft Plan land supply available for residential capacity must be revised to increase the residential capacity through 2040.

Policy LU-2.6. Medium and High Density Residential. Medium Density and especially High Density housing development in Hollister is generally financially challenged. For sale medium density product above 20 units an acre, such as townhouses, would likely be viable, however 30-60 DU/AC high density will present a very difficult challenge to develop.

While market rate high density housing is unlikely to develop in Hollister, subsidized 100% affordable housing may be feasible. 100% affordable projects require funding from a wide variety of sources including local sources. The City should keep the option open for market rate projects to pay inclusionary fees so as to amass local funding for affordable housing projects.

Action LU-2.1 Inclusionary Housing. No residential density or housing type is financially viable with a 20% inclusionary affordable housing requirement, according to the City's Consultant. To justify the inclusionary percentage, the City would be forced to authorize a massive increase in density in every residential zoning district, along with concessions and waivers of development standards, impact fees and other development requirements.

Open Space and Agricultural Element

Policy OS-2.1. Offsets for Loss of Agricultural Land. Requiring 2:1 offset of any agricultural land used for development is may represent a loss of developable land that could result in a severe constraint to housing, especially if that land is located within the City's Urban Service Area. Monterey County is now forming their new Agricultural Land Offset policy with a 1:1 mitigation requirement.

Ranking offsets on a sliding scale could be keyed to the soil quality of the mitigation land. For instance, the conversion of Prime Farmland might provide a 1.5:1 offset, but other classifications including Land of Local Importance, Grazing land, etc. to provide a 1:1 offset.

Policy OS-2.2. Agricultural Buffers. 200 foot buffer zones close to the City's identified growth areas would rule out many developable parcels from proceeding because so much project land would be needed for the buffer zone. This policy could be revised to apply only to annexations outside the Sphere of Influence and allow the developer to provide a buffer zone proposal for projects larger than 40 acres adjacent to productive farmland. Coordinated Ag policies with the County of San Benito is key, especially as the City and County are updating their general plans at the same time.

The policy should incorporate exemptions and variances to allow building in the buffer area. Consider establishing an "Agricultural Policy Advisory Commission" to hear proposals to build within a buffer area.

While the County of Santa Cruz applies a 2:1 agricultural buffer, it has established policies that ease the burden on projects by addressing buffer zone encroachment with some flexible approaches:

In most cases, agricultural buffer reductions can be approved if features are proposed or present that mitigate potential negative impacts to adjacent or surrounding commercial agricultural land. Existing mitigations can include changes in topography, permanent substantial vegetation, or other physical barriers between the agriculture and non-agricultural uses. Proposed mitigations include the establishment of a physical barrier, typically a 6 foot tall solid wood fence with a vegetative buffer and the recordation of a Statement of Acknowledgement on the property title which acknowledges the potential for conflicts between the agricultural and non-agricultural uses.

Circulation Element

4.1.5 Vehicle Miles Traveled. Mitigating VMT on a project by project basis would help pave the way to failure for housing production under the Draft 2040 General Plan Update. BIA encourages the City to complete an overarching EIR evaluating VMT for the entire City and devise cohesive City-wide policies and solutions supported by residential development mitigation fees. Impact fees, restrictive land use regulations, infrastructure costs, and rising labor costs create serious impediments to addressing the housing affordability crisis the region is facing.

It is critical that the City of Hollister continue to produce housing for all incomes. The City high housing costs is a testament to the under production of housing to meet the demands of our robust economy. Unless significantly revised, the Draft 2040 General Plan Update represents a grave threat to the City's obligation under RHNA and will almost certainly result in a constrained housing supply. The Draft 2040 General Plan Update in effect creates a housing moratorium by making it too expensive to build.

Again, BIA offers these comments in the spirit of collaboration and support for the City achieving its housing goals. BIA is committed to working with the City of Hollister to find creative and community based solutions that benefit current and future residents and support a healthy economy and lifestyle.

Please feel free to contact me with any questions or comments.

Very truly yours,

Dennis Martin BIA Government Affairs

cc: Mayor Mia Casey
Kevin Henderson, Chair, Planning Commission
David Mirrione, City Manager
Christy Hopper, Community Development Director
Eva Kelly, Interim Planning Manager
Jennifer Woodworth, City Clerk

From: Eva Kelly
To: Carey Stone

Cc: <u>David Early</u>; <u>Christine Hopper</u>; <u>Ambur Cameron</u>

Subject: FW: GENERAL PLAN, DEJAVU ALL OVER AGAIN, YOGI. REPEATING MISTAKES NEVER SOLVES THE PROBLEMS

Date: Friday, April 7, 2023 1:39:24 PM

Attachments: <u>image001.png</u>

ALBRIGHT030305.LT1.pdf AMBAG062404.LT1.pdf AMBAGstealsSBC100606.pdf AnotherLeech61107.pdf CanneryLeaving.pdf CogRejectsCaltrain.pdf

CommunismAsIdeal100105.pdf
CommyHousingTransit.pdf
DysfunctionalTransportPolicy.pdf
FALSEGODSOCIALISM.pdf
HighestTransportPriority.pdf
HighestTransPriority.pdf
IMC-missinglinklocally.pdf
L51.COGsPOLICYFLAWS.pdf

L182.COGsPOLICYFLAWSDejaVu-4nd.pdf

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ReformTransPolicySBC.pdf
RejectCaltrain.pdf
RTP04BadIdeas.pdf
SBCGenPlanSolution1.pdf
StructuralReformCOG.pdf
TitanicSanBenito.pdf
TitanicSanBenito-2.pdf
TwoTransitAgenciesSBC.pdf

Good afternoon Carey,

Please see the comment below and attached we received for the draft General Plan.

Best,

Eva

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Get Involved In Community Planning!

General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Joseph P Thompson

Sent: Friday, April 7, 2023 12:08 PM

To: GeneralPlan <generalplan@hollister.ca.gov>

Cc: SBC Board of Supervisors <sbcsuper@supervisor.co.san-benito.ca.us>; sbcsuper@cosb.us; supervisorkosmicki@cosb.us; Supervisor Bea Gonzales <supervisorgonzales@cosb.us>; supervisortiffany@cosb.us; supervisormedina@cosb.us; supervisorsotelo@cosb.us; Angela Curro <supervisorcurro@cosb.us>; supervisorzanger@cosb.us; Sanbenitocog Info <info@sanbenitocog.org>; COH City Clerk <coh.cityclerk@hollister.ca.gov>; Roxy Montana <roxymontana2@aol.com>

Subject: GENERAL PLAN, DEJAVU ALL OVER AGAIN, YOGI. REPEATING MISTAKES NEVER SOLVES THE PROBLEMS

Dear Sirs,

Thank you for inviting comment to the proposed general plan update, latest version.

IDENTITY. I am a post-doc student of transportation law and policy. I have represented small and very small business owners before State and Federal

Courts and agencies for 43 years on the Central California Coast Region. I have been involved in transportation since beginning work for SPRR in 1964,

and have practiced transportation law here for 43 years, after 16 years with SPRR and UPRR supporting local ag shippers and receivers in Central California

including SBC. I was a charter member of SBCCOG Citizens Rail Advisory Committee and SBCCOG Citizens Transit Task Force. On a probono basis I

have donated substantially to local government, municipal and County, transportation law and policy. I served on Governor Wilson's Regulatory Reform Roundtable

as a representative from Association for Transportation Law, Logistics and Policy for three years in the mid-90's. I was formerly a member of the Executive Committee

of the SBC Safe Kids Coalition, and I gave the eulogy for SBCSKC for it at its late Coalition's Chairwoman's funeral after she was killed in a head-on collision on

Hwy 25, in memory and gratitude for her sending me to the Lucille Packard Foundation in Palo Alto to give a speech on the then-newly enacted Federal Motor Carrier

Safety Administration of USDOT. I have done post-doc study of transport law & policy at the Norman Y. Mineta International Institute for Surface Transportation Policy

Studies, SJSU; Transportation Research Board, Georgetown U; and Library of Congress. I am a member of Transportation Lawyers Association and a Past-Chair

of TLA's Legislation Committee. In 2008 at the invitation of the Gilroy & Morgan Hill Chambers of Commerce I debated the Hon. Rod Diridon on Prop. 1A (\$10B

bond proposition for construction of Bullet Train), and in 2010 I testified before the Assembly Transportation Committee in the State Capital in support of proposed legislation to defund the CAHSRA's Bullet Train.

COMMENT. I repeat what I've said before about the unsound, unsustainable, and unfair transport policy both at the City and County levels. Powerful vested

interests continue to plunge us down the Road to Serfdom, contrary to the common sense and good judgment shown by a few of the local elected leaders I've witnessed in SBC since moving to Tres Pinos in 1995.

FOR THE RECORD: Please direct your staff to including my letters, some of which are attached, which I've sent since I started attending all of the SBCCOG

Regular Meetings, Special Meetings, Public Workshop, and RAC and TTF meetings for ten years, except when I was attending the annual Transportation Law Institute in Washington, D.C.

CONCLUSION: Until we have local elected leaders with the courage and wisdom to counter the powerful vested interests that dominate our pro-government,

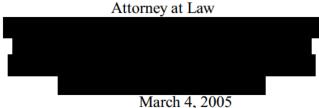
pro-transit, anti-free enterprise transport, anti-automobile, unconstitutional, unelected joint power authorities like SBCCOG, VTA, TAMC, SCCRTC, FAX, etc.,

we will continue down the same failed route taken by the Soviet Union. Where can we find leaders with the backbone to standup for taxpayers and motorists?

Respectfully,

Joseph P. Thompson, Esq.

JOSEPH P. THOMPSON



Mr. R. Gregg Albright
District Director
Department of Transportation Dist. #5

Re: Caltrans District 5 District System Management Plan---Public Comment

Dear Mr. Albright,

Referring to Caltrans District #5 Draft District System Management Plan (DSMP), which was presented yesterday to the Technical Advisory Committee of our Council of Governments (COG), this will confirm my conversation with Mr. Dan Herron at the meeting. Thank you for asking members of the public to comment on this draft DSMP. Your comment period closes on March 15th, so please add these remarks to the official record of your proceedings so that history will know that you listened.

<u>Identity of Author.</u> See my letter to AMBAG dated 6/24/04, which was included in AMBAG's Draft Environmental Impact Report for its 2005 Monterey Bay Area Metropolitan Transportation Plan (MTP), for my identity.

<u>Background</u>. See my letter to AMBAG dated 6/24/04, and to my papers cited therein, for background to the policy issues raised by the DSMP.

Summary:

1. Overall Grade.

Although it has well-written segments on the District's geographic and demographic features, I cannot give it a passing grade, and recommend that it be returned to its draftsmen for further revision.

2. Reasons for Failure.

As a 20 year plan for regional transport in our District, the authors' many mistakes negate the draft's positive portions, and therefore I do not believe that its inaccuracies justify its approval by our government. I recommend that its errors be corrected so that future District residents are not condemned to suffer the consequences of our mistakes.

Caltrans District #5's Error Filled DSMP Ought to be Rejected and Returned for Corrections for the Future Well-Being of the Residents of the District: Private-Sector Solutions are Ignored. Why?

Analysis.

Like all too many policy documents created by government employees, the draft DSMP

- fails to stress the importance of private-sector transport solutions.
- does not distinguish between legitimate functions of government, i.e., infrastructure construction and maintenance, from improper invasion of government into the private-sector industries, i.e., for-hire carriage of passengers.
- fails to mention the adverse social and economic consequences of nationalization of transport industry.
- lumps public-sector transit with road construction as legitimate government activities without revealing the extraordinarily expensive and inefficient practices of nationalized businesses like public-sector transit.
- does not reveal or recognize the crushing tax burdens that socialist transit imposes on taxpayers.
- does not discuss the social inequities caused by socialist transit, e.g., forcing small business and homeowners to pay 99% of fully amortized costs of public-sector transit riders' rides.

For example, the draft extols public-sector passenger rail service, i.e., Amtrak & Caltrain, but never once admits that Amtrak is, in the words of Senator John McCain, "a failed experiment," or that the Amtrak Reform Council has recommended its discontinuance, or that the President's budget calls for an end to Amtrak's taxpayer-paid subsidies (stacked in \$100 bills it would be taller than the World Trade Centers stood). No where in the draft do the authors disclose that it would be cheaper for taxpayers to transport Caltrain riders by limousine.

A glaring mistake by the authors can be found on page 36. As a member of COG's citizens rail advisory committee, and having personally witnessed COG's Directors' unanimous vote (see my letter to the Hollister *Free Lance* enclosed), our County is not "currently studying extension of commuter services via Caltrain." Our COG's Directors rejected extending socialist passenger rail service from Gilroy to Hollister for the obvious reason that it would tax us into bankruptcy. Conversely, I believe that our leaders do recognize that private-sector rail service is crucial to the future economic viability of SBC, and that we must increase rail-oriented economic development on the Hollister Branch Line to preserve it for future generations. My white paper on ISTEA-style user fees funded financing for an intermodal facility explained how SBC could see restoration of passenger service.

The authors of the draft mistakenly believe that sound, sustainable transport can be found in nationalization of transport industries. Like many other public-sector employees, they are wrong in this belief, as can be seen by a review of the history of the last century. If they were right in their belief, then the USSR would have won the Cold War.

The authors of the draft are recommending the wrong answer to Secretary Mineta's crucial question. See my letters to HSRA's chairmen (copies enclosed). The consequences of accepting their wrong answer to the Crucial Question can be seen in the massive State and federal budget deficits, the cutbacks to our schools and law enforcement. Since the private-sector is much more efficient,

the authors of the draft are recommending that we choose to worsen our government's fiscal condition. Such wastefulness undermines the financial ability of our government to do its core functions, e.g., road construction and maintenance.

Having defeated the USSR, do the drafters of the DSMP want us to adopt failed Soviet policy?

While he was the Chairman of the Surface Transportation Subcommittee in the House of Representatives, Secretary Mineta said to the annual meeting of the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU when I was there doing post-doctoral study of transportation law and policy: "The crucial question in transportation today is: What should government do? And what should it leave to others.?"

I believe that our government planners must answer Secretary Mineta's Crucial Question with less expensive, more efficient, taxpayer-friendly, business-friendly private sector transport. If we select the nationalized route, we are planning the same trip that the Soviet planners did for the USSR.

The DSMP's authors appear ignorant of the parallel universe of private-sector transport, willing to condemn the automobile, blaming senior citizens "driving their gas guzzlers to Safeway" for causing highway congestion and air pollution, yet our MPO's on the Central California Coast have left Silicon Valley and Salinas Valley as the largest urban area in North America without an intermodal facility. I believe that it is our planners, not the District's residents, young or old, who are responsible for the sad state of affairs we witness on our highways.

The CEO of the Silicon Valley Chamber of Commerce, former Assemblyman Jim Cunneen, described our Legislature as a battle ground between "transit dreamers" and "highway Luddites" during a speech at the Mineta Institute. The policy rupture he described is reflected in the draft DSMP, in the State's transport plans, in regional transport plans, and in counties' transport plans including SBC's draft RTP. Until we repair the rupture, we will condemn our residents to the purgatory (or is it Hell) of disavowing our American heritage of free enterprise, and worshiping the false god Socialism. *Caveat viator!*

Respectfully yours, JOSEPH P. THOMPSON

cc: Hon. Norman Y. Mineta

cc: Hon. Sam Farr

cc: Hon. Mike Honda

cc: Hon. Jeff Denham

cc: Hon. Abel Maldonado

cc: Hon. Simon Salinas

cc: Hon. Tom Campbell

cc: Hon. Jim Cunneen

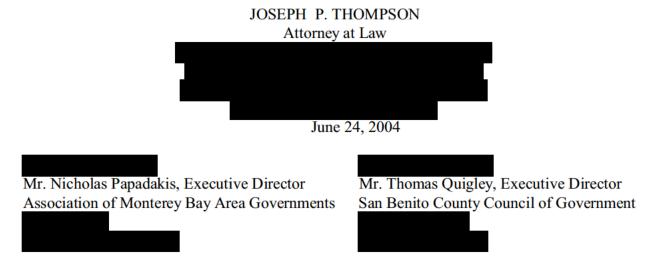
cc: Hon. Don Gage

cc: AMBAG

cc: SBC BOS

cc: SBC COG

Caltrans District #5's Error Filled DSMP Ought to be Rejected and Returned for Corrections for the Future Well-Being of the Residents of the District: Private-Sector Solutions are Ignored. Why?



Re: AMBAG 2005 MTP Scoping Meeting 6/24/04---Public Comment

Dear Messrs. Papadakis and Quigley,

Referring to AMBAG's notice of "scoping meeting" soliciting public input on which to focus development of the program level for the Metropolitan Transportation Plan (MTP) Environmental Impact Report (EIR), thank you for asking members of the public to comment on this vital subject. Please add these remarks to the official record of your proceedings so that history will know that you listened.

Identity of Author. I have been in transportation for 42 years, the last 25 of which I have spent representing carriers and their customers before state and federal courts and agencies. Previously, I was graveyard shift supervisor at the intermodal facility in San Jose (1964-1970) and diversion, expediting, tracing and complaint clerk for UP in San Jose (1970-1980). I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. I am founder of Mothers Against Damned Deregulation Transportation Union Against Regulatory Destruction of Society, San Benito County Small Business Incubator, and past-president of Gilroy-Morgan Hill Bar Assn., and Vineyard Estates Mutual Water Co., Inc. I was formerly a member of two local chambers of commerce (Gilroy and Hollister) government review councils. In 1997 I received the Best Research Paper Award from the National Board of Directors of the AST&L. I have been doing post-doctoral research of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU, and at Transportation Research Board at Georgetown University, and at the Library of Congress. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any

organization to which I belong, but are only my own ideas as a student.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of AMBAG's proceedings. I am also enclosing my paper, "ISTEA Reauthorization and the National Transportation Policy," which I presented at the 68th Annual Meeting of the Association for Transportation Law, Logistics & Policy, Santa Fe, New Mexico, on June 25, 1997. It was published at 25 *Transportation Law Journal*, pp. 87-et seq. (1997), and in shortened version as "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," *Transportation Lawyer* (Dec. 1997). I am also enclosing a copy of my paper "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101," which I wrote while serving on Gilroy Chamber of Commerce's GRC in response to an invitation from VTA. Please include them in the official record of your proceedings.

Program Level Recommendations:

1. Abolish Public-Sector Transport.

A Santa Clara County Grand Jury report issued last week not only reveals structural integrity and systemic failures of VTA, it serves as an indictment of the Nation's MPO model. It confirms the conclusion of Harvard professors José A. Gómez-Ibáñez and John R. Meyer, Going Private: The International Experience with Transport Privatization (Wash, D.C.: Brookings Institution, 1993), that public-sector transit is less efficient, more expensive, and yields less transport, than private-sector transport. The indictment should be leveled at all our MPO's, not just VTA, because the VTA model is widely followed, including TAMC, SCCRTC, COG, etc. Notwithstanding subsidy recipients' and public-transit advocates' denials, in cities and counties all over the Nation, more transport for less money is furnished whenever privatization is adopted. The lessons of the last century in Great Britain, Canada, Mexico, Australia, New Zealand, and many other countries, not to mention the Soviet Bloc, reveal how much America could benefit if we joined what the Wall Street Journal called the "Privatization Revolution." Tearing down the Iron Curtain in American transport policy, returning to our heritage of freedom and private enterprise in transport, is the real remedy for the ills inherent in publicly-owned industry. MPOs, including those on the Central California Coast Region, err by including the for-hire carriage of passenger business with creation and maintenance of the transport infrastructure. We condemn future generations to unsustainable tax burdens by opting for the Iron Fist of Karl Marx, rather than the Invisible Hand of Adam Smith. Political patronage and public-sector union employees' pensions have, under our MPO model, come to have greater importance than efficient transportation, contrary to the express provisions of the National Transportation Policy in Title 49, United States Code. Until our leaders recognize this fact, we will, as a transportation lawyer once said, be a House Divided against ourselves. As he reminded us, we shall not remain both; we will become all one, or all the other. I recommend that we be free enterprise capitalists, not slaves to public-sector Black Holes. I am enclosing a copy of the Grand Jury Report. They recognized VTA's fundamental unsoundness, but in my opinion, they misdiagnosed the remedy. They remind me of a surgeon who finds an inoperable tumor, but

2. Deceptive, Misleading Financial Reports.

Our Legislature requires businesses to use generally accepted accounting principles ("GAAP"). Corps. Code §114. However, it made an exception for transit agencies, whose financial reports need not be "in conformity" with GAAP. Consequently, transit agency directors, like those in our Region, cannot accurately assess the full extent of financial losses being sustained by their own agencies. This policy decision by our Legislature enriches urban areas at the expense of rural Californians. Donor rural counties' residents send vast subsidies to cities' transit riders, the donees of these subsidies. Although it would be cheaper for rural counties' agencies to hire limousines for transit patrons, our agencies' directors cannot find evidence for it in their own financial reports. This is because the Legislature, which is controlled by urban legislators, have a double-standard in place: private sector companies on GAAP financial reporting; public-sector not using GAAP. So, society ends-up paying the wasteful transit practices, which are blindly endorsed by local elected leaders. They can see the empty seats with their own eyes, but their agencies' financial reports are manipulated to minimize the losses being sustained. Emperor Transit First is stark naked! We should believe our eyes, not our MPO's financial statements.

3. Intermodal Facilities for Central California Coast Region. Many years ago I asked "senior transportation planners" at AMBAG and VTA why we did not have restoration of intermodal facilities on either Silicon Valley or Salinas Valley long-range congestion management plans. The universal response that I received was, "What is an intermodal facility?" To which I responded, "And you call yourself a transportation planner?" While working for SP's PMT and for UP those 17 years, we operated the "Salad Bowl Express" via SP-Ogden-UP-Council Bluffs-CNW-Chicago-PC, offering seventh morning service for ag shippers and receivers. However, both Salinas Valley and Silicon Valley shippers and receivers no longer have an intermodal option. The closest ramp for NAFTA partner tonnage is UP's new intermodal facility at Lathrop. Foreign tonnage must be drayed to the ports at either Oakland or Long Beach. In fact, Silicon Valley is the largest urban area in North America without an intermodal facility. Our MPO's "senior planners" blame senior citizens driving their gas guzzlers to Safeway for causing smog, air pollution and highway congestion, yet it takes 9,000 subcompact cars to make as much air pollution as that of one fully-loaded big rig at today's GVW (80,000 lbs.). And axle weight is the single largest factor in road surface and bridge support deterioration. Under proposed TEA-21 reauthorization legislation now in conference committee in Washington, we may soon see NAFTA "harmonized" GVW, either at the Canadian (101,000 lbs.) or Mexican (108,000 lbs.) limit. Furthermore, the power players in the economy are asking that the freeze be lifted on LCVs (long combination vehicles: triple 27-ft., double 53-ft. trailers pulled by one tractor) (they are presently legal in 17 states). And to make matters worse, the Southern California Association of Governments has resolved to build "truck-only" toll roads, even though it takes 4 times as much fuel to move a ton of freight with rubber tires on concrete or asphalt as it does to move that ton with steel wheels rolling on steel rails. At the end of WWII the Nation had more than 2,500 intermodal facilities, but now we have only about 250. Our MPOs give us wasteful publicsector transit, as the MIT study said about VTA's worst-in-the-Nation transit system, but their "senior planners" do not even know what an intermodal facility is. I concur in AAR CEO's remarks to the Transportation Table in Washington, reported in *Traffic World* (5/24/04, p. 14) that "85 percent of the nation's Metropolitan Planning Organizations have no expertise in freight planning." (see enclosed *Traffic World* article). Salinas Valley and Silicon Valley MPOs prove his point. We are superior wasters of taxpayers money with boondoggles like Lite Rail, Amtrak, Caltrain, Bullet Train, but we ignore our job-creating commerce and business, just as AMBAG ash-canned its own *Freight Study*, which concluded, as I did separately, that we need an intermodal facility on the Central California Coast. Furthermore, I agree with Mr. Jim Nicholas, Chief Highway Programs, Caltrans, Sacramento, who told the CTC meeting at San Jose City Hall on 6/6/01 that California needs more intermodal facilities. At the invitation of the CTC, in December, 2002, I addressed them on the subject of intermodal facility financing, and gave them a copy of the white paper I drafted, together with a copy of the intermodal facility financing white paper from the Nation's newest one in Stark County, Ohio, called "NEOMODAL FACILITY."

4. San Benito County Jurisdiction.

San Benito County has its own MPO, namely, COG. Our COG's Directors have voted unanimously to reject extending Caltrain from Gilroy to Hollister. While recognizing the importance of rail commerce, COG's Directors recognize that to finance it we cannot afford the methods employed by San Francisco, San Mateo and Santa Clara Counties. Being donee counties, they also enjoy population and tax bases absent in our rural County, which is a donor county. Being a donor county, we send 89% of each tax dollar that we send to Sacramento to other counties, e.g., LA, SF, etc., and thus get back only 11 cents for each dollar. We get back even less from our federal taxes sent to Washington. In May of 2003 COG's Directors also unanimously voted to privatize County Transit, but so far have not yet implemented their idea. They will, once implemented, save our County's taxpayers and future residents millions of tax dollars that would otherwise be wasted by the Boondoggles Empty Seat Transporters Association (BESTA), like those in Monterey and Santa Cruz Counties. With such MPO wastefulness, it is no wonder that Monterey and Santa Cruz Counties have the least affordable housing in California. I hope and pray that our COG's Directors will not succumb to the socialist-communist philosophy that dominates our neighboring counties. *Caveat viator!*

Respectfully yours,

JOSEPH P. THOMPSON

cc: COG Directors

Directors

cc: SBC County Supervisors

Encl. [Letters; Papers; Grand Jury Report]

AMBAG Scoping Meeting 6-24-04: Public Comments: Recommendations for 2005 MTP EIR Programs and Policies

October 6, 2006 Mr. Dan Fitch, Editor The *Hollister Free Lance*Hollister, CA 95023

Re: AMBAG steals SBC's sovereignty piece by piece, and we let them!

Dear Editor,

Your report yesterday of AMBAG dictating SBC transit policy is just one more example of the abdication of SBC's sovereignty. It is pure insanity as transport policy because it is both unsound and unsustainable. Just the operating expenses today cost SBC's taxpayers more than \$18 million annually, to move only .004 (.4%) of SBC's annual trips, with buses running 98.6% empty seats. SBC's self-reliant residents take .996 (99.6%) of annual trips in private vehicles. If our leaders are willing to let AMBAG-VTA policy run rampant here, increasing government passenger transit, by the time we reach .14 (14%) of annual trips on County Transit, the annual payment to MV Transportation, Inc., will exceed the SBC annual budget. The taxes required for such a boondoggle will be 9.09 times more since we get only 11 cents/dollar back from Sacramento. This is a recipe for economic and social disaster for us. Relinquishing SBC's sovereignty to AMBAG-VTA policy makers is a sure fire prescription for Ch. 9 bankruptcy for SBC. I pray our leaders will wake-up and smell the coffee before it's too late. *Caveat Viator!*

Very truly yours,

JOSEPH P. THOMPSON

President, Gilroy-Morgan Hill Bar Assn.

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.

Member, Legislation Committee, Transportation Lawyers Assn. Member, Association for Transportation Law, Logistics & Policy Candidate, American Society of Transportation & Logistics

Why do we let AMBAG & VTA dictate our County's transport policy? If they are crazy enough to embrace socialist transit fiascoes like Lite Rail (more expensive than deluxe cruise ship fares), Caltrain (more expensive than limousine service), etc., (*HEAVY SOCIALISM*), should we be guided by their insanity? Where is our leaders' common sense?



JOSEPH P. THOMPSON Attorney at Law June 11, 2007 Mr. Mike Schmeltzer, Editor Hollister Free Lance

Re: Local Leaders Pouring Gasoline on the Fire? "Pass Me Another Leech, Will You Doc?"

Dear Editor,

Local leaders claiming concern for SBC's economic backbone, i.e., small business owners, while heaping on their backs ever-increasing levels of small business killing taxes&fees&assessments, is what Lincoln called "base hypocrisy." Our leaders propose curing the malignant cancer that makes SBC the Small Business Killing Fields by increasing the dosage of fatal taxes&fees&assessments. Am I crazy? We defeated the USSR, so why are we adopting the Soviet's failed economic policy?

The idea that small business owners need another agency on them, confiscating their properties and trampling their constitutional rights, reminds me of the treatment of patients by medieval physicians. They bled their patients by applying leeches, and whenever the patient died they told his bereaved relatives that they just had not been able to apply leeches fast enough and that the family was to blame for not summoning the physicians quicker. By any name you give them, e.g., ASSESSMENT DISTRICT, RDA, COG, JOINT POWERS BOARD, AUTHORITY, AGENCY, COMMISSION, etc., small business is blighted by government, broken by it, busted, and bankrupt. On the 17th anniversary of the bankruptcy petition of Garden Valley Foods, you can stand where the cannery stood for decades, pouring money and taxes into the local economy in Gilroy. Today you'll see a Black Hole socialist transit hub, where private-sector business once stood, and watch it suck the blood from our ever-increasing bankrupt small business owners. And local elected leaders here call that "smart growth" and seek to impose the socialists' utopian ideals on us, too. If we don't get them off their present tax&fee&spend tax dollars into bottomless pits of deficits, our grandchildren will damn our memories. Their hypocrisy kills our businesses while it drives-up the price of housing, food, transport, etc. Are they correct in saying to me: You're crazy and pass us another leech this patient is not improving. Caveat Viator!

> Very truly yours, JOSEPH P. THOMPSON

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.

Past-President (twice), Gilroy-Morgan Hill Bar Assn.

Member, SBC Council of Governments Citizens Rail Advisory Committee

Post-doctoral student, transport law & policy

JOSEPH P. THOMPSON Attorney at Law

September 4, 2003

Mr. Bill Satterlee, Editor Hollister Free Lance

Re: Deafening Silence if Cannery Pulls Out

Dear Editor,

If complaints about noise force the cannery to pull out, SBC will hear another noise. It will be the sickening sucking sound of jobs leaving SBC. Jobs we could very well keep will head for business-friendly confines, just as they left Sunnyvale, Santa Clara, San Jose, Gilroy, Watsonville and Monterey when canneries there closed. Do we want to make the same mistakes as they did in those places, or do we want to encourage agribusiness?

If the cannery closes, most of the freight revenue UP earns on servicing the Hollister Branch Line will end, so what reason will they have to keep the Branch Line open? The law of rail line abandonment will allow them to start pulling-up track after publishing a notice of their intention to do so in local newspapers. Then either somebody else will have to buy the line from UP, or we will hear another sound SBC's last rail artery of commerce being yanked-out and shipped to steel smelters in Japan or Korea. Then there will be no rail alternative to local highways in SBC. Is that the silence we want for our children and future generations?

The alternative is to increase rail economic development on the Hollister Branch Line, starting with a team track for ag shippers and receivers. The freight-friendly provisions in the new federal legislation that will replace Transportation Equity Act for the 21st Century next month, H.R. 2088, the Administration's Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA) could provide the means to accomplish this. Will COG's Directors seize the opportunity, or will they opt for silence?

Caveat viator!

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

May 16, 2003 Mr. Bill Satterlee, Editor Hollister Free Lance May 16, 2003 Mr. Mark Derry, Editor Gilroy Dispatch

Re: SBC Rejects Extending Caltrain from Gilroy to Hollister

Dear Bill and Mark,

Madison said in *The Federalist, No. 41*, "A bad cause seldom fails to betray itself." Last night's unanimous (5-0) decision by the SBC Council of Governments to reject "extending Caltrain" from Gilroy to Hollister shows us again the genius of the Father of the Constitution.

As Senator John McCain said about Amtrak, by any rational measuring rod Caltrain is a "failed experiment." Relying on rural common sense to tell socialist transit advocates that their uncommon nonsense is unacceptable, COG's Directors then proceeded to initiate privatization of the government passenger bus monopoly. While recognizing the importance of railroads, they refused enlargement of Black Hole Government. These Directors have courageously marked a new course: Back to the Future, back to America's free-enterprise roots. Could it be that Transportation Secretary Mineta's challenge to government leaders is bearing its first fruit? He said in 1995, "The crucial question in transportation today is: 'What should government do, and what should it leave to others?" They answered Secretary Mineta's "Crucial Question" with a courage born of necessity: Government does not belong in the transportation business. While private-sector transport is not without its problems, our generation's experiment with socialist transport has produced obvious answers: Emperor Transit First is stark naked. We are witnessing a counter-revolution, but do our leaders in Sacramento and Washington have the common sense of our local government leaders and the Father of our Constitution? *Caveat Viator!*

Very truly yours, JOSEPH P. THOMPSON

Member, SBC Citizens Rail Advisory Committee

Member, Transportation Lawyers Association

Member, Association for Transportation Law, Logistics & Policy

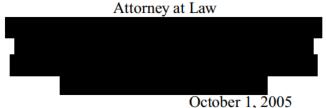
Member, Citizens for Reliable and Safe Highways

Member, Conference of Freight Counsel

Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON



Mr. Conan Knoll, Editor Hollister Free Lance

Re: Private-Sector vs. Public-Sector: Revisionist History from Ultra-Leftists

Dear Editor,

The woeful piece by Mr. Dante Chinni, "Wall Street Shouldn't Trump the Government in Emergencies," struck me as comedy, were it not at heart a tradegy. When in history did Marist-Leninist-Stalinist dogma ever produce a better society than Adam Smith's philosophy? Answer: Never. Holding-up communism as an ideal is like portraying malignant cancer as good for your health. I've asked you and your predecessors over and over again to publish my piece, "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," but you never have. Why? Afraid to publish the truth about the failures of radical socialism? I thought you were A Brave Free Lance Knight, not a stooge of the commies.

Your ultra-leftist rant pieces are worthy of the outhouse for use. Why can't you give us some balance in our Town newspaper? Even the Merc & the Chron publish HJTA and Buchanan. But all we get from you is leftist revisionism. It's either time for you to return to Durango, or drift toward the middle of the road a little bit. *Caveat viator!*

Sincerely yours, JOSEPH P. THOMPSON

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 $Member, Legislation, Intermodal, Arbitration\,\&\,Freight\,Claims\,Committees, Transportation\,Lawyers$

Member, Association for Transportation Law, Logistics & Policy

Member, Citizens for Reliable and Safe Highways

Member, COG's Citizens Rail Advisory Committee

Former Member, COG's Citizens Transit Task Force

Candidate, American Society of Transportation & Logistics

Post-Doctoral Student of Transportation Law & Policy, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, SJSU; Transportation Research Board, Georgetown University; and Library of Congress

The Radical Socialists are so communist that they make the Robber Barrons seem like altar boys in comparison, raping taxpayers, ruining the American dream, while they try to make Soviet planners dreams work here in America!

December 12, 2006 Mr. Mike Schmeltzer, Editor Hollister Free Lance

Re: GUEST EDITORIAL: SBC GENERAL PLAN REVISION DEBATE-ISSUES FUNDAMENTAL TO PLAN STRATEGY--

Throwing Gasoline on the Fire: Socialist Mass Transit & Inclusionary Zoning

Dear Editor,

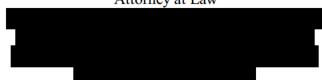
Due to their socialist (communist) policy foundation, neither socialist mass transit nor inclusionary zoning provide sound, sustainable solutions for us, and will backfire as they did on the USSR. Making housing less affordable, inclusionary zoning is a Marist utopian idea that does just the opposite, proven to do much more harm than the small amount of good its advocates proclaim. Two recent reports from the Reason Foundation unmask the Soviet-style Trojan Horse called "Inclusionary Zoning": (1) "Housing Supply and Affordability: Do Affordable Housing Mandates Work?" (April, 2004), and (2) "Do Affordable Housing Mandates Work? Evidence from Los Angeles County and Orange County," (June, 2004), both by Benjamin Powell, Ph.D, and Edward Stringham, Ph.D. The authors' findings prove that "inclusionary zoning" will hurt many more people than help, and will greatly harm our children, and even more severely damage our grandchildren. The authors conclude about "inclusionary" (ultra-socialist) zoning schemes: (1) produce fewer housing units, (2) have high costs, (3) make market priced homes more expensive, (4) restricts the supply of new homes, (5) decreases tax revenues to local government, (6) does not address the cause of the affordability problem, and (7) will make housing less affordable. It will be worse than what our government did "deregulating" electricity. On behalf of our children and grandchildren, I urge local elected leaders to reject all forms of socialist "affordable housing" and "mass transit" which history has shown cannot work over the long term. Caveat Viator! Thank you.

Respectfully yours, JOSEPH P. THOMPSON, ESQ.

Member, SBCCOG Citizens Rail Advisory Committee Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.

Member, Legislation Committee, Transportation Lawyers Assn. Member, Association for Transportation Law, Logistics & Policy Candidate, American Society of Transportation & Logistics Winner, AST&L's Best Research Paper Award 1997 Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON Attorney at Law



Mr. Bill Satterlee, Editor Hollister Free Lance September 25, 2002

Re: Reforming Defective, Dysfunctional Transportation Policy

Dear Editor,

Madison said in *The Federalist*, No. 41, "A bad cause seldom fails to betray itself." It comes as no surprise that the recipients of the massive public transit subsidies extracted from taxpayers should rise to defend the current policy. What does surprise me is that rural county government officials in California condone it. Urban transit funding schemes diverting money from rural counties to big cities are fine from the city dwellers viewpoint, but what about rural counties' residents? LA, SF and our other big cities and urban counties enjoy a net gain of transferred money pouring to them from the rural counties. As a result of the present policy, SBC gets only 11 cents back from Sacramento for each dollar we send, and other rural counties suffer similar treatment. We end up paying for our own transportation, while we also pay for urban transit. I do not believe it to be a fair treatment of rural counties' residents. You can pound a square peg into a round hole with a sledge hammer, but you are going to damage the hole. Did we abolish welfare only to revive it as transit welfare? Insolvent carriers, e.g., bus lines, who charge customers unremunerative fares, are bankrupt blights on taxpayers forced to subsidize them, and they are doomed just like the USSR was doomed. The Politico-Transit Alliance theory is sustainable only so long as the taxpayers are willing to sacrifice. Passenger fares must be set at levels high enough to make the carrier self-sufficient, unless you have the power to squeeze money out of the taxpayers. If nationalized transportation industry was preferable, then why do we move our freight with private sector carriers? Rural counties' residents are looking to their leaders for defenders against Sacramento's unjust, defective and dysfunctional transportation policy. If I choose passenger bus transportation, then I should pay for it, not require that my neighbors pay for my rides. Lincoln, a transportation attorney, was right in saying that men should not ask "a just God's assistance in wringing their bread from the sweat of other men's faces." Any contrary theory is un-American. We have been warned. Either we correct our policy, or we are doomed to suffer the consequences. Caveat Viator!

> Very truly yours, JOSEPH P. THOMPSON

JOSEPH P. THOMPSON



February 20, 1999

The Honorable Rita Bowling, Chairwoman Council of San Benito County Govts.

Hollister, CA 95023-9631

Re: Taxpayers and Transportation Policy

Dear Mrs. Bowling,

Thank you for allowing me to address the COG Board of Directors at their meeting on Feb. 18, 1999. Regarding the Report dated 2/18/99 from Mr. Walt Allen, Transportation Planner, to the COG, "Rail Service Study for Hollister/Gilroy Branch Line," I would like to take this opportunity to reply to Mr. Allen's Report.

I. Assumptions. At the threshold, your special duties that the voters entrusted to you require that you question basic assumptions upon which the Report is based, and the authorship source of the Report. If the underlying assumptions are unquestioned, then you are in danger of having your decision premised on faulty, irrational information fed to you by persons and entities with their own self-interest, rather than the best interest of the residents of the County, distorting the truth and misshaping the facts.

1. The False God of Socialism Assumption: Public-Sector Transportation. The authors' first unstated assumption is that government should provide transportation free, or nearly so, to the public. No where in the Report is it revealed that such a philosophy of government has been shown by history to be ruinous for a society. If this assumption was correct, then the USSR would have won the Cold War. Blind acceptance of this assumption will condemn future generations to a sad fate where they will curse our memory. For an accurate description of the state of public-sector transportation erected on this False God of Socialism assumption, I urge you to read Solzhenitsyn, *The Gulag Archipelago* (1973), ch. 2, "The History of our Sewage Disposal System." The true cost of such a public-sector enterprise is not disclosed by the authors of the Report. In fact, so-called "senior transportation planners" at metropolitan planning organizations (MPOs) like MTC, VTA, TAMC, SCCRTC, etc., never include "negative externalities," i.e., adverse consequences, in their cost-benefit analyses, although they do include "positive externalities," e.g., congestion and smog reduction. Since the authors of those reports gain their income from the tax subsidies that all three

levels of government disburse, they conceal the adverse consequences to justify their work and their existence. A thinking person with a duty to the electorate must ask, "What about cognitive dissonance? Are these reports distorting the truth to justify their authors gaining money at taxpayers' expense? Is the lunch really as free as these authors are telling us? Is the "Free Light Rail Shuttle" really free? How much money do these authors receive for their "consulting" to us? Could they survive in a free-enterprise environment? If they did not gain their income from tax dollars, would they be here to advise us how to proceed?"

If the authors' first assumption was correct, then why have Canada, Mexico, Great Britain, Australia, New Zealand, and many other countries de-nationalized their public-sector transportation industries during the past two decades? If they were correct in their assumption, then the Internet would have remained a government-owned message center for the Department of Defense. If their assumption was correct, then the railroads would have been built originally by the government. The railroads would have remained nationalized as they were for 18 months during World War I. If their assumption was correct, they would not conceal the fact that the number of employees per mile of rail lines in socialized countries is substantially greater than in the United States.

Thinking persons with a duty to the electorate will recognize immediately that this assumption is false. The public-sector cannot outperform the private sector. Serious studies have examined this assumption and concluded as I have, and as you should, that the public is better served whenever we harness free-enterprise capitalism to do the job. Before you accept the false God of Socialism assumption, I urge you to read the seminal works of three Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), and John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

The authors' first assumption is contrary to human experience and common sense. If it was accurate, then public housing projects would be preferable to private home ownership. If they were correct, then Americans would have been emigrating to the USSR to live in concrete tilt-up "Dirodonominiums" along public-sector railroads. In truth, the residents of those Soviet-planners' high-rise concrete towers fled to their country farms (dachas) every chance they got. If the proponents of socialist transportation were correct in their assumption, the Berlin Wall would have been torn down by people trying to get into East Germany. Is that what happened?

Reliance on the public-sector solutions that the authors tout will cause you to violate the mandate of the Government Code that local government officials preserve past generations'

investment in our infrastructure. Worse than the Y2K bug on your computer's hard drive is socialism in your infrastructure. The California Transportation Commission (CTC) has recently recommended that local government base future transportation infrastructure on "user fees" rather than on new taxes. The authors' False God of Socialism assumption conveniently ignores both history and the CTC's instruction to local government. Will we learn from our history, or ignore it?

If the authors' False God of Socialism assumption is correct, John F. Kennedy would have said, "Ask not what you can do for your country. What can your country do for you?" If they were right about this, then the Populist Party platform plank, *viz.*, government ownership of railroads, telegraphs and telephones, would have carried the day during the elections of the 1890s decade, when public outcry to the Robber Barons crested. Williams Jennings Bryan's Plumb Plan would have kept the railroads government-owned after WWI if the authors' premise was correct.

If the authors' False God of Socialism assumption was correct, then Abraham Lincoln would not have said in his Second Inaugural Address that no man should dare to ask a just God's blessing to wring his bread from the sweat of another man's brow.

If the False God of Socialism assumption was correct, then Governor Wilson would never have recommended the "Yellow Pages Test" of government as he did in *California Competes*.

The primary reason that the authors' Report omits mention of this assumption is that consultants and advocates for taxpayer-funded transit do not make any money unless they can convince elected officials, and dupe the public, into believing that there are no alternatives. If the tax dollars stopped, then they would be out of jobs. That is why you see them in the "revolving door" moving between MPOs and consultants' offices, milking the taxpayers by deceiving the elected representatives. As a general rule, they downplay the expense of public-sector transportation by an average of 50%, while at the same time they inflate "ridership" projections and anticipated revenues by an average of 50%. This finding was made after an exhaustive study of the previous 100 years of councils just like yours. Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978).

2. The Pork Barrel Assumption: Politicians Know What's Best. This assumption, which I also call "The MTBE Assumption," is not stated by the authors. Like the False God of Socialism Assumption, you must adopt it before you can accept the recommendations in the authors' Report. If this assumption, politicians know best, was true, then the taxpayers would not have had to pay the \$1+ trillion to bail out savings and loans after TEFRA, and the transportation industries would not

have suffered 95% attrition through failures and bankruptcies as it did after Congress enacted deregulation legislation. If this assumption was correct, then MTBE would not be universally condemned as a mistake by our government. Since politicians can brag about bringing home their respective pork barrel projects, and make it seem like they are doing something positive for their constituents, the politico-transit alliance promotes the myth of this Pork Barrel Assumption. Many commentators have, however, recognized the fallacy of this assumption, e.g., Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991). Is TEA-21 really Jim Jones Koolaid for your constituents?

3. The Spending Priorities Assumption: You'll Get Median Barriers When We Are Ready to Give Them to You and Not a Second Sooner.

Another assumption that is not stated by the Report's authors is that unelected bureaucrats, who get their paychecks regardless of their performance, will establish spending priorities that are in the best interests of the greatest number of people. However, this assumption has been proven wrong, and is a primary reason why Mexico, Canada, Great Britain, Australia, New Zealand, and many other developed countries, have de-nationalized their industries, including transportation, during the past twenty years.

Just take the example of the VTA in Santa Clara County. What is the highest priority the VTA has? Let's judge them by what they do, not what they preach. If you guessed safety of the motoring public, you guessed wrong. The first thing on their priority list is their own job preservation. Their actions reveal that nothing is so important as that, no matter what the social cost imposed on society. While the county's transit agency is operated for the best interest of the union employees and agency managers, who have vastly higher pay scales and fringe benefits than you find in private sector transportation companies, the public is forced to wait for highway safety improvements. It matters not that many of us are killed or injured by lack of median barriers on the highways. So long as they can double the annual retainer of their federal lobbyists, so long as they can spend money for aesthetics, pensions, "Free Light Rail Shuttles," and other schemes and self-serving plans, then the public be damned. No sooner had the ink dried on the Supreme Court's decision denying a hearing to the taxpayers' challenge to the Court of Appeals' decision in the \$1.2 billion sales tax (Measure A&B) case, than the VTA's board of directors adopted a resolution doubling the \$620,000 annual retainer that they pay their Washington, D.C., lobbyists, raising it to \$1.2 million annually. This money is spent so that VTA can have more lobbying to get more taxpayers' dollars from Washington. The success of their lobbyists ensure that they get more of our tax dollars. Imagine that cycle repeated by all of the MPOs around the country every time reauthorization of transportation infrastructure is debated by Congress! Where will it end? Ask yourselves, if ISTEA reached

\$186 billion, and TEA-21 rose to \$218 billion, how many people, primarily middle-class taxpayers, will be forced to suffer declining standard of living in the future to support such abusiveness by our government and public servants?!?! Although there have been terrible highway crashes, taking a disgraceful toll of motorists of all ages, unborn, children, teens, adults, and elderly, VTA routinely transfers many millions of our transportation dollars to its employees bloated pension plans (most recently, January 1999, \$52.29 million to PERS). The authors would have us ignore the bureaucrats' spending priorities. Their assumption is that we must close our eyes to the human suffering which those selfish decision-makers at our MPOs like VTA make every day with our money.

Ask yourselves: "Why did Mayor Brown threaten to privatize Muni when it was revealed that they were operating nearly 50% of their bus fleet without meeting CHP's safety standards for passenger buses?" Was Mayor Brown admitting that the private sector could do a better job? Do you believe that he would ever fulfill such a threat when it would mean the loss of vast political patronage in San Francisco for the Mayor? Are you willing to establish that model for our County? Are you willing to accept the priorities revealed by the VTA?

4. The Womb to Tomb Government Assumption: Unelected Bureaucrats Will Address Your Every Need.

A related assumption which the authors fail to mention in their Report is that we can trust bureaucrats, unelected and unresponsive to the electorate, to make wise decisions for everything we need from the womb to the tomb. This fallacy must be rejected for the same reasons that you denounce the False God of Socialism Assumption. Until Christ's Golden Rule becomes part of human nature, this assumption is false.

5. The Black Hole Government Assumption: Each Little Tax Increment Will be Painless for the Taxpayers.

The next unstated assumption, which I call "The Black Hole Government Assumption," is one in which the authors expect that each "little" tax increment imposed on the taxpayers will have no adverse effect. They think it will be painless. Their thinking can be shown for what it is by imagining yourself exposed to the ravages of a blood-sucking leech. One leech, say on your foot, takes a few tablespoons of your blood, is satisfied, and falls off. You survive. Two leeches will take twice as much of your blood. Again you survive. Now, keep adding leeches to this thought experiment (don't try this at home!). If your body was totally covered with leeches, you would be dead. Somewhere between the first leech, and total body coverage, a fatal number of leeches, all sucking their own little sip of your blood, attach themselves to you. That number will depend on many factors. Suffice it to say that each person has such a number, but there are an infinite number of leeches

standing by ready to help themselves to everyone's blood.

A Black Hole Government has infinite gravitational pull that will cause it to grow indefinitely as long as it can suck-in more matter that comes within its grasp, just like its namesake in cosmology. The authors misguided assumption is that the leeches can be restrained, the black hole arrested, before the fatal point arrives for our society. In the interim, they may profit from the experience that society undergoes, until they, too, get a fatal dose of leeches or are bound irrevocably to the attraction of the black hole. But the authors, or their descendants, will suffer the same fate as the rest of us. Their thinking is, therefore, self-serving and short-sighted. We may excuse them as advocates for a theory, a philosophy, and all agree that in a democracy they have the right to express their opinion. But thinking persons with a duty to their constituents must see through their fallacies to the truth, and steer us away from the leeches, and clear of the Black Hole Government.

6. The Malignant Tumor Government Assumption: It Won't Spread. The authors next unspoken assumption that I call "The Malignant Tumor Government Assumption" presumes that we will keep this socialism from spreading to other parts of society. They say nothing about the malignancy spreading, for example, to retailing, food distribution, medical care, farms, etc. Their unstated assumption is that extending nationalized industry into transportation will not cause further spread of nationalization into other industries. The danger of the spread of socialism in our economy is taught to MBA candidates in our universities. It is widely accepted learning that in a global economy like our children are facing only countries which restrict their spending to income producing activities will prevail in the intense competition. Dunning, Multinational Enterprises and the Global Economy (Addison-Wesley Pub., 1993), at p. 529. Until we have elected leaders with the wisdom and courage to stop the spread of this malignancy, the authors and others touting their philosophy may facilitate the spread of this evil throughout our society and forcing us to the same fate as befell the USSR.

7. The Graffiti Taggers Assumption: Respect for Private Property. The authors next unstated assumption is that public-sector property will earn the same respect as private property. But like graffiti taggers, who despoil and vandalize others' property, the draftsmen of the Report, like many of their cohorts around the country, fail to state the obvious fact that people have greater respect for something they own, than for what other people own. Just look at a street in your community with renters and owners. Who takes better care of the property? Are graffiti taggers spray-painting their belongings? Or are they lurking around spraying paint on public property, carving their incomprehensible acronyms in the glass doors and windows of our small businesses?

8. The Vacuum Assumption: This Scheme is the Only Thing Happening. The next assumption that the authors fail to reveal in their Report is one wherein they pretend that no other tax-funded government program is already draining dollars from us, and that middle-class incomes have been increasing. As shown in the accompanying Petition, this assumption is false, and must be rejected for the same reasons as stated under the Black Hole Government Assumption. Many people have already reached the fatal number of leeches sucking their blood. Look at the number of bankruptcies and their rate of increase in this District. Look at the small business failure rate. Look at the sky-rocketing price of housing. If you have already been forced to tax the beds in our hospitals and convalescent homes to run the socialized buses, what will you have to tax to run socialized passenger trains?

9. The Grantism Assumption: If the Money is Called a Grant Then it is Not a Tax Subsidy. You will notice that the authors' Report distorts the meaning of words to conceal the truth as much as possible. For example, the use of the word "grant" instead of "taxpayers hard earned dollars," or "taxpayers' subsidy," is commonly used by authors like those of this Report. Whether the dollars from the taxpayers are called taxes, fees, grants, subsidies, or pork-barrel handouts from the Treasury, the effect is the same. And furthermore, the corollary assumption, that tax dollars from the federal government are somehow different from the taxpayers' dollars that are spent by local, regional and state governments is just as fallacious. The California Supreme Court has held that a fee is not a tax, and therefore, the Legislature need not comply with the California Constitution (2/3 supermajority requirement) whenever it enacts "fees" as opposed to enacting taxes. Sinclair Paint Co. v. State Board of Equalization, 15 Cal.4th 866, 64 Cal.Rptr.2d 447, 937 P.2d 1350 (1997). This is contrary to the will of the people as shown by Proposition 13 and Proposition 218. So, it is vital that our local elected representatives voice our concern that the Constitution be enforced and that no new taxes be placed on the backs of the taxpayers. The impact of all these taxes by all the multiplicity of taxing authorities, joint powers boards, redevelopment agencies, municipalities, regional authorities, etc., whose malignant growth can be seen in the explosive growth of our Public Utilities Code in California (which has doubled in size during twenty years of "deregulation" of the industries), may be seen if you read the accompanying Petition.

<u>Gifts.</u> The most insidious assumption that the authors make is that this federal money has no strings attached. Hailed by the politico-transit alliance as "devolution," i.e., returning power to local and state government, all of the ISTEA (Intermodal Surface Transportation Efficiency Act) reauthorization legislation, e.g., BESTEA, NEXTEA, HOTTEA, etc., was laced with poison like Jim Jones' Koolaid. Although bipartisan supporters never once mentioned it, the draftsmen of TEA-21 inserted broad

federal preemption language ("no state or local government shall enact or enforce any law or regulation . . . "). While this was no problem for the politico-transit alliance, who got unprecedented sums for their pet projects out of the deal, the Tenth Amendment in the Bill of Rights was further decimated. Using the Commerce Clause as justification, the Supreme Court has approved this federal incursion of the States' rights in a wide spectrum of the Nation's economy, e.g., Kelley v. United States, 116 S.Ct. 1566 (1996) [state regulation of intrastate trucking preempted by ICC Termination Act, Pub.L. No. 104-88], so TEA-21's draftsmen traded away the people's constitutional rights in exchange for the "demonstration projects" (pork barrel) that the politico-transit alliance sought. How does this work? For example, federal preemption of local government power by means of this language was recently approved by the Ninth Circuit Court of Appeals in the Stampede Pass Case (City of Auburn v. Surface Transportation Board), where the Court upheld Congressional prohibition of enforcement of environmental, zoning, and construction permit laws by the City of Auburn, Washington when the Burlington Northern Santa Fe Railroad decided to reopen its previously abandoned transcontinental route through the Stampede Pass without complying with their state laws. The federal formula also applies to airlines, 49 U.S.C. §41713(b)(4). Courts throughout the Nation have handed down similar decisions based on the broad federal preemption language. 18 Harvard Journal of Law & Public Policy 903, "Federal Preemption of State Consumer Fraud Regulations: American Airlines, Inc. v. Wolens," 115 S.Ct. 817 (1995).

The authors' Report never mentions this erosion of fundamental rights reserved to the people by the Bill of Rights. While temporary gifts are doled-out by campaign-fund, vote-hungry members of the politico-transit alliance, they are depriving future generations of the Founders' Constitution that we inherited from our fathers. I consider this to be the most egregious harm that is left unspoken by the Report. Acceptance of the Report by the COG Board will be a ratification of this violation of our constitutional rights. Since those rights have infinite value to America's unborn generations, whatever inducements are offered us in exchange are nothing more than an insult to democracy. Who has the courage to tell the Emperor that he is stark naked? What is more important, another glass of Kool Aid, or your grandchildrens' constitutional rights? A statesmen would rather fall on his sword; a politico-transit alliance comrade will lunge for the chum like sharks in a feeding frenzy.

II. Recommendations. I request that you give serious consideration to the accompanying Petition on behalf of the taxpayers, homeowners and small business owners of this County. I urge you to "do your homework" and read my paper for the background and evolution of this crucial issue facing us today, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law J.*, pp. 87-et seq. (1997). I have already given you copies of this paper, but to aid your decision making, I am enclosing a copy of a shorter version entitled "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities,"

which was published in the *Transportation Lawyer* (1997). Your special duties to the electorate and residents of the County, and, equally important, your duties to future generations of County residents, require that you adopt strategic transportation planning that is in the best interests of the greatest number of people, not the best interest of consultants and others who feast off the taxpayers. In honor of the self-reliant pioneers from the Donner Party, ranchers and farmers who originally settled this County, you must be guided by the American virtues of independence, self-reliance, and respect for private property which they bequeathed to us, and for which our fathers fought to preserve for us. Rejecting all forms of socialist planning for our transportation infrastructure, I believe that you should adopt the following recommendations to guide us into the next century.

- <u>1.</u> The COG Board must refuse to become a partner with another government because partners are responsible for each other's debts.
- <u>2.</u> The COG Board must reject the philosophy of public-sector transportation advocates like the transit planners at VTA, TAMC, and other MPOs.
- <u>3.</u> The COG Board must obey the mandate of the Government Code to preserve previous generations investment in our infrastructure, chief of which is capitalism.
- <u>4.</u> The COG Board must reject invitations to spread socialism into this County, which are extended by self-serving promoters of taxpayer-funded programs that impose unacceptable burdens on the middle-class, homeowners, small business owners, and cause housing to become more unaffordable. COG must denounce the politico-transit alliance and Soviet-style planners.
- <u>5.</u> The COG Board must obey the instructions of the CTC to plan infrastructure on "user fees" and not on new taxes. COG must place the taxpayers' well-being as its highest priority.
- <u>6.</u> The COG Board must instruct the staff of the County transportation agency to include all negative externalities in their cost-benefit analyses, including small business failures and personal bankruptcies, and their human suffering, resulting from excessive taxation by all levels of government.
- 7. The COG Board must demand truth in transportation from the staff of the County transportation agency, and any other proponent of public-sector transportation in any mode, i.e., highway, railroad, etc., so that our elected representatives have an accurate factual basis upon which to make decisions for strategic transportation planning.

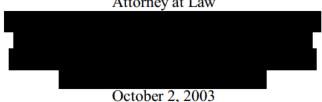
- **8.** The COG Board must discount the reports of consultants and proponents of public-sector transportation because their viewpoint is influenced by their desire to profit at the expense of the taxpayers. COG must not emulate Soviet-style models from wealthy, urban counties.
- <u>9.</u> Before proceeding with any plan, the COG Board must find that it would be in the best interests of the taxpayers of this County to adopt the public-sector model of passenger train transportation and reject the free-enterprise model of the private sector.
- 10. The COG Board must consider the private-sector solution adopted in Stark County Ohio and the benefits for the commerce and business and tax base of this County that could be achieved if we followed their example and had a shortline railroad from the private sector build and operate an intermodal facility on the Hollister Branch Line near Highway 101, which is a NAFTA approved route under TEA-21. Tapping the substantial flow of intermodal traffic, Eastbound from the Salinas Valley, and Westbound into the Silicon Valley, will add tax revenues for the County, attract additional transportation business, reduce highway congestion, road maintenance expense, and improve air quality because of the traffic that is diverted off the highways to TOFC/COFC rail service. This intermodal traffic far exceeds any other available freight revenue that the Hollister Branch Line could offer a shortline railroad/intermodal facility operator.
- <u>11.</u> The COG Board must adopt a policy of preferring free-enterprise transportation as the only long-term, sustainable transportation as history has shown, and reject public-sector, taxpayer funded transportation schemes promoted by people who delight in spending OPM ("other peoples' money) with no risk to themselves.
- III. Action Request. Will you please include this reply to the Report, and the accompanying Petition, on your agenda for your meeting on March 18, 1999, at 1PM in Hollister, and consider it on behalf of the taxpayers, homeowners and small business owners of our County. Thank you for considering this request.

Respectfully yours,

JOSEPH P. THOMPSON

Encl.

JOSEPH P. THOMPSON Attorney at Law



Mr. Mike Fitzgerald, Editor Hollister Free Lance Hollister, CA 95023

Re: Government Transport Priorities-Theory vs. Practice

Dear Editor,

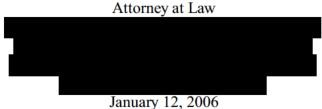
Should residents accept our elected leaders' contention that they place safety as our highest transportation priority? If they did as they say they do, then why do we have no median barriers on local highways while we have empty County Transit buses? Why do they have money to pay public sector union employees' pension plans, but none to construct median barriers? Why are there millions of taxpayer dollars to study endangered species of fish, newts, salamanders, etc., possibly laying in the path of highway improvements, but no regard to the endangered small business owners killed-off by ever-increasing fees and taxes exacted to pay for the infrastructure? Wasteful spending by our elected leaders has been, and is, the hallmark of our transport policy. For example, VTA had \$1 billion to build what MIT calls the Nation's worst transit sinkhole, lite rail (*HEAVY SOCIALISM*), and they have \$900 million set aside to extend it, and hundreds of millions annually to operate it, but we will wait years for the \$35 million safety improvements at the 152 156 intersection. Politician transportation has given us shiny empty buses, and concurrently, shameful body counts; sleek trains, but dead motorists' roadside memorials.

COG, VTA, AMBAG, MTC, TAMC, SCCRTC, and all the other metropolitan planning organizations, created and maintained under ISTEA and TEA-21, foster waste in transport, pork barrel pet projects rather than efficiency, all the while their boards of directors and executive directors proclaim safety as their highest priority. Who do they think they are fooling? On Tuesday when President Bush signed the five-month, \$14 billion extension (patch?) for TEA-21, it was a signal to us to demand a change in transport priorities before Congress can enact the proposed sixyear, \$385 billion transport bill governing transport infrastructure spending at all three levels of government. I say enough empty buses, too many boondoggles like lite rail (*HEAVY SOCIALISM*), Amtrak, Caltrain, Bullet Train. It is high time to tear down the Iron Curtain in American transport policy. Let's tell our leaders we want highway safety as our highest transport priority in deed as well as in words. *Caveat Viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON



Mr. Conan Knoll, Editor Hollister Free Lance

Hollister, CA 95023

Re: Elected Leaders' Highest Transport Priority? If you think "safety," better think again!

Dear Editor,

With COG's "Unmet Transit Needs" Hearings scheduled for Jan. 19th, I think it's time we examined our leaders' transport priorities. With all the deaths and injuries from highway accidents, and all that has been said about improving highway safety for motorists, we should expect that their claims that "highway safety" is their #1 transport priority is true. Well, is it?

Under our transport law from our radical socialist Legislature, highway safety is not our #1 priority. That distinction goes to "unmet transit needs." In fact, the County is prohibited from spending a penny on road repairs or highway safety improvements unless our COG Directors make a formal finding, based upon testimony submitted at the annual "unmet transit needs" hearing, that there are no unmet transit needs that are reasonable to meet that are not being furnished by COG to any and every transit recipient. In other words, it makes no difference how many of us are killed or injured on our highways. No money can be spent on the highways, for any reason whatsoever, so long as there is an "unmet transit need" that COG Directors deem reasonable to meet. So decrees our Legislature; so they treat motorists, worse than they treat smokers. If anyone cares to read the law for themselves, you can find it in Section 99401.5 of the California Public Utilities Code, which can be found on the Internet at Find California Codes. In SBC only about .004 (4/1000) of our annual trips are on County Transit, so therefore, 99.6% of our trips are in private vehicles. Regardless, our Legislature deems transit system riders "unmet needs" of greater importance than the safety of our County's motorists. This mandate from Sacramento is imposed on COG's Directors, cutting off their legs, punishing self-sufficient motorists who pay 100% of their transport costs, and 99% of the costs of transit system riders' rides. When the law is not logical, people loose respect for it. When that happens, we're all in trouble. Caveat Viator!

> Sincerely yours, JOSEPH P. THOMPSON, ESQ.

Member, Transportation Lawyers Association

Member, Association for Transportation Law, Logistics & Policy

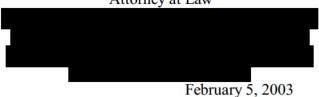
Member, Citizens for Reliable & Safe Highways

Member, COG's Citizens Rail Advisory Committee

Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON Attorney at Law



Mr. Bill Satterlee, Editor Hollister Free Lance

Hollister, CA 95023

Re: Central California Regional Transportation Infrastructure Improvements and Reauthorization of Transportation Equity Act for the 21st Century

Dear Editor,

I think that SBC's local leaders ought to focus their attention on the missing link in the region's transportation infrastructure. Instead of more wasteful, empty transit buses, more son-of-Amtrak passenger rail operations, our elected representatives should join forces to regain intermodal facilities for the Central California Coast. Of all our "unmet needs," this should be our #1 priority.

The 108th Congress is presently soliciting TEA-21 reauthorization legislation recommendations from local government. According to *Traffic World* and other industry publications, Congress will propose enactment of "one-quarter of a trillion dollars" TEA-21 reauthorization legislation by this coming September. Yet our local leaders have not responded. Rather, they are preparing another round of "unmet needs" hearings next month for more wasteful public transit for SBC. Since the reauthorization process only occurs once each six years, our leaders' myopia will only worsen the region's dysfunctional transportation. More transit riders, who pay fares that cover only 1% of fully amortized costs, will only worsen local government budget deficits. Most of all, we need structural reform of our policies, not additional transport waste.

Agriculture alone is hardly more than subsistence farming. Combined with efficient, economical transport, ag can be a profitable business. But California spends more money on bike paths than it does on intermodal transport facilities. I have repeatedly urged SBC's leaders to correct this mistake, but we continue to blunder, repeating the mistakes of the past without learning from them. Why?

Consider:

- You must travel from the Port of Long Beach to the Port of Oakland before you find intermodal facilities.
 - Silicon Valley is the largest urban area in North America without one.
 - Intermodal facilities in Silicon Valley and Salinas Valley were abandoned by SP.
- Salinas Valley shippers have no viable alternative to trucks, so when truck "shortages" (real or imagined by truck brokers) occur, our produce cannot compete in transcontinental markets,

or is gouged by the brokers' "deregulated" freight rates.

- Intermodal rates average 40% less than truckload rates.
- Transcontinental intermodal service is truck-competitive (i.e., UPS is UP's biggest intermodal customer tells you something about the service).
- Tonnage being drayed to and from the intermodal facilities at Lathrop (UP) and Stockton (ATSF-BN) from and to Silicon Valley and Salinas Valley over Altamont and Pacheco Passes makes a significant contribution to highway congestion and air pollution. The occurrence of big rig accidents is increasing.
- Axle weight is the single largest factor in road surface destruction and bridge support deterioration.
- TEA-21 reauthorization legislation is likely to include increasing gross vehicle weight (GVW) to "harmonize" with our NAFTA partners' GVW (Mexico 108,000 lbs.; Canada 101,000)
- TEA-21 reauthorization is likely to lift the freeze on LCVs (Long Combination Vehicles: triple short (27 ft.) trailers and "freeway doubles" (twin 53 ft. trailers)) which are presently legal in 17 states, at least on the NHS (National Highway System routes).
- Restoration of intermodal facilities would alleviate some of the highway and bridge maintenance expenses that these federally-mandated (and pre-empted by the Supremacy Clause and the Commerce Clause) TEA-21 reauthorization developments will bring with them.
- At the high water mark following WWII, the Nation had more than 2,500 intermodal facilities, but now we have fewer than 250 in the U.S.
- Mexican long-haul truck competition will undercut California truckers' rates, thus diverting the freight revenue and local and State taxes to Mexican domiciled carriers.
- Local drayage of tonnage to and from the ramps would be captured by local truckers, not Canadian or Mexican long-haul truckers admitted to California by NAFTA preemption.
- It takes four times the amount of fuel to move a ton of freight with rubber tires over concrete or asphalt as it does moving it with steel wheels on steel rails, so air pollution in the San Joaquin Valley is directly affected by our lack of intermodal facilities on the Coast.
- It takes 9,000 subcompact cars to produce as much road surface damage (at today's GVW, 80,000 lbs.) as that produced by one fully loaded big rig. Increasing GVW to Canadian limits will be the equivalent of striking California concrete with sledge hammers 20% heavier. Increasing to Mexican GVW will be like 25% heavier sledge hammers. Foreign carriers don't pay for highway repairs.
- Accidents, injuries and deaths involving big rigs are increasing, while motor vehicle accident injury and death rates have been decreasing (measured by million miles of travel). Mexican drivers get commercial drivers licenses without comparable training as American CDL holders; Mexico has no hours of service rules for commercial drivers. Drivers paid on a "per trip" basis will be even more dangerous on our highways than our own desperadoes.
- When Altamont Pass is backed-up with traffic congestion, the UP's parallel tracks are 100% empty (17 hours between trains).
- •Our MPO's (e.g., MTC, VTA, SCCRTC, etc.) blame "senior citizens driving their gas guzzlers" for everything from ozone holes, dirty air and traffic, but when I asked the Senior Transportation Planners at VTA and AMBAG why they don't include intermodal facilities in their long-range congestion management plans, they both said, "What is an intermodal facility?"
 - Our Nation has abandoned more track than most countries around the world ever laid.
 - AMBAG's Freight Study (1995) concluded that the Salinas Valley needed intermodal

facilities then, but instead, they focused on public-sector passenger transit.

- Years ago ag shippers in the Salinas Valley enjoyed expedited rail service, including TOFC service, on the "Salad Bowl Express," which we operated via SP-Ogden-UP-Council Bluffs-CNW-Chicago-PC. No such service exists for shippers here today.
- As a former truck dispatcher, I can tell you that truck drivers would rather be home at night with their wives and children than traveling across the country trying to beat impossible demands made on them by the shippers (and cheating the hours of service rules much of the time).
- As a former customer service clerk (10 years for UP), I can tell you that the shippers want reliable delivery schedules more than speedy trucks (air freight handles critical freight).
- Caltrans Chief of Highway Programs, Mr. Jim Nicholas, promulgated Caltrans' transport strategies ("themes") and announced them to the California Transportation Commission on June 6, 2001, including (theme six) increased Statewide reliance on intermodal transportation.
- Before 9/11/01, Transportation Secretary Mineta, and T&I vice-chair, ranking Democrat James Oberstar (D-Minn.) both recommended that the Nation have increased reliance on intermodal transportation (since 9/11 their focus has been on security).
- Caltrans Chief of Freight Planning, Mr. Tom Messer, met with Gilroy's Economic Development Corporation Executive Director Mr. Bill Lindsteadt, and Congressman Mike Honda's transportation staff man and others on Thursday in Gilroy at my suggestion, and we all urged him to tell the Congressman that we desperately need restoration of intermodal facilities for this Region.
- On Tuesday 1/21/03 Mr. Al Martinez, Executive Director, EDC of San Benito County had me make a joint presentation to EDC's Board of Directors with Mr. Paul MacDonald, Regional Manager, Industrial Development Dept., UP regarding increased rail economic development.
- On 10/21/02 at Pleasanton UP's Industrial Development Department presented an economic development forum to local government and private-sector businessmen regarding increasing Northern California rail commerce and promoting rail service to more communities.
- UP's CEO Dick Davidson has been quoted widely in the trade press saying that UP wants a bigger share of the "I-5 Freight Corridor Pie." This makes a hell of a lot more sense to me than the resolution adopted by the Southern California Association of Governments to build "truck only" freeway lanes!
- After deregulating the utilities, California's Legislature was more than a little embarrassed by the failure to build more power generation capability. We are now paying dearly for their lack of foresight! How will it look when Congress raises GVW to harmonize with NAFTA partners, lifts the freeze on LCVs, and we see Mexican trucks Statewide moving California tonnage on our highways? A little foresight by our Legislature would be a refreshing change.
- Eastern Washington State shippers and receivers are seeing restoration of intermodal facilities, with the assistance of WASHDOT and Strategic Rail Finance Corporation. Washington State ag enjoys a competitive advantage that Central California Coast ag lacks, and our commerce, and our communities, suffer the adverse consequences.
- Stark County, Ohio's new NEO-MODAL facility's White Paper is available for our blue print to follow. I've recommended it to local government and EDC's.
- FRA's person in charge told me after the Transportation Law Institute in Arlington last November that most of the \$3.5 billion Railroad Rehabilitation & Improvement Finance (RRIF) program loan money (created by TEA-21) was sitting intact and unused at FRA waiting for applicants. RRIF projects include intermodal facilities.
 - RRIF projects with State government support are given priority under the RRIF regulations

published in the *Federal Register* on 7/6/00, and now found at 49 CFR §§260-*et seq.*, which include a \$1.0 billion "set aside" for shortline railroad projects.

- Some benefits that you would see if we restore intermodal facilities in the Region:
- 1. Facilitate Commerce and Trade
- 2. Improve Transportation (Passenger and Freight)
- 3. Stimulate Local Economy
- 4. Create Local Jobs
- 5. Increase Local Capital Spending and Investment
- 6. Reduce Highway Maintenance Expenses
- 7. Reduce Air Pollution and Improve Air Quality
- 8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
- 9. Improve Highway Safety and Reduce Accidents
- 10. Increase Local Government Tax Base
- 11. Create Transport Options for Growers, Packers & Shippers & Receivers
- 12. Improve Product Profitability During Truck Shortages
- 13. Reduce Border Crossing Delays for NAFTA Products Trade
- 14. Retain Affordable Housing by Reducing Traffic Impact Fees
- 15. Maintain Character and Environment of County
- 16. Preserve Agricultural Land and Small Farms
- 17. Reduce Fuel Consumption
- 18. Reduce Driver Fatigue-Related Accidents
- 19. More Responsive Management to Competitive Marketplace
- 20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

Therefore, I am recommending that voters tell our leaders that motorists are no longer willing to pay 100% of their own transportation costs, plus 99% of the transportation costs of the transit systems' riders' costs. Instead, we must change our transportation policy, and we can start by demanding our California Congressional delegation to include restoration of intermodal facilities in California as part of TEA-21 reauthorization legislation. I believe that this should be our highest transportation priority, and would produce the most benefits for the region's residents.

Caveat viator!

Very truly yours,

JOSEPH P. THOMPSON

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.

Member, Legislation Committee, Transportation Lawyers Assn.

Member, Association for Transportation Law, Logistics & Policy

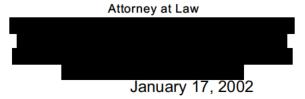
Member, SBC Citizens Rail Advisory Committee

Candidate, American Society of Transportation & Logistics

Winner, AST&L's Best Research Paper Award 1997

Past-President, Gilroy-Morgan Hill Bar Assn.

TWENTY YEARS COG'S FAILURES REPEATED-WHY? WORSE TODAY THAN WHEN I WROTE THIS IN 2002 JOSEPH P. THOMPSON



Honorable Rita Bowling, Chairwoman San Benito County Council of Government

Mr. George Lewis, Executive Director San Benito County Council of Government

Re: Public Comment on EIR for SBC 2001 RTP

Dear Mrs. Bowling and Mr. Lewis,

Thank you for inviting public comment on the Environmental Impact Report (EIR) for the San Benito County (SBC) 2001 Regional Transportation Plan.

Please add this letter to the responses to the EIR that form the public record of your proceedings, and instruct your staff to include copies of the 50 letters regarding SBC's transportation policy that I sent to COG's Directors between Jan. 21, 1999 and Dec. 29, 2001, together with the documents that I presented to you and the COG Directors and staff at the hearing.

- 1. Author: I am a member of the Association for Transportation Law, Logistics & Policy (formerly Interstate Commerce Commission Practitioners Association), Citizens for Reliable and Safe Highways (CRASH), Transportation Lawyers Association, Citizens Rail Advisory Committee, Safe Kids Coalition, SBC Citizens Transit Task Force, Conference of Freight Counsel, and other professional organizations. These remarks are personal and not made on behalf of a client or any professional or governmental organization to which I belong or for which I serve my community. I have done post-doctoral study of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies.
- 2. Background Materials Supplementing These Remarks: The background for these remarks may be found in my paper "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* pp. 87-et seq. (1997). Additional background for these remarks is found in my paper that I wrote while serving on the Government Review Council of two local chambers of commerce in response to Valley Transportation Authority's invitation for public response to the widening of U.S. 101

between San Jose and Morgan Hill, entitled, "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101." I previously gave copies of these two papers to each Director of COG, and will you please direct your staff to add them to these remarks for the formal record of these proceedings. Additionally, as you know I wrote an extensive paper while serving on the SBC Citizens Rail Advisory Committee, entitled, "INTERMODAL FACILITY for HOLLISTER BRANCH LINE: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century."

I respectfully request that you direct your staff to add that paper, too, to the formal record of these proceedings.

- 3. Major Flaws to EIR for SBC's 2001 RTP: I have identified 22 major flaws in the EIR which justify your rejecting it, sending it back to TAC for revision, or else subjecting the County to substantial litigation expenses by a likely challenge to it for violation of the applicable law, e.g., California Environmental Quality Act (CEQA). Rather than approve a defective EIR and RTP, I urge you to see that these flaws are eliminated by further revision of the EIR and RTP.
- 1. The EIR is premised, like the RTP, on unstated assumptions, which are similar to those I pointed out to COG's Directors in my second reply to the COG's consultants' Caltrain extension working paper and my letter to you dated Feb. 20, 1999 (see copies in materials I handed to you at the public hearing).
- 2. The EIR and RTP do not mention private sector transportation alternatives based on presently-existing technology.
- 3. The EIR and RTP would impose an urban transit model on a rural, ag-based economy.
- 4. The EIR and RTP presume tax and population bases which do not exist here to support urban mass transit solutions based on taxpayer-funded public transit that history has shown do not work in the long run.
- 5. The EIR and RTP make no mention of international law, i.e., North American Free Trade Agreement (NAFTA) and its adverse consequences for SBC's residents.
- 6. The EIR and RTP make no mention of the High Speed Rail Authority's Bullet Train, which is proposed to run through this County (either over Panoche Pass or Pacheco Pass) and the tax burdens that it will impose on our residents.
- 7. The EIR and RTP make no mention of passenger stage corporations (PSC's) or transportation charter parties (TCP's), which are authorized by the California Public Utilities Code to perform for-hire carriage of people, nor does it mention private-sector shuttles.

- 8. The EIR and RTP make inadequate mention of the adverse effects that public-sector transportation has on local small businesses, and the adverse effect it has on affordable housing by imposition of additional "traffic impact fees" on house prices to support public-sector transit.
- 9. The EIR and RTP fail to distinguish between transportation infrastructure and transportation business operating on the infrastructure, i.e., for-hire carriage of property and people.
- 10. The EIR and RTP fail to mention restoration of intermodal facilities for this Region has recommended by Transportation Secretary Mineta, the Director of Caltrans Highway Programs, as I recommended to the California Transportation Commission (with positive response by the CTC's Chairman) at the CTC's meeting in December 2001 at the PUC in San Francisco.
- 11. The EIR and RTP propose an unfeasible transportation alternative in high-density apartments and condominiums (4,000 units in ten years) built around two railroad stations on the Hollister Branch Line north of Hollister, and fails to mention the cost of \$20-\$40 million that the taxpayers would be forced to absorb to refurbish the track to passenger-carrying condition, nor does it mention the massive annual operating subsidies required to operate the passenger service.
- 12. The EIR and RTP make no mention of viable alternatives available by reliance upon members of the American Shortline Railroad Association.
- 13. The EIR and RTP make no mention of the decision of the Amtrak Review Council to liquidate Amtrak, and the remarks of Senator John McCain of Arizona who said that Amtrak is a failed experiment, and that Caltrain is equally flawed as Amtrak, and doomed as is all socialist transportation in the long-run.
- 14. The EIR and RTP make no mention of the massive financial losses sustained each year by SBC's County Transit, and fails to disclose that in Year 1999-2000 County Express provided heavily-subsidized passenger service for only 101.6 people/day, nor does it reveal the fully-amortized cost of such public-sector transit, or that it would be cheaper to buy ever rider their own automobile, and that the government monopoly is anticompetitive, discriminatory, and prone to massive waste, especially if the operation is unionized (like BART, VTA, etc.). It does not disclose that the riders enjoy nearly free (99% fully-amortized costs paid by taxpayers, not fares) rides while forcing motorists to pay for all of their own transportation expenses, too.
- 15. The EIR and RTP make no mention of the \$24 billion losses sustained by Amtrak, nor reveals the losses sustained by Caltrain (*Mercury News*' Mr. Roadshow Gary Richards reported that only 11% of operating costs for Caltrain are paid for by fares--the percentage would be much lower of capital costs were included), yet it irrationally contains an alternative transportation plan to extend Caltrain to this relatively poor agricultural

County.

- 16. There is no mention of the \$20-\$40 million estimated cost to refurbish the UP's Hollister Branch Line being imposed on taxpayers and given to the 154th largest corporation in America, which would be a disgraceful form of corporate welfare that would bankrupt every homeowner and small business owner in the County.
- 17. There is inadequate discussion of freight movement in SBC and on the Central California Coast Region, which is unacceptable to the public because axle weight is the single largest factor in road maintenance expenses.
- 18. There is no mention of the adverse effects from the federal government's decision to allow entry of Mexican trucks onto our highways, and US101 is a "NAFTA route" under TEA-21. Those big rigs from Mexico will use Highways 25 and 156 to travel between the Salinas and San Joaquin Valleys, right through our County.
- 19. There is no mention of the U.S. Supreme Court's decisions supporting the federal governments preemption of commerce on our highways, e.g., (1) NAFTA-harmonized gross vehicle weights (GVW), and (2) long combination vehicles (LCVs), three 27-ft. trailers, or two 53-ft. trailers, pulled by one tractor.
- 20. There is no mention of the increase of GVW to Canadian or Mexican GVW, which is likely when TEA-21 is reauthorized (*Traffic World* is already reporting on "TEA-3"), effective in three years from now, and which will pulverize the inadequate new concrete being poured on the new lanes of US 101 north of Morgan Hill.
- 21. There is no mention of the adverse effects on ag-related business in the County or Region and what introduction of Mexican trucks with NAFTA-harmonized GVW and LCVs will have on local truckers, who will be driven into bankruptcy.
- 22. There is more attention given to endangered species of flora and fauna than to the adverse consequences for the human beings, e.g., SBC's gets only 11 cents back from Sacramento, similar to all rural counties, whose money is diverted to LA, SF, San Jose, Oakland, and other urban areas where their transit riders get about \$500,000 annual subsidies courtesy of the rural counties' taxpayers.

When I get a chance I will send you the additional minor flaws that I see in the EIR and RTP, e.g., "without bankrupting the family" should read "without bankrupting all the families in the County" (page 4 of RTP).

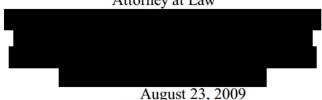
Very truly yours,

JOSEPH P. THOMPSON

cc: COG Board of Directors

cc: Citizens Rail Advisory Committee cc: SBC Board of Supervisors

JOSEPH P. THOMPSON Attorney at Law



Honorable Anthony Botelho, Chairman San Benito County Council of Government

Hollister, CA 95023

Re: <u>SBCCOG Meeting Agenda 8/20/09: SBC Highway Route Selection Jurisdiction:</u>
Public Comment: COG Illegal Usurpation of Lawful Authority of SBCBOS

Dear Mr. Botelho,

Referring to the SBCCOG meeting agenda 8/20/09 Item No. 7, please include this for the formal record of the proceedings for public comment. Also, please include this for public comment on Item No. 5 when you restore it to your agenda (please not on consent because it's about taking more of our taxes to waste on your boondoggle wastefulness).

- 1. Identity: See previous letters.
- **2.** Background: Read the County Code, which you swore an oath to protect and defend. Read the Brown Act, which you violate with COG and with the "Mobility Partnership" with VTA. Read your own deceptive financial reports, which show how badly you're raping the taxpayers every month, over and over again.
- 3. Comment: Thank you for placing this item on the agenda because it proves, once again, that COG is violating the constitutional rights of three County Districts' citizens. You violate your oath of office each time you preside at COG. Your questions from chair of COG prove the point I've made to you numerous times, your denials notwithstanding. Who has the lawful authority to make decisions about highway construction in our County? Not COG. Only the BOS have a mandate from all five County Districts' citizens. COG lacks representation from three Districts, but COG purports to act on behalf of all five Districts' citizens. Since no voters ever voted to grant COG this power, COG's imposition of tax burdens, i.e., highway construction taxes, mass transit tax subsidies, COG acts illegally by denying the franchise rights of three County Districts' citizens. By does so it violates the due process and equal protection rights of those citizens. Bluntly, COG taxes without representation by increasing our tax burdens on all SBC's taxpayers but denying lawful representatives to taxpayers of three Districts.

Concealing tax increase proposals by failing to disclose the subject of tax increases when the COG "agenda" (non-disclosure, no transparency "agenda") contains a topic of debate for the purpose

Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan–A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.

of deciding whether or not to increase tax burdens on the County's taxpayers is despicable, and illegal. The Brown Act requires COG to make a full disclosure of the items to be discussed on the agendas, but COG's practice has been, and still is on your watch, to conceal the truth about the content of agenda items. For example, item #5 (consent) contained a tax increase of more than \$31,000 to be imposed on SBC's taxpayers, but the description of the item on your agenda, over which you preside as Chairman, did not disclose this. Concealment of the truth is the opposite of transparency in government, and shows you to be condoning and tolerating and encouraging the unelected COG staff to deprive the taxpayers of knowledge that the law requires be given.

Moreover, Item #5, which you pulled even after having given notice, such as it was, that it would be considered, and even after I had submitted a "public comment" request, shows you what hypocrites you are. While claiming to be prudent with our tax dollars, you would have the taxpayers' money subsidies to County Transit boondoggle increased by more than \$31,000 even though you loose millions of our tax dollars operating your bus boondoggle at the present level of operating. Since you don't have remunerative fares (fares that cover your costs), each time you increase "ridership" you increase losses for taxpayers, who are paying about 99% of the total costs of County Transit and JDA riders' rides.

You are living in a fools paradise of deception, trying to deceive the taxpayers, but failing in that too.

You don't even know basics things about transportation, and yet you rely on untrained, unprofessional staff advice. For example, while the Court of Appeal in this Sixth District has held that property owners are responsible for sidewalk maintenance, not municipalities, you discuss spending tax dollars to make sidewalk repairs. Your ignorance hurts us every time you preside at COG. Worse, your arrogance proves that you are unworthy to govern us. The federal "stimulus" money that has been wasted on more transit buses is like you pouring salt in taxpayers' wounds. Those buses sit idle in the yard off Southside Road, or are out polluting the air moving a few passengers per hour while racking-up huge operating costs. But you refuse to do anything about it. COG Directors voted to privatize transit, but you refuse to do it. COG Directors voted to reduce waste of tax money on County Transit, but you refuse to do it. Instead, you kow-tow to COG staff recommendations, which are merely turf protection at the expense of taxpayers.

We cannot tolerate your conduct—you must be removed from office, and COG terminated ASAP to stem the hemorraghing of our tax dollars on your boondoggle, unconstitutional, illegal COG. Until you are removed from office, may God have mercy on your soul for the suffering that you have, and are causing us. *Caveat Viator!*

Very truly yours, JOSEPH P. THOMPSON

cc: COG Board of Directors cc: SBC Board of Supervisors

cc: SBC GPU Citizens Advisory Committee

Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan–A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.

COG's Lies and Deceit to the People Just Like the Soviet Union's Planners [Here's an Example You Can Find Many Others When You Ignore the Lies]

This goes double for COG's 20-year RTP

2005 San Benito County Regional Transportation Plan Baloney & B.S. from COG

Big Brother DoubleSpeak: You Don't Have Economic Vitality with Socialism Catastrophic

Disaster is What You get from COG's Socialism-Communism

Proposed Changes from 2001 RTP

General Goals and Policies

- **Goal 1** To support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency. San Benito County jurisdictions:
 - Policy 1.1 Shall promote improvements in all modes of transportation to respond to growing demand for commuter and commodity travel. They shall give funding priority to major road improvements that address critical safety concerns and provide increased capacity for commuter and commodity travel. They shall also give funding priority to commuter railtransit improvements that facilitate movement between Hollister and the San Francisco Bay Area.
- **Goal 2** To increase the safety and security of the transportation system for motorized and non-motorized users. San Benito County jurisdictions:
 - Policy 2.1 (In conjunction with the safety improvements specified in Policy I.1.A1.1 above) shall give next funding priority to minor road improvements that affect the safety of the greatest number of users and projects that increase safety for school children or the elderly.
 - Policy 2.2 Shall ensure that the integrity of inter-regional transportation facilities, including road, rail, and aviation facilities, can be maintained during and after major natural disasters.
- **Goal 3** To increase the accessibility and mobility options available to people and freight. San Benito County jurisdictions:
 - Policy 3.1 Shall promote alternative modes of transportation, including rail and bus transit, rail freight, and pedestrian and bicyclist travel.
 - Policy 3.2 Shall ensure that pedestrian and public transit facilities are accessible to all persons, regardless of physical capabilities.

- **Goal 4** To protect and enhance the environment, promote energy conservation, and improve quality of life. San Benito County jurisdictions:
 - Policy 4.1 Shall develop a street and highway system that promotes compact urban development and preserves prime agricultural land.
 - Policy 4.2 Shall design transportation improvements to conserve protected habitats and species.
 - Policy 4.3 Shall operate transportation facilities in a way that provides a high level of air quality and energy efficiency.
 - Policy 4.4 Shall design urban streets and public transit systems to protect residential and business districts from degradation due to large traffic volumes and or speeding vehicles.
- **Goal 5** To enhance the integration and connectivity of the transportation system, across and between modes, for people and freight. San Benito County jurisdictions:
 - Policy 5.1 Shall construct an intermodal station facility connecting the future commuter rail system to bus transit systems, pedestrian and bicycle facilities, and park-and-ride lots.
 - Policy 5.2 Shall accommodate connections between truck and/or rail freight as demand presents itself.
 - Policy 5.3 Shall promote park-and-ride lots and bicycle parking facilities at key locations to facilitate ridesharing and public transit use.
- Goal 6 To promote efficient system management and operation. San Benito County jurisdictions:
 - Policy 6.1 Shall promote and incorporate intelligent transportation system (ITS) technology into the regional transportation improvement program as new systems become available.
 - Policy 6.2 Shall actively promote ridesharing and public transit to increase the average persons per vehicle during peak hour periods.
- **Goal 7** To emphasize the preservationMaintenance of the existing transportation system shall be a priority. San Benito County jurisdictions:
 - Policy 7.1 Shall conduct regular maintenance of all transportation facilities to forestall premature degradation of such facilities.
 - Policy 7.2 Shall work to secure the Hollister Branch Rail Line for use as a commuter rail and/or freight rail facility.

Streets and Highways

- **Goal 8** To construct and maintain a street and highway system that is safe, accommodates well-managed demand from existing and future development, and is well maintained. San Benito County jurisdictions:
 - Policy 8.1 Shall give priority, among all street and highway projects, to the improvement of roadways and intersections that experience the worst safety records. The next highest priority shall be given to projects that reduce weekday congestion and that serve to maintain the existing roadway system.
 - Policy 8.2 Shall give priority, among all street and highway maintenance projects, to maintenance projects that improve safety for the greatest number of persons and to maintenance projects required for fire and police equipment to respond quickly and safely to emergencies throughout the county.
- **Goal 9** To design, construct, and maintain the integrity of streets and highways to serve their designated purpose and be compatible with the land use to which they are adjacent. San Benito County jurisdictions:
 - Policy 9.1 Shall construct (or cause to be constructed if private), roads, highways, and selected urban arterial streets for regional or interregional travel. Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall emphasize safe and efficient *automobile*, *motorcycle*, *truck*, *and transit* operation. Where appropriate, the jurisdiction shall accommodate the safe movement of agricultural equipment on the facility.
 - Policy 9.2 Shall construct (or cause to be constructed if private), urban collector and local streets primarily for intra-city travel. Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall accommodate vehicular travel but shall emphasize safe and efficient pedestrian and bicycle travel.
 - Policy 9.3 Shall construct (or cause to be constructed, if private), streets in downtown areas primarily to serve business activity. Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall include wide sidewalks and encourage diagonal parking where feasible to increase the number of parking spaces close to businesses and to facilitate the calming of traffic on major downtown streets.
- **Goal 10** ToNew transportation facilities shall be planned to promote compact urban development, prevent urban sprawl, and prevent the premature conversion of prime farmland caused by new transportation facilities. San Benito County jurisdictions:
 - Policy 10.1 Shall provide transportation incentives to developers of compact, infill development in existing urbanized areas to minimize the premature construction of new streets and highways.

- Policy 10.2 Shall locate and design new transportation facilities to minimize the conversion of prime agricultural land outside existing urban/rural boundaries.
- **Goal 11** To promote the development of "livable" streets in urbanized areas that accommodates multiple modes of transportation. San Benito County jurisdictions:
 - Policy 11.1 Shall include bike lanes on arterial and collector streets where feasible, and sidewalks on all streets in developed areas. They should also require street trees designed to form canopies over streets and green strips between sidewalks and streets in new development.
 - Policy 11.2 Shall protect urban streets from through traffic by constructing bypass routes around Hollister and San Juan Bautista.
 - Policy 11.3 Shall designate appropriate routes for large trucks and establish ordinances that prohibit large trucks from traveling on non-designated streets.
 - Policy 11.4 Shall adopt alternative street standards, consistent with standards for fire protection that accommodate traffic-calming measures for existing urban streets. Where appropriate, jurisdictions should install traffic-calming devises to protect local residential streets from speeding traffic.

Rail and Bus Transit

- **Goal 12** To provide an alternative mode of transportation to commuters traveling from San Benito County to Santa Clara County. San Benito County jurisdictions:
 - Policy 12.1 Shall give priority, among all transit operations, to intercity commuter rail service and/or improved express bus service connecting Hollister with Gilroy. The next priority shall be the provision of intra-city bus service in Hollister.
- **Goal 13** To provide a transportation system that is responsive to the needs of the elderly, disabled, and transit dependent. San Benito County jurisdictions:
 - Policy 13.1 Shall continue to provide on-demand general public and paratransit services in Northern San Benito County (Dial-A-Ride Service Areas A and B).
 - Policy 13.2 Shall manage the demand for, and cost of, transit services by accommodating the development of housing for the elderly and disabled in existing urban areas close to stores and health services.
- **Goal 14** To promote transit-oriented development and encourage the use of public transportation to reduce energy consumption and congestion. San Benito County jurisdictions:
 - Policy 14.1 Shall provide incentives to developers who give priority to development projects that construct residential and commercial projects in proximity to existing and planned rail and bus transit stations. Jurisdictions shall review these projects and

- possibly require the provision of transit facilities in conjunction with and financed by the developer.
- Policy 14.2 Shall encourage automobile and bicycle parking facilities at major rail and bus transit stations.

Non-Motorized (Pedestrian and Bicycle) Travel

- **Goal 15** To encourage pedestrian and bicycle travel within urbanized areas. San Benito County jurisdictions:
 - Policy 15.1 Shall require bicycle-parking facilities at major rail and bus transit stations and in downtown business districts.
 - Policy 15.2 Shall ensure that urban streets are safe for bicyclists through regular cleaning and maintenance.
 - Policy 15.3 Shall ensure that existing sidewalks are safe, free of obstruction, and accessible to all persons.
 - Policy 15.4 Shall plan, design, and construct bicycle facilities in conformance with state standards, as outlined in "Planning and Design Criteria for Bikeways in California" (Caltrans).
 - Policy 15.5 Shall construct pedestrian walkways in high-density areas that currently lack adequate pedestrian facilities.
- **Goal 16** To facilitate pedestrian and bicycle travel within new development and between new development and existing urban areas. San Benito County jurisdictions:
 - Policy 16.1 Shall require sidewalk facilities in all new development in or adjacent to urban areas. Such facilities shall include sidewalks on both sides of the street that are a minimum five (5) feet wide, if separated from the street by a planter strip, or six (6) feet wide if located next to the curb.
 - Policy 16.2 Shall require all new multi-family residential and large commercial development to provide easily identified pedestrian facilities connecting all parts of the development and providing access through parking areas and across driveways.
 - Policy 16.3 Shall design and construct all new bridge structures with sufficient width to accommodate pedestrians and bicyclists.
- **Goal 17** To create a new pedestrian and bicyclist facility connecting urban areas with major recreational areas. San Benito County jurisdictions:
 - Policy 17.1 Shall plan and construct a combined pedestrian and bicycle path along the San Benito River from San Juan Bautista to the Pinnacles National Monument.

- Goal 18 To promote pedestrian and bicycle safety. San Benito County jurisdictions:
 - Policy 18.1 Shall encourage bicycle rider training programs for school children in San Benito County.
 - Policy 18.2 Shall work with school districts to identify and make improvements as necessary to provide safe routes to school.

Aviation

- **Goal 19** To promote a safe and efficient air transportation system that serves general aviation and air commerce needs. San Benito County jurisdictions:
 - Policy 19.1 (City of Hollister and County of San Benito) shall protect airport operations at Hollister Municipal Airport and Frazier Lake Airpark from incompatible land uses and maintain the facilities for general aviation and airfreight purposes.
 - Policy 19.2 (City of Hollister and County of San Benito) shall plan for facility expansions at Hollister Municipal Airport, including additional hangar space as demand presents itself, a runway expansion to 7,000 feet, and Instrument Landing System (ILS).
 - Policy 19.3 (City of Hollister and County of San Benito) shall plan for new industrial uses in designated areas of the airport property as demand for space presents itself.
 - Policy 19.4 Shall support the continued operation of a general aviation airport at Frazer Lake Air Park. Frazier Lake Airpark.

Commodity Movement

- **Goal 20** To facilitate the safe and efficient movement of commodities in ways that are compatible with existing and planned land uses. San Benito County jurisdictions:
 - Policy 20.1 Shall accommodate large truck traffic on designated routes throughout San Benito County.
 - Policy 20.2 Shall, where viable alternatives exist, direct large truck traffic away from narrow rural roads, residential districts, and pedestrian-oriented streets in downtown business districts.
 - Policy 20.3 Shall accommodate the development of connections between truck and rail transportation facilities as demand for such intermodal facilities presents itself.

Special Events

Goal 21 To plan for efficient and safe movement of visitors and residents during special events. San Benito County jurisdictions:

Shall work with special event sponsors to ensure that adequate provisions are made for heavy traffic and parking demand during special events.

OBJECTIVES AND PERFORMANCE MEASURES

The Council of San Benito County Governments has adopted short- and long-term objectives that are designed to guide the agency's work program until the next update of the Regional Transportation Plan. Also, in accordance with the new Regional Transportation Guidelines, the Council of San Benito County Governments has also adopted performance measures by which the Regional Transportation Improvement Plan will be judged during adoption of that document.

Short-Term Objectives (by 2010)

Objective S.1	To increase the capacity of the street and highway system to accommodate projected short-term growth.
Objective S.2	To serve 350 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy.
Objective S.3	To reduce the rate of fatal vehicular accidents throughout San Benito County
Objective S.4	To develop a recreational trail for pedestrians and bicyclists along the San Benito River from San Juan Bautista to Hollister.
Objective S.5	To develop a transportation emergency preparedness and response plan that identifies emergency transportation systems, including emergency corridors and reliever routes.
Objective S.6	To convert the old Highway 25 corridor in Hollister from use as a state highway to use as a business-oriented main street that includes increased parking, pedestrian, and bicyclist opportunities.
Objective S.7	To develop a plan for commodities transportation that designates appropriate routes for large trucks throughout San Benito County and protects rural roads and residential and downtown business districts from degradation caused by large trucks.
Objective S.8	To increase rideshare and intra-county transit operations by 10 percent over current (2000) levels.
Objective S.9	To develop and initiate implementation of a comprehensive bike and pedestrian plan.
Objective S.10	To improve Hollister Municipal Airport operations by lengthening the main runway, installing an Instrument Landing System, and constructing additional hangars for general aviation use.

Long-Term Objectives (by 2020)

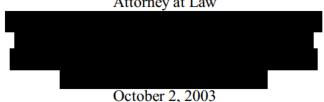
Objective L.1	To increase the capacity of the street and highway system to accommodate projected long-term growth.
Objective L.2	To serve 1,000 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy; also, to begin plans to electrify the commuter rail corridor between Hollister and Gilroy.
Objective L.3	To reduce the rate of fatal vehicular accidents throughout San Benito County.
Objective L.4	To extend the recreational trail for pedestrians and bicyclists along the San Benito River from Hollister to the Pinnacles National Monument.
Objective L.5	To increase rideshare and intra-county transit operations by 10 percent over (2010) levels.

Performance Measures

Is the proposed Regional Transportation Improvement Plan superior to alternative plans in the following ways?

Performance Measure No.	Performance Measure Criteria	Measurement
Measure 1	Does the RTIP improve mobility and accessibility for persons traveling in San Benito County by investing in improvements that allow travelers to reach their destination with relative ease and within a reasonable time?	Travel time for commuters on Routes 25 and 156
Measure 2	Does the RTIP improve safety and security by investing in street and highway facilities with the highest rates of mortality?	Rate of fatal accidents on Routes 25 and 156
Measure 3	Does the RTIP improve transportation system choices by investing in improvements to non-automobile modes of travel?	Transit level of service, including commuter rail; number of bike lane miles

JOSEPH P. THOMPSON Attorney at Law



Mr. Mike Fitzgerald, Editor Hollister Free Lance Hollister, CA 95023

Re: Government Transport Priorities-Theory vs. Practice

Dear Editor,

Should residents accept our elected leaders' contention that they place safety as our highest transportation priority? If they did as they say they do, then why do we have no median barriers on local highways while we have empty County Transit buses? Why do they have money to pay public sector union employees' pension plans, but none to construct median barriers? Why are there millions of taxpayer dollars to study endangered species of fish, newts, salamanders, etc., possibly laying in the path of highway improvements, but no regard to the endangered small business owners killed-off by ever-increasing fees and taxes exacted to pay for the infrastructure? Wasteful spending by our elected leaders has been, and is, the hallmark of our transport policy. For example, VTA had \$1 billion to build what MIT calls the Nation's worst transit sinkhole, lite rail (*HEAVY SOCIALISM*), and they have \$900 million set aside to extend it, and hundreds of millions annually to operate it, but we will wait years for the \$35 million safety improvements at the 152 156 intersection. Politician transportation has given us shiny empty buses, and concurrently, shameful body counts; sleek trains, but dead motorists' roadside memorials.

COG, VTA, AMBAG, MTC, TAMC, SCCRTC, and all the other metropolitan planning organizations, created and maintained under ISTEA and TEA-21, foster waste in transport, pork barrel pet projects rather than efficiency, all the while their boards of directors and executive directors proclaim safety as their highest priority. Who do they think they are fooling? On Tuesday when President Bush signed the five-month, \$14 billion extension (patch?) for TEA-21, it was a signal to us to demand a change in transport priorities before Congress can enact the proposed sixyear, \$385 billion transport bill governing transport infrastructure spending at all three levels of government. I say enough empty buses, too many boondoggles like lite rail (*HEAVY SOCIALISM*), Amtrak, Caltrain, Bullet Train. It is high time to tear down the Iron Curtain in American transport policy. Let's tell our leaders we want highway safety as our highest transport priority in deed as well as in words. *Caveat Viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON Attorney at Law December 9, 1998

Mr. Adam Breen, Editor Hollister Free Lance

Hollister, CA 95023

{NEW ADDED 4-4-2023: Editor, why don't you publish current losses sustained by the so-called transit "success" stories? Just how stupid do you think we area? Explains how the Legislature and local government have increased, and are increasing, the price of gasoline for motorists. }
JPTApril 7, 2023

Re: Taxpayers and Transportation Policy

Dear Mr. Breen,

What do our elected leaders do with all the transportation taxes? Why don't we have enough money for highways? If safety of motorists is COG's highest priority, then why are our taxes being used for their other schemes? An examination of how transportation taxes are diverted from highways to other uses may answer our questions. In the San Francisco Bay Area, here is the Metropolitan Transportation Commission data for Fiscal Year 1993-94 for the 17 largest public transit districts (amounts are in millions of dollars):

Transit District	User Fares	Tax Subsidies	Operating Expenses	O/R
AC Transit	\$33.0	\$102.3	\$135.3	24
BART	\$101.4	\$116.0	\$217.4	46
Caltrain	\$12.8	\$26.8	\$39.6	31
Contra Costa T.A.	\$2.5	\$14.1	\$16.6	15
E. Contra Costa T.A.	\$.4	\$1.8	\$2.2	18
Fairfield/Suisun	\$.4	\$1.1	\$1.5	24
Golden Gate T.A.	\$16.1	\$35.8	\$51.9	25
Livermore T.A.	\$.5	\$3.9	\$4.4	11
Napa	\$.4	\$1.7	\$2.1	19
S.F. Muni	\$95.7	\$189.8	\$285.5	34
SamTrans	\$11.4	\$38.7	\$50.1	22
Santa Clara T.A.	\$18.8	\$133.8	\$152.6	12
Santa Rosa	\$.9	\$3.1	\$4.0	22
Sonoma	\$1.0	\$3.5	\$4.5	22

Union City	\$.2	\$1.1	\$1.3	15
Vallejo	\$2.8	\$3.4	\$6.2	45
W. Contra Costa	\$.2	\$1.3	\$1.5	13
TOTAL	\$298.5	\$678.5	\$977	30

Source: Metropolitan Transportation Commission, *Transactions*, Feb. 1995, p. 4.

Mr. Adam Breen, Editor The Freelance December 9, 1998 page 2

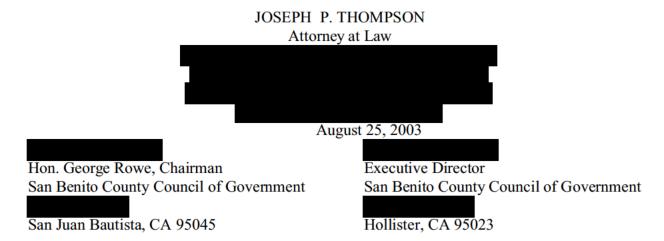
The governments' own numbers reveal that the taxpayers are paying an average of 70% of the cost of transit riders' rides. Actually, if you used generally accepted accounting principles ("GAAP"), the fully-amortized costs (including capital, etc.), would be substantially greater. Thus, the operating ratios would be correspondingly less. These public sector fiascoes are so embarrassing, however, that our elected leaders are ashamed to reveal the true losses, so they have their accountants prepare their reports to the public without applying GAAP. These data explain where our leaders are diverting our tax dollars that could be used to improve our highways. In other words, highway deaths and injuries are attributable, at least in part, to the conscious decisions of our leaders to use the transportation taxes for non-highway purposes.

So, "self-help" counties are, in reality, a misnomer, or possibly, a subterfuge by the transit advocates who do not want the homeowners and small business owners and senior citizens to know that self-reliance is not what they practice, although they preach it to others. By unrestrained spending of O.P.M. ("Other Peoples' Money"), transportation taxes are diverted to insolvent, Soviet-style public transit, while the taxpayers are blamed for causing unsafe, deteriorating highways.

If COG disclosed to the voters their fiscal results of operating their public-sector operations, then the homeowners would have a better understanding of why house prices are pushed to unaffordable levels by "traffic impact fees." Small business owners would better understand why the small business failure rate is so high. Senior citizens would have a deeper understanding of why personal bankruptcies are sky-rocketing. Taxpayers would know why Tax Freedom Day comes later each year. Will COG tell us how much we lose each time a government-operated bus goes out? What percentage of the public is served by such operations? Why do the homeowners and small business owners and senior citizens have to pay for their own transportation, and most of the cost of the riders of public transit? What ever happened to "self-help"?

Very truly yours,

JOSEPH P. THOMPSON



Re: COG Meeting Sept. 18, 2003-Recommended Agenda Items

Dear Mr. Rowe and COG Executive Director,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's Agenda for September and the ad that COG ran on 8-21-03 about new commuter coaches, I ask that the following be included for thorough consideration.

Identity of Author. I am a member of COG's Rail Advisory Committee, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a post-doctoral student of transportation law and policy.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to my past letters to you regarding COG's Directors' decision to privatize the County's public-sector bus system.

Agenda Topics:

(1) Road Map to Transport Policy Sanity-Privatization of Public-Sector Transit.

No method of transport is without its pitfalls, no means without negative consequences. Moving people and goods has always, and will always, present problems. Energy, gravity, and human nature are but three of the eternal stumbling blocks one faces with transport. However, in light of the disastrous failure of public-sector transit, both Nationally, and here in California, we must learn from the lessons of the previous century, and return to America's free-enterprise roots. The COG Directors must establish principles, priorities, and guidelines to enable the transition, and to ultimately achieve the goal.

To this end I recommend that the COG Directors adopt a policy resolution placing free-enterprise transport solutions at the highest priority for the good of all the present and future residents of our County. An example of such a resolution is the one that I offered to RAC's members (see copy enclosed). Opponents, subsidy recipients, trough feeders, etc., will raise countless objections, but COG's Directors will doom their own effort to failure unless they establish sound, sustainable policy decisions to guide SBC to the accomplishment of COG's Directors' goal.

Additionally, the intial starting point, public vs. private, must be kept uppermost in the mind of COG's Directors, their agents, servants, employees, and the public. Instead of misleading ads proclaiming falsehoods like COG's past press releases, e.g., County Transit is "cost-efficient," I believe that COG should promote truth in transportation. An example of the fundamental distinction in the private-public dichotomy is my ALLFREE Lesson #1.

If COG's Directors are serious about sound, sustainable transport for our County, then they must establish clearly defined policy so that everyone will realize where they are leading us. Anything less than clear, decisive leadership is bound to play into the hands of the budget-deficit causing socialists, who if unchecked will ruin our County for future generations. Thank you and *caveat viator!*

Respectfully yours,

cc: COG Directors

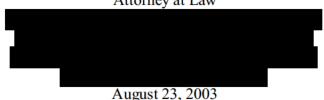
cc: SBC County Supervisors

cc: Hollister City Council members

Encl.

JOSEPH P. THOMPSON

JOSEPH P. THOMPSON Attorney at Law



Mr. Bill Satterlee, Editor Hollister Free Lance Hollister, CA 95023

Re: SBC Transportation Policy-Real Structural Reform

Dear Editor,

Motorists paying high prices for gasoline ought to keep in mind that they not only pay 100% of their own transport costs, they are also paying 99% of the total costs of transit riders' rides, too. Under generally accepted accounting principles, 99% of fully amortized costs, i.e., includes capital costs, of public-sector transit are paid for by taxpayers. Although SBC's transit agency reports a "farebox recovery rate" of a little over 14%, the Legislature allows our public-sector transit agencies to omit their capital costs in their financial reports. So, our government's transport policy punishes self-sufficiency, and rewards waste. No wonder we have government budget deficits. Until we get structural reform in transport policy, those deficits will only get worse. As we tax motorists out of their cars, the downward spiral of government waste will accelerate. Unless we privatize our transit, the multi-million dollar deficits will grow from \$9 million last year (2/1000 of SBC annual trips) to \$18 million (if we double transit "Ridership" to 4/1000), then \$36 million for another doubling of Ridership on County Transit (8/1000). Keep up that trend and SBC will soon have no money left for other basic governmental functions like fire fighters and sheriffs. Privatization of public-sector transit is the only real solution for future generations. So, let's spare the air, spare the taxpayers, and spare us the B.S. about "economical" County Transit. *Caveat viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

May 16, 2003 Mr. Bill Satterlee, Editor Hollister Free Lance Hollister, CA 95023 Mr. Hollister, CA 95020 Mr. Mark Derry, Editor Gilroy Dispatch

Re: SBC Rejects Extending Caltrain from Gilroy to Hollister

Dear Bill and Mark,

Madison said in *The Federalist, No. 41*, "A bad cause seldom fails to betray itself." Last night's unanimous (5-0) decision by the SBC Council of Governments to reject "extending Caltrain" from Gilroy to Hollister shows us again the genius of the Father of the Constitution.

As Senator John McCain said about Amtrak, by any rational measuring rod Caltrain is a "failed experiment." Relying on rural common sense to tell socialist transit advocates that their uncommon nonsense is unacceptable, COG's Directors then proceeded to initiate privatization of the government passenger bus monopoly. While recognizing the importance of railroads, they refused enlargement of Black Hole Government. These Directors have courageously marked a new course: Back to the Future, back to America's free-enterprise roots. Could it be that Transportation Secretary Mineta's challenge to government leaders is bearing its first fruit? He said in 1995, "The crucial question in transportation today is: 'What should government do, and what should it leave to others?'" They answered Secretary Mineta's "Crucial Question" with a courage born of necessity: Government does not belong in the transportation business. While private-sector transport is not without its problems, our generation's experiment with socialist transport has produced obvious answers: Emperor Transit First is stark naked. We are witnessing a counter-revolution, but do our leaders in Sacramento and Washington have the common sense of our local government leaders and the Father of our Constitution? *Caveat Viator!*

Very truly yours, JOSEPH P. THOMPSON

Member, SBC Citizens Rail Advisory Committee

Member, Transportation Lawyers Association

Member, Association for Transportation Law, Logistics & Policy

Member, Citizens for Reliable and Safe Highways

Member, Conference of Freight Counsel

Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON Attorney at Law April 23, 2004

Hon. Richard Scagliotti, Chairman San Benito County Council of Government

Hollister, CA 95023

Mr. Thomas Quigley, Executive Director San Benito County Council of Government

Hollister, CA 95023

Re: COG & TAC Agendas April 2004-COG Policy Errors Compounding

Dear Mr. Scagliotti and Mr. Quigley,

Confirming my statements to you last night at the COG meeting, thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for April, 2004, please refer to my previous letters to you (copies enclosed). I certainly do appreciate the patience that you have shown to me while we engage in the debate about COG's transport policy for SBC, and especially the lesson in tolerance that the COG's Directors send to the educators in COG's audience. Our friends and neighbors engaged in educating our children will undoubtedly have valuable lessons in civic duty and fighting apathy to teach to their students, just as I have as the bar's representative to the high school in Gilroy for many years now.

Identity of Author. I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

<u>Background</u>. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to Resolution No. 04-06 (copy enclosed) about COG's Directors' RTP

COG Resolution No. 04–06: Compounding COG's Policy Errors: Wasteful COG Public-Transit Undermining Transport Safety & Efficiency; Anti-Business Ramifications for SBC project list and planning goals.

Recommendations:

1. Resolution Objections:

As I have said before, there are both procedural and substantive errors in COG's RTP, and they become obvious, and compounded, by COG's Directors' adoption of Resolution No. 04-06. Procedurally, formulation of these RTP project goals was done in violation of the due process and equal protection guarantees of the State and federal constitutions. COG's Directors furnished and invited "free" County Transit rides to COG's special meetings, thereby stuffing the chambers where COG's Directors conducted their hearings with subsidy recipients. At no time did COG's Directors fulfill their obligation to the subsidy payers to give equal treatment. Favoring one class of citizens above other classes of citizens is contrary to American democracy, and violates fundamental tenets of our State and federal constitutions. Additionally, Resolution No. 04-06 contains a mistake where it states that AMBAG is the metropolitan planning organization for the Monterey Bay Area, just as MTC is the regional metropolitan planning organization for the nine Bay Area Counties. As you know, COG is the metropolitan planning organization for SBC.

Substantively, COG's RTP project list and planning goals reflects COG's dysfunctional transport policy. For example, it states as a goal increased County Transit, which is detrimental to SBC and undermines private-sector, free enterprise transport in SBC. The RTP project list shows that SBC is going to waste money on bike paths nobody uses, while our #1 industry and #1 employer, ag, is afforded no benefits. Not a single mention of restoration of intermodal facilities, nor construction of a rail team track where ag can load and unload rail cars is mentioned. For the reasons that I have repeatedly stated to you, both in person during your meetings, and in numerous letters, this is a policy mistake that inflicts much suffering, far more suffering than the few benefits that public-sector transit brings to our County. For these reasons I hereby object to your formal action last night adopting Resolution No. 04-06. *Caveat viator!*

Respectfully yours,

cc: COG Directors cc: SBC County Supervisors

Encl. [Letters]

JOSEPH P. THOMPSON

COG Resolution No. 04–06: Compounding COG's Policy Errors: Wasteful COG Public-Transit Undermining Transport Safety & Efficiency; Anti-Business Ramifications for SBC Is there a solution to the environment vs. econ dev battle that SBC can utilize in its General Plan Revision?

• Yes, just follow the guidance given us by the California Court of Appeals:

_____The decision is entitled Sierra Club v. County of Napa (Berringer Wine Estates, real party in interest).

I have given you a copy, and also all the SBCBOS.

The key ingredient I read in the Court's decision is that Napa County utilizes rail-oriented economic development, i.e., California Northern Railroad, for movement of tonnage into and out of the Napa Valley, thereby diverting that tonnage from highways to rail. Thus, Napa business can show that they are environmentally sensitive, and smart, by utilizing the environmentally-friendly rail option to move their freight.

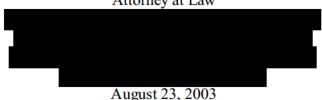
So, if we lose the Hollister Branch Line, we lose the keystone of resolving the struggle between environmental faction and econ dev faction in SBC.

Thus, what can we do to preserve the Hollister Branch Line for future generations? Call UPRR now.

Caveat Viator.

Joseph P. Thompson, Esq. (408) 848-5506 Member, COG's Citizens Rail Advisory Committee Former member, COG's Transit Task Force Founder, SBC Small Business Incubator Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON Attorney at Law



Mr. Bill Satterlee, Editor Hollister Free Lance Hollister, CA 95023

Re: SBC Transportation Policy-Real Structural Reform

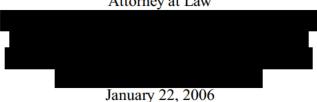
Dear Editor,

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Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON Attorney at Law



Mr. Conan Knoll, Editor Hollister Free Lance

Hollister, CA 95023

Re: GUEST EDITORIAL:??? [You could say at the bottom: "The author has a degree is history, and a doctorate in law, and has been doing post-doctoral study of transport law and policy at Transportation Research Board, Georgetown University, Library of Congress, and Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU. He's a member of COG's Citizens Rail Advisory Committee, and a charter member of COG's Citizens Transit Task Force. He has 43 years of transport industry experience including 26 years representing carriers and their customers before State and federal courts and agencies."]

Planning for Serfdom? Vs. Planning to Avoid Local Governments' Bankruptcy?

Dear Editor,

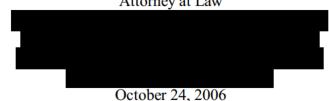
With ridership on COG's County Transit doubling, with fares that cover only 1% of fully amortized costs, requiring taxpayer subsidies of 99% of all transit expenses, the *S.S. San Benito-Titanic* is on an inevitable collision course with Iceberg Bankruptcy. COG's Directors' band-aide approach, just as effective as re-arranging the deck chairs on a doomed oceanliner, won't solve the insolvency. Having discovered the "lump," COG's Directors prescribe a snake-oil salesman to drumup more "ridership." Throwing gasoline on a fire is bad leadership; each additional rider costs taxpayers 99% of the cost of the extra ride.

Why not apply an effective remedy instead? The Legislature enacted a bill drafted by the Law Revision Commission, which our former State Senator, now Secretary of State, Bruce McPherson sponsored, conforming California State law with the Bankruptcy Code Congress enacted in 1979. While about 20 years late, this reform enables local governments to pull the plug on self-destructing agencies like County Transit. By putting the agency into Ch. 9 of the Bankruptcy Code, COG could remove the malignant tumor before it causes SBC and its two cities to petition for relief themselves in the Bankruptcy Court. The Ch. 9 plan of reorganization, like those the airlines and railroads and trucking companies have filed during the era of "deregulation," could nullify "burdensome" contracts, e.g., public-sector union agreements, unremunerative fare structures crammed down rural counties' throats by the Legislature, and other destroying aspects of urban public-sector transit that are impossible in rural counties. Then privatization could be utilized to guarantee future transport service for SBC's future residents, including elderly, disabled and disadvantaged who will not have transit in the future if we don't remedy our fatally-flawed transport policy. Otherwise, full steam ahead; the iceberg awaits us. We'll teach our children the same thing that the Soviet planners taught

Sincerely yours, JOSEPH P. THOMPSON, ESQ.

Member, Transportation Lawyers Association Member, Association for Transportation Law, Logistics & Policy Member, Citizens for Reliable & Safe Highways Member, COG's Citizens Rail Advisory Committee Candidate, American Society of Transportation & Logistics Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON Attorney at Law



Mr. Dan Fitch, Editor Hollister Free Lance P. O. BOX 1417 Hollister, CA 95023

Re: GUEST EDITORIAL: Planning to Avoid Local Governments' Bankruptcy?

Dear Editor,

With ridership on COG's County Transit doubling, with fares that cover only 1% of fully amortized costs, requiring taxpayer subsidies of 99% of all transit expenses, the *S.S. San Benito-Titanic* is on an inevitable collision course with Iceberg Bankruptcy. COG's Directors' band-aide approach, just as effective as re-arranging the deck chairs on a doomed oceanliner, won't solve the insolvency. Having discovered the "lump," COG's Directors prescribe a snake-oil salesman to drumup more "ridership." Throwing gasoline on a fire is bad leadership; each additional rider costs taxpayers 99% of the cost of the extra ride.

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Sincerely yours, JOSEPH P. THOMPSON, ESQ.

cc: SBCBOS

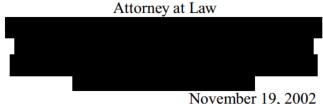
Member, Transportation Lawyers Association Member, Association for Transportation Law, Logistics & Policy Member, Citizens for Reliable & Safe Highways Member, COG's Citizens Rail Advisory Committee Candidate, American Society of Transportation & Logistics President, Gilroy-Morgan Hill Bar Assn.

222

[You could say at the bottom:

"The author has a degree is history, and a doctorate in law, and has been doing post-doctoral study of transport law and policy at Transportation Research Board, Georgetown University, Library of Congress, and Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU. He's a member of COG's Citizens Rail Advisory Committee, and a charter member of COG's Citizens Transit Task Force. He has 44 years of transport industry experience including 27 years representing carriers and their customers before State and federal courts and agencies."

JOSEPH P. THOMPSON



Mr. Bill Satterlee, Editor Hollister Free Lance

Hollister, CA 95023

Re: SBC Transportation Policy: Wasteful Duplication During Budget Crisis? Dear Editor,

Why does SBC have two public-sector bus systems? County Administrative Officer Lee Collins said (*Free Lance* 4/19/00) that SBC's goal is to "run like a small business." If so, then SBC ought to merge the two systems into one to save money for SBC's taxpayers, who pay 99% of the fully amortized cost as presently funded. What justification can our leaders give us?

Or do we have a dysfunctional transportation policy that needs to be changed? Is the issue facing us transit or roads? Is it something greater? Transportation Secretary Mineta said the "crucial question in transportation today is: 'What should government do and what should it leave to others.'" I think he is right. The real issue that we face is socialism or capitalism. Do we want to throw-over our Constitution, and try to make the Marx-Engels-Lenin-Trotsky-Stalin publicly-owned everything theory work today here in America, or do we cling to the quaint notion that privately-owned property is America's keystone to success. The Politico-Transit Alliance and its supporters favor the big socialist (communist) government model regardless of the price we pay for it, and ask voters to ignore the history of the 20th Century. Underlying this struggle lies Mr. Mineta's Crucial Question and the internal inconsistencies in our National Transportation Policy. The "Divided House" of transportation policy continues to worsen as ever larger taxpayer subsidies (ISTEA and TEA-21 (next year TEA-3)--type "investments") are required to fund what would otherwise be bankrupt businesses. It seems as if an "Iron Curtain" has been erected by those advocates of taxpayer funded transportation, creating an artificial barrier between nationalized transportation and free enterprise transportation. While a privatization revolution is occurring around the world, private sector transportation in the United States is being consumed by politically fueled notions of public ownership which history has shown are not sustainable over the long haul. Voters who peel the onion to its core will see the question facing us: Accept Sovietization of America with nationalized, publicsector transport, or retain the Nation's character carefully crafted by the Founders. We are a House Divided now. Will we become all slaves to publicly-owned transit, or do we cling to the liberty guaranteed us under our present Constitution? Caveat Viator!

> Very truly yours, JOSEPH P. THOMPSON

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.
Member, Legislation Committee, Transportation Lawyers Assn.
Member, Association for Transportation Law, Logistics & Policy
Candidate, American Society of Transportation & Logistics
Winner, AST&L's Best Research Paper Award 1997

Past-President, Gilroy-Morgan Hill Bar Assn.

From: Eva Kelly
To: Carey Stone

Cc: <u>David Early</u>; <u>Ambur Cameron</u>; <u>Christine Hopper</u>

Subject: FW: Draft GP questions

Date: Tuesday, April 18, 2023 8:46:36 AM

Attachments: image001.png

image001.png

Good morning Carey,

Please see the comment below and our response regarding the General Plan.

Best,

Eva



Eva Kelly, Interim Planning Manager

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

P (831) 636-4360

eva.kelly@hollister.ca.gov

W Hollister.ca.gov

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General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

-

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak

Sent: Monday, April 17, 2023 4:11 PM

To: Planning Dept <planning@hollister.ca.gov>

Cc: GeneralPlan <generalplan@hollister.ca.gov>; Christine Hopper

<christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>; Ingrid

Sywak

Subject: Re: Draft GP questions

Thx. Appreciate the quick response.

On Mon, Apr 17, 2023 at 4:06 PM Planning Dept < planning@hollister.ca.gov > wrote:

Good afternoon Mr. Sywak,

Please see the answers to your questions below in **blue**. Thank you for your participation in reviewing the City of Hollister's Draft 2040 General Plan Update. We look forward to receiving your additional comments.

Kind regards,

Ambur Cameron, Senior Planner



City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023

P (831) 636-4360

E planning@hollister.ca.gov

W Hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak

Sent: Monday, April 17, 2023 11:09 AM

To: GeneralPlan < generalplan@hollister.ca.gov>

Cc: Planning Dept <<u>planning@hollister.ca.gov</u>>; Christine Hopper

<a href="mailto:christine.hopper@hollister.ca.gov; David Mirrione david.mirrione@hollister.ca.gov; Ingrid

Sywak

Subject: Draft GP questions

Dear Planning Personnel,

After reading the Hollister GP 2040 Public Review Draft, we want to make sure we are correctly interpreting the color coding of densities depicted in Figure LU-2 Land Use Map.

In the Meridian Extension area, there are 3 designations:

1) Are the parcels colored as Arrow #1 = RESIDENTIAL ESTATE (0.2 TO 1 UNIT/GROSS ACRE)?

Correct. Residential Estate (Maximum Permitted Intensity: 0.2 to 1 du/ac).

2) Are the parcels colored as Arrow #2 = GENERAL COMMERCIAL?

Correct. General Commercial (Maximum Permitted Intensity: 2.0 FAR).

3) Are the parcels colored as Arrow #3 (along Barnes Lane) = LOW DENSITY RESIDENTIAL (6 TO 10 UNITS/GROSS ACRE)?

Correct. Low Density Residential (Maximum Permitted Intensity: 6 to 10 du/ac).

For parcels in the Glenmore Drive/Powell Street area, are the parcels colored by Arrow #4 = MEDIUM DENSITY RESIDENTIAL (11 TO 29 UNITS/GROSS ACRE) **or** HIGH DENSITY RESIDENTIAL (30 TO 65 UNITS/GROSS ACRE)?

High Density Residential (Maximum Permitted Intensity: 30 to 65 du/ac).

Once the above densities are confirmed, we have additional comments that we intend to forward.

Looking forward to your response.

Regards,

Ingrid and Alex Sywak

From: Ambur Cameron To: Carey Stone; David Early Eva Kelly; Christine Hopper Cc: FW: Comments re 2040 GP Subject: Date: Monday, April 24, 2023 2:37:01 PM

Attachments: image002.ipg

1 Ordinance 1129 20160418 .pdf 2 COH Zoning Map 2018.pdf

5 Ordinance 761 Prezone 10 01 1990.pdf 4 General Plan 2005 Map 5 Infill Priority.pdf 3 General Plan 2005 Map 2 Land Use.pdf 10 20180309 Sewer Study to City Gmail.pdf

8 GP 2020 Update Hollister Land-Use-and-Planning Vacant Underutilized.pdf

9 GP 2023 Figure LU-2 Land Use Map.odf 7 Dedications Hillcrest & Meridian 1990 pdf

11 Hollister Property Sewer Study Memo stamped.pdf

6 Deferred Improvement Agreement Recorded 19901001 #9008426.pdf

Good afternoon Carey and David,

Please see the email from Ingrid and Alex Sywak below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur

Ambur Email Signature 5

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General Plan Update Hollister 2040.org | general plan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak

Sent: Monday, April 24, 2023 10:41 AM

To: Planning Dept <planning@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>;

GeneralPlan <generalplan@hollister.ca.gov>

Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>;

Ingrid Sywak

Subject: Comments re 2040 GP

Dear Planning Personnel,

Thank you for confirming the proposed 2040 GP densities we requested last week.

In regards to the area at the western terminus of Glenmore Drive, this $^{\sim}$ 8 acre parcel is surrounded by existing homes on 6,000 sqft lots. It is pre-zoned to the City for low density residential $^{[1]}$, $^{[2]}$, is in the SOI $^{[3]}$, is surrounded by the City, lies within the City's Priority Infill Area $^{[4]}$, and last year submitted a vesting tentative map for 80 single detached dwellings using the DBL, providing 4 very-low-income homes and a childcare facility.

The 2040 GP calls for a density of 30 to 65 units/gross acre. Per the incoming BMR ordinance, the density may have to be increased by 80% for any project to attain financial feasibility. A density of up to 108 units/gross acre would require buildings well over 3 stories in height.

We do not believe the neighborhood has been informed that the GP proposes such a huge density increase in their back yards. We are owners of the parcel and were not informed of the proposed change. We request you forward the deliberations that resulted in finding that this parcel should be so drastically increased in density.

We request all owners within 500' of the intended density change be notified. Please confirm you will do so.

We own $^{\sim}$ 43 acres in the Meridian Street Extension Area (MSEA). Our parcels have been pre-zoned to the City for low-density residential $^{[5]}$, a Deferred Improvement Agreement with the City has been recorded $^{[6]}$, and Hillcrest Road and Meridian Street dedications to the City were completed rendering the parcels as contiguous islands surrounded by the City $^{[7]}$. The parcels lie within the SOI and the City's Priority Infill Area (see above maps). They are identified as being underutilized. $^{[8]}$ Last year a vesting tentative map for 429 single detached dwellings using the DBL, including 18 very-low-income homes and a childcare facility was submitted.

We have concerns with the proposed density changes in the MSEA. Currently most parcels are designated as 8 units/gross acre, but are proposed to downsize to Residential Estate, 0.2 to 1 units/gross acre ^[9]. The mixed use parcel at the NW corner of Hillcrest/Fairview is to be changed to commercial, and will be expanded in area. For the commercial portion to develop, City sewer services will have to be extended. Those would be best provided via the proposed gravity line to existing manholes in Santa Ana Road that our 2018 study requested by the City showed is feasible ^[10], ^[11], to service our parcels as well as other parcels in the MSEA.

With installation of the sewer extension to the commercial area, it makes sense to maintain the current residential density, rather than downsizing it. Why install a sewer line to service the commercial area, but on its way service homes on 5 acre parcels instead of 8 homes per acre? The cost of the sewer line and road improvements would be more easily borne by permitting denser residential density. The 2040 Plan states that Residential Estate only occurs in long-range phased areas outside of Hollister's city limits and Sphere of Influence (but is within the Planning Area). Residential Estate land uses are intended to provide sites for larger, distinctive residences in areas that the City does not provide public infrastructure. The MSEA is within the SOI and once a sewer extension is installed, it will have public infrastructure. With development of the commercial area, the intervening residential areas will become an infill area over land that is not agriculturally productive. The 2040 Plan proposes to expand

the SOI but at the same time downsizes parcels in the MSEA by a factor of 40.

The City is required to provide 6,455 dwellings within the next 20 years. Is it good planning to downsize the residential area of the MSEA by a factor of 40 while at the same time expanding the SOI into agriculturally productive lands which lie further from the heart of the City? Infill develop is repeatedly emphasized by the legislature.

We request both density revisions be reconsidered and to continue as designated in the 2005 GP.

We look forward to discussing this further.

Regards,

Ingrid and Alex Sywak.

- [1] Glenmore pre-zoning #1129.
- [2] Pre-zoning City map.
- [3] SOI map.
- [4] Priority Infill Area map.
- [5] Hillcrest pre-zoning, #761.
- [6] Deferred Improvement Agreement.
- [7] Hillcrest Road and Meridian Street Dedications to the City.
- [8] Underutilized Map.
- [9] 2040 GP Map.
- [10] Email to City providing Sewer Study.
- [11] 2018 Sewer Study.

ORDINANCE NO. 1129

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE CHAPTER 17.24.250 PREZONING OF SPECIFICALLY DESCRIBED REAL PROPERTIES TO LOW DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE (APN'S 020-080-022, 020-080-005, 020-080-021, 020-080-013, AND 020-080-007)

WHEREAS, following duly noticed public hearing on February 25, 2016, the Planning Commission recommended adoption of a Mitigated Negative Declaration for Prezone Application No. 2014-6 and approval of the request to Pre-zone 7.25 acres to Low Density Residential Performance Overlay Zone; and

WHEREAS, the planning commission further recommended the addition of four (4) contiguous unincorporated parcels to the prezoning request in the Low Density Residential Performance Overlay zoning district identified San Benito County Assessor Parcel Numbers 020-080-005, 020-080-021, 020-080-013, and 020-080-007, to avoid the creation of an unincorporated island and avoid conflict with San Benito County LAFCO Policy 2.2.18; and,

WHEREAS, on April 4, 2016, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of a Mitigated Negative Declaration and the prezoning application;

NOW, THEREFORE, the City Council of the City of Hollister ordains as follows:

THE CITY COUNCIL OF THE CITY OF HOLLISTER ORDAINS AS FOLLOWS:

<u>Section 1:</u> Zoning Map Amended. The Official Zoning Map of the City of Hollister is hereby amended by prezoning to R1-L/PZ (Low Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R-1-L/PZ (Low Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

Section 2: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-005 comprising of 0.25 acres situated in the County of San Benito, State of California, particularly described in Exhibit "B" attached hereto and made a part by reference.

- Section 3: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-021 comprising of 0.24 acres situated in the County of San Benito, State of California, particularly described in Exhibit "C" attached hereto and made a part by reference.
- Section 4: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-013 comprising of 0.14 acres situated in the County of San Benito, State of California, particularly described in Exhibit "D" attached hereto and made a part by reference.
- Section 5: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-007 comprising of 0.33 acres situated in the County of San Benito, State of California, particularly described in Exhibit "E" attached hereto and made a part by reference.
- <u>Section 6:</u> Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.
- <u>Section 7:</u> Effective Date. This ordinance shall take effect and be in force thirty days from and after its final passage.
- <u>Section 8:</u> Publication. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.
- **INTRODUCED** following a public hearing held at a regular meeting on the 4th day of April, 2016.

Ordinance No. 1129 Page **3** of **9**

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hollister held on the 18th day of April 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.
ABSENT: None.

Ignacio Velazquez, Mayor

ATTEST:

Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law

Bradley Sullivan, City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR ANNEXATION BOUNDARY FOR APN 020-080-022:

BEING A PORTION of Homestead Lot 32 of the San Justo Rancho according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, Page 64, San Benito County Records, being also a portion of Parcels 2 and 3 according to the Map thereof filed October 18, 1972 in Book 1 of Parcel Maps, at Page 34, San Benito County Records, and being also a portion of that certain parcel of land conveyed to the Hollister School District, recorded October 25, 1995 as Recorder's File No. 9509248, San Benito County Records, and being bounded by a line more particularly described as follows;

BEGINNING at the point of intersection of the center line of Glenmore Drive and the existing city limit line of the City of Hollister, said point being approximately 195.01 feet westerly from the center line of Powell Street, thence along the following courses:

- [1] South 1^o 26' 00" West 298.67 feet along the westerly lines of APNs 055-220-038, 020-080-005, and 020-080-021; thence
- [2] South 87° 10′ 20″ East 22.60 feet along the southerly line of APN 020-080-021; thence
- [3] South 1° 26' 00" West 100.00 feet along the westerly line of APN 020-080-007; thence
- [4] North 87^o 10' 34" West 678.37 feet along the northerly lines of APNs 055-120-030 through 055-120-039 to the center line of Homestead Ave.; thence
- [5] North 2^o 55' 00" East 483.02 feet along said center line of Homestead Ave. and the easterly line of Hardin Elementary School to an angle point in the city limit line of the City of Hollister; thence
- [6] South 87° 12' 20" East 643.25 feet along said city limit line of the City of Hollister; thence
- [7] South 1^o 26' 00" West 84.82 feet along the westerly line of APN 055-220-036 and its southerly prolongation to the POINT OF BEGINNING

Containing 7.26± Acres.

End of legal description.

RICHARD C. SHEPARD STATE
RICHARD C. SHEPARD
RICHARD C. SHEPARD
RICHARD C. SHEPARD
RO. 6218
EXP. 31MAR16
STATE OF CALIFORNIA

EXHIBIT A

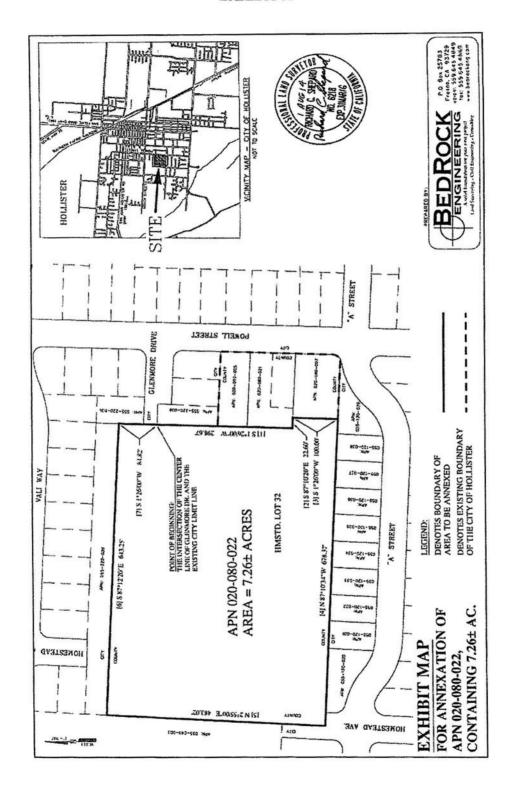
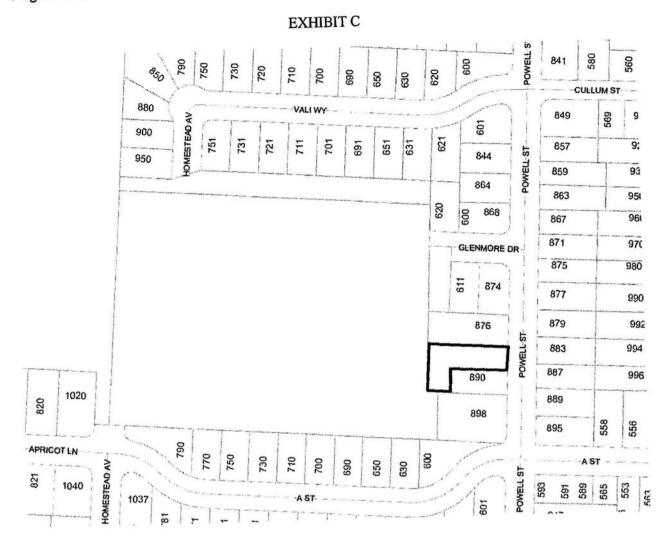


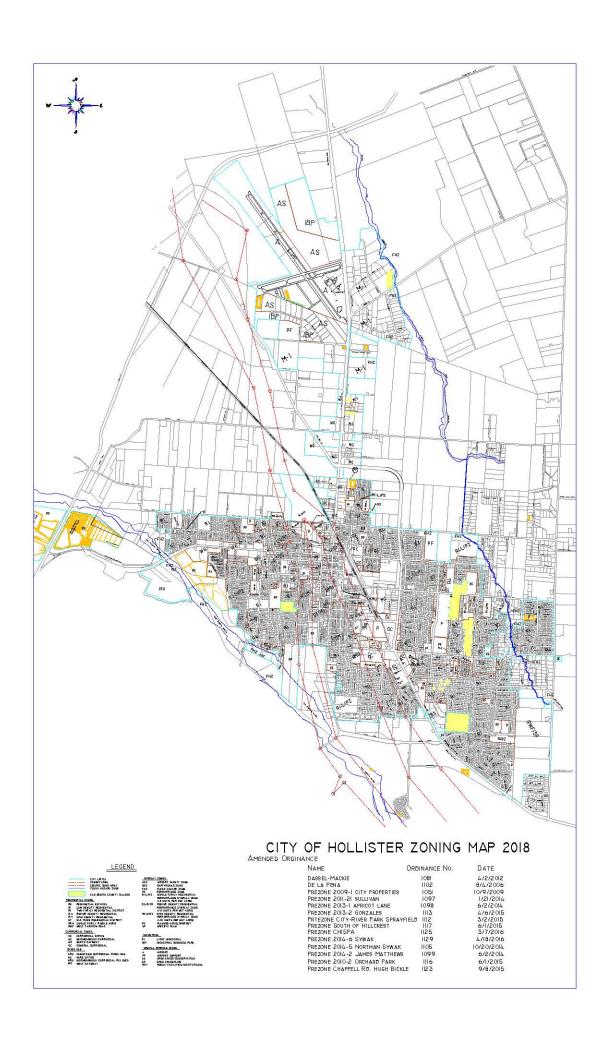
EXHIBIT B

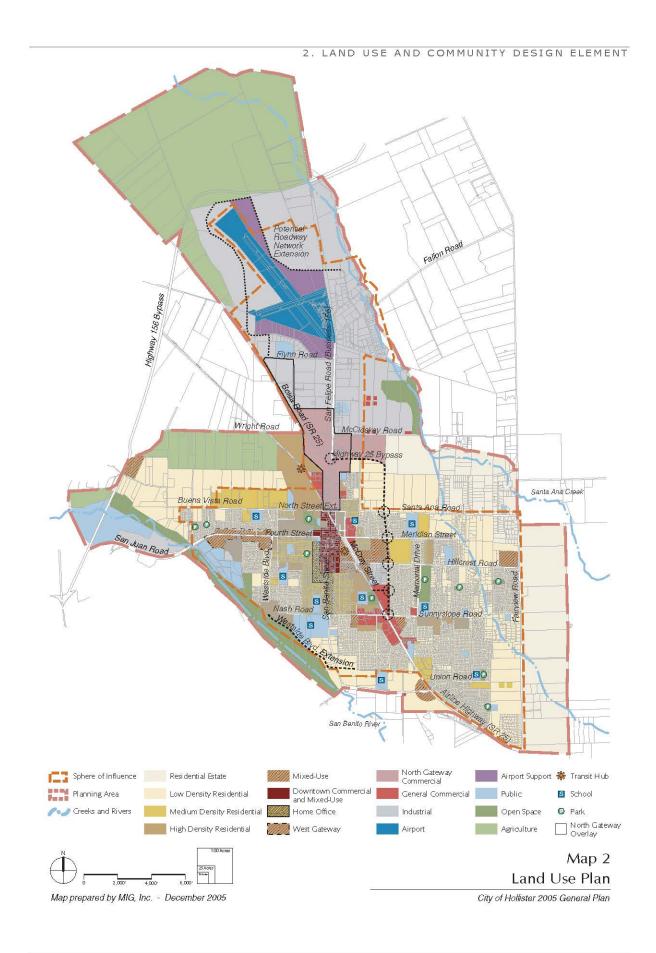


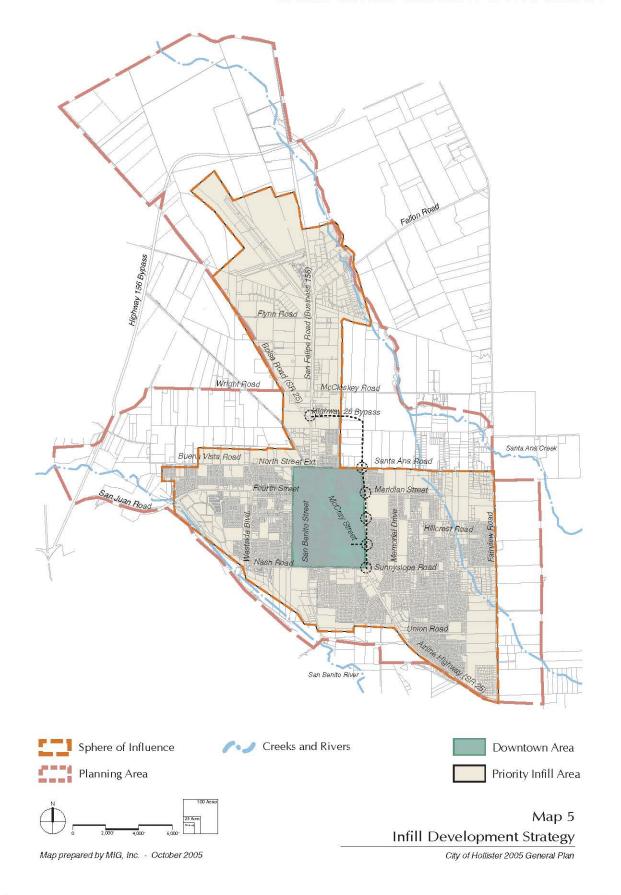












ORDINANCE NO. 761

AN ORDINANCE OF THE CITY OF HOLLISTER

AMENDING ORDINANCE NO. 660 RE PRE-ZONING

SPECIFICALLY DESCRIBED REAL PROPERTY AS

PZ-R-1 DISTRICT (SINGLE FAMILY RESIDENCE)

The City Council of the City of Hollister does ordain as follows:

Section 1: The Zone Map of Ordinance No. 660 of the City of Hollister is hereby amended by Pre-Zoning as PZ-R-l District (Single Family Residence) all that real property situate in the County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a 2part hereof by reference.

Section 2: This Ordinance shall take effect thirty (30) days from and after its final passage. Prior to the expiration of fifteen (15) days from the final passage hereof, the City Clerk of the city of Hollister shall cause this Ordinance to be published once in the Free Lance, a newspaper of general circulation in the City of Hollister.

This Ordinance was read and introduced on the 17th day of September, 1990, and passed and adopted by the City Council of the City of Hollister on the 1st day of October, 1990, by the following vote:

AYES:

Councilmembers Gonzalez, Hallberg, Escover, Kuckenbaker,

and Mayor Light.

NOES:

Councilmembers None.

ABSENT:

Councilmembers None.

ABSTAINING: Councilmembers None.

Mayor of the City of Hollister

ATTEST:

Clerk of the City of Hollister

EXHIBIT A

All that real property situate in the County of San Benito, State of California, particularly described as follows:

A portion of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Volume 1 of Maps, at page 64, San Benito County Records, and being a portion of Lot 7 and Lot 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps at page 34, San Benito County Records, also being that certain parcel of land quit claimed by Gerald D. Quitney and Marlene A. Quitney, husband and wife, to Gerald D. Quitney and Marlene A. Quitney, trustees, by Quit Claim Deed dated July 20, 1987, and recorded July 22, 1987 at Recorder's File No. 8705455, San Benito County Records and that certain parcel described on the Deed of Trust recorded March 5, 1986 at Recorder's File No. 8601373 San Benito County Records, bounded and more particularly described as follows:

BEGINNING at a point in the Eastern line of the Rancho San Justo, said point being in the Northern line of Hillcrest Road and being the Southeast corner of the above said parcel at Recorder's File No. 8705455, thence along said Rancho line and Eastern line of said parcel North 2° 11' East 1466.78 feet to the Northeast corner of said parcel at Recorder's File No. 8705455, thence along the Northern line of said parcel North 87° West 594.00 feet to the Eastern line of above said parcel at Recorder's File No. 8601373, thence along said Eastern line North 2° 21' East 37.36 feet to the Northeast corner of said parcel at Recorder's File No. 8601373, thence along said Northern line North 87° 01' 08" West 375.54 feet, thence North 87° 00' West 432.63 feet to the Northwest corner of said parcel at Recorder's File No. 8601373; thence along the Western line of said parcel South 2° 27' West 1276.63 feet to the Southern line of said parcel at Recorder's File No. 8601373; thence along the Western line of said parcel at Recorder's File No. 8601373; thence along said Southern line the following bearings and distances; South 86° 50' East 193.00 feet; North 2° 27' East 120.00 feet; South 86° 50' East 193.00 feet; South 3° 52' 52" East 61.70 feet; South 86° 50' East 152.21 feet; North 85° 06' 12" East 162.98 feet; South 86° 50' East 136.27 feet; South 87° East 50.60 feet to the Southwest corner of above said parcel at Recorder's File No. 8705455 thence along the Southern line of said parcel at Recorder's File No. 8705455 thence along the Southern line of said parcel South 87° East 594.00 feet to the point of beginning.

(Endorsed)

OCT - 1 1990 AT SS MINI PART 2 P

OFFICIAL RECORDS, SAN BENITO COUNTY - JOHN R. MODGES, Benedit

DEFERRED IMPROVEMENT AGREEMENT

THIS DEFERRED IMPROVEMENT AGREEMENT, made and executed in duplicate by and between the CITY OF HOLLISTER, a municipal corporation, hereinafter referred to as "City", and Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, hereinafter referred to as "Owners".

WHEREAS, Owner is the owner of certain real property situated in the City of Hollister, County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a part hereof by reference, and desires to develop said real property and defer the construction of permanent on and off site improvements; and

WHEREAS, City will agree to such deferment provided Owner constructs said improvements as herein provided.

IT IS AGREED between the parties hereto as follows:

1. Agreement Binding on Real Property. All of the terms, covenants and conditions herein contained shall run with the real property particularly described in "Exhibit A" and shall be binding on, and inure to the benefit of, Owner, their heirs, successors, executors, administrators and assigns. On the assignment, conveyance, sale or transfer of, or on the division or subdivision of, the real property particularly described in

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 2 of 9

Exhibit A", all of the terms, covenants and conditions of this agreement shall apply to each separate parcel and the owner of each such separate parcel shall succeed to all of the rights of, and be bound by all of the duties of, Owner.

2. <u>Improvements</u>. City and Owner agree that the improvements hereinafter set forth may be deferred because: The installation of public improvements is not required for the project until building permits are requested; or until such time as adjacent properties develop with right-of-way improvements, whereby the improvements described below are necessary for property roadway planning as set forth by the City General Plan and for the public health, safety and welfare, at the discretion of the City Engineer.

Owner agrees to construct the following on and off site improvements on the rear property described in "Exhibit A", attached hereto and made a part hereof by reference, all in accordance with City standards in effect at the time of construction: A full 42 foot half street along the Meridian Street frontage, a 40 foot two thirds street along the Hillcrest Road property frontage, and widening improvements, to City and standards, including, but not limited to AC street paving on aggregate base; PCC curbs, gutters and sidewalks; street lighting and street trees; all underground utilities including, but not

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 3 of 9

limited to sanitary and storm sewers, water, gas, overhead electrical lines, telephone, and cable T.V. lines; and all other improvements necessary to bring Hillcrest Road, and Meridian Street rights-of-way into full conformance with all applicable City standards.

Participation in the cost of undergrounding utilities along the frontages of the real property described in "Exhibit A", including but not limited to electrical, telephone, and cable T.V. lines and service connections. Participation in the cost of such construction shall be on a fair share basis established by the City Engineer.

At such time as the City Engineer of the City of Hollister shall determine that the reason or reasons for the deferment of the improvements no longer exist, he shall give written notice to Owner to commence the construction and installation of the same. The notice shall be mailed to Owner at Owner's address as shown in the last equalized assessment roll available on the date the notice is given. The notice shall describe the improvements to be constructed and installed by Owner, the time within which the work of installation and construction shall commence, which shall not be less than thirty (30) days of the date the notice is given, and the time within

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 4 of 9

which the work of construction and installation shall be completed, which shall be a reasonable time. Any part, or all, of said improvements may be required at any time. In the event the real property has been divided or subdivided, the owner of each parcel shall participate in the cost of construction and installation of the improvements on a cost-benefit ratio established by the City Engineer of the City of Hollister.

3. Construction of Improvements. Owner shall commence and complete the construction and installation of the improvements specified in, and within the time specified in, the notice given by the City Engineer of the City of Hollister. Prior to the commencement of construction and installation, Owner shall submit to the City Engineer of the City of Hollister for approva-1, plans and specifications for the improvements, which plans and specifications shall be prepared by persons legally qualified to prepare the same. All construction and installation shall be done in accordance with City standards in effect at the time of such construction and installation. Owner shall notify the City Engineer of Hollister at least forty-eight (48) hours prior to the actual commencement of construction and installation. Owner shall assume, pay and discharge any and all costs, expenses and fees, howsoever incurred, in connection with the construction and installation of the improvements.

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 5 of 9

If an Owner is obligated to pay a portion of the cost of construction and installation of improvements made by others, the amount thereof shall be due and payable thirty (30) days following completion of construction and installation of the improvements.

In the event Owner fails to construct and install any improvements required hereunder, City, at its option, may construct and install said improvements or contract for the construction and installation of the same, and Owner shall be liable to the City for all costs, expenses and fees, howsoever incurred, in connection with said construction and installation, and in connection therewith, hereby grants to City, its agents and employees, and contractor or contractors, the right to enter into and upon the real property particularly described in "Exhibit A" for the purpose of constructing and installing said improvements.

In the event an Owner obligated to pay a portion of the costs of construction and installation of improvements made by others shall not pay the amount thereof when due and payable, City, at its option, may collect the amount from such Owner.

4. Review. If Owner disagrees with the contents of any notice required under Section 2 hereof, or with the cost-benefit ratio established pursuant to Section 2 hereof, he shall, within

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 6 of 9

fifteen (15) days of the date of mailing of said notice or the establishment of said cost-benefit ratio request a review thereof by the City Council of the City. The decision of the City Council shall be binding on both City and Owner.

- 5. Joint Cooperative Plan. On written notice by the City Engineer of the City of Hollister, Owner agrees to cooperate with other owners, governmental agencies and City to provide for the construction and installation of said improvements under a joint cooperative plan, including, but not limited to, the formation of a local improvements district or a special assessment district.
- 6. Acceptance and Maintenance of Improvements. City agrees to accept those improvements which are constructed and completed in accordance with City standards and requirements and as are constructed and installed within rights of way or easements dedicated to and accepted by City.

Owner agrees to keep and maintain all other improvements in good and sanitary order, condition and repair, in such manner as to preclude damage or injury to any person or persons, or property or any kind whatsoever and to whomsoever belonging.

7. <u>Bonds</u>. Prior to the approval of plans and specifications for said improvements, City may require Owner or any contractor engaged by Owner to construct and install said

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 7 of 9

improvements to execute and deliver to City a faithful performance bond and a labor and materials bond in the amounts and forms acceptable to City.

8. <u>Insurance</u>. Owner, or any contractor engaged by Owner to construct and install said improvements shall, at all times during such construction and installation, take out and maintain such public

liability and property damage insurance as shall protect City, its elective and appointive boards, officers and employees, against any liability to the public incident to, or resulting from the construction and installation of said improvements, in amounts, forms and with carriers acceptable to City.

Proof of such insurance shall be delivered to the City Engineer of the City of Hollister prior to the commencement of construction and installation and each carrier shall give the City at least thirty (30) days prior notice of the cancellation of any policy.

9. Indemnity. Owner shall indemnify and hold harmless City, its elective and appointed boards, officer and employees, from any and all liability and claim for damages by reason of any injury to any person or persons or property of any kind from any cause or causes whatsoever, in any way connected with said construction and installation, or arising in any way from the deferment of the improvements called for under this agreement,

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 8 of 9

including the deferment of permanent drainage facilities or the adequacy, safety, use or non-use of temporary drainage facilities, and the performance or non-performance of the construction and installation of said improvements.

- 10. The term "Owner" as used in the Agreements shall mean the actual owner or owners of the real property described in the Exhibits "A" at the time the performance of a provision of the Agreements is required.
- 11. Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, shall not be required to participate in the installation and/or payment of the improvements contemplated by the Agreements if they are not the owner of the subject property at the time the improvements are required by the City of Hollister.
- between the parties and no representations, warranties, conditions, understandings or agreements of any kind shall be binding on the parties unless incorporated herein. This Agreement shall not be modified except by an agreement in writing signed by the party against whom the enforcement of any change, modification or discharge is sought. The waiver by either party or any breach of any term, covenant or condition of this Agreement shall

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 9 of 9

not be deemed to be a waiver of any subsequent breach of the same, or any other, term, covenant or condition of this Agreement.

BY

Owners

Dated: September 17, 1990.

CITY OF HOLLISTER, a Municipal Corporation

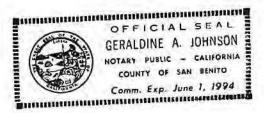
Mayor of the City of Hollister

ATTEST:

2094

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BENITO)

On September 17, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gregory M. Light and Margaret L. Pidd, personally known to me to be the Mayor and the Clerk of the City of Hollister, a Municipal Corporation, the Municipal Corporation that executed the within instrument, and also personally known to me to be the persons who executed it on behalf of such Municipal Corporation, and acknowledged to me that such Municipal Corporation executed the same.



Notary Public in and for said County and State.

CAT. NO. NN00627 TO 1944 CA (9-84) **M** TICOR TITLE INSURANCE (Individual) STATE OF CALIFORNIA to COUNTY OF April 2, 1990 On ______ before me, the undersigned, a Notary Public in and for said State, personally appeared Dolph Casarino and Julie V. Casarino STAPLE HERE , personally known to me or proved to me on the basis of satisfactory evidence to be the person s whose name s are subscribed to the 全面心理性 医红色性 化二苯基乙基甲基甲基甲基甲基甲基甲基甲基甲基甲基 within instrument and acknowledged that they exc-SHARON E. La FOUNTAIN cuted the same. NOTARY PUBLIC - CALIFORNIA WITNESS my hand and official seal. SANTA CLARA COUNTY commission expires Feb. 10, 1991 (This area for official notarial seal) CAT. NO. NN00627 TO 1944 CA (9-84) **I** TICOR TITLE INSURANCE (Individual) STATE OF CALIFORNIA San Benito SS. COUNTY OF April 6, 1990 before me, the undersigned, a Notary Public in and for Gerald D. Quitney and Marlene A. Quitney said State, personally appeared. , personally known to me or NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY proved to me on the basis of satisfactory evidence to be the person whose name are commission expires Feb. 10, 1991 subscribed to the within instrument and acknowledged that they cuted the same. SHARON E. La FOUNTAIN WITNESS my hand and official seal. NOTARY PUBLIC - CALIFORNIA BANTA CLARA COUNTY commission expires Feb. 10, 1991 BIOLISIAN WITH THE MINISTER OF STREET WATER MUSICIAL Signature 5

STAPLE HERE

(This area for official notarial seal)

Application No. 0018707 0000

SCHEDULE C

The land referred to herein is described as follows:

All that certain real property in the County of San Benito, State of California, described as follows:

That part of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Vol. 1 of Maps, at Page 64, San Senito County Records, bounded and particularly described as follows:

Beginning at a 2" x 4" stake standing in the eastern line of said Rancho San Justo, said stake being in the northern line of the County Road known as Hollister and Enterprise Road, (being the road running to and past the Catholic Cemetery) and from said stake the Southeast corner of said Homestead Lot bears South 2 11' West 0.535 chains distant: running thence along the said eastern line of Rancho San Justo, North 2 11' East 22.224 chains to a 3" x 3" stake marked HB; South 2 11' West 22.224 chains to a 3" x 3" stake marked HD; thence Hollister and Enterprise Road; thence along the North line of said South 87 East 9.00 chains to the point of beginning.

	a a	× ·
	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual)	TICOR TITLE INSURANCE
↑	STATE OF CALIFORNIA COUNTY OF San Benito On April 2, 1990 before	me, the undersigned a Notary Public in and for Julie V. Casarino
HERE	said State, personally appeared, personally known to me or	
TAPLE HERE -	proved to me on the basis of satisfactory evidence to be the person whose name sare subscribed to the within instrument and acknowledged that they executed the same. WITNESS my hand and official seal.	SHARON E. La FOUNTAIN NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY My commission expires Feb. 10, 1991 HININING HILL STREET ST
	Sharon E. La Fountain	(This area for official notarial seal)
	CAT. NO. NN00627	
	TO 1944 CA (9-84) (Individual)	TICOR TITLE INSURANCE
1	STATE OF CALIFORNIA COUNTY OF San Benito April 6. 1990	me, the undersigned, a Notary Public in and for and Marlene A. Quitney
TAPLE HERE	proved to me on the basis of satisfactory evidence to be the person whose name sare subscribed to the within instrument and acknowledged that they executed the same. WITNESS my hand and official seal.	SHARON E. La FOUNTAIN NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY My commission expires Feb. 10, 1991
	Signature Sharon E. La Fountain	THE

SAN BENITO ENGINEERING & SURVEYING, INC.

50 HOLUST	D2 Monterey Street FER, CALIFORNIA 950	DATE 7/12/90 JOB NO.
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1 7 ***		District Casaina
1		Dolph Casarino and Julie V. Casarino,
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eintorlis of California 8705455 Recorded at the request of Return to Gerald D. Quitney et ux Western Title Insurance Company 1510 Hillcroot Road JUC"Y 2 Y987 Hollister, CA. 95023 * 3<u>1730</u> Documentary trainsfer tax \$ Monte du ☐ Computed on full value of property conveyed, or ☐ Computed on full value less liens and encumbrances maining thereon at time of sale. Western Title Insurance Company Daus Western 11116 1 Quit Claim Deed GERALD D. QUITNEY AND MARLENE A. QUITNEY, husband and wife quit claim unto GERALD D. QUITNEY AND MARLENE A. QUITNEY, as trustees under a declaration of Trust dated February 11, 1986 all that real property situate in the Unincorporated Area County of San Benito State of California, described as follows: That part of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, In Vol. 1 of Maps, at page 64, San Benito County Records, bounded and particularly described as follows: Beginning at a 2" x 4" stake standing In the eastern line of said Rancho San Justo, said stake being in the northern line of the County Road known as Hollister and Enterprise Road, (being the road running to and past the Catholic Cememtery) and from said stake the southeast corner of said Homestead Lot bears South 2° 11' West 0.535 chains distant; running thence along the said eastern line of Rancho San Justo, North 2° 11' East 22.224 chains to a 3" x 3" stake marked HB; thence North 87° West 9.00 chains to a 3" x 3" stake marked HD; thence South 2° 11' West 22.224 chains to a stake in the north line of said Hollister and Enterprise Road; thence along the north line of said road South 87° East 9.00 chains, to the point of beginning. Markine a 7 OFFICIAL MAL OFFICIAL MAL TAPTY DAVIS RY FUBLIC- CALIFE TARY PUBLIC- CALIFORN SAN BENETO COLUMN SAM MEMITO COLINTY PHY COTTESSION EXP. JUNE 21, 1991 MY COTTOSICH ESP. JUE 21, 1991 STATE OF CALIFORNIA FOR NOTARY SEAL OR STAMP San BEnito County of . 19 87 before me, the und July 20 d for said State, personally appeared __GERALD_D__OHITMEY_and OFFICIAL SEAL COTARY FUELD

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SAN BENITO, CA.

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S ASSESSORS PARCEL NUMBER	MAILING ADDRESS	·		DOCUMENT	LAND USE SALE DATE PHONE #	Z B U L A V VI-DATOT VI-DKAJ
SUINTERO JOSEPH R & CARMEN M 9 056-170-004 Q	1109 SALLY ST HOLLISTER	CA 95023		170320	1950 #408-637-3372	\$>,555-LV
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QUINTERO VICTOR E 9 056-040-013	831 SALLY ST HOLLISTER C	A 95023		428233	1978 1978	\$9.648-LV
DUIROZ AGUSTIN & GUADALUPE 056-060-027	56 HAWKINS STREET HOLLIS			5261	2 FAMILY RESID 1984	\$19,674-TV \$5,553-LV
OS4-402-001 & KATHARINE				486171	1 FAMILY RESID 1982	\$64,187-TV \$21,395-LV
QUITNEY GERALD D & MARLENE A 020-040-012	TRUSTEES 1510 HILLCREST RD HOLLIS	TER CA 9502	3	5455	1987 #408-637-7944	\$134,279-TV \$67,852-LV
QUITORIANO AMANTE R & AURELI 054-301-015	A M 320 MCCARTHY STREET HOLL	ISTER CA 95	023	5652	1 FAMILY RESID 1987	\$104,040-TV \$38,760-LV
RAAB MARION P ETAL 028-230-003	P O BOX 7500 250REO WOOD	LAND HILLS	CA 91365	6139	AGRIC VACANT L	\$6,863-TV \$6,863-LV
RABELLO RONALD CLAUDE 057-114-027	2021 SCENIC CIRCLE HOLLI	STER CA 950	23	1265	1 FAMILY RESID 1986	\$37,506-TV \$7,871-LV
RABENORTH WALTER & MARJORIE 020-540-013	C 85 RAYS CIRCLE HOLLISTER	CA 95023		457272	1 FAMILY RESID 1980 #408-637-9068	£/4 / 0/ _1 \/ 1
RACZ JOHN JR & HELEN 055-120-036	700 B STREET HOLLISTER C	A 95023		464244	1 FAMILY RESID 1981 #408-637-6552	\$22.747-IV I
RADMACHER ROSERT CARL & PATR 018-140-026	ICIA ANN 1720 SAN JUAN HOLL HWY S.	AN JUAN BAU	TISTA CA 9504	374277 5	RURAL-1 SNGL RI 1972 #408-623-4383	\$54,304-TV \$22,202-LV
RAFF CHARLES M & SANDRA G 002-410-028	P O BOX 648 SAN JUAN BAU	TISTA CA 95	045	392985	1 FAMILY RESID 1974 #408-623-4013	\$44,531-TV \$6,541-LV
RAFFERTY BENJAMIN J & LORI A 057-342-012	1200 ALTA WAY HOLLISTER	CA 95023		7261	1 FAMILY RESID 1986	\$132,090-TV \$44,370-LV
RAFFERTY DON L & RUTH ETAL 056-322-003	P O BOX 1146 GILROY CA 9	5021		3036	1 FAMILY RESID 1989	\$114,078-TV \$33,427-LV
RAFFERTY OLLIE JOE & JACKIE 019-310-049	1593 SANTA ANA RD HOLLIS	TER CA 9502	3	2803	RURAL-1 SNGL RI 1988	\$209,100-TV \$76,500-LV
RAGAN RONALD T & RAE ANN 057-413-003	1621 SAUSALITO DR HOLLIS	TER CA 9502	3	8472	1 FAMILY RESID 1988	\$195,000-TV \$55,000-LV

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CASANEGA KENNETH T & 020-400-045	HELEN D 480 DONALD DR HOLLIST	ER (A 95023	420381	1 FAMILY RESID 1977 #408-637-5477	\$74,143-TV \$15,699-LV
CASAREZ ANTONIO N & M 060-062-007	AGDALENA M 880 CLEARVIEW DRIVE H		5117	1 FAMILY RESID 1989	\$191,760-TV \$71,400-LV
CASAREZ JOHN M & SARA 054-240-003			481596	1 FAMILY RESID 1982 #714-737-4478	\$29,872-TV \$9,908-LV
CASAREZ MANUEL R & FR 056-370-005		TER CA 95023	4894	1 FAMILY COMPOMINIU 1988	
	1310 SCENIC CIRCLE HO	LLISTER CA 95023	397193	1 FAMILY RESID 1975	\$30,770-1v \$6,150-LV
	OSALINDA 361 MCCARTHY STREET H	OLLISTER CA 95023	482280	1 FAMILY RESID 1982 #408-637-2878	\$64,187-TV \$21,395-LV
CASAREZ RICHARD M & P 052-153-009		STER CA 95023	458922	1 FAMILY RESID 1980	\$60,320-TV \$18,558-LV
CASAREZ ROBERT & MARI 052-211-003	ANA 136 THIRD ST HOLLISTE	R CA 95023	1872	1 FAMILY RESID 1985	\$65,686-TV \$22,729-LV
CASARINO DOLPH & JUL! 020-040-028		LISTER CA 95023	312362	1965 #408-637-5459	\$43,029-TV \$43,029-LV
CASARINO DOLPH & JULI 020-040-029	1490 HILLCREST RD HOL		323289	RURAL-1 SNGL RESID 1966 #408-637-5459	\$97,659-T\ \$46,198-L\
CASAS ELIAS & FRANCIS 056-150-018		STER CA 95023	363880	1 FAMILY RESID 1971	\$18,248-TV \$5,110-LV
CASAS FERNANDO & LIL: 056-300-029	A ET AL 180 GIBSON DR #33 HOL	LISTER CA 95023	4050	1 FAMILY CONDOMINIO	M \$105,600-T\ \$26,010-L\
CASAS HUMBERTO & ELIZ 019-060-008		.ISTER CA 95023	2586	VACANT RURAL RES 1989 #408-637-7024	\$65,000-LV
CASAS JESUS & JULIE 056-040-011	23 SOUTH ST HOLLISTER	R (A 95023	2484	2 FAMILY RESID 1988	\$91,800-T\ \$30,600-L\
CASAS NIEVES 054-240-019	115 SALLY ST HOLLIST	ER (A 95023	338139	1 FAMILY RESID 1968 #408-637-7036	\$22,142-T\ \$5,458-L\
CASAS ROBERTO M & MA 056-150-010	RIA V 1016 PRUNE ST HOLLIS	TER CA 95023	3684	1 FAMILY RESID 1985	\$87,674-11 \$22,729-L1
CASAS THOMAS & ROSAL 057-314-008			4732	MULTI RES-4 UNIT 1985	\$226,301-TV \$58,366-LV

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	The undersigned grantor(s) declare(s):	
ALL PTN.	Documentary transfer tax is \$	*
A P A L L	 () computed on full value of property c () computed on full value less value of l 	onveyed, or iens and encumbrances remaining at time of sale.
	(xxx) Unincorporated area: () City of _	, and
	FOR A VALUABLE CONSIDERATION, rec	reipt of which is hereby acknowledged,
	Dolph Casarino and Julie V. Casarino	, husband and wife; and Gerald D. Quitney and Marlen
	A. Quitney, Trustees under a Declara	tion of Trust dated February 11, 1986
	hereby GRANT(S) to	
	City of Hollister, A Municipal Corpo	ration
	the following described real property in the	State of California
	County of San Benito	, State of California:
	FOR COMPLETE LEGAL DESCRIPTION, SEE	EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.
	Dated: July 13, 1990	Wolph Casamo
		Dolph Casarino
	STATE OF CALIFORNIA COUNTY OF SON BENTO	Ss. Julie V. Casarino
	on July 26, 1990	before Levals & Durtury Trustee
4	me, the undersigned, a Notary Public in and for personally appeared Markeye a. Out we	said State, Gerald D. Quillion, Traistee
	rusiee	Mariene A. Quitney, Trustee
	personally known to me or proved to me on the b isfactory evidence to be the person whose name	asis of sat-
	subscribed to the within instrument and ack	nowledged OFFICIAL SEAT
	WITNESS my hand and official seal.	S. TURRES
	Simone	SANTA CLARA COUNTY My Comm. Expires June 5, 1992
	Signature	7,132
		O138 (This area for official notarial seal)
	Title Order No	Escrow or Loan No

HILLCREST ROAL DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 40 feet wide, the southerly line of which is the southerly line of said Homestead Lot 25 and is particularly described as BEGINNING at the southeasterly corner of said Homestead Lot 25 and running thence North 87° 00' West 1089.17 feet to the westerly line of that certain parcel described in the Deed of Trust between Dolph Casarino, et ux, and American Securities Company, dated February 10, 1986 and recorded March 5, 1986 at Recorder's File No. 8601373, San Benito County Records.

89009

	CAT. NO. NN00627 TO 1944 CA (9–84) (Individual)	TICOR TITLE INSURANCE
1	STATE OF CALIFORNIA COUNTY OF San Benito On July 28, 1990 said State, personally appeared Gerald D.	before me, the undersigned, a Notary Public in and for
- STAPLE HI	, personally known to proved to me on the basis of satisfactory evidence the person_ whose name	to the
	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual) STATE OF CALIFORNIA BENITO COUNTY OF SAN BENITO	TICOR TITLE INSURANCE Ss.
KENE	on Hugust 1, 1790 said State, personally appeared Julie V.	before me, the undersigned, a Notary Public in and for
A STAPLE	, personally known to proved to me on the basis of satisfactory evidence the person_ whose name subscribed within instrument and acknowledged that cuted the same. WITNESS my hand and official seal. Signature	to the OFFICIAL SEAL
		(This area for official notarial scal)
	CAT. NO. NN00627 TO 1944 CA (9–84) (Individual)	I TICOR TITLE INSURANCE
THE T	STATE OF CALIFORNIA COUNTY OF San Bento On Hugust 1, 1990 said State, personally appeared Dolph Co.	before me, the undersigned, a Notary Public in Cand Gor

Name Street Address City & State	AND WHEN RECORDED MAIL TO	
Address	ŧ	
State [TO 4000 0 4 fo mol	SPACE ABOVE THIS LINE FOR RECORDER'S USE———————————————————————————————————
ALL PTN.	FOR A VALUABLE CONSIDERATION, re Dolph Casarino and Julie V. Casarino Marlene A. Quitney, Trustees under hereby GRANT(S) to City of Hollister, A Municipal Corp the following described real property in the County of San Benito	ceipt of which is hereby acknowledged, b, husband and wife; and Gerald D. Quitney and a Declaration of Trust dated February 11, 1986
j	Dated: July 13, 1990 STATE OF CALIFORNIA COUNTY OF TAN Bencio On July 71, 1970 me, the undersigned, a Notary Public in and fo personally appeared Markale A. Quita personally known to me or proved to me on the isfactory evidence to be the person whose name subscribed to the within instrument and act that 118, executed the same. WITNESS my hand and official seal.	Dolph Casarino John

MERIDIAN STREET DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 42.00 feet wide, the northerly line of which is the northerly line of Lots 7 and 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps, at page 34, San Benito County Records, and is particularly described as BEGINNING at the northwesterly corner of said Lot 7 and running thence along the northerly line of said Lots 7 and 8 and the easterly prolongation thereof South 87° 00' East 1402.17 to the easterly line of the Rancho San Justo.

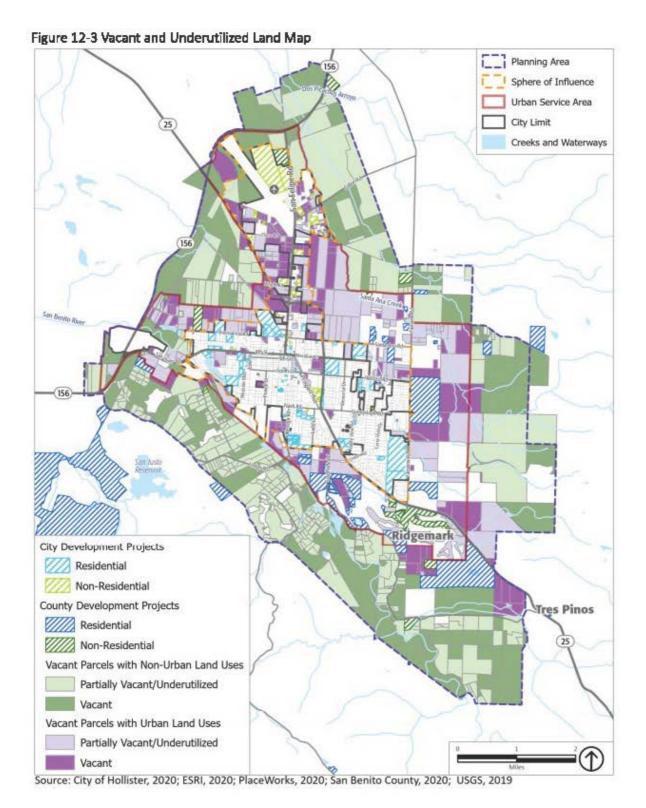
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	CAT. NO. NN00627 TO 1944 CA (9–84) (Individual)	TICOR TITLE INSURANCE
*	STATE OF CALIFORNIA COUNTY OF SAN BENNE On July 28, 1990 said State, personally appeared Gerald	before me, the undersigned, a Notary Public in and for D. Quitney, Trustee
	, personally known proved to me on the basis of satisfactory evide the person whose name subscrib within instrument and acknowledged that cuted the same. WITNESS my hand and official seal. Signature	ence to be bed to the OFFICIAL SEAL
	Signature	(This area for official notarial seal)
†	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual) STATE OF CALIFORNIA COUNTY OF Saw Bewits On August 1, 1970 said State, personally appeared Julie V	ss. before me, the undersigned, a Notary Public in and for Casarino
← STAPLE HEA	proved to me on the basis of satisfactory eviden the person whose name S subscribe within instrument and acknowledged that cuted the same. WITNESS my hand and official seal	nce to be official SEAL TORRES
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1	CAT, NO. NN 00627 TO 1944 CA (9 _— 84) (Individual)	TICOR TITLE INSURANCE
1	on August 1, 1990 said State, personally appeared Dolph C	ss. 0143 before me, the undersigned, a Notary Public in and for

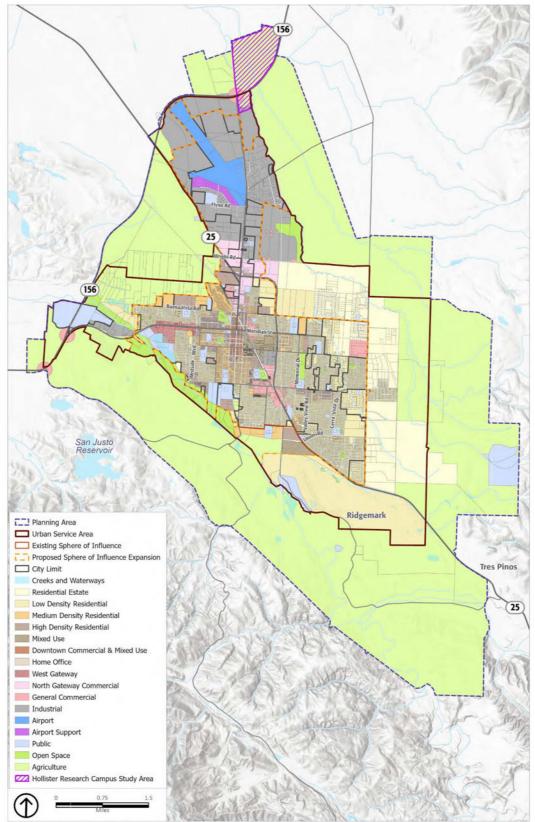
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LAND USE AND PLANNING



12-22 NOVEMBER 2020

Figure LU-2 Land Use Map



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.



Alexander Sywak < alex.sywak@gmail.com>

meet today?

Alexander Sywak

To: Bryan Swanson

Swanson Swanson@hollister.ca.gov>, Ingrid Sywak

Sasterben z@swsv.com>, Conor Murphy <cmurphy@swsv.com>, Danny Hillstock <danny.hillstock@hollister.ca.gov>, Abraham Prado <abraham.prado@hollister.ca.gov>, bob braitman bob@braitmanconsulting.com

Bryan/Danny,

Have completed the sewer study and attached.

Let me know if you have questions and you need to meet with authors.

Thx, Alex

[Quoted text bidden]

6 attachments

- Hollister Property Sewer Study Memo.pdf
- Attachment 1_SSMH19.pdf 5275K
- Attachment 2_H10-6.pdf
- Attachment 3_H11-39.pdf 5270K
- Attachment 4_I11-2.pdf
- Attachment 5_Sewer Atlas.pdf

3 Quail Run Circle, Suite 101 Salinas, CA 93907 t. 831-883-4848 f. 831-758-6328 s&w@swsv.com

Schaaf & Wheeler CONSULTING CIVIL ENGINEERS

MEMORANDUM

TO: City of Hollister, Public Works DATE: March 8, 2018

COPY TO: Alex Sywak

FROM: Conor Murphy, EIT JOB#: AXSK.02.17 (001)

Andrew Sterbenz, PE

SUBJECT: Hollister Property Sewer Study, APN 020-040-028, 020-040-056 and 020-040-057

This memorandum summarizes Schaaf & Wheeler's sewer study for the Sywak property in San Benito County near Hollister, CA. The property is located between Meridian Street (right-of-way) and Hillcrest Road, west of Fairview Road, within the City of Hollister Sphere of Influence (see Figure 1). An unnamed tributary of Santa Ana Creek flows through the western third of the property. The site is currently undeveloped, but prezoned by the City for residential development. This study considers several alternatives for possible connections from the Sywak property to the existing City of Hollister Sanitary Sewer System. Four viable options are considered with two considered in Santa Ana Road northwest of the Sywak property and two considered in Meridian Street west of the Sywak property. Gravity connections are possible in both Santa Ana Road and Meridian Street. This study also considers the inclusion of sewer flows from adjoining properties to the east and north of the Sywak property if they choose to develop.

The Sywak property generally slopes from Hillcrest Road on the south boundary down towards the Meridian Street right-of-way and Santa Ana Road to the north. There is a ridge in the middle of the site as well, dividing the property into east and west drainages. This analysis is based on the existing topography and does not assume any site grading.

This study uses a potential on-site sewer network flowing from south to north with the northern-most line flowing east to west. At the northwest corner of the property, off-site sewer lines flow north to Santa Ana Road or east to Meridian Street to connect to existing City of Hollister manholes. Depending upon how the site is ultimately developed, up to 10% of the area could be lots abutting Hillcrest Road. These lots could connect to the existing sewer in Hillcrest Ave, but some would require private sewer ejector pumps to reach the street. For this study, we assume all flows from the property will move north.

Wastewater System Flows

Wastewater flows were calculated based on land use. The land use on the Sywak property is zoned as single family residential in the City of Hollister General Plan. The City of Hollister Land Use Plan follows as Figure 1. Some adjacent properties will be taken into consideration as possible connections into the Sywak sanitary sewer. The adjacent properties were considered if they have the possibility of being developed in the future and could flow into the Sywak property or the off-site sewer mains by gravity. The adjacent properties taken into account are shown in Figure 2 below. The red properties are the 3 Sywak parcels (APNs 020-040-028, 020-040-056 and 020-040-057) while the yellow properties are the adjacent properties that may contribute wastewater flow.



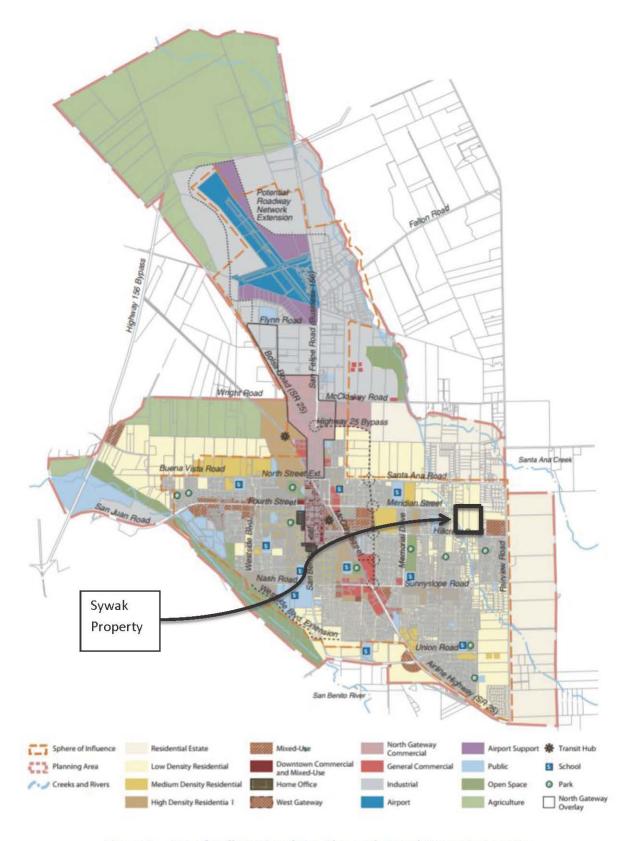


Figure 1 - City of Hollister Land Use Plan with Sywak Property Location

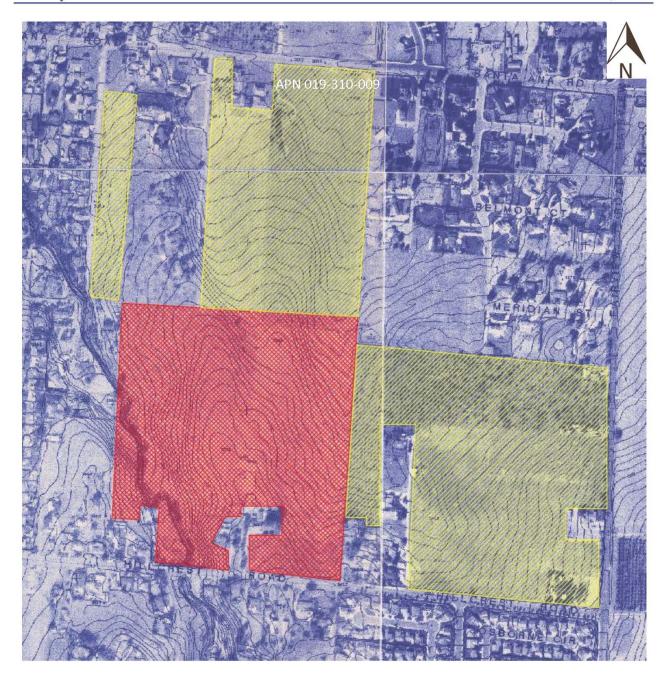


Figure 2 – Properties Used for Projected Wastewater Flows

Sywak Property Projected Wastewater Flows:

The Sywak property is three parcels totaling approximately 43.6 acres between Hillcrest Road and the future Meridian Street. The City of Hollister General Plan zones these parcels as Low Density Residential. Low Density Residential according to the City of Hollister General Plan has a maximum permitted density of 8 dwelling units per acre (du/acre). Residential use is assumed to produce 55 gallons per day per person (gpd/person) of wastewater return flow using current water efficient toilets and fixtures.

The City of Hollister Design Standards (May 1992) provide a sanitary sewer planning factor of 290 gallons/day/dwelling unit for average flow from single family residential development, and uses a fixed

factor of 2.5 for estimating peak hour flows. The City standards state that stormwater infiltration and inflow does not need to be considered in the analysis. For this study, we use a more detailed method, as described below, which includes estimating wet weather infiltration. The resulting flow rates are approximately 30% lower than those in the City Standards, reflecting the mandatory use of water conserving fixtures and appliances.

The following equations were used to calculate the population, Average Dry Weather Flow (ADWF), Peak Dry Weather Flow (PDWF), and Peak Wet Weather Flow (PWWF). The Peaking Factor (PF) is obtained from Figure 3. Stormwater infiltration and inflow (I/I) is estimated as 44% of the ADWF for new pipes.

(1) Population = Density
$$\left(\frac{du}{acre}\right) * Area(acres) * 3.33 \frac{persons}{du}$$
 (persons)

(2)
$$ADWF = Population (persons) * 55 \frac{gpd}{person}$$
 (gpd)

(3)
$$PDWF = PF * ADWF \quad (gpd)$$

(4)
$$PWWF = PDWF + 44\% * (ADWF)$$
 (gpd)

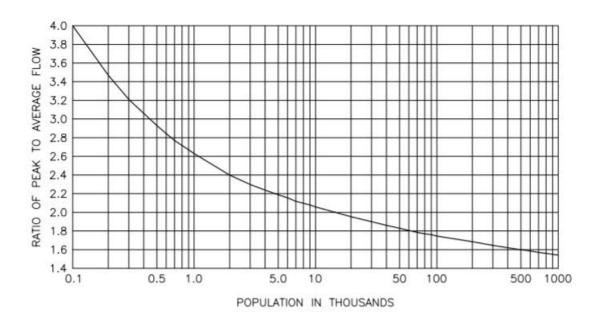


Figure 3 - Ratio of Peak to Average Domestic Sewage Flow

An overview of the considered properties is shown in Table 1. Population is estimated using the San Benito County average population of 3.33 persons per household. The projected flows for the Sywak property are shown in Table 2. The projected population is 1,161 persons results in a Peaking Factor of 2.6.

Table 1 - Overview of Properties

Owner	Acres	Zoning	DU/acre	DU	Persons/ DU	Persons	gpd/ person	ADWF (gpm)	PWWF (gpm)
Sywak	43.6	LD Res.	8	349	3.33	1162	55	44	135
Adjacent- East	25.8	Mixed Use	40	1031	3.33	3433	50	119	327
Adjacent- East	23.4	LD Res.	8	187	3.33	623	55	24	65
Adjacent- North	36.7	LD Res.	8	294	3.33	979	55	37	116
Villages	12.9	LD Res.	8	103	3.33	343	55	13	39

Table 2 - Projected flows for Sywak Property

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.06	44
Peak Dry Weather Flow	2.6	0.15	115
Infiltration and Inflow	0.44	0.03	20
Peak Wet Weather Flow		0.18	135

Properties East of Sywak Projected Wastewater Flows:

There are multiple parcels east of the Sywak property that could potentially connect to this proposed sanitary sewer system. These properties combine to a total area of 49.2 acres. To the east, there are two different zoning types from the City of Hollister General Plan: low density residential and mixed-use commercial and low density residential. The maximum permitted density for mixed-use is 40 du/acre. Wastewater return flows from mixed-use land are assumed at 50 gpd/person, due to the smaller dwelling unit size.

The projected flows from the properties east of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 3. The projected population is 4,058 persons resulting in a Peaking Factor of 2.3.

Table 3 - Projected flows for Properties East of Sywak Property

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.21	143
Peak Dry Weather Flow	2.3	0.47	329
Infiltration and Inflow	0.44	0.09	63
Peak Wet Weather Flow		0.56	392

Properties North of Sywak Projected Wastewater Flows:

There are multiple parcels north of the Sywak property that could potentially connect to this proposed sanitary sewer system if the pipeline is run to Santa Ana Road. These properties combine to a total area of 36.7 acres. Two of them are just north of the site while another is northwest of the site along Barnes Lane. These properties would only connect to the system if the sewer main is routed to Santa Ana Road. These properties are all Low Density Residential which has a maximum permitted density of 8 du/acre

and estimated wastewater flows of 55 gpd/person. The projected flows from the properties north of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 4. The projected population is 979 persons resulting in a Peaking Factor of 2.65:

Table 4 - Projected	flows for	Properties No	rth of Sywal	Property

	Factor	Flow		
		(mgd)	(gpm)	
Average Dry Weather Flow	1	0.05	37	
Peak Dry Weather Flow	2.65	0.12	99	
Infiltration and Inflow	0.44	0.02	16	
Peak Wet Weather Flow		0.15	116	

Wastewater Flows from the completed Northeast Section of The Villages Subdivision:

The Villages Subdivision has been completed between Santa Ana Road and Brigantino Drive. 103 homes from the northeast section of the subdivision are served by an 8-inch line from about the intersection of Santa Ana Road and Cielo Court, at SSMH 19, to a 15-inch line at the intersection of Brigantino Drive and Cabrillo Drive, continuing to MH H11-38 in Meridian Street (see Attachment 5). The projected flows from the 103 existing homes are computed using equations 1, 2, 3, and 4 and are shown in Table 5. The Villages Subdivision is examined with addition of the Sywak flows only. The projected population is 343 persons resulting in a Peaking Factor of 2.5 with the additional 1162 people from the Sywak Property (1,505 people total).

Table 5 - Projected flows for the Northeast section of The Villages Subdivision

	Factor	Flow			
		(mgd)	(gpm)		
Average Dry Weather Flow	1	0.02	13		
Peak Dry Weather Flow	2.5*	0.05	33		
Infiltration and Inflow	0.44	0.01	6		
Peak Wet Weather Flow		0.08	39		

^{*}Peaking factor based on combined Villages and Sywak flows

Possible Sanitary Sewer Points of Connection

Four potential points of connection to the existing City sanitary sewer system were evaluated: SSMH 19 in The Villages (Cielo Ct. just off Santa Ana Rd); City MH H10-6 in Santa Ana Road; City MH H11-39 in Meridian St and City MH I11-2 in Meridian Street (see Attachment 5). For this anaysis, we assumed sewer pipes would have a minimum 6-ft of cover and manholes would be spaced every 300-ft. All elevations were estimated using the topography from the map set: *Aerial Photography for City of Hollister* (1999) using verticle datum NGVD 1929. All locations and depths for existing manholes are from the City of Hollister Sewer Atlas (2010). Manhole invert elevations were calculated as the rim elevation (obtained from the topographic map) minus the manhole depth (obtained from the sewer atlas). The minimum allowable slope for sewer mains, listed below, is based upon achieving a maximum velocity of 8 feet/second when flowing at the listed flow depth/Diameter ratio (d/D). Flow capacity was calculated assuming a Mannings pipe roughness coefficient of n=0.013.

Pipe Diameter (in)	Minimum Slope (ft/ft)	Allowable d/D
8	0.0035	0.67
10	0.0025	0.67
12	0.0020	0.67
15	0.0015	0.8

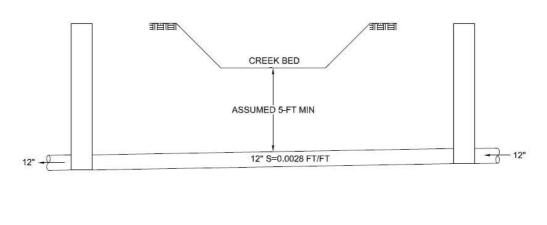
The City of Hollister uses an allowable d/D of 0.5 for 8-inch and 10-inch pipes and an allowable d/D of 0.67 for 12-inch and 15-inch pipes. The City of Hollister does not account for inflow and infiltration in sewer capacity calculations. Since inflow and infiltration has been taken into account, this study uses 0.67 for 8-inch and 10-inch pipes.

A simple sewer collection system was laid out on the Sywak property in order to estimate the manhole inverts (see Figure 5). Due to the ridgeline in the center of the site, some of the on-site manholes are over 10-ft deep. Regrading the site as part of future development was not consistered in this analysis, and does not affect the pipe inverts in the conceptual collection system.

The existing City of Hollister wastewater system does not cross the stream along the western boundary of the property. In laying out the sewer mains from the subject property to the west, we assumed that only 5-ft of cover would be required between the invert of the creek channel and a gravity sewer main. A creek scour analysis will be required to verify the design depth for any pipeline crossing this channel. Crossing the creek will require environmental permits from the U.S. Army Corps of Engineers (CWA Section 404), the Regional Water Quality Control Board (CWA Section 401) and the State Department of Fish and Wildlife (Lake and Streambed Alteration Agreement).

If a gravity pipeline is not feasible at that depth, an inverted sewer siphon may be considered. An inverted siphon consists of a pipeline installed between two gravity manholes that dips below and then returns to the gravity flow line (see Figure 4). Because this segment of the pipeline flows full, it is usually a smaller diameter than the gravity main so that flows maintain a scouring velocity (2.5 to 3 ft/s) to prevent solids from depositing at the low point. Due to the daily and seasonal variablity of flow rates, siphons typically consist of two pipes, with one installed sightly lower than the other. Daily base flows move through the lower inlet, keeping it scoured. Peak flows in excees of the lower pipe's capcity are conveyed in the higher pipe.

If the site were to be rezoned as residential mixed-use development, flows from the proeprty would increase, requiring larger diameter pipe to carry the flow. Larger pipes have a smaller minimum slope. However, since the minimum cover and creek crossing determine the depth of the proposed pipe, a smaller slope would not have much of an effect on the points of connection.



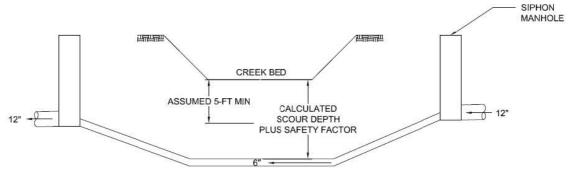


Figure 4 - Gravity Pipeline (Top) vs. Inverted Siphon (Bottom) for Creek Undercrossing

There are parts of the Sywak property that are west of the creek and separated from the rest of the property (see Figure 5, shaded areas). The southern portion that abuts Hillcrest Road could sewer directly to Hillcrest Road instead of having a sewer line cross the creek. For the portions not connected to Hillcrest Road, a bridge or culvert across the creek would be required for site access. Private sewer pumps at each home could then lift flows to a shallow sewer that crosses the bridge and connects to manhole 52 in the conceptual system.

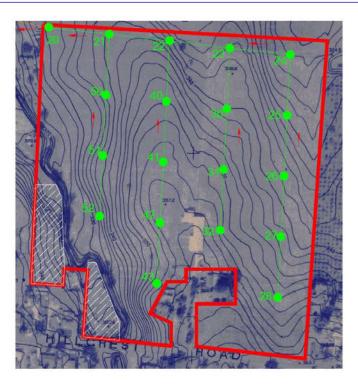


Figure 5 - Portions of Sywak Property West of the Creek

Connection to The Villages Subdivision SSMH-19:

This connection occurs in the northeast corner of the recently completed subdivision, The Villages, in Cielo Court at Santa Ana Road, SSMH-19. This connection would require about 2600 LF of off-site gravity sanitary sewer pipe and 9 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment.

The pipeline connection to The Villages SSMH-19 is shown in Attachment 1. This connection assumes the only flows entering the gravity line are from the Sywak property. Table 6 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to SSMH-19. Figure 5 is a profile for this connection along the proposed sewer pipe. Station 0 is at SSMH-19.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property could receive potential flows from the properties to the east if downstream pipes were upsized. Manhole 11 at the corner of Santa Ana Road and Barnes Lane could receive potential flows from the properties to the north if downstream pipes were upsized.

The topographic survey used for this study is on the National Geodetic Vertical Datum of 1929 (NGVD). Based on the elevation differences in Santa Ana Road, we assume that the subdivision plans are on the North American Vertical Datum of 1988 (NAVD). The difference between these datums is 2.86 feet, converted as:

Elevation_{NGVD} + 2.86 ft = Elevation_{NAVD}

The manhole data from the subdivision plans converts to:

SSMH 19 Rim: 296.74 -2.86 = 293.88

SSMH 19 Invert: 292.05 - 2.86 = 289.19

There is a water main in Santa Ana Road with an unknown depth. The sewer pipe would need to be installed along the south edge of Santa Ana Road to avoid crossing the water main. The required separation between potable water and sanitary sewers is 10-ft. There appears to be adequate space to offset the proposed sewer in Santa Ana Road south of the water main. There is also an existing storm sewer in Santa Ana Road, but it is about 9.5-feet deep, so it would not interfere with the proposed sanitary sewer.

All sewer lines serving the 103 homes in the northeast section of The Villages subdivision are 8-inch pipes with a slope of 0.0035 ft/ft and allowed d/D=0.67, and have a flow capacity of about 260 gpm (see Table 5). Subtracting the 39 gpm PWWF from the completed northeast section of The Villages subdivision leaves 221 gpm of available conveyance capacity. This would be sufficient to receive the 135 gpm PWWF from the Sywak property, and could accommodate flows from some of the other adjacent areas.

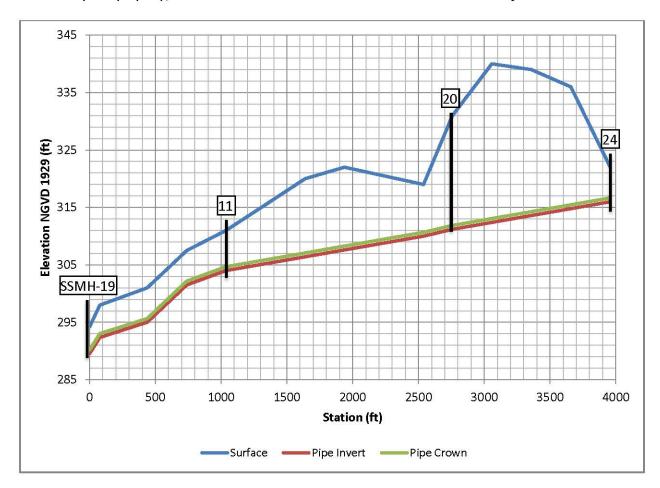


Figure 5 - Profile for Connection at The Villages SSMH-19

Table 6 - Proposed Connection to The Villages SSMH-19

Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
MH19	293.88	4.69		289.19		0.0035	8	0.46	0.00	135
8	298	5.63	78	292.37	0.0408	0.0035	8	0.36	5.98	135
9	301	6	360	295	0.0073	0.0035	8	0.37	2.57	135
10	307.5	6	300	301.5	0.0217	0.0035	8	0.28	3.80	135
11	311	7	300	304	0.0083	0.0035	8	0.36	2.70	135
12	315.5	10.3	300	305.2	0.0040	0.0035	8	0.44	2.07	135
13	320	13.6	300	306.4	0.0040	0.0035	8	0.44	2.07	135
14	322	14.4	300	307.6	0.0040	0.0035	8	0.44	2.07	135
15	320.5	11.7	300	308.8	0.0040	0.0035	8	0.44	2.07	135
16	319	9	300	310	0.0040	0.0035	8	0.44	2.07	135
20	331	19.8	220	311.2	0.0055	0.0035	8	0.4	2.31	135
21	340	27.6	300	312.4	0.0040	0.0035	8	0.44	2.07	135
22	339	25.4	300	313.6	0.0040	0.0035	8	0.44	2.07	135
23	336	21.2	300	314.8	0.0040	0.0035	8	0.44	2.07	135
24	322	6	300	316	0.0040	0.0035	8	0.44	2.07	135
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H10-6:

This connection occurs in the 800 block of Santa Ana Road adjacent to Gabilan Hills Elementary School. This connection would require about 5,100 LF of off-site gravity sanitary sewer pipe and 16 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment including the adjacent properties.

The pipeline connection to MH H10-6 is shown in Attachment 2. The different flows enter from different positions along the gravity line. Table 7 contains general information for each manhole and pipe run for

the sanitary sewer connection from the site to MH H10-6. Figure 6 is a profile for this connection along the proposed sewer pipe. Station 0 is at MH H10-6.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property is assumed to receive potential flows from the properties to the East of Sywak. Manhole 11 at the corner of Santa Ana Road and Barnes Lane is assumed to receive potential flows from the properties North of Sywak. From manhole 6 until the connection at MH H10-6, 15-in pipe is used to reduce the minimum required slope. This allows the connection to be made at MH H10-6 while still maintaining a minimum pipe depth of 6-ft. It also allows for about 400 gpm of additional capacity if more properties along Santa Ana Road decide to connect to the proposed sewer line.

For this connection the proposed gravity pipe would have to cross under the creek in Santa Ana Road, which has an estimated streambed elevation of 286-ft. This requires manholes 5 and 6 to have invert elevations of at most 281-ft. MH H10-6 has an invert elevation of 277.84-ft (estimated from the system map information and the available topographic map), so the average slope from MH H10-6 and MH 5 is 0.0015 ft/ft, which is allowable for a 15-inch pipeline. If an inverted siphon is used, the inverts would be several feet higher, allowing for the use of 12-inch pipe downstream of the creek crossing.

There are currently no sewer mains in Santa Ana Road east of the proposed point of connection. There is a water main that is on the south side of the road, so it is assumed that there is ample room within the right-of-way, north of the center line for a new sewer main.

The gravity main in Santa Ana Road flowing west from MH H10-6 is a 10-inch pipe. The next manhole, H10-5, is 470-ft away and has an estimated invert elevation of 276.34-ft resulting in a pipeline slope of 0.0032 ft/ft. The capacity of a 10-in pipe with a slope of 0.0032 ft/ft and d/D of 0.67 is 439 gpm. This is insufficient to carry the proposed 642 gpm plus the current system flow. It may be possible to add a parallel sewer main in Santa Ana Road until a point is reached in which the existing system has capacity to receive the potential flow from this new main. We do not have a copy of the City's sewer model, and therefore cannot determine where this potential point of connection occurs.

Manhole G10-57 is where the sewer pipe size changes from 10-in to 15-in (see attached Atlas pages G10 and H10). It is about 980-ft west of MH H10-5 in Santa Ana Road. The slope of the pipe after MH G10-57 is estimated at 0.0015 ft/ft. Assuming a d/D of 0.8, the flow capacity of the 15-in pipe after MH G10-57 is 886 gpm. This may be capable of receiving the proposed 642 gpm if the existing system flows are less than 244 gpm.

The properties north of the Sywak property (APNs 019-310-009 and 019-310-052) could connect to MH 11 by gravity. The lowest point of that parcel is in the northeast corner along Santa Ana Road, with an elevation of about 306-ft (see Attachment 2). Assuming an 8-inch sewer starting at elevation 300-ft (5-ft of cover), 1400 feet long, installed at a slope of 0.0035 ft/ft, the invert at MH 11 would need to be 295.1-ft. This is about 8-feet deeper than the invert proposed in Table 6. If that future connection is expected to occur, manholes 9, 10 and 11 could be installed deeper to accommodate these properties.

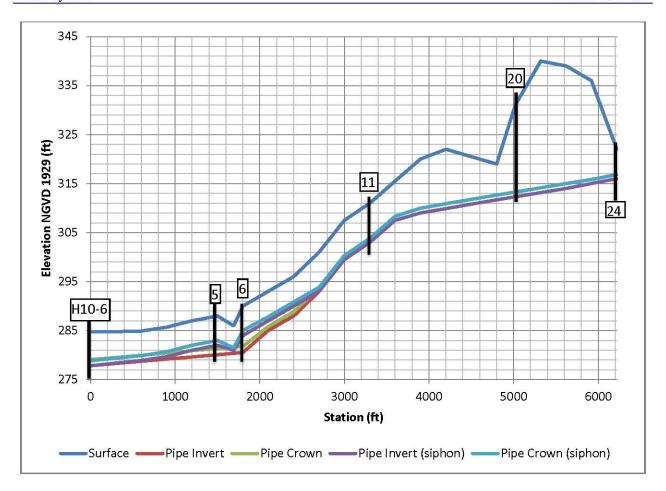


Figure 6 - Profile for Connection at MH H10-6

Table 7 - Proposed Connection to MH H10-6

			abie / -			ccdon d) MU UTO			
Manhole	Rim		Length		Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
H10-6	284.8	6.95		277.84			15			
1	284.8	6.51	300	278.29	0.0015	0.0015	15	0.54	2.10	643
2	284.9	6.16	300	278.74	0.0015	0.0015	15	0.54	2.10	643
3	285.7	6.51	300	279.19	0.0015	0.0015	15	0.54	2.10	643
4	287	7.36	300	279.64	0.0015	0.0015	15	0.54	2.10	643
5	288	7.91	300	280.09	0.0015	0.0015	15	0.54	2.10	643
6	290	9.46	300	280.54	0.0015	0.0015	15	0.54	2.10	643
7	293	8	300	285	0.0149	0.002	12	0.4	4.99	643
8	296	8	300	288	0.0100	0.002	12	0.45	4.33	643
9	301	8	300	293	0.0167	0.002	12	0.39	5.21	643
10	307.5	8	300	299.5	0.0217	0.0025	10	0.47	5.75	643
11	311	8	300	303	0.0117	0.002	12	0.43	4.58	643
12	315.5	8	300	307.5	0.0150	0.002	12	0.36	4.75	527
13	320	11	300	309	0.0050	0.002	12	0.48	3.15	527
14	322	12.1	300	309.9	0.0030	0.002	12	0.56	2.60	527
15	320.5	9.7	300	310.8	0.0030	0.002	12	0.56	2.60	527
16	319	7.32	300	311.68	0.0029	0.002	12	0.57	2.59	527
20	331	18.7	220	312.3	0.0028	0.002	12	0.57	2.54	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.48	2.57	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H11-39:

This connection occurs at the intersection of Meridian Street and El Toro Drive. This connection would require approximately 2100 LF of off-site gravity sanitary sewer pipe and 6 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segement.

The pipeline connection to MH H11-39 is shown in Attachment 3. The different flows enter from different positions along the gravity line. Table 8 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH H11-39. Figure 7 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH H11-39.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case because those lands are downhill of this proposed connection.

For this connection the proposed gravity pipe would have to cross under the creek in the Meridian Street right-of-way, which has an estimated streambed elevation of 310-ft. This requires manholes 5 and 6 to have invert elevations of 305-ft or lower for a gravity crossing. MH H11-39 has an invert of 289.45-ft, so the average slope from MH H11-39 and MH 5 is 0.010 ft/ft, which is allowable for any diameter pipeline.

Meridian Street is two-lanes in both directions, but avoiding existing utilities and laterals along this alignment may make construction difficult. Three 8-in sewer lines already connect to MH H11-39. The proposed connection may require adding a new manhole elsewhere on an existing pipeline.

The existing gravity line may not have available capacity for the connection to MH H11-39. The Villages subdivision and Brigantino Estates Units 2 & 3 have 186 homes which will contribute approximately 71 gpm PWWF to the system flow at MH H11-39. Manhole H11-39 connects to a drop manhole, H11-38, adjacent to it in the intersection. Downstream of H11-38, the limiting segment appears to be a 12-in pipe between MH H11-28 and MH H11-32 with a slope of 0.002 ft/ft. Assuming a d/D of 0.67, the pipe has a capacity of 564 gpm. This segment may have sufficient capacity to carry the existing system flow, the 71 gpm from The Villages and Brigantino Estates Units 2 & 3, and the 135 gpm from Sywak, but it likely does not have capacity to also serve the parcels adjacent to Sywak, unless the pipeline is replaced with a larger-diameter sewer. The sewer transitions to a 15-inch diameter pipeline at MH H11-22, so the downstream system may have available capacity. This should be confirmed with the city's system model.

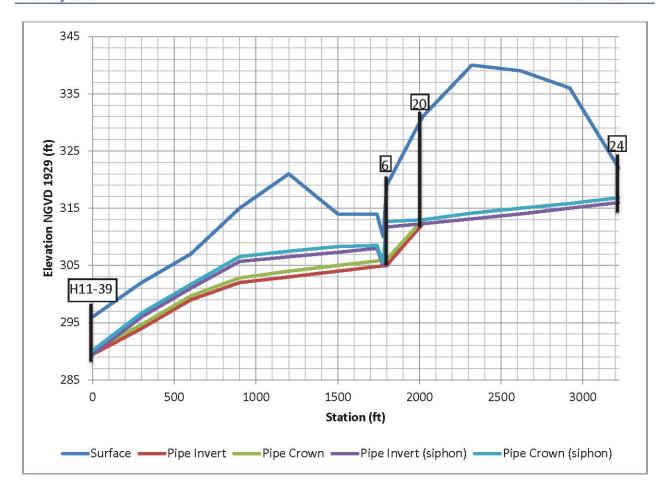


Figure 7 - Profile for Connection at MH H11-39

Table 8 - Proposed Connection to MH H11-39

			1				MU UTT.			T
Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	
management of the second	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
H11-39	296	6.55		289.45						
1	302	8	300	294	0.015	0.0025	10	0.47	4.81	527
2	307	8	300	299	0.017	0.0025	10	0.45	4.95	527
3	315	13	300	302	0.010	0.002	12	0.4	4.09	527
4	321	18	300	303	0.0033	0.002	12	0.55	2.72	527
5	314	10	300	304	0.0033	0.002	12	0.55	2.72	527
6	319	14	300	305	0.0033	0.002	12	0.55	2.72	527
20	331	18.7	220	312.3	0.033	0.0025	10	0.38	6.43	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.46	2.52	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.033	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135
JZ	555	U	300	321	0.0000	0.0033	O	0.40	1.31	100

Connection to MH I11-2:

This connection occurs at the intersection of Meridian Street and Clearview Drive. This connection would require about 300 LF of off-site gravity sanitary sewer pipe, 600 LF of sanitary sewer forcemain, and a lift station. The lift station is required to pump from the west side of the creek to MH 11-2, which is too high to reach by gravity. The pipe sizing was determined based on the flow in each sanitary sewer pipe segement.

The pipeline connection to MH I11-2 is shown in Attachment 4. The different flows enter from different positions along the gravity line. Table 9 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH I11-2. Figure 8 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH I11-2.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case. These flows would have to travel uphill to connect to this proposed connection.

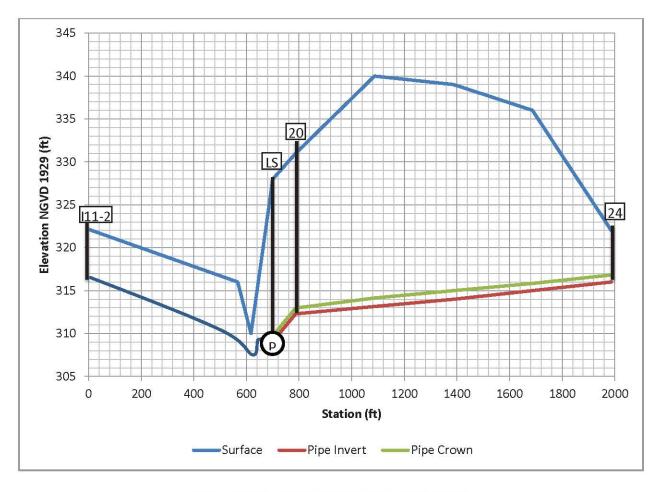


Figure 8 - Profile for Connection at MH I11-2

The invert of MH I11-2 is 316.77-ft, and the creek in the Meridian Street right-of-way has an estimated streambed elevation of 310-ft. It is not possible to cross the creek in a gravity pipeline and connect to MH I11-2 without including a sewer pump station. A pump station may be located on either side of the creek. Assuming it is installed on the east side, the pumping water level would be approximately elevation 310-ft, the pipeline would be about 700-ft long, and the pumps would be between 4.0 and 7.5 hp, depending upon the size of the force main pipeline (see Table 10).

The PWWF rate of 530 gpm is used to calculate the required pump sizes in Table 10. Friction losses are calculated using the Hazen-Williams equation for a 700-ft force main, static lift is based upon the receiving manhole invert and the assumed pumping elevation, and the minor losses are assumed. Horsepower conservatively assumes 50% pump efficiency.

Hazen-Williams Equation: $h_{\rm f} = \frac{(10.44)(L)(Q_{gpm})^{1.85}}{(C)^{1.85}(d)^{4.87}}$

where: h_f is the friction loss in feet

L is pipeline length in feet

Q is the flow rate in gpm

C is the Hazen-Williams friction factor (130 for plastic pipe)

D is the pipe diameter in inches

10.44 is a conversion constant

Pump power equation: HP = $\frac{(TDH)(Q)}{(3960)(Eff)}$

where: HP is the pump horsepower

TDH is the total dynamic head (total of friction and static lift)

Q is the flow rate in gpm

Eff is the pump efficiency, as a decimal

3960 is a conversion constant

Table 10 - Estimated Lift Station Sizing

		Nom	Act.			Haz-			Static	Minor		
Material	DR	ID	ID	Q	V	Will	L	Loss	Lift	Loss	TDH	HP
		in	in	gpm	ft/s	С	ft	ft	ft	ft	ft	
PVC,												
C900	18	6	6.09	530	5.84	130	700	14.9	8	5	27.9	7.5
PVC,												
C900	18	8	7.98	530	3.40	130	700	4.0	8	5	17.0	4.5
PVC,												
C900	18	10	9.79	530	2.26	130	700	1.5	8	5	14.5	3.9

The existing gravity system at MH I11-2 may have sufficient capacity to receive flows from the Sywak property. The pipes in Meridian Street are 8-inch and installed at slopes greater than 0.01 ft/ft, which should allow flows up to 425 gpm. It is unlikely that the system could accommodate flows from the adjacent property as well, unless the existing sewers were replaced with larger diameter pipes, including the downstream 12-inch segment identified in the previous option.

Table 9 - Proposed Connection to MH I11-2

								7		
Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
111-2	322.14	5.37	7.50.1	316.77		1550				
1	317	6	300	311	-0.019					527
2	316	11.9	267	304.1	-0.026					527
20	331	18.7	220	312.3	0.037	0.0035	8	0.5	6.68	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.56	2.53	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.0025	10	0.65	2.55	426
24	322	6	300	316	0.0033	0.0025	10	0.61	2.50	392
25	330	6	300	324	0.027	0.0035	8	0.4	5.10	135
26	338	6	300	332	0.027	0.0035	8	0.4	5.10	135
27	343	6	300	337	0.017	0.0035	8	0.45	4.26	135
28	350	6	300	344	0.023	0.0035	8	0.41	4.83	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.48	3.93	135
31	350	6	300	344	0.033	0.0035	8	0.37	5.48	135
32	353	6	300	347	0.01	0.0035	8	0.52	3.52	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.36	5.67	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.61	2.21	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.61	2.21	135
43	354	6	300	347.15	0.0035	0.0035	8	0.61	2.21	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.61	2.21	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.61	2.21	135
52	333	6	300	327	0.0035	0.0035	8	0.61	2.21	135

Alex Sywak March 8, 2018

References:

<u>Drawing Set: Aerial Photography for City of Hollister</u>, prepared by MacKay & Somps Infrastructure Group, 1999

Drawing Set: City of Hollister Sewer Atlas, prepared by Wallace Group, 2010

City of Hollister General Plan, 2005

City of Hollister General Plan Land Use Map, Amended January 2009

Attachments:

- 1. Figure: Sanitary sewer connection at The Villages SSMH-19
- 2. Figure: Sanitary sewer connection at MH H10-6
- 3. Figure: Sanitary sewer connection at MH H11-39
- 4. Figure: Sanitary sewer connection at MH I11-2
- 5. City of Hollister Sewer Atlas, Sanitary Sewer Sheets G10, H10, H11, I11 and I12

Schaaf & Wheeler Page 21

From: Jim+Cindy Boyer
To: GeneralPlan

Subject: plans for the vacant parcel behind R.O.Hardin

Date: Monday, May 8, 2023 10:41:34 AM

Dear Ms. Hopper,

I am a resident on B Street and I am writing to object to the plans for increasing the density of the 8.25 acre vacant parcel at the west end of Glenmore Drive. I am concerned about the amount of traffic it would put in the neighborhood. Even on B Street we have a lot of traffic coming from the west and headed to the high school or beyond. I can just imagine how Glenmore Drive and Vali Way would be affected with dense traffic from new residents living in that area if the units per acre was increased.

I would strongly urge you and the City of Hollister to keep the current density of 8 units per acre for that neighborhood. Surely there are other areas in Hollister where a high density neighborhood could be constructed with better allowance for traffic flow.

Sincerely,

Cindy Boyer

From: Pat Williams
To: GeneralPlan

Subject: general plan update

Date: Monday, May 8, 2023 9:54:01 AM

5.8.2023

Christy Hopper City of Hollister

I have been informed that the City of Hollister is updating its General Plan.

The proposal is to increase the current density for the 8.25 acre vacant parcel at the

West end of Glenmore Drive from 8 units/acre to a maximum of 60 units/gross acre.

This is bad enough.

BUT...the enactment ordinance to increase the density up to 99 units/gross acre is worse.

Please do what you can to keep the current density to 8 units/acre.

Thank you,

Patrick Williams

Sharon Williams

Hollister, CA 95023

Good morning Carey and Dave,

Please see the comment below form Megan Avidano

Thank you,

Ambur



mbur Cameron, Senior Planner City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023 p (831) 636-4360 Ext. 1223 ambur.cameron@hollister.ca.gov W Hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8 30a - 12 00p 1 00p - 4 30p Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Megan Avidano

Sent: Thursday, May 11, 2023 6:29 PM

To: GeneralPlan <generalplan@hollister ca gov>

Subject: Land Designation for

along with my neighbors properties are being designated as "Low Density Residential" instead of "Residential Estate"? These properties are all 1 acre plus lots with single family homes on them. We have septic systems and not city sewer. We face and are next to fields and areas that are designated as "Residential Estates."

I ve included a map with a circle for the area I m referencing. Thank you,

Megan Avidano

6:15











https://holli... a hollister2040.org









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From: Ambur Cameron

To: Carey Stone; David Early

Cc: Eva Kelly; Christine Hopper

Subject: FW: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for Mixed Use Zoning

Districts

Date:Monday, May 15, 2023 1:04:43 PMAttachments:HollisterPolicyOptionsMemo 30521.pdfPolicyOpt AppendixC 30521.pdf

Good afternoon Carey & David,

Please see Mr. Shahinian's email below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

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ambur.cameron@hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Lee Shahinian

Sent: Monday, May 15, 2023 11:56 AM

To: GeneralPlan <generalplan@hollister.ca.gov>

Cc: Eva Kelly <eva.kelly@hollister.ca.gov>

Subject: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for

Mixed Use Zoning Districts

Good morning,

My family owns the 4.65 acres in downtown Hollister on which Republic Urban Properties (RUP) is proposing a mixed-use development. On behalf of the Shahinian family, I would like to voice our strong support for this project under consideration by the City of Hollister.

During the 35 years that we have owned this land in downtown Hollister, many buyers have approached us, but typically they were only interested in developing a corner lot for fast food. Our site has remained vacant along the City's major downtown corridor for far too long. Republic's high-density infill project, including live-work units along San Felipe, appears to be aligned with the City's housing requirements and their desire to keep Hollister residents in Hollister.

Reviewing the April 2023 General Plan 2040 draft, my family and RUP were pleased to see the mixed-use zoning for our property. However, the required minimum of 30 du/acre would render RUP's proposed project non-conforming. From the outset, RUP has designed their high-density mixed-use infill project for our property to conform with the attached GPA documents, which propose a minimum of 20 du/acre for our property.

Furthermore, RUP has explained to me that going from 20 du/acre to 30 du/acre makes their project no longer financially feasible, because construction costs per unit are much higher for 30 du/acre than for 20 du/acre. My family hopes you will modify the April 2023 General Plan Draft to allow mixed use with a minimum of 20 du/acre for our property. This will allow RUP to move forward with their development.

Thank you for your consideration.

Sincerely, Lee Shahinian, Jr. Managing Owner From: Ambur Cameron

To: David Early; Carey Stone

Cc: Eva Kelly

Subject: FW: Hollister 2040 plan

Date: Monday, May 22, 2023 11:13:13 AM

Good morning David and Carey,

Please see Branden Khan's comments below regarding the City of Hollister's Draft 2040 General Plan.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

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From: Branden Khan

Sent: Friday, May 19, 2023 7:09 PM

To: GeneralPlan < generalplan@hollister.ca.gov>

Subject: Hollister 2040 plan

Hello,

my name is Branden Khan. I am a local resident here in Hollister and i Have lived here continuously since 2009. My wife and I are raising our two boys aged six and two here in Hollister. I like the Hollister 2040 general plan and many aspects of it, especially increasing the walk ability and bike ability throughout town. We live in Sunnyslope village and I frequently take my E bike down Hillcrest and down Sunnyslope to run errands around town. Both of those roads but especially Sunnyslope Road have many sections that are not safe for bicyclists with very little shoulder to be a safe enough distance away from cars without them having to swing wide around me. I know there are many other areas like this throughout town. What I am Requesting is on those roads but every single road throughout town is to have a connected protected bike lane network, so that not only can I feel and be safer, but many other people can feel safer biking around town, which will alleviate congestion on our roads and alleviate the wear and tear that is caused by High automobile usage. Many areas around the world that have implemented biking infrastructure like this have given people the freedom to

not have to jump in their cars just to go five minutes down the road for basic errands. This will also make it so that parents will feel safer having their kids bike throughout town, bike to school, and can give them more freedom instead of having to rely on their parents to take them from place to place. At the moment we don't feel safe biking with our two boys in town due to the lack ofinfrastructure so we will be going to the Monterey bay coast trail to do that. Having connected infrastructure in town could give us an opportunity to enjoy our town from a biking perspective without having to drive over an hour one-way to have that experience elsewhere. If we build a connected bike net work with protected bike lanes, we could become a destination For people out of town to experience this firsthand just like how people will travel from all over the world to experience the Netherlands and other European countries connected and protected bike infrastructure where anyone can feel safe riding a bike. This also is much better for our mental and physical health versus continuing to rely excessively on car-based infrastructure.

I agree wholeheartedly on doing everything we can to increase public transit ridership which will help get more cars off of the road alleviating traffic congestion. Texas is a great example of how continuing to add more lanes of highway infrastructure do not solve traffic problems, but only induce Demand to make traffic problems worse as more lanes are added. I think it is sorely needed that both Highway 25 and 156 have two lanes in each direction but the more lanes we are after that do you have a decreasing Gains. Will be looking to hear about potential Caltrain service all the way to here in Hollister plus I was told by the last mayor that there are potential plans to have a dedicated bus lane which I think I saw in the 2040 Hollister general plan that would go from Hollister on Highway 25 connecting to 101 whicj wood Significantly increase timeliness which could also incentivize more people to start taking the bus from Cal train back-and-forth over sitting in their car for sometimes hours on our congested roads. Public transportation is only Longterm solution out of our traffic and congestion issues on both of our major highways going in and out of town.

I love the fact that there is a plan to include more affordable housing development, which is did so badly to help with not only are States housing shortage, but also prevent people from going homeless due to ever increasing housing costs. We cannot continue to build out singlefamily housing throughout Hollister as it is not economically sustainable for our city and county budget unless property taxes were to be significantly increased to maintain the miles and miles of paved road with water, sewer infrastructure throughout. We need to minimize single-family housing development as much as possible and prioritize much more dense development that our town hasn't seen much of in order to make it more economically sustainable for our city and county, but also provide people more affordable options versus single-family housing. In addition to that I would like to see us re-zone as much of the town for mixed use development Where you can have retail space or restaurant space on the ground and then have housing built above that which will also help decrease automobile usage and give people better quality of life. We need to streamline development of accessory dwelling units as well. Plus, we should make it much easier for people throughout all the currently single family zone neighborhoods to open up and build businesses on their own property so people don't have to walk and bike and hop in their cars as much to go to the commercial centers of town, this can make the town a much more colorful and inviting place to be.

Thank you for taking the time to read this! If you would like to talk or have any questions or concerns, please feel free to call me or text me on my cell

Sincerely,

Branden Khan

From: Ambur Cameron
To: Carey Stone; David Early

Cc: Eva Kelly

Subject: FW: I see you have been busy... update on my senior project - GP plan comments need?

Date: Tuesday, May 30, 2023 4:25:51 PM

Attachments: image001.png

Good afternoon Carey and David,

Please see the email below from Tod DuBois. Based upon the forwarded email from Christy, we're assuming that she would like us to provide PlaceWorks with Mr. DuBois's email so that it may be included in the General Plan Comments for Council's consideration.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

(831) 636-4360 Ext. 1223

ambur.cameron@hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Christine Hopper

Sent: Monday, May 22, 2023 9:58 AM

To: GeneralPlan <generalplan@hollister.ca.gov>

Subject: FW: I see you have been busy... update on my senior project - GP plan comments need?

All,

This comment is in reference to the proposed senior housing project at Park Hill.



Christy Hopper, Development Services Director

City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023

P (831) 636-4360 Ext. 1221

E christine.hopper@hollister.ca.gov

W Hollister.ca.gov

From: Tod duBois

Sent: Saturday, May 20, 2023 12:21 AM

To: Christine Hopper < christine.hopper@hollister.ca.gov>

Subject: I see you have been busy... update on my senior project - GP plan comments need?

Hi Christine,

So I see the new GP and understand why you have been so busy. I also see in the GP a minor but maybe significant zoning tweak for my parcel. I really need to study that in more detail but wanted to ping you on it. Any concern about

the change from R4- Performance Overlay to HDR for my senior housing project? My understanding is the Performance Overlay gave some flexibility to do senior and more added services like memory care/assisted living - I am concerned that HDR would not. And if not do we risk a conflict right about the time I get a complete application in?

Update where I am at:

I have ordered a market study to determine the types and number of units of senior housing units that will be absorbed by the local market. Once that is done - in June, then I can hire the architect to create a design. So maybe 6-9 months to get a complete pre-application in and of course a lot of costs to get there.

I really need to make sure an do everything possible to mitigate conflict or surprises, I simply cannot fail on this project.

Thank you for helping guide this to a win for the community. I still do not know if the new road to park hill is viable for the city. It's a huge risk area for the project.

best regards Tod duBois

From: Ambur Cameron

To: Carey Stone; David Early

Cc: Eva Kelly

Subject: RE: Density increase for Glenmore drive **Date:** Tuesday, May 30, 2023 4:40:43 PM

Good afternoon Carey and David,

Please see the email below from Dengzhi Zhang regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023

P (831) 636-4360 Ext. 1223

ambur.cameron@hollister.ca.gov

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Friday – Sunday CLOSED

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From: Dengzhi Zhang

Sent: Monday, May 22, 2023 12:52 PM

To: GeneralPlan <generalplan@hollister.ca.gov> **Subject:** Density increase for Glenmore drive

Dear Christy Hopper,

I received a letter from the owner of the 8.25 acre vacant parcel in Glenmore drive. It seems you plan to increase the density. We have a bunch of vacant land in hollister. May I know why you want to change the original plan?

Regards, Dan

From: Ambur Cameron
To: Carey Stone; David Early

Cc: Eva Kelly

Subject: FW: Groundwater Supply-Hollister GP Update Comment

Date: Tuesday, May 30, 2023 4:36:11 PM

Good afternoon Carey and David,

Please see the email below from Jim Safranek regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

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ambur.cameron@hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

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Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

The 2020 GP claims groundwater overdraft for Hollister has been eliminated by the SBCWD. Growth is dependent upon secure and long-lasting water supplies, and 73% of current Hollister water supply comes from groundwater.

Is the 2020 GP claim regarding groundwater supply as managed by SBCWD still accurate? Are any wells currently or historically showing signs of overdraft?

How much groundwater is going to be available to Hollister over the next 20-50 years? Is long-term groundwater use analyzed and included in the climate adaptation section of the GP update?

Is the future status of water from the CVP included in long term hydrologic and climate change sections of the GP update?

Please confirm you've received these GP update comments.

Jim Safranek

 From:
 Ruby Varner

 To:
 GeneralPlan

 Cc:
 Mike Hogg

Subject: Increase General Density for 8.25 Acre vacant parcel at West End of Glenmore Drive

Date: Wednesday, May 31, 2023 6:25:26 PM

The proposal to increase the maximum from 8 units/acre to 60 units (possibly 99 units/gross/acre) for the vacant lot cited in the subject above will seriously create traffic issues on both A Street and Powell Street. This proposal to create as many as 822 units on 8.25 acres would most likely require 3 story buildings.

Since I own property on A Street, I am firmly against such high density building and request that this proposal be reconsidered and that the current density of 8 units/acre remain to match that of the surrounding neighborhood's existing single detached homes.

From: April Mistretta
To: GeneralPlan

Subject: Planned building in our Neighborhood **Date:** Planned building in our Neighborhood Thursday, June 1, 2023 1:27:07 PM

Good Afternoon-

It was brought to my neighbor's and I's attention that a small plot of land that is between Vali Way, Glen View Drive and backs up to RO Hardin School is being proposed to build an 800 unit low income apartment building! I highly oppose this plan! We are all long time residents of this neighborhood flocked with older homes. Not only would this be unsightly but adding 1600 residents easily, over 800 cars traveling the streets surrounding us is not feasible. Our kids enjoy playing outside in the streets with all the neighborhood kids, this would not be able to happen with the increase of traffic down our small street this is planned to be used as a throughway to the building. PLEASE reconsider relocating this building to an area that can handle the influx of traffic that our neighborhood cannot. I can only imagine what this would do to our home values as well.

I doubt anyone on this committee would want a large apartment building like this built in their backyard.

Thank you for your consideration.

April Mistretta

 From:
 Eva Kelly

 To:
 Carey Stone

 Cc:
 Ambur Cameron

Subject: FW: Railway Input and Bicycle Paths **Date:** Friday, June 2, 2023 8:57:55 AM

Attachments: <u>image001.png</u>

Good morning Carey,

Please see the email below regarding the General Plan.

Best, Eva



Eva Kelly, Interim Planning Manager
City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023

P (831) 636-4360

eva.kelly@hollister.ca.gov

W Hollister.ca.gov

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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Adrian Garcia

Sent: Friday, June 2, 2023 8:21 AM

To: GeneralPlan <generalplan@hollister.ca.gov>

Subject: Railway Input and Bicycle Paths

To the city,

All of what I've heard about this plan is fantastic.

The expansion of bicycling infrastructure is something I'm really excited to see in the near future. A town like Hollister, where businesses are fairly clustered together, would benefit from a web of safe bike lanes. I'd just like to add that bike racks should be offered to businesses. Getting there is one thing, but securing your bike is another.

A side note: It'd be really fun to have a safe bike trail to San Juan as a recreational trail to the mission and as a connection to more trails along De Anza. Or, even a wine bike trail along Cienega Road.

What I wish was more upfront was the implementation of a useful railway. It'd be great to have a line to Salinas and/or Gilroy at minumum. Salinas has a station/AMTRAK that

connects with the Coast Starlight, which may be useful to communters or for travel purposes.

Much support from a resident, Adrian Garcia



June 15, 2023

VIA E-MAIL AND FIRST CLASS MAIL

City of Hollister Development Services
Department – Planning Division
ATTN: Eva Kelly, Interim Planning Manager
339 Fifth Street
Hollister, CA 95023
generalplan@hollister.ca.gov
eva.kelly@hollister.ca.gov

Re: Hollister GPU 2040, CAP, and ALPP EIR

Comment on Hollister 2040 General Plan and Draft Environmental Impact Report

(State Clearinghouse No. 2021040277)

Dear Ms. Kelly:

Thank you for the opportunity to comment on the City of Hollister's (the "City") Draft Environmental Impact Report ("DEIR") for the Hollister 2040 General Plan update, and the content of the proposed General Plan update itself.

This firm represents Anderson Homes ("Anderson") in connection with the Santana Ranch Specific Plan project ("Project"). It is our understanding that the City is considering retiring its Urban Service Area ("USA") as part of the City's 2040 General Plan update. (*See*, 2020 Draft General Plan, p. LU-2.)¹ The purpose of this letter is to respectfully request that, at a minimum, the City revise the proposed updated General Plan to make clear that regardless of the ultimate fate of the City's USA, the City will not revoke services from developments promised or already receiving utility services from the City.

Specifically, Anderson has a significant and legally protected interest in continued sewer service for the Project, and for over a decade has relied on the City's commitment to provide sewer service, and in fact is already receiving sewer service from the City for the portions of the Project that are already operational.

At the City's May 18, 2023 workshop on the General Plan Update, the City's contract planner indicated that the City was considering contracting the City's SOI and terminating the USA.



I. Background

The Project is located in an unincorporated area of San Benito County, outside of the City's Sphere of Influence ("SOI") but within the City's USA, as shown on **Exhibit 1**. The Project was approved by the County Board of Supervisors in 2010, allowing a maximum of 1,092 residential dwelling units (both multifamily and single family), approximately 106,000 square feet of commercial and mixed uses, a 12 acre elementary school, and 18 acres of formal community and neighborhood parks as well as additional park and recreational facilities. The County Board of Supervisors also approved an environmental impact report ("EIR") analyzing all of the impacts of the Project on the environment, and a development agreement (San Benito County Recorder Document No. 2011-0000142), which vests Anderson's land use approvals that allow development of the above-described Project.

On November 29, 2012, the San Benito County Local Agency Formation Commission ("LAFCo") approved Resolution No. 2012-03 (attached hereto as **Exhibit 2**), expanding the City's wastewater services into the USA. On November 7, 2013, the City indicated that the Project would receive City sewer services because it was located within the USA, similar to a September 2, 2008 letter confirming the same. (*See*, **Exhibits 3 and 4**.) Carrying through to today, the City's Sanitary Sewer Collection Master Plan – last updated in March 2018 – identifies the Project as an approved development that will receive City sewer service. (*See*, **Exhibit 5**, pp. 2-6, 2-7; Figure 2-4.)

After receiving confirmation from the City that sewer services were available to the Project, Anderson began construction. At this time, 513 single family residential units are already occupied (Phases 1 through 6), 202 lots are in various stages of homebuilding from ready to start construction to recently occupied (Phases 7 & 8), another 63 units (Phase 9) are in plan check, and improvement plans for the remaining phases are in process. Additionally, 56 multifamily units are also occupied or ready for occupancy, construction is commencing on another 80 multifamily units, the recently constructed school serves approximately 800 students, and park uses are open to the public. All of the foregoing uses (including restrooms in the park) are connected to City sewer services.

For the reasons set forth in this letter, the City should not retire its USA. Alternatively, in the event the City still considers retiring or modifying the USA, Anderson respectfully requests that the City make clear it will continue providing services to the entire approved Project - both the portions already constructed and occupied, and the remaining phases yet to be built.

II. State Law Does Not Require Retirement of the Urban Services Area

Government Code Section 56133(a) requires a city to seek approval from the LAFCo "before providing new or extended services outside of its jurisdictional boundary." As explained by the California Court of Appeals, subdivision (a) is the only limitation on the City. (*Community*



Water Coalition v. Santa Cruz Cty. Local Agency Formation Com. (2011) 200 Cal.App.4th 1317, 1327.) The remaining provisions of Section 56133 apply only to the LAFCo. (*Id.*) Here, expansion of wastewater services into the USA complies with Government Code Section 56133 because the San Benito County LAFCo approved expansion of wastewater services to the Urban Services Area pursuant to Resolution No. 2012-03. Therefore, the City has complied with the required provisions of Section 56133 and there is no requirement that the Urban Service Area be retired.

III. The City Should Guarantee Continued Sewer Service to the Entire Project

A. <u>Santana Ranch Was Developed in Reliance on the City's Representations of</u>
Available Sewer Services

In the event that the City decides to retire the USA, Anderson contends that both as a matter of law and basic fairness, the City must continue to provide the Project with sewer service. "It has long been the rule in this state and in other jurisdictions that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government he acquired a vested right to complete construction in accordance with the terms of the permit." (*Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.) Further, where a city affirmatively represents the conditions for the development of a property, the city will be estopped from changing those conditions down the road. (*See City of Imperial Beach v. Algert* (1962) 200 Cal.App.2d 48.)

Here, Anderson expended a substantial amount of time designing and constructing the Project in reliance on the City's previous representations that sewer services would be provided thereto. On November 7, 2013, the City affirmatively represented that the USA, including Santana Ranch, would be serviced by the City's sewer system. Further, as expressly acknowledged in the City's DEIR, the Project receives sewer services pursuant to a Memorandum of Understanding ("MOU") among the City, County, and the utility providers servicing the unincorporated areas of the County. This MOU further demonstrates that Anderson's reliance on the City's representations that sewer services would be provided to the development was reasonable and justified. Indeed, the City's sewer treatment plant was built as a *regional* facility with developments such as the Project in mind, and was intended to handle more than only the City's sewer needs.

The Project's existing residents currently rely on the City's sewer services to serve their homes, parks, and schools. Cutting off wastewater services to these residents, approximately 800 students, and other guests/users of the park facilities, would be improper and would create serious health and safety impacts.



B. <u>Anderson Homes Has a Property Interest in Continued Utility Service that Cannot be Taken Without Just Compensation</u>

The Federal and California Constitutions prohibit the government from taking or damaging private property unless just compensation is paid to the property owner. When the government takes or damages this property right without paying the owner just compensation, the owner may bring a claim for inverse condemnation against the government. It is well established in California that there is a significant difference between an existing utility customer and a prospective user, with existing customers having a property right in continued service. (*Gilbert v. State of California* (1990) 218 Cal.App.3d 234, 250; *Hollister Park Inv. Co. v. Coleta Cty. Water Dist.* (1978) 82 Cal.App.3d 290; *Swanson v. Marin Mun. Water Dist.* (1976) 56 Cal.App.3d 512.) Here, as an existing and permitted wastewater user, the Project's sewer connection – for both existing and already approved portions of the Project – cannot be taken without just compensation. (*Id.*)

IV. If the USA is Retied, the EIR Must be Revised to Reflect the Resulting Impacts

In the event the City were to retire the USA and stop providing sewer service for the Project, the DEIR would need to be revised to analyze the environmental impacts of the Project obtaining new sewer service, which would presumably include construction of new treatment facilities and other infrastructure, resulting in increased environmental effects. These impacts would be a reasonably foreseeable consequence of retiring the USA, particularly if that action was applied to existing connections or already entitled and approved projects, such as the Project here. The potential impacts of changing sewer service for an already operational and under construction project could very well be significant.



Thank you for your consideration, and please advise should you have any questions or would like to discuss further. Moving forward, please provide the undersigned with notice of all public meetings, hearings or other actions relating to the City's 2040 General Plan update, the DEIR, and all other public meetings or hearings for related or associated City actions. My client will be in attendance at the City's upcoming Planning Commission workshop, as well as any future City Council meetings on this topic.

Sincerely,

RUTAN & TUCKER, LLP

Alan B. Fenstermacher

cc: Mary F. Lerner, City Attorney (mlerner@lozanosmith.com)

Christine Hopper, Director of Development Services (christine.hopper@hollister.ca.gov)

Michael Anderson, Anderson Homes

Attachments: Exhibits 1 through 5

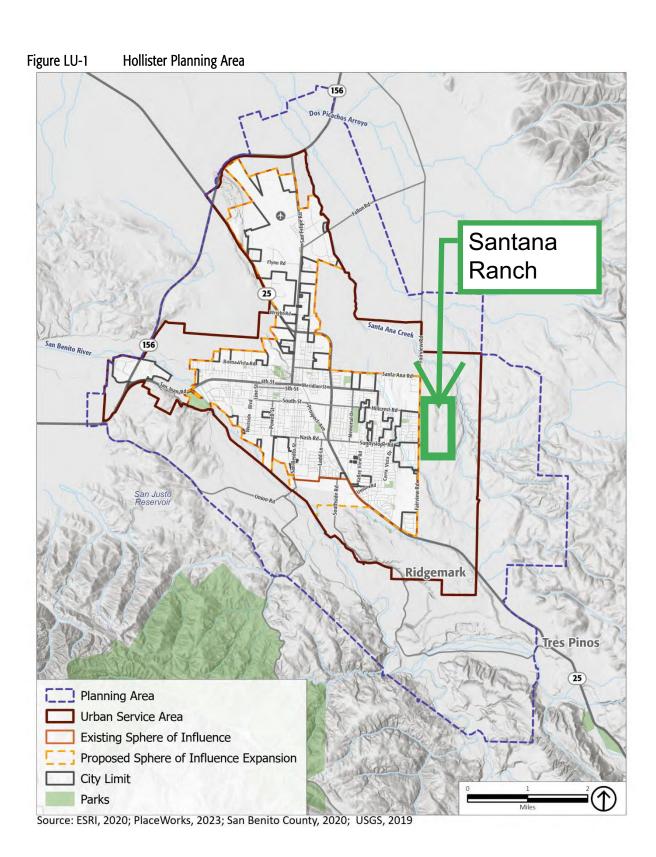
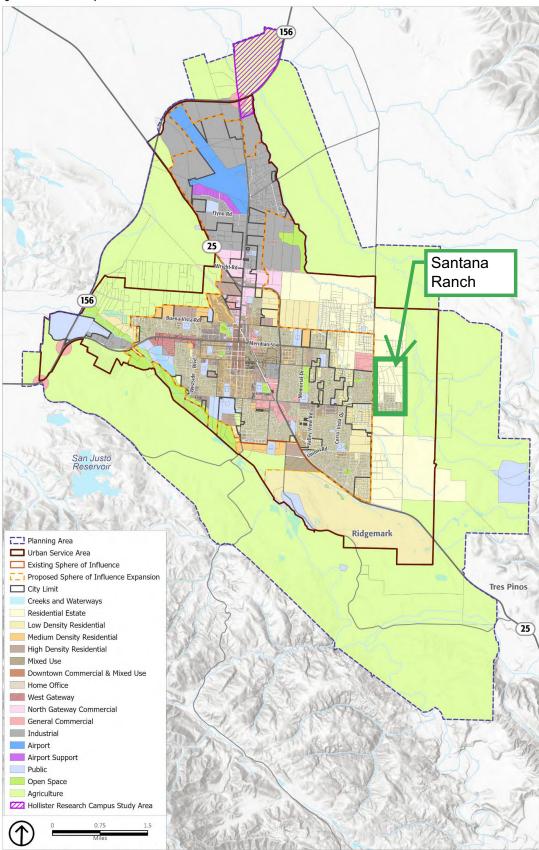


Figure LU-2 Land Use Map



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.



LOCAL AGENCY FORMATION COMMISSION 3224 Southside Road • Hollister, CA 95023 831.637.5313 • 831.637.5334 (Fax)

PROJECT INFORMATION:

Application:

LAFCo File No. 2012-481

Date of Hearing:

November 29, 2012

Owner/Applicant:

City of Hollister

Location:

See Attached Map (City of Hollister and portion of San Benito

County)

APN:

Multiple Parcel Numbers Multiple Zoning Designations

Zoning: General Plan:

Multiple General Plan Designations

LAFCo Staff:

Lissette Knight

REQUEST:

The City of Hollister and the San Benito County Water District, through their adopted Resolutions No. 2011-129 and 2011-03, requests that the boundary described in their Exhibit A be adopted to provide expanded urban services.

BACKGROUND:

Multiple properties are covered within the proposed boundary and encompass the City of Hollister in its entirety, with portions of San Benito County being included in the new urban boundary.

ENVIRONMENTAL:

The San Benito County Water District certified a programmatic EIR on January 19, 2011. This certification included mitigation measures to establish the program set for the boundary area.

LAFCo STAFF ANALYSIS:

Section 56653 of the Local Government Reorganization Act states that the District shall provide a plan for services with the Resolution and application to demonstrate how the services will be provided to the potentially annexed properties and it effect on services, costs and other environmental factors.

Attachment A shows the adopted Resolution No. 2011-129 by the City of Hollister. Attachment B is the certified EIR showing the projects ability to serve the proposed boundary (Resolution 2011-03).

Connection fees will be determined by the jurisdiction.

LAFCo STAFF RECOMENDATION:

Staff recommends that the Local Agency Formation Commission adopt Resolution No. 2012-03 (Attachment C) approving the EIR that was Certified by the San Benito County Water District on January 19, 2011, together with making determinations of appropriateness; and authorizing proceedings for the creation of the Hollister Urban Area boundary, with the following conditions:

1. Hold Harmless: The Applicant and owner shall sign the Hold Harmless Agreement provided by

the LAFCo Authority within 10 days of the projects approval.

Attachments:

- A. Resolution No 2011-129
- B. Resolution No 2011-03
- C. LAFCo Resolution No. 2012-03

BEFORE THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)	
LOCAL AGENCY FORMATION COMMISSION)	
APPROVING THE CREATION OF THE)	Resolution No. 2012-03
HOLLISTER URBAN AREA BOUNDARY)	
TO PROVIDE WASTEWATER SERVICES)	
LAFCo FILE NO 2012-481)	
)	

WHEREAS, preliminary proceedings for the boundary creation, hereinafter described in Exhibit 1 were commenced by a Resolution of Application by the City of Hollister; and

WHEREAS, the reasons for said boundary creation are to provide expanded wastewater services; and

WHEREAS, the San Benito County Water District Hollister Urban Area Water and Wastewater Master Plan and Coordinate Water Supply and Wastewater Treatment Plan Environmental Impact Report utilized for said boundary has been adopted as adequate by the Local Agency Formation Commission.

WHEREAS, at the conclusion of the public testimony, the Local Agency Formation Commission closed the public hearing, deliberated and considered the merits of the proposed Resolution.

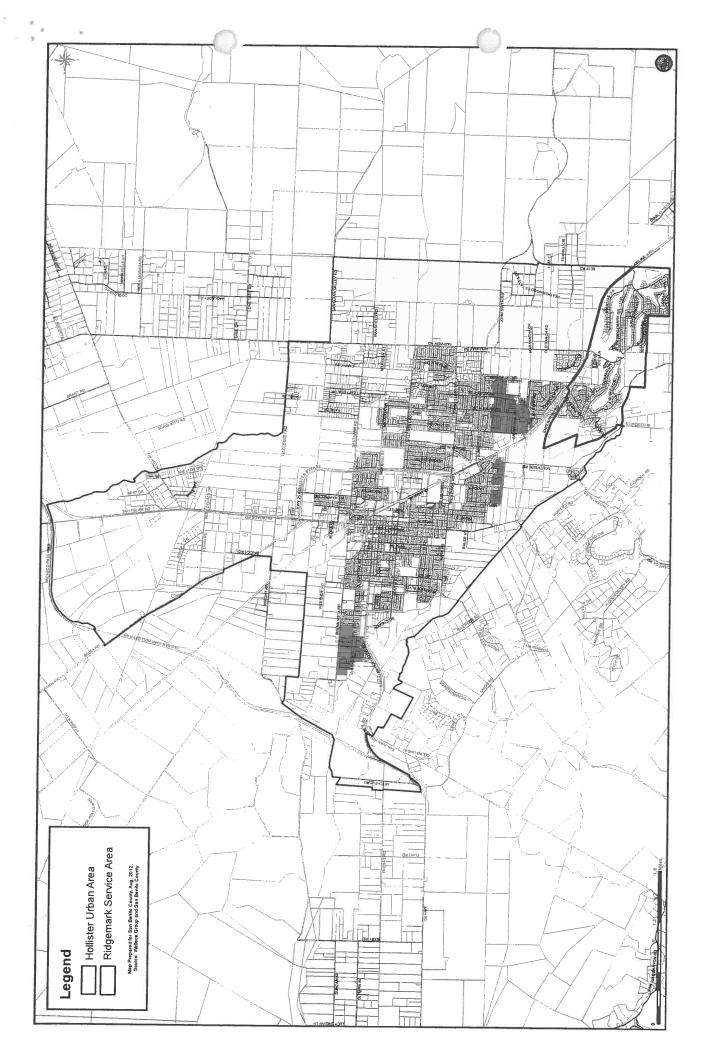
NOW THEREFORE BE IT RESOLVED by the Local Agency Formation Commission of the County of San Benito as follows:

- 1. That the boundary creation of the attached territory (Exhibit 1) is hereby approved.
- 2. The Executive Office will prepare and execute a certificate of Completion and shall make the filings required by law.

BE IT FURTHER RESOLVED that the following conditions of approval shall be applied to this annexation:

1. Hold Harmless: The Applicant and owner shall sign the Hold Harmless Agreement provided by the LAFCo Authority within 10 days of the projects approval.

PASSED AND OF THE COUN FOLLOWING	TTY OF SAN BENITO T	CAL AGENCY FORMATION COMMISS HIS <u>29th DAY</u> OF <u>NOVEMBER, 2012</u> BY	SION THE
AYES:			
NOES:			
ABSENT:			
ABSTAIN:			
	I	RICHARD BETTENCOURT, Chair Local Agency Formation Commission San Benito County	
ATTEST:		APPROVED AS TO FORM:	
GARY ARMSTI	RONG, Executive Officer	MATTHEW GRANGER, County Couns	_ sel





City of Hollister

339 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4300 • Fax (831) 634-4913

November 7, 2013

Brian Curtis P.E. Vice President of Operations 1851 Airway Drive, Suite E Hollister, CA 95023

RE: Santana Ranch Sewer Service

Dear Brian,

Let this letter reflect that the Santana Ranch project is within the sewer service area of the City of Hollister sewer treatment plant. LAFCo memorialized the service area with action taken on November 29, 2013 with adoption of file number 2012-481. Sewer connections are based on a first come first serve basis and plant capacity was designed for growth up to 2023.

If you have any questions or concerns, please feel free to call. I can be reached at (831) 636-4300.

Sincerely,

CITY OF HOLLISTER

William B. Avera Interim City Manager



CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

September 2, 2008

Brian Curtis P.E. Vice President of Operations STONECREEK PROPERTIES LLC 1851 Airway Dr. Suite E Hollister, CA 95023

RE: Santana Ranch Project

Dear Mr. Curtis:

The letter is to inform you that the Santana Ranch Project is located within the Hollister Urban Area as defined by the Hollister Urban Area Water and Wastewater Master Plan.

The City of Hollister, San Benito County, and the San Benito County Water District have agreed that properties within the Hollister Urban Area as so defined shall be served by the City of Hollister Wastewater Treatment Plant.

Sincerely,

CITY OF HOLLISTER

Clint G. Quilter City Manager



CITY OF HOLLISTER

Sanitary Sewer Collection System Master Plan Update

March 2018

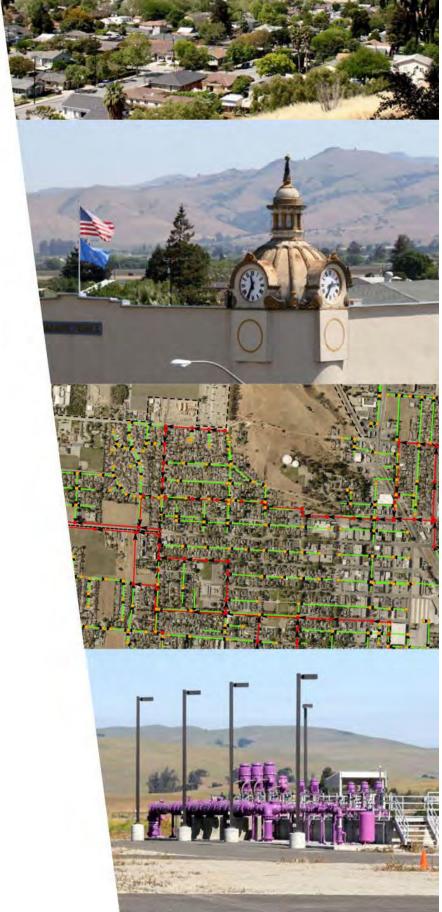




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List of Acronyms

ABS Acrylonitrile Butadiene Styrene

ADF Average Daily Flow

AMBAG Association of Monterey Bay Area Government

CEQA California Environmental Quality Act
CIP Capital Improvement Projects

City City of Hollister
County San Benito County
d/D Depth over Diameter
DOF Department of Finance
du/ac Dwelling Units per Acreage
E.I.T. Engineering In Training
EIR Environmental Impact Reports

ENR Engineering New Record
ESRI Environmental Systems Research Institute

FAR Floor Area Ratio FOG fats, oil, and grease FPS Feet per Second

FRM Fluid Resource Management

Ft Feet

Ft/Sec Feet per Second

GIS Geographic Information System

GISP Geographic Information System Professional

GPD Gallons Per Day
GPM Gallons Per Minute
HDPE High Density Polyethylene
I/I Infiltration and Inflow

LF Linear Feet

MDDWF Maximum Day Dry Weather Flow

MGD Million Gallons Per Day

min Minute

NA Not Applicable
NAD North American

NAD North American Datum

NAVD North American Vertical Datum

ND Negative Declarations
O&M Operation and Maintenance
P.E. Professional Engineer
P.L.S. Professional Land Surveyor

PF Peaking Factor

PHDWF Peak Hour Dry Weather Flow PHWWF Peak Hour Wet Weather Flow

PVC Polyvinyl Chloride

RDWWTP Regional Domestic Wastewater Treatment Plant

S.F. Square Foot

SSCSMP Sanitary Sewer Collection System Master Plan

VCP Vitrified Clay Pipe

VFD Variable Frequency Drive



Table 2-5 City of Hollister Future Residential Developments			
Development	Planning Dept. Status	Units	Unit Type
Roberts Ranch	In Process	227	Application in process for 192 SFD and 35 MF
Santana Ranch	Approved	1,092	SFD/MF
Cerrato	Approved	241	SFD
Sunnyside	Approved	213	SFD
The Villages	Approved	155	SFD
Ladd Ranch	Approved	82	SFD
Ladd Lane/Itravia/Bella Serra	Approved	63	MF
Fay Properties	Approved	90	SFD
The Cottages	Approved	37	SFD Smaller Lots
Orchard Ranch	Approved	53	SFD
Orchard Park	Approved	82	SFD Smaller Lots
Buena Vista	Approved	4,007	SFD/MF
CHISPA North of Buena Vista	Approved	54	SFD/MF
CHISPA	Approved	49	Affordable/ MF Seniors
Walnut Park	Approved	42	SFD Smaller Lots
Del Curto South of Hillcrest	Approved	22	SFD
Maple Park	Approved	49	SFD Smaller Lots
Cross Subdivision Map Check	Approved	3	SFD
Vista de Oro/Saroyan & Howard	Approved	80	MF
Hillcrest Meadows	Approved	49	SFD
Sywak	Approved	13	SFD Smaller Lots
J. Coria	Approved	7	MF
Braer	Approved	6	MF
Valles	Approved	85	15 SFD Smaller Lots, 26 Townhomes, 44 Apartments
Ray Mariotiini	Approved	13	MF
Pine Drive	Approved	3	MF
E. Coria	Approved	2	MF
Silver Oaks	Approved	170	SFD Smaller Lots/ Age Restricted Seniors Only
Brigantino and Fuller/North Street/Allendale	Approved	279	219 SFD, 60 MF
Thorning	In Process	79	Application in process for 79 residential units
Nektarios Matheou 1051 Monterey St.	Approved	2	SFD
West of Fairview/Award Homes	Approved	667	SFD/MF/Duettes
Jim Matthews 1650 Cienega Road	Approved	8	SFD Smaller Lots
Bob Kutz South of Hillcrest Road	Approved	19	SFD



Table 2-6 City of Hollister Future Non-Residential Developments			
Non-Residential Development	Planning Dept. Status	Area (s.f.)	
Commercial	·		
Santana Neighborhood Commercial	Approved	309,276	
Lab&RV Storage	Approved	N/A	
Multi-Tenant Shopping Center	Approved	83,559 of the 165,533 was approved	
Industrial			
Cleariest Park Industrial Building	Approved	151,200	
School	<u>.</u>		
Santana Ranch	Approved	527,076	

POPULATION

Population for the SSCSMPU is comprised of the City population and unincorporated land of the County within the study area. Three sources of information were utilized to determine existing and future population for the study area:

- 1. The City of Hollister's 2005 General Plan
- 2. City of Hollister 2017 Planning Update
- 3. The Association of Monterey Bay Area Government (AMBAG) 2014 Regional Growth Forecast
- 4. The United States Census Bureau 2016 Population Estimate

It should be noted that in December 2008, the Regional Water Quality Control Board lifted the six-year building moratorium from the City following the completion of the City's RDWWTP upgrade. The project included a treatment plant expansion and upgrade, a seasonal storage pond system, and recycled water distribution system, allowing the City to accept additional wastewater flow from new customers.

Existing Population

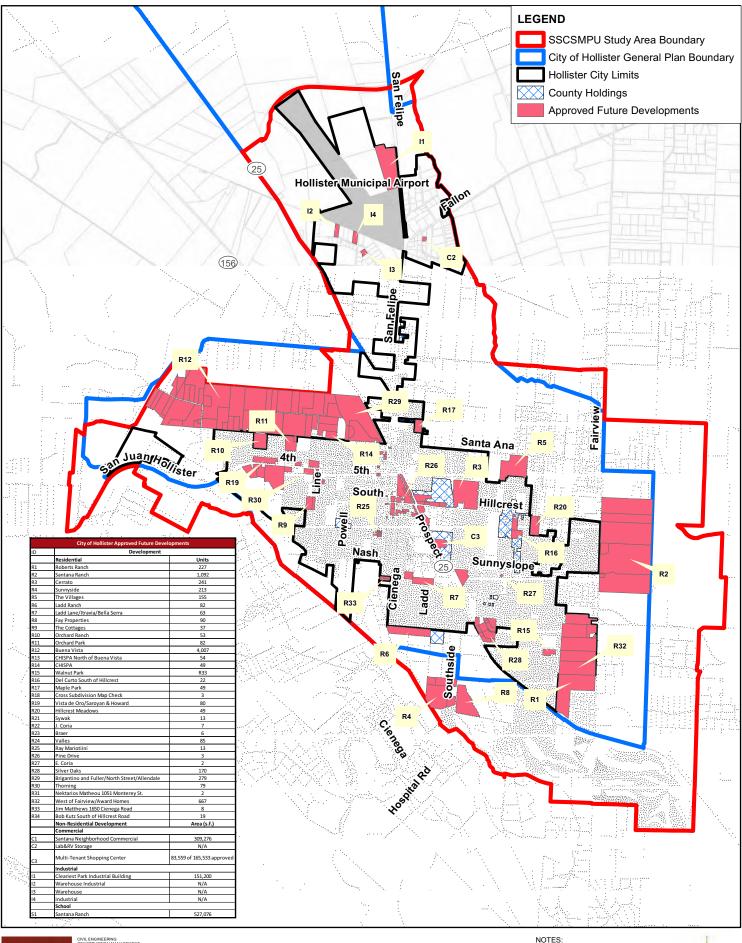
The City's RDWWTP receives flow from not only the City, but also unincorporated areas of the County. Therefore, to determine the existing population, it is necessary to identify the population from both regions. The total population is estimated to be 37,126 persons. The following sections provide an overview of the population estimates for within the City and within the service area outside of the City limits.

City of Hollister

The existing population for the City was determined using the four sources noted previously.

- The 2005 General Plan: 2017 population at 53,600 persons using a 2.6% average annual growth rate from year 2000.
- Updated City Planning (1/1/2017): Table 2 of the E-5 housing, estimates the population within the City to be 36,670 persons.
- AMBAG 2014 Regional Forecast estimates the 2010 population at 34,928 persons.







CONSTRUCTION MANAGEMENT LANDSCAPE ARCHITECTURE MECHANICAL ENGINEERING PLANNING PUBLIC WORKS ADMINISTRATION SURVEYING/GIS SOLUTIONS WATER RESOURCES

612 CLARION COURT SAN LUIS OBISPO, CA 93401 T 805 544-4011 F 805 544-4294 www.wallacegroup.us



CITY OF HOLLISTER 2017 SSCSMPU BASEMAP COMPILED FROM GIS DATA PROVIDED BY SAN BENITO COUNTY AND THE CITY OF HOLLISTER. WALLACE GROUP DID NOT PERFORM BOUNDARY SURVEY SERVICES FOR THIS MAP. NOT A LEGAL DOCUMENT. MAP PRODUCED DECEMBER 2017.



6/16/2023

Mayor Casey & City Council Development Services Dept. Staff 375 5th St. Hollister, Ca 95023

Re: General Plan Update

Thank you for the opportunity to submit comments on the 2040 General Plan Update. My name is Tim Johnson and I am the property owner of the parcel at the corner of Enterprise and Southside Roads with APN 020-290-054. I have several concerns regarding how the general plan update treats my parcel especially when taking into consideration the facts on the ground. This particular parcel is fronted by both sewer and water yet would be excluded from city development as the plan is written. Even more egregious is that part of this parcel was used to accommodate the city sewer system that serves development further out from the city limit. Please see the specific comments below and respond in due course. Thank you for your consideration.

<u>Proposed Sphere of Influence</u>- As written the general plan update would exclude my parcel from the new sphere of influence. The sphere would actually stop directly in front of the northern property line. There is currently dense housing to the south and west of my parcel and there is a subdivision being built to the east. If the sphere moves to Enterprise Rd it is safe to say that development will eventually reach the northern property line as well. I would like the opportunity to utilize my property at its highest and best use just as my neighbors have. It is my position that my parcel should be included in the sphere of influence and zoned accordingly.

<u>Policy LU 1.5-</u> If the city is unwilling to bring my parcel into the new sphere of influence it is of utmost importance that Land Use Policy 1.5 be amended or completely removed from the general plan update. As stated by others in the past, the current out of jurisdiction sewer service situation is a problem. The city has both the capacity and the infrastructure in place to serve my parcel. If land use policy 1.5 were to be put in place I would not even be able to apply for services to the city. If you leave my parcel out of the sphere I will be forced to apply to the county. If I apply to the county and you implement LU 1.5, I won't be able to receive city sewer services.

<u>Policy CSF 2.12</u>- If you are going to require all development that will use city services to be within city limits, there should be a mechanism for those who would like to be in the city to do so without having to wait for the city limit to reach their property line. My property is an infill parcel when you take into consideration the uses around it.

Thank you again for considering these comments. My main goal is for my parcel to be treated the same as neighboring parcels. As written, the general plan update excludes my parcel from development and injures my prospects and the value of my property. Please take a moment to consider how you would feel if you were in my position. The city, county and nearby property owners have utilized my property in

the past when needed and the city is now trying to exclude me from utilizing it to its highest use and best use. Please make the appropriate changes to the draft plan to rectify this future harm. Thank you and please feel to reach out to me as needed.

Tim Johnson Tjohnson3006@yahoo.com

Cc: Tim Johnson
AD5EDDE664AB443...

06/16/2023

Karson Klauer
K2 Solutions LLC
(831)801-0858
K2solutions.sbc@gmail.com

From: Christine Hopper
To: Alexander Sywak
Subject: RE: City VMT policy

Date: Friday, June 16, 2023 9:09:33 AM

Attachments: image001.png

Mr. Sywak,

I am forwarding your email to the General Plan team so that they can add it to the list of questions received on the General Plan. All comments are being documented and will be addressed in a consolidated document.

Thank you for your interest and participation in the process.

Christy Hopper



Christy Hopper, Development Services Director City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023

P (831) 636-4360 Ext. 1221

E christine.hopper@hollister.ca.gov

W Hollister.ca.gov

From: Alexander Sywak

Sent: Friday, June 16, 2023 8:00 AM

To: Christine Hopper <christine.hopper@hollister.ca.gov>

Cc: Jennifer P. Thompson < jthompson@lozanosmith.com>; Ingrid Sywak < ingrid.sywak@gmail.com>; Planning Dept < planning@hollister.ca.gov>; David Mirrione < david.mirrione@hollister.ca.gov>; Carol Lenoir < lbnricky@yahoo.com>; David Huboi < huboi@huboi.com>; Steven Belong < steve.belong@dc16sj.org>; Kevin Henderson < getkevinh@gmail.com>; Luke Corona < muledeer54@gmail.com>; David Early < dearly@placeworks.com>; Carey Stone < cstone@placeworks.com>

Subject: City VMT policy

Dear Ms. Hopper, The PC is reviewing the EIR next Thursday. An important component is the City's Transportation and VMT policy.

Figure 4.16-2 references: Source: Kimley Horn, 2020. PlaceWorks, 2023. Kindly provide the link, or .pdf?

Page 18, Section 4.16, footnote 6, references City of Hollister. 2023. *DRAFT SB 743 Implementation Guidelines*, March 14. Kindly provide the link, or .pdf?

You may know the City of San Jose next Tuesday will amend their VMT policy adopted February, 2018. One of their VMT mitigations is project density. In essence, if a proposed project density is double the 1/2 mile areage density, the project can be presumed to reduce its designated VMT by 30%. Have attached the page reference from CSJ's Transportation Handbook and the cited 2002 study. Does the City of Hollister intend to include an equivalent mitigation as CSJ is adopting?

Thank you for providing the above info requests,

Ingrid and Alex Sywak

State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Central Region 1234 East Shaw Avenue Fresno, California 93710 (559) 243-4005 GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director

CONTRACTOR OF THE PARTY OF THE

June 27, 2023

www.wildlife.ca.gov

Abraham Prado, Interim Development Services Director City of Hollister 339 Fifth Street Hollister, California 95023 (831) 636-4360 abraham.prado@hollister.ca.gov

Subject: Hollister General Plan Update 2040, Climate Action Plan, and Sphere of

Influence Amendments and Annexations Program Draft Environmental

Impact Report (DEIR) Project (Project)

SCH No.: 2021040277

Dear Abraham Prado:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Hollister for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Hollister

Objective: The existing General Plan for the City of Hollister (City) was adopted in 2005, with a horizon year of 2023. The City is now updating its plan to extend the planning period to 2040. The Hollister General Plan Update will build off the current General Plan and provide a framework for land use, transportation, and conservation decisions through the year 2040. The proposed General Plan will direct future growth within the EIR Study Area and address the City's vulnerability to environmental challenges such as earthquakes, wildland fires, and other hazards identified in the proposed Local Hazard Mitigation Plan and Climate Action Plan, which is to be completed concurrently with the General Plan Update. The General Plan is intended to respond to local and regional housing needs, foster economic growth and local job creation, enhance civic identity and placemaking, and protect sensitive natural resources. The proposed Climate Action Plan (CAP) will identify strategies and measures to reduce greenhouse gas emissions generated by existing and potential future uses in the City. The General Plan Update could potentially lead to Sphere of Influence amendments and annexations that would accommodate future housing sites and limited commercial development.

Location: City of Hollister, San Benito County.

Timeframe: 2040

COMMENTS AND RECOMMENDATIONS

Special-Status Species: Given the City-wide nature of the Project, there is the potential for the Project to impact State-listed species. Records from the California Natural Diversity Database (CNDDB) show that the following special-status species, including CESA-listed species (CDFW 2023) could be impacted: the State endangered (SE) and federally endangered (FE) San Joaquin kit fox (*Vulpes macrotis mutica*), the federally threatened (FT) vernal pool fairy shrimp (*Branchinecta lynchi*), the FT and State threatened (ST) California tiger salamander-central population (*Ambystoma californiense*), the State candidate-listed endangered (SCE) Crotch bumblebee

(Bombus crotchii), the ST Swainson's hawk (Buteo swainsoni) and tricolored blackbird (Agelauis tricolor), the FT and State species of special concern (SSC) California red-legged frog, the FT steelhead, south/central California coast (Oncorhynchus mykiss irideus), and the SSC burrowing owl (Athene cunicularia), western spadefoot (Spea hammondii), Monterey hitch (Lavinia exilicauda), western pond turtle (Emys marmorata), American badger (Taxidea taxus), and San Joaquin coachwhip (Masticophis flagellum ruddocki), and the 1B.2 plant rank (plants rare, threatened, or endangered in California and elsewhere) San Joaquin spearscale (Extriplex joaquinana) and Hall's tarplant (Deinandra halliana). Along with the species listed above that have been observed within the Project limits, there was a 2021 sighting of the SE and FE California condor (Gymnogyps californianus) approximately two miles northeast of the proposed Project site near the John Smith Landfill, as well as a 2023 sighting of the fully protected (FP) golden eagle (Aquila chrysaetos) just north of the landfill site (CDFW 2023).

The primary purpose of a DEIR is to consider all the potential impacts associated with the suite of projects that would eventually tier from the EIR over time. As such, the DEIR should serve primarily as a planning level EIR and consider, in detail, the cumulative impacts of the reasonably foreseeable projects on the environment, and on the species CDFW has identified in this comment letter. CDFW recommends that habitat assessments be conducted in and surrounding all locations for planned work/ground disturbance in the DEIR and identify all the potential plant, animal, invertebrate, and fish species that could be present. Then, for those species, CDFW recommends a robust analysis of cumulative impacts for each of those species along with avoidance, minimization, and mitigation measures that could be implemented on each project to reduce harm. For many species, subsequent protocol level surveys may be required during biological studies conducted in support of the future CEQA documents that will be tiered from the Final EIR and, depending on the results, avoidance and minimization measures, permits, and mitigation may be required.

CDFW recommends that survey-level protocols be conducted for these species as part of the biological technical studies prepared in support of each future CEQA document tiered from the Final EIR, with conclusions of those studies summarized therein and repeated as necessary prior to Project ground-disturbing activities. For all future projects tiered from the EIR, CDFW recommends that focused surveys be conducted by qualified biologists familiar with the appropriate survey protocols per individual species. In the future CEQA documents tiered from the EIR, CDFW advises that special status species be addressed with appropriate avoidance and minimization measures. If take could occur as a result of Project implementation, consultation with CDFW would be warranted.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts

are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA and we recommend that the City reach out to CDFW to discuss various methodologies and strategies for an analysis of this type for CDFW trustee agency resources.

CNDDB: Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

Lake and Stream Alteration: The Projects that tier from the EIR may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to, the San Joaquin kit fox, the vernal pool fairy shrimp, the California tiger salamander, the California red-legged frog, and the south/central California coast steelhead. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

CDFW is available to meet with you ahead of Final EIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that were or should be analyzed in the EIR. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

Docusigned by:

Julie Vance

FA83F09FE08945A...

Julie A. Vance

Regional Manager

ec: United States Fish and Wildlife Service

Patricia Cole; patricia_cole@fws.gov

State Clearinghouse, Governor's Office of Planning and Research State.Clearinghouse@opr.ca.gov

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LITERATURE CITED

California Department of Fish and Wildlife. 2023. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed May 17, 2023.



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Dr. Shawn Tennenbaum Superintendent

June 30, 2023

City of Hollister
Development Services Department – Planning Division
ATTN: Eva Kelly, Interim Planning Manager
339 Fifth Street
Hollister, CA 95023
generalplan@hollister.ca.gov

Re: <u>Hollister General Plan Update 2040, Climate Action Plan, and Agricultural Lands</u>

Preservation Program (SCH# 2021040277) ("Project")

Comments on the "Hollister GP 2040, CAP, and ALPP EIR" and Project

Dear Ms. Kelly:

This letter is submitted to the City of Hollister ("City") on behalf of the San Benito High School District ("District") and its governing board concerning our review and assessment of **both** (1) the proposed General Plan Update 2040, Climate Action Plan, and Agricultural Lands Preservation Program (collectively, the "Project"), and (2) the City's Draft Environmental Impact Report ("DEIR") prepared for the Project.

As a California public school district serving children who reside and attend school within the City and the Planning Area defined in the General Plan and DEIR, and as an owner of both a school site within the City's limits and Sphere of Influence, as well as a second property within the Urban Service Area and Planning Area set forth in Figure 3-2 of the DEIR, the proposed Project affects resources within the District's expertise. Accordingly, we submit these comments to the City to ensure that the serious impacts of current and future growth from now through 2040 on our District and the families we serve are heard and meaningfully addressed with decisive policies to guide future growth.

In accordance with the California Environmental Quality Act (Pub. Res. Code, §21000, et seq., hereinafter "CEQA") and its interpreting regulations (Cal. Code Regs., tit. 14, §15000, hereinafter "CEQA Guidelines"), the District looks forward to receiving the City's written responses to these comments at least 10 days before certifying a final environmental impact report ("EIR") for the Project. (CEQA Guidelines, §15088(b); Pub. Res. Code, §21092.5.)

A. <u>Comments on Hollister General Plan Update 2024, Climate Action Plan, and Agricultural Lands Preservation Program ("Project")</u>

The self-described purpose of the City in adopting an updated General Plan is to "direct and coordinate future planning decisions . . . [the General Plan] also describes the desired character and quality of development, and the process for how development should proceed." (2040 General Plan, Section 1.1). Finding itself under continuing development pressure, noting "severe constraints on the city's infrastructure" resulting from development, the City

clearly must adopt a set of guiding principles so that future development *improves and* protects the quality of life in Hollister, rather than imperiling or diminishing it.

Our District's goals are aligned with many of the values expressed in the General Plan, and while the District operates only partially within the City's jurisdiction, the City's policies and actions dramatically affect the lives of our students. Our District has been deeply and negatively affected by the pace of such approvals by the City in the past five years. Thus, it is our expectation that the City will follow through on the 2040 General Plan goals that seek to protect and amplify the needs of families and how they receive public education services in Hollister.

The General Plan makes clear that the City projects the addition of 6,455 new dwelling units, 1.1 million new square feet of commercial and office space, and 2.8 million feet of new industrial space (General Plan, Section 3.6, Policy LU-1.3).

Based on these growth projections, the General Plan goals and policies affect the District in two ways:

- <u>First</u>, development brings additional families to Hollister, creating the need for additional classrooms, support facilities and expanded capacity to be provided by school districts. Using current student enrollment projection models applied solely to the residential development projections of the General Plan, we anticipate a need to house and educate up to <u>2,100 new students</u>. This does not include students coming from development beyond City boundaries within the County of San Benito that must also be housed and educated by our District; and
- <u>Second</u>, development affects the conditions on and around existing school facilities, including Hollister High School and future sites within and outside City limits, such as traffic congestion, circulation, parking, noise, air quality and other conditions.

Our specific comments on the General Plan/Project include the following:

1. Community Services and Facilities Element – Schools (2040 General Plan Section 5.2.7)

We appreciate that the City invited us to contribute to the General Plan Advisory Committee process in 2021. We remain generally in support of all of the proposed new goals and policies included within the General Plan in support of schools, including those in Section 5.2 of the Community Services and Facilities Element, as follows:

- Goal CSF-1, Policy CSF-1.3 and 1.4; and
- Goal CSF-7, Policies CSF-7.1-7.5.

Respectfully, however, we request an amendment to Goals CSF-7.1 and 7.5, as follows:

"Policy CSF-7.1 New School Funding Initiatives. Consider incentives, such as density bonuses and waiver or reductions of development standards, when a proposed project voluntarily provides school fee contributions beyond their fair share statutory school impact fees for new school facilities (new)."

"Policy CSF-7.5 Construction of a Second High School. Support the San Benito High School District's efforts to <u>site</u>, <u>develop</u> and construct a new high school, <u>including</u>

approving connection of school parcels within any City Planning Area, Urban Service Area, Sphere of Influence or City limits to City's municipal service infrastructure and systems."

Finally, we request that every policy be supported by specific City actions created to ensure that these policies are realized.

Specifically:

- o In support of Policy CSF-7.1, we request that the City add an action that mandates that a list of development incentives to be achieved in exchange for voluntary mitigation agreements in excess of school impact fees be presented these developers at the earliest possible point in the development process.
- In support of Policy CSF-7.2, we request that the City add an action requiring City participation in an intergovernmental committee comprised of school districts, City officials and County officials to ensure that coordination of development occurs as identified.
- o In support of Policy CSF-7.3, we request that the City add an action that requires every developer to participate in a mandatory meeting with the District to discuss (voluntary) mitigation options, as a condition of receiving project approval. Mitigation options can offer numerous benefits to developers.
- In support of Policy CSF-7.5, we request that the City add an action requiring the Sphere of Influence be extended to include our school parcel located on Best Road.

We are available to consult with you further regarding other ideas for how the City can support these General Plan goals and policies with specific actions, but robust follow-through on these new policies is warranted.

2. Requested Additions to General Plan – Land Use and Community Design Element (Section 3)

As noted in our letter to the City dated April 24, 2023, we seek the City's support in including goals and policies within the General Plan that provide for the reservation of land pursuant to Government Code Section 66479 (see Hollister Municipal Code, §16.48) within identified Planning Areas and Specific Plans so that we can be assured that appropriate, developable land is identified and set aside for future high school use before it may be developed for other purposes.

In particular, the District seeks the reservation of 50-70 acres within the Buena Vista Road Special Planning Area and the Union Road Special Planning Area based upon current projected patterns of growth in enrollment, without regard to preservation of an agricultural "buffer" as contemplated for the Buena Vista Special Planning Area in the General Plan. This formal reservation will ensure that as development occurs in these areas, our District has the ability to secure future new school sites in these regions as part of the planning and development process.

We defer to the City as to the most appropriate way to include these land reservations within Section 3 of the General Plan. When and if Specific Plans are required for each of these planning areas, the school site reservations must be included.

B. Comments on Draft EIR

Because general plans govern the type and location of new development, CEQA and its interpreting regulations require cities and counties to study potential environmental impacts as part of the adoption or update process. (Pub. Res. Code, § 21000, et seq.; see also CEQA Guidelines, §15378.) When a new general plan or revision is being considered, the EIR must evaluate the proposed plans or revision's effects on both the existing physical environment and the environment envisioned by any adopted plan. (Environmental Planning and Information Council v. Co. of El Dorado (1982) 131 Cal.App.3d 354; CEQA Guidelines §15125(e).) Under CEQA and its Guidelines, an EIR must set forth all significant effects on the environment of the proposed project, as well as mitigation measures proposed to minimize significant effects on the environment, and alternatives to the proposed project. An EIR must "present information in such a manner that the foreseeable impacts of pursing the project can actually be understood and weighed." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Ranch Cordova (2007) 40 Cal.4th 412, 449-450.)

1. Notice of Availability

The Notice of Availability ("NOA") for the DEIR issued by the City is dated May 17, 2023, however it was not received by the District until June 6, 2023. As a result, the District has not been provided with the full 45-day review and comment period required under CEQA and the CEQA Guidelines.

2. Project Description - Planning Boundaries and EIR Study Area (Section 3.4)

- <u>Inconsistency in Planning Areas</u>. In general, there appear to be inconsistencies between the existing City Limits, Sphere of Influence, and Planning Area boundaries depicted in the proposed 2040 General Plan (Figure LU-2, p. LU-7) and DEIR (Figure 3-2, Figure 3-4) in comparison with the City Limits, Sphere of Influence, and Planning Area boundaries set forth in the City's current General Plan (City of Hollister 2005 General Plan, p. 2.3). Please clarify where the existing boundaries are located and explain any discrepancies.
- <u>Urban Service Area and Planning Area</u>. By definition, development in the Planning Area "may have an impact on the City" (DEIR, p. 3-6; 2040 GP, p. LU-2), whereas development in the Urban Service Area to which the City provides access to municipal water and sewer services "directly influence[s] development planning and decision making in Hollister." (2040 General Plan, p. LU-2.) As the owner of property located within both the Urban Service Area and Planning Area that will need to be connected to the City's municipal service infrastructure and systems, and as the public high school district that will serve students residing in these areas, the District has an interest in how the 2040 General Plan will guide development and future service connections in these areas.
 - The Urban Service Area and Planning Area depicted in the DEIR and 2040 General Plan appear to be incomplete. For example, during its June 20, 2023 meeting, the City Council adopted Resolution No. 2023-133 concerning a Wastewater Treatment Services Agreement between the City and San Juan Oaks Mutual Water Company with respect to sewer service for a development project known as the San Juan Oaks project ("San Juan Oaks"). According to Resolution No. 2023-133, as well as Resolution No. 2015-232, dated December 21, 2015, San Juan Oaks is "located within the unincorporated area of San Benito County and outside the City of Hollister

Sphere of Influence and within the Urban Service Area." Per the Mayor's Meeting Report Out, dated June 21, 2023 (see attached), the sewer connections were approved in 2016. However, San Juan Oaks is not included within the Urban Service Area nor the Planning Area depicted in Figure LU-1 on page LU-4 of the 2040 General Plan and on Figure 3-2 of the DEIR. Because the City circulated the NOP for the EIR for the proposed Project on April 9, 2021, San Juan Oaks should be included in the Urban Service Area and Planning Area. (DEIR, p. 1-2.) The boundaries of the Urban Service Area and Planning Area need to be revised to include all areas fitting within the "Planning Area" and "Urban Service Area" definitions.

- The DEIR explains that the Urban Service Area and Planning Area are excluded from the EIR Study Area because "lands outside of the SOI are not considered for urban development or annexation by the City within the 20-year planning horizon of the proposed 2040 General Plan." (DEIR, 3-6.) However, known development is occurring within the Urban Service Area and Planning Area, and will be connected to the City's municipal service infrastructure and systems. It is unclear why such known and anticipated pockets of development are not included in the EIR Study Area.
- o Similarly, the proposed 2040 General Plan includes goals, policies, and actions that specifically concern the City's Urban Service Area and Planning Area, and such goals, policies, and actions are relied on throughout the DEIR in reaching the conclusion that environmental impacts of the Project would be less than significant, thus it is unclear why the City's Urban Service Area and Planning Area are not included in the EIR Study Area. For example, the DEIR concludes that proposed 2040 General Plan goals, policies, and actions "would minimize potential adverse impacts of future growth." (DEIR, 4.14-7.) One of the goals relied on to mitigate impacts is Goal LU-1 (Goal LU6 of the current 2005 General Plan), which states: "Promote orderly and balanced growth within Hollister's planning area boundaries." (*Id.*) Such conclusions lack support if the City's Urban Service Area and Planning Area are excluded from the EIR Study Area analyzed in the DEIR.
- <u>Sphere of Influence</u>: As noted above, we are requesting that the City take action to extend its Sphere of Influence to include our property located on Best Road and Highway 25. Accordingly, we believe that the EIR Study Area should include that additional territory and any necessary adjustments be made to the DEIR.

3. Public Services and Recreation/Schools (Section 4.15.3)

- We note some factual misstatements and conclusions in the impact analysis that we request be corrected and addressed in the EIR:
 - Page 4.15-25: In the discussion of Hollister Municipal Code regarding school site dedication, the referenced sections apply only to elementary school districts. This option is not available to the District, and thus Hollister Municipal Code 16.48 should be referenced for the proposition that land for high school sites could be reserved in accordance with those provisions. As noted above, we are requesting school site reservation in accordance with applicable laws. As a result, the discussion of this issue on page 4.15-30 must be updated.

- Table 4.15-1: This table of enrollment data is significantly out of date given the rapid enrollment growth we are experiencing, and thus it seems to suggest that we have capacity at Hollister High School. That is unequivocally incorrect. Please update this table to include 2022-23 enrollment and/or projected 2023-24 enrollment. Our 2022-23 enrollment is 3,567 students and our projected 2023-24 enrollment is approximate 3,650 students.
- The District reiterates and incorporates by reference in our DEIR comments all of the comments made on the General Plan in Section A above, since the DEIR relies on the General Plan policies and goals to address concerns with school capacity created by future growth. To the extent the General Plan is adjusted per our comments, the DEIR should also be adjusted. (See DEIR, p 4.15-31).

4. Transportation (Section 4.16)

- General Plan Policies C-4.1 and C-4.5 recognize that the intersection of San Benito Street and Nash Road/Tres Pinos functions at a level of service below that which is expected at all other intersections in the City (LOS D). This location is the only intersection specifically identified within the General Plan for this designation. The intersection, which lies directly east of Hollister High School, is a critical access point for vehicles, pedestrians, and bicyclists for school trips. Rather than identifying the location as a point of transportation failure, the General Plan should identify improvements that would allow the intersection to function in a manner consistent with the rest of the Cty's infrastructure. Improvements could be developed in coordination with the District and could include modifications at the intersection and/or improvements to parallel routes.
- The DEIR identifies that implementation of the General Plan would result in significant and unavoidable impacts related to Vehicle Miles Traveled, for which mitigation cannot be identified. As detailed in Table 4.16-1 (VMT by Land Use and Scenario) of the DEIR, in the year 2040 Plus Project scenario, the General Plan would result in significant impacts related to residential VMT per Capita, office VMT per Employee, and other use VMT per Employee. For both office VMT per Employee and other use VMT per employee, the General Plan increases VMT per capita in the year 2040 scenario. This is indicative of a land use plan that encourages development in portions of the city that are less VMT efficient. The General Plan should consider encouraging development in infill portions of the City that would yield more positive VMT outcomes. The continued expansion of the City into less efficient areas from a transportation perspective will only exacerbate overly congested conditions in and around the District's schools. If these plans are approved and pursued, the City should work with the District to improve access to existing school facilities for automobiles, pedestrians, buses, and bicycles.
- The DEIR includes a new goal and associated policies and actions directly related to District planning and operations. The following comments are provided to ensure the new policies allow for efficient implementation to meet the related General Plan goals while considering the responsibilities of the local districts as Lead Agencies under CEQA. Specifically, under Goal C-1, to provide for a healthy and active community based on complete streets, the DEIR introduces Policy C-1.9 Local Schools. The District appreciates the inclusion of the provision to coordinate with local school districts to improve transportation to new sites. The District requests the following revision to ensure maximum efficiency in complete streets planning around schools:

 "During the initial stages of identifying transportation improvement priorities, coordinate with local school districts to improve bicycle, pedestrian, and traffic flow around school sites."

This requested revision is vital to address existing issues within the transportation network surrounding the current Hollister High School such as the poor level of service identified in the DEIR at the intersection of San Benito Street and Nash Road/Tres Pinos. Similarly, Action C-1.4: Safe Routes to School should include the same requirements as C-1.9 to "coordinate with local school districts" to fund and implement the Safe Routes to School improvements.

Including the school districts as a planning and operational partner for transportation planning within the City is vital to ensuring General Plan goals, policies, and actions are implemented in a strategic manner improving circulation within the City while ensuring access to a quality education for the community served by the District.

• The District understands that the City recently submitted a U.S. Department of Transportation Safe Streets and Roads for All Implementation Grant application with respect to traffic safety and roadway improvements near two elementary schools located in Hollister. The District is similarly interested in partnering with the City and the County to seek a federal grant from this program to fund traffic safety and roadway improvements surrounding Hollister High School, which is located within City Limits and the Sphere of Influence. These improvements are consistent with the proposed 2040 General Plan goals, policies set forth in the Circulation Element, including, without limitation, Goals C-1, C-3, and C-4, Policies C-1.2, C-3.1, C-3.2, C-3.3, C-3.4, C-3.5, C-3.6, C-4.1, and C-4.7, and Actions C-3.2, C-3.4, as well as in the Health and Safety Element, including Goal HS-1. The District seeks a commitment from the City to seek funding for, and implement, traffic safety and roadway improvements around Hollister High School.

5. Hazards and Hazardous Materials (Section 4.9)

- Pursuant to the CEQA Guidelines, the EIR must describe the existing physical environmental conditions as they exist when the Notice of Preparation ("NOP") is published in order for the project's significant impacts to be considered in the full environmental context. (CEQA Guidelines, §15125(a)&(c).) The DEIR and the NOA include a "Hazardous Materials/Waste Disclosure", which states: "A search of the online databases on May 1, 2020, identified four EnviroStor sites that have not been full remediated or closed." (NOA, p.2; EIR, p. 4.9-11.) However, according to the DEIR, the City circulated the NOP for the EIR for the proposed Project on April 9, 2021. (DEIR, p. 1-2.) Therefore, the information provided in the NOA and EIR is outdated and does not satisfy baseline condition requirements under CEQA. Please provide a timely list and location of active cleanup sites.
- The location of the District's "San Benito High School Modernization Project" cleanup appears to be inaccurate or mislabeled on Figure 4.9-1. Clean-up of this site is anticipated to commence in the Fall.

6. Alternatives (Section 5)

 An EIR must present "a reasonable range of potentially feasible alternatives" to the project or its location, as is necessary to permit a reasoned choice, and describe the rationale for selecting the alternatives. (CEQA Guidelines, §15126.6(a), (b) & (f).) With respect to a general plan, a reasonable range of alternatives would typically include different levels of density and compactness, different locations and types of uses for future development, and different general plan policies. Here, the alternatives considered in the DEIR are (a) manifestly unreasonable, and (b) do not contribute to a reasonable range of alternatives.

- Alternative A, the "No Project" alternative, and Alternative B, the "Focused Growth" alternative, are impracticable, unreasonable, and would be impossible to achieve:
 - As set forth in the 2040 General Plan and DEIR, a 56 percent increase in total population and 58 percent increase in housing units over the 20-year horizon is estimated in the EIR Study Area by 2040. (DEIR, 4.14-6.) This does not include estimated housing and population increases in the City's Urban Service Area or Planning Area. Yet Alternative A "assumes that development growth throughout the city would remain unchanged until the buildout horizon year 2040" (DEIR, p. 5-6), while Alternative B unreasonably assumes that the population and number of housing units would both double by more than half within the same footprint as the 5,220-acre City Limits and 1,817-acre Sphere of Influence. (DEIR, pp. 5-20 & 3-3.) For these reasons, Alternative A is unreasonable, while Alternative B is impracticable.
 - In reaching the conclusions that Alternative B would be the environmentally superior alternative, the DEIR fails to consider the cumulative impacts of Alternative B, and unreasonably assumes that, by encouraging more development and redevelopment within existing City Limits, development will cease outside the current Sphere of Influence. (See DEIR, p. 5-31.) However, San Benito County has been one of the fastest growing populations in California over the last three decades, and as discussed above, known development will continue to occur outside City boundaries within the City's Urban Service Area and Planning Area, and such developments will continue to be connected to the City's municipal service infrastructure and systems.
 - In concluding that impacts under Alternative B would be similar to those of the proposed Project, the DEIR inconsistently states that Alternative B "would allow for the same level of residential and nonresidential development in the EIR Study Area through 2040." (DEIR, p. 5-28.) However, the EIR Study Area includes the proposed Sphere of Influence expansion area, which is expressly excluded under Alternative B. (DEIR, p. 5-20.) Accordingly, this conclusion isn't supported by the evidence, further illustrating that Alternative B would be impossible to achieve.

For these reasons, both Alternatives are infeasible.

¹ BenitoLink, "Hollister 2040 General Plan: City Aims to Solve Future Traffic Congestion" (May 18, 2023), available at: https://benitolink.com/hollister-2040-general-plan-city-aims-to-solve-future-traffic-congestion/.

- The District requests that the City consider a third alternative, which shall be referred to herein as "Alternative C", the "Concentrated Buildout" alternative. Similar to the proposed Project, under Alternative C, the Hollister Municipal Code would be amended to add the proposed ALPP, and likewise would adopt the proposed 2023 CAP to serve as the strategic plan for how the City will reduce GHG emissions and foster a sustainable community through 2050 and beyond. However, we recommend that Alternative C further expand the General Plan's proposed Sphere of Influence to include concentrated areas of planned or anticipated development within the City's Planning Area that will be serviced by the City, including if it is reasonably foreseeable or anticipated that such development will be serviced by the City. Including such an alternative would foster informed decision-making and public participation because it would meet most of the stated objectives and would provide significant environmental advantages.
- An EIR should identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying such determination. (CEQA Guidelines, §15126.6(b).) Such discussion is absent from the DEIR.
- The District requests clarification with respect to Alternative B's scope:
 - The DEIR contains an inconsistent description of the proposed Sphere of Influence under Alternative B. Specifically, the DEIR states, "Alternative B would not propose to change the SOI as described in Chapter 3, *Project Description*, but instead would maintain the current Hollister SOI." (DEIR, pp. 5-20 5-21.) However, in the same paragraph concerning Alternative B, the DEIR inconsistently provides: "As shown on Figure 3-7, *Existing and Proposed Sphere of Influence*, in Chapter 3, the proposed SOI would extend further north and south of the existing SOI, but would remain contiguous with the existing SOI border to the east and west." (DEIR, p. 5-21.) Figure 3-7 shows the proposed Sphere of Influence with the Project as proposed, but does not show the proposed Sphere of Influence under Alternative B. Moreover, while Figure 3-7 shows a proposed extension south of the existing Sphere of Influence, it does not depict a proposed north extension. Please clarify the proposed Sphere of Influence boundaries under: (i) the proposed Project; and (ii) Alternative B.
 - The DEIR is silent on whether Alternative B includes adoption of the proposed 2023 CAP and a Zoning amendment to add the proposed ALPP to the Hollister Municipal Code.

C. Request for Notice

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

D. Summary

The San Benito High School District is the sole provider of regular high school education services to families in Hollister and has a 100+-year history of providing excellent service to the community. However, quality education services are threatened by anticipated growth if we are unable to address the health, safety, and capacity impacts of that growth.

As stated in previous correspondence to the City, as well as in recent presentations made to City officials, the District's school facilities are currently operating over capacity, and as projects continue to get approved, the demand for new school facilities continues to increase. The District looks forward to the City's cooperation and collaboration in addressing these deficiencies to ensure the continued high quality of life in the City and education in its schools.

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

Very truly yours,

Shawn Tennenbaum, Ed.D.

Superintendent

San Benito High School District

(831) 637-5831 (x133)

stennenbaum@sbhsd.k12.ca.us

cc: Members, San Benito High School District Board of Trustees

John Frusetta, Chief Business Officer, San Benito High School District

From: San Benito County Business Council kristina@sbcbusinesscouncil.com

Date: Wed, Jun 21, 2023 at 3:13 PM

Subject: June 21, 2023 Hollister City Council Report Out from Mayor Mia Casey To: San Benito County Business Council kristina@sbcbusinesscouncil.com

Good afternoon.

Below is Hollister Mayor Mia Casey's report out of last night's City Council meeting. Thank you, Mayor.

To review the meeting agenda, agenda packet and video, please see http://hollisterca.iqm2.com/Citizens/Calendar.aspx

...

CITY COUNCIL MEETING REPORT OUT FOR JUNE 21, 2023:

We had standing room only last night in part because we were honoring the Baler Baseball and Softball teams with proclamations in recognition of their excellent seasons!

I also want to highlight the 3 sewer items before us last night, and to be clear about what was discussed and voted on so people have correct information, since there has been a good deal of political spin happening:

1) Sewer System Report and Request for Direction

Our director William Via did an assessment and reported out to us some issues with our sewer plant that needed repair and upgrade. Back in 2016, 2 of the 4 "membranes" that process waste were upgraded/replaced, but unfortunately these new membranes cannot work alongside the 2 older membranes, which actually caused our waste capacity to go down from 4MGD (4 million gallons per day) to only 3.4MGD. Also, those 2 older membranes have a lifespan of about 15 years, and they are about 15 years old. So the staff had recommended replacing them.

The cost is I believe in the \$2-3M range. There is a specific sewer expansion fund, which has collected sewer impact fees from developers over the years, with about \$27M in it. Those funds are earmarked specifically to cover these kinds of costs. So there is no impact to the City's general fund on this. Council gave direction to do the repairs/upgrades. This also increases our capacity to keep us in compliance with state so we don't get above the 90% level. There was also discussion at the request of one council member to not repair the equipment and instead do a moratorium but the majority of council (vote 4-1) opted to take care of our infrastructure and keep it in good repair.

The other thing discussed, and which council has requested more info on is updating our bio-solids processing. Currently, there is an older system that processes waste and presses out the water and then it is hauled off to the landfill. If we can upgrade this system we can turn waste into compost, which is environmentally friendly, and will also allow us to divert that waste from the landfill, which is important given our landfill issues!

2) San Juan Bautista sewer connection

The city of San Juan Bautista has an emergency situation and the state and the EPA have intervened and they needed sewer access. Last year an agreement was made by Mayor Velazquez and council to allow the sewer connection. An agreement was presented last night which detailed the terms, and the Council pushed back on the flow rate that would be allowed, and approved the agreement with that reduced amount language included.

3) San Juan Oaks project

This is an older project from 2016. This sewer connection was unanimously approved by Mayor Velazquez and council in 2016. LAFCO also gave approval, and the City Manager gave a 'will-serve' letter to San Juan Oaks. So the approvals were all made back in 2016. Now that the project is under construction and the sewer connections are ready to be made, they brought us the maintenance/service agreement for approval. If this had not been approved and the City had tried to renege on the earlier approvals for connection given in 2016, we would have faced significant legal exposure that would have been very harmful for the city. So the council approved the agreement with a 4-1 vote.

Please let me know if you have any questions.

Mayor Mia Casey <u>cohmayor.casey@hollister.ca.gov</u> (831) 537-7271

...

Please feel free to contact me with any questions and/or further information.

Thank you! Kristina

Kristina Chavez Wyatt

Executive Director, San Benito County Business Council 341 First Street Hollister, CA 95023 831.524.0408 / 831.637.6637 fax Kristina@SBCBusinessCouncil.com

SBCBusinessCouncil.com

Please consider the environment before printing this email.

CAUTION: This email originated from outside of the DANNIS WOLIVER KELLEY organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Never open unsolicited email links or attachments you did not ask for.

From: Ambur Cameron
To: Carey Stone; David Early
Cc: Eva Kelly; Christine Hopper
Subject: PW: Comments re 2040 GP
Date: Monday, April 24, 2023 2:37:01 PM

Attachments: image002.ipg

1 Ordinance 1129 20160418 .pdf 2 COH Zoning Map 2018.pdf

5 Ordinance 761 Prezone 10 01 1990.pdf 4 General Plan 2005 Map 5 Infill Priority.pdf 3 General Plan 2005 Map 2 Land Use.pdf 10 20180309 Sewer Study to City Gmail.pdf

8 GP 2020 Update Hollister Land-Use-and-Planning Vacant Underutilized.pdf

9 GP 2023 Figure LU-2 Land Use Map.odf 7 Dedications Hillcrest & Meridian 1990 pdf

11 Hollister Property Sewer Study Memo stamped.pdf

6 Deferred Improvement Agreement Recorded 19901001 #9008426.pdf

Good afternoon Carey and David,

Please see the email from Ingrid and Alex Sywak below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur

Ambur Email Signature 5.

Get Involved In Community Planning!

General Plan Update Hollister 2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak

Sent: Monday, April 24, 2023 10:41 AM

To: Planning Dept <planning@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>;

GeneralPlan <generalplan@hollister.ca.gov>

Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>;

Ingrid Sywak •

Subject: Comments re 2040 GP

Dear Planning Personnel,

Thank you for confirming the proposed 2040 GP densities we requested last week.

In regards to the area at the western terminus of Glenmore Drive, this $^{\sim}$ 8 acre parcel is surrounded by existing homes on 6,000 sqft lots. It is pre-zoned to the City for low density residential $^{[1]}$, $^{[2]}$, is in the SOI $^{[3]}$, is surrounded by the City, lies within the City's Priority Infill Area $^{[4]}$, and last year submitted a vesting tentative map for 80 single detached dwellings using the DBL, providing 4 very-low-income homes and a childcare facility.

The 2040 GP calls for a density of 30 to 65 units/gross acre. Per the incoming BMR ordinance, the density may have to be increased by 80% for any project to attain financial feasibility. A density of up to 108 units/gross acre would require buildings well over 3 stories in height.

We do not believe the neighborhood has been informed that the GP proposes such a huge density increase in their back yards. We are owners of the parcel and were not informed of the proposed change. We request you forward the deliberations that resulted in finding that this parcel should be so drastically increased in density.

We request all owners within 500' of the intended density change be notified. Please confirm you will do so.

We own $^{\sim}$ 43 acres in the Meridian Street Extension Area (MSEA). Our parcels have been pre-zoned to the City for low-density residential $^{[5]}$, a Deferred Improvement Agreement with the City has been recorded $^{[6]}$, and Hillcrest Road and Meridian Street dedications to the City were completed rendering the parcels as contiguous islands surrounded by the City $^{[7]}$. The parcels lie within the SOI and the City's Priority Infill Area (see above maps). They are identified as being underutilized. $^{[8]}$ Last year a vesting tentative map for 429 single detached dwellings using the DBL, including 18 very-low-income homes and a childcare facility was submitted.

We have concerns with the proposed density changes in the MSEA. Currently most parcels are designated as 8 units/gross acre, but are proposed to downsize to Residential Estate, 0.2 to 1 units/gross acre ^[9]. The mixed use parcel at the NW corner of Hillcrest/Fairview is to be changed to commercial, and will be expanded in area. For the commercial portion to develop, City sewer services will have to be extended. Those would be best provided via the proposed gravity line to existing manholes in Santa Ana Road that our 2018 study requested by the City showed is feasible ^[10], ^[11], to service our parcels as well as other parcels in the MSEA.

With installation of the sewer extension to the commercial area, it makes sense to maintain the current residential density, rather than downsizing it. Why install a sewer line to service the commercial area, but on its way service homes on 5 acre parcels instead of 8 homes per acre? The cost of the sewer line and road improvements would be more easily borne by permitting denser residential density. The 2040 Plan states that Residential Estate only occurs in long-range phased areas outside of Hollister's city limits and Sphere of Influence (but is within the Planning Area). Residential Estate land uses are intended to provide sites for larger, distinctive residences in areas that the City does not provide public infrastructure. The MSEA is within the SOI and once a sewer extension is installed, it will have public infrastructure. With development of the commercial area, the intervening residential areas will become an infill area over land that is not agriculturally productive. The 2040 Plan proposes to expand

the SOI but at the same time downsizes parcels in the MSEA by a factor of 40.

The City is required to provide 6,455 dwellings within the next 20 years. Is it good planning to downsize the residential area of the MSEA by a factor of 40 while at the same time expanding the SOI into agriculturally productive lands which lie further from the heart of the City? Infill develop is repeatedly emphasized by the legislature.

We request both density revisions be reconsidered and to continue as designated in the 2005 GP.

We look forward to discussing this further.

Regards,

Ingrid and Alex Sywak.

- [1] Glenmore pre-zoning #1129.
- [2] Pre-zoning City map.
- [3] SOI map.
- [4] Priority Infill Area map.
- [5] Hillcrest pre-zoning, #761.
- [6] Deferred Improvement Agreement.
- [7] Hillcrest Road and Meridian Street Dedications to the City.
- [8] Underutilized Map.
- [9] 2040 GP Map.
- [10] Email to City providing Sewer Study.
- [11] 2018 Sewer Study.

ORDINANCE NO. 1129

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE CHAPTER 17.24.250 PREZONING OF SPECIFICALLY DESCRIBED REAL PROPERTIES TO LOW DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE (APN'S 020-080-022, 020-080-005, 020-080-021, 020-080-013, AND 020-080-007)

WHEREAS, following duly noticed public hearing on February 25, 2016, the Planning Commission recommended adoption of a Mitigated Negative Declaration for Prezone Application No. 2014-6 and approval of the request to Pre-zone 7.25 acres to Low Density Residential Performance Overlay Zone; and

WHEREAS, the planning commission further recommended the addition of four (4) contiguous unincorporated parcels to the prezoning request in the Low Density Residential Performance Overlay zoning district identified San Benito County Assessor Parcel Numbers 020-080-005, 020-080-021, 020-080-013, and 020-080-007, to avoid the creation of an unincorporated island and avoid conflict with San Benito County LAFCO Policy 2.2.18; and,

WHEREAS, on April 4, 2016, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of a Mitigated Negative Declaration and the prezoning application;

NOW, THEREFORE, the City Council of the City of Hollister ordains as follows:

THE CITY COUNCIL OF THE CITY OF HOLLISTER ORDAINS AS FOLLOWS:

<u>Section 1:</u> Zoning Map Amended. The Official Zoning Map of the City of Hollister is hereby amended by prezoning to R1-L/PZ (Low Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R-1-L/PZ (Low Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

Section 2: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-005 comprising of 0.25 acres situated in the County of San Benito, State of California, particularly described in Exhibit "B" attached hereto and made a part by reference.

- Section 3: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-021 comprising of 0.24 acres situated in the County of San Benito, State of California, particularly described in Exhibit "C" attached hereto and made a part by reference.
- <u>Section 4</u>: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-013 comprising of 0.14 acres situated in the County of San Benito, State of California, particularly described in Exhibit "D" attached hereto and made a part by reference.
- Section 5: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-007 comprising of 0.33 acres situated in the County of San Benito, State of California, particularly described in Exhibit "E" attached hereto and made a part by reference.
- <u>Section 6:</u> Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.
- <u>Section 7:</u> Effective Date. This ordinance shall take effect and be in force thirty days from and after its final passage.
- <u>Section 8:</u> Publication. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.
- **INTRODUCED** following a public hearing held at a regular meeting on the 4th day of April, 2016.

Ordinance No. 1129 Page **3** of **9**

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hollister held on the 18th day of April 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.
ABSENT: None.

Ignacio Velazquez, Mayor

ATTEST:

Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law

Bradley Sullivan, City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR ANNEXATION BOUNDARY FOR APN 020-080-022:

BEING A PORTION of Homestead Lot 32 of the San Justo Rancho according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, Page 64, San Benito County Records, being also a portion of Parcels 2 and 3 according to the Map thereof filed October 18, 1972 in Book 1 of Parcel Maps, at Page 34, San Benito County Records, and being also a portion of that certain parcel of land conveyed to the Hollister School District, recorded October 25, 1995 as Recorder's File No. 9509248, San Benito County Records, and being bounded by a line more particularly described as follows;

BEGINNING at the point of intersection of the center line of Glenmore Drive and the existing city limit line of the City of Hollister, said point being approximately 195.01 feet westerly from the center line of Powell Street, thence along the following courses:

- [1] South 1^o 26' 00" West 298.67 feet along the westerly lines of APNs 055-220-038, 020-080-005, and 020-080-021; thence
- [2] South 87° 10′ 20″ East 22.60 feet along the southerly line of APN 020-080-021; thence
- [3] South 1° 26' 00" West 100.00 feet along the westerly line of APN 020-080-007; thence
- [4] North 87^o 10' 34" West 678.37 feet along the northerly lines of APNs 055-120-030 through 055-120-039 to the center line of Homestead Ave.; thence
- [5] North 2^o 55' 00" East 483.02 feet along said center line of Homestead Ave. and the easterly line of Hardin Elementary School to an angle point in the city limit line of the City of Hollister; thence
- [6] South 87° 12' 20" East 643.25 feet along said city limit line of the City of Hollister; thence
- [7] South 1^o 26' 00" West 84.82 feet along the westerly line of APN 055-220-036 and its southerly prolongation to the POINT OF BEGINNING

Containing 7.26± Acres.

End of legal description.

RICHARD C. SHEPARD SIGNAL C. SHEPARD SINARIG EXP. 31MAR 16

EXHIBIT A

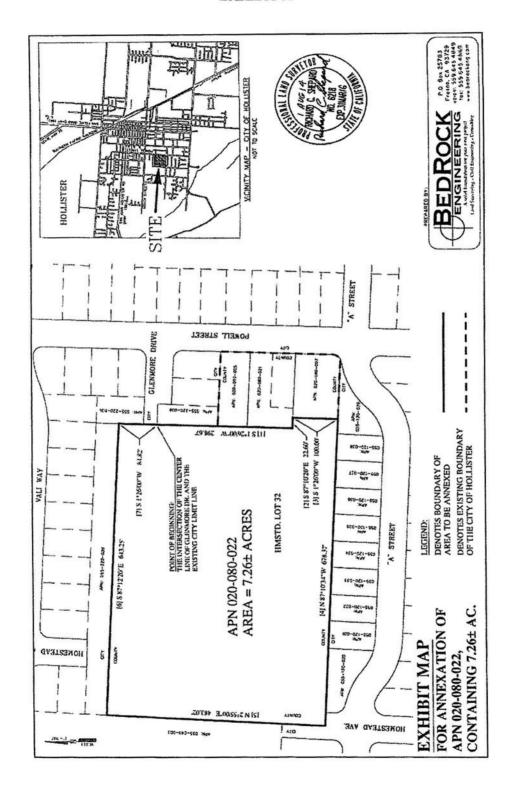
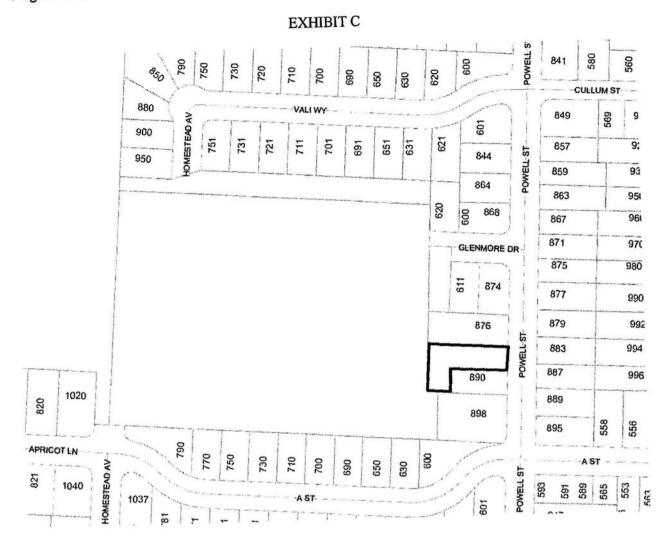


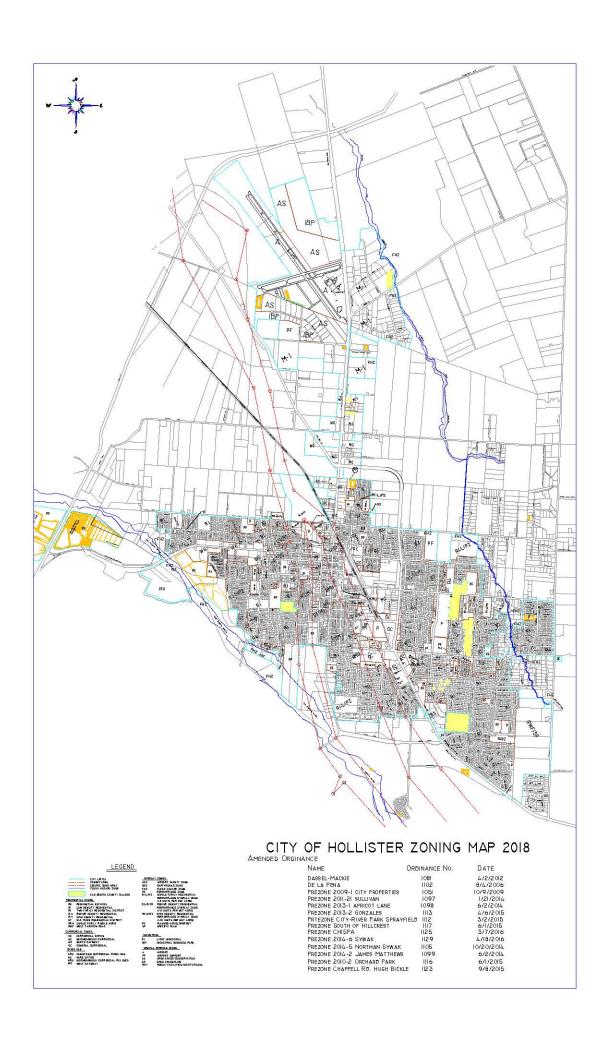
EXHIBIT B

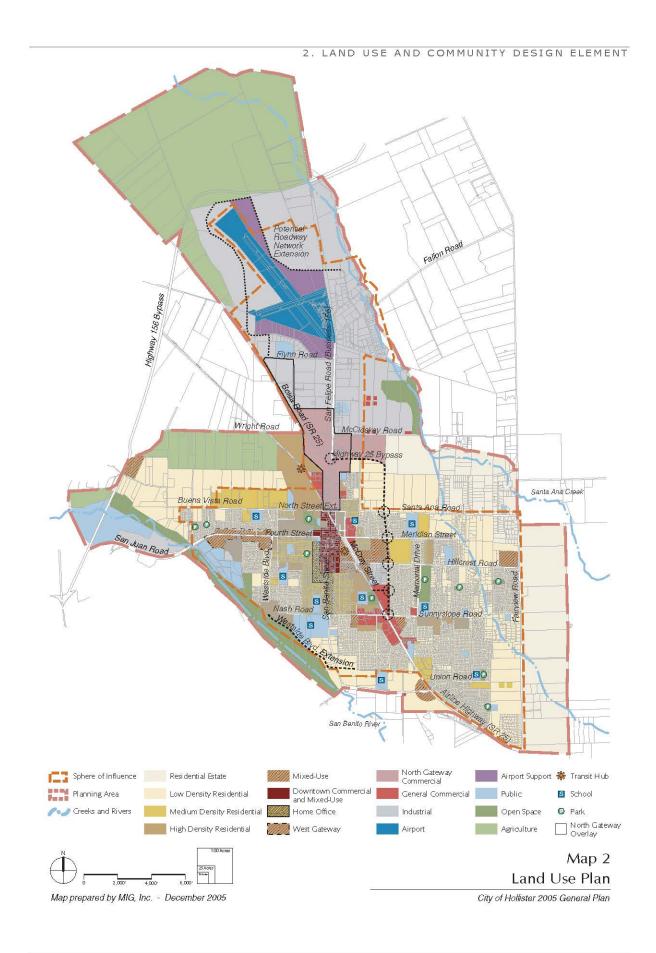


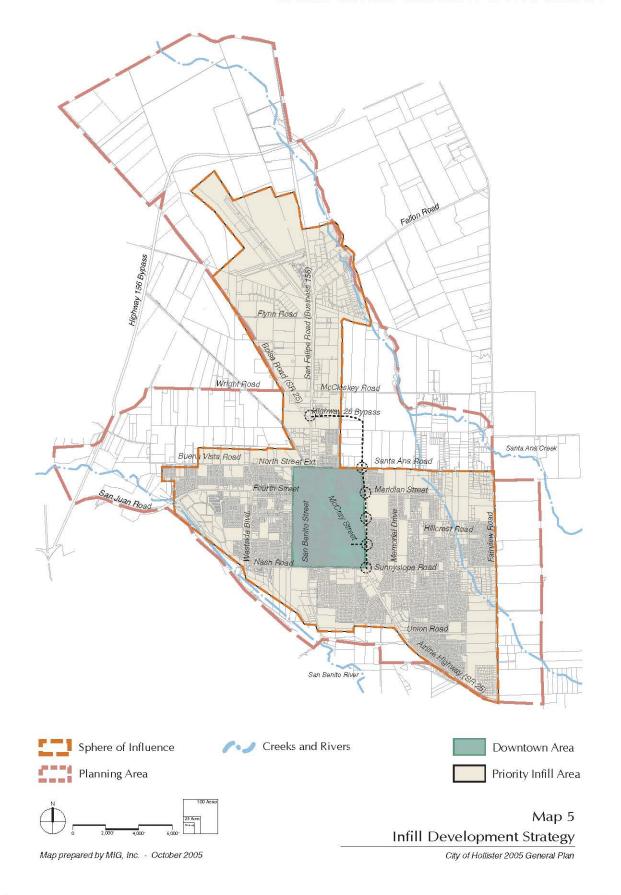












ORDINANCE NO. 761

AN ORDINANCE OF THE CITY OF HOLLISTER

AMENDING ORDINANCE NO. 660 RE PRE-ZONING

SPECIFICALLY DESCRIBED REAL PROPERTY AS

PZ-R-1 DISTRICT (SINGLE FAMILY RESIDENCE)

The City Council of the City of Hollister does ordain as follows:

Section 1: The Zone Map of Ordinance No. 660 of the City of Hollister is hereby amended by Pre-Zoning as PZ-R-l District (Single Family Residence) all that real property situate in the County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a 2part hereof by reference.

Section 2: This Ordinance shall take effect thirty (30) days from and after its final passage. Prior to the expiration of fifteen (15) days from the final passage hereof, the City Clerk of the city of Hollister shall cause this Ordinance to be published once in the Free Lance, a newspaper of general circulation in the City of Hollister.

This Ordinance was read and introduced on the 17th day of September, 1990, and passed and adopted by the City Council of the City of Hollister on the 1st day of October, 1990, by the following vote:

AYES:

Councilmembers Gonzalez, Hallberg, Escover, Kuckenbaker,

and Mayor Light.

NOES:

Councilmembers None.

ABSENT:

Councilmembers None.

ABSTAINING: Councilmembers None.

Mayor of the City of Hollister

ATTEST:

Clerk of the City of Hollister

EXHIBIT A

All that real property situate in the County of San Benito, State of California, particularly described as follows:

A portion of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Volume 1 of Maps, at page 64, San Benito County Records, and being a portion of Lot 7 and Lot 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps at page 34, San Benito County Records, also being that certain parcel of land quit claimed by Gerald D. Quitney and Marlene A. Quitney, husband and wife, to Gerald D. Quitney and Marlene A. Quitney, trustees, by Quit Claim Deed dated July 20, 1987, and recorded July 22, 1987 at Recorder's File No. 8705455, San Benito County Records and that certain parcel described on the Deed of Trust recorded March 5, 1986 at Recorder's File No. 8601373 San Benito County Records, bounded and more particularly described as follows:

BEGINNING at a point in the Eastern line of the Rancho San Justo, said point being in the Northern line of Hillcrest Road and being the Southeast corner of the above said parcel at Recorder's File No. 8705455, thence along said Rancho line and Eastern line of said parcel North 2° 11' East 1466.78 feet to the Northeast corner of said parcel at Recorder's File No. 8705455, thence along the Northern line of said parcel North 87° West 594.00 feet to the Eastern line of above said parcel at Recorder's File No. 8601373, thence along said Eastern line North 2° 21' East 37.36 feet to the Northeast corner of said parcel at Recorder's File No. 8601373, thence along said Northern line North 87° 01' 08" West 375.54 feet, thence North 87° 00' West 432.63 feet to the Northwest corner of said parcel at Recorder's File No. 8601373; thence along the Western line of said parcel South 2° 27' West 1276.63 feet to the Southern line of said parcel at Recorder's File No. 8601373; thence along the Western line of said parcel at Recorder's File No. 8601373; thence along said Southern line the following bearings and distances; South 86° 50' East 193.00 feet; North 2° 27' East 120.00 feet; South 86° 50' East 193.00 feet; South 3° 52' 52" East 61.70 feet; South 86° 50' East 152.21 feet; North 85° 06' 12" East 162.98 feet; South 86° 50' East 136.27 feet; South 87° East 50.60 feet to the Southwest corner of above said parcel at Recorder's File No. 8705455 thence along the Southern line of said parcel at Recorder's File No. 8705455 thence along the Southern line of said parcel South 87° East 594.00 feet to the point of beginning.

(Endorsed)

OCT - 1 1990 AT SS MINI PART 2 P

OFFICIAL RECORDS, SAN BENITO COUNTY - JOHN R. MODGES, Beauty

DEFERRED IMPROVEMENT AGREEMENT

THIS DEFERRED IMPROVEMENT AGREEMENT, made and executed in duplicate by and between the CITY OF HOLLISTER, a municipal corporation, hereinafter referred to as "City", and Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, hereinafter referred to as "Owners".

WHEREAS, Owner is the owner of certain real property situated in the City of Hollister, County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a part hereof by reference, and desires to develop said real property and defer the construction of permanent on and off site improvements; and

WHEREAS, City will agree to such deferment provided Owner constructs said improvements as herein provided.

IT IS AGREED between the parties hereto as follows:

1. Agreement Binding on Real Property. All of the terms, covenants and conditions herein contained shall run with the real property particularly described in "Exhibit A" and shall be binding on, and inure to the benefit of, Owner, their heirs, successors, executors, administrators and assigns. On the assignment, conveyance, sale or transfer of, or on the division or subdivision of, the real property particularly described in

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 2 of 9

Exhibit A", all of the terms, covenants and conditions of this agreement shall apply to each separate parcel and the owner of each such separate parcel shall succeed to all of the rights of, and be bound by all of the duties of, Owner.

2. <u>Improvements</u>. City and Owner agree that the improvements hereinafter set forth may be deferred because: The installation of public improvements is not required for the project until building permits are requested; or until such time as adjacent properties develop with right-of-way improvements, whereby the improvements described below are necessary for property roadway planning as set forth by the City General Plan and for the public health, safety and welfare, at the discretion of the City Engineer.

Owner agrees to construct the following on and off site improvements on the rear property described in "Exhibit A", attached hereto and made a part hereof by reference, all in accordance with City standards in effect at the time of construction: A full 42 foot half street along the Meridian Street frontage, a 40 foot two thirds street along the Hillcrest Road property frontage, and widening improvements, to City and standards, including, but not limited to AC street paving on aggregate base; PCC curbs, gutters and sidewalks; street lighting and street trees; all underground utilities including, but not

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 3 of 9

limited to sanitary and storm sewers, water, gas, overhead electrical lines, telephone, and cable T.V. lines; and all other improvements necessary to bring Hillcrest Road, and Meridian Street rights-of-way into full conformance with all applicable City standards.

Participation in the cost of undergrounding utilities along the frontages of the real property described in "Exhibit A", including but not limited to electrical, telephone, and cable T.V. lines and service connections. Participation in the cost of such construction shall be on a fair share basis established by the City Engineer.

At such time as the City Engineer of the City of Hollister shall determine that the reason or reasons for the deferment of the improvements no longer exist, he shall give written notice to Owner to commence the construction and installation of the same. The notice shall be mailed to Owner at Owner's address as shown in the last equalized assessment roll available on the date the notice is given. The notice shall describe the improvements to be constructed and installed by Owner, the time within which the work of installation and construction shall commence, which shall not be less than thirty (30) days of the date the notice is given, and the time within

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 4 of 9

which the work of construction and installation shall be completed, which shall be a reasonable time. Any part, or all, of said improvements may be required at any time. In the event the real property has been divided or subdivided, the owner of each parcel shall participate in the cost of construction and installation of the improvements on a cost-benefit ratio established by the City Engineer of the City of Hollister.

3. Construction of Improvements. Owner shall commence and complete the construction and installation of the improvements specified in, and within the time specified in, the notice given by the City Engineer of the City of Hollister. Prior to the commencement of construction and installation, Owner shall submit to the City Engineer of the City of Hollister for approva-1, plans and specifications for the improvements, which plans and specifications shall be prepared by persons legally qualified to prepare the same. All construction and installation shall be done in accordance with City standards in effect at the time of such construction and installation. Owner shall notify the City Engineer of Hollister at least forty-eight (48) hours prior to the actual commencement of construction and installation. Owner shall assume, pay and discharge any and all costs, expenses and fees, howsoever incurred, in connection with the construction and installation of the improvements.

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 5 of 9

If an Owner is obligated to pay a portion of the cost of construction and installation of improvements made by others, the amount thereof shall be due and payable thirty (30) days following completion of construction and installation of the improvements.

In the event Owner fails to construct and install any improvements required hereunder, City, at its option, may construct and install said improvements or contract for the construction and installation of the same, and Owner shall be liable to the City for all costs, expenses and fees, howsoever incurred, in connection with said construction and installation, and in connection therewith, hereby grants to City, its agents and employees, and contractor or contractors, the right to enter into and upon the real property particularly described in "Exhibit A" for the purpose of constructing and installing said improvements.

In the event an Owner obligated to pay a portion of the costs of construction and installation of improvements made by others shall not pay the amount thereof when due and payable, City, at its option, may collect the amount from such Owner.

4. Review. If Owner disagrees with the contents of any notice required under Section 2 hereof, or with the cost-benefit ratio established pursuant to Section 2 hereof, he shall, within

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 6 of 9

fifteen (15) days of the date of mailing of said notice or the establishment of said cost-benefit ratio request a review thereof by the City Council of the City. The decision of the City Council shall be binding on both City and Owner.

- 5. Joint Cooperative Plan. On written notice by the City Engineer of the City of Hollister, Owner agrees to cooperate with other owners, governmental agencies and City to provide for the construction and installation of said improvements under a joint cooperative plan, including, but not limited to, the formation of a local improvements district or a special assessment district.
- 6. Acceptance and Maintenance of Improvements. City agrees to accept those improvements which are constructed and completed in accordance with City standards and requirements and as are constructed and installed within rights of way or easements dedicated to and accepted by City.

Owner agrees to keep and maintain all other improvements in good and sanitary order, condition and repair, in such manner as to preclude damage or injury to any person or persons, or property or any kind whatsoever and to whomsoever belonging.

7. <u>Bonds</u>. Prior to the approval of plans and specifications for said improvements, City may require Owner or any contractor engaged by Owner to construct and install said

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 7 of 9

improvements to execute and deliver to City a faithful performance bond and a labor and materials bond in the amounts and forms acceptable to City.

8. <u>Insurance</u>. Owner, or any contractor engaged by Owner to construct and install said improvements shall, at all times during such construction and installation, take out and maintain such public

liability and property damage insurance as shall protect City, its elective and appointive boards, officers and employees, against any liability to the public incident to, or resulting from the construction and installation of said improvements, in amounts, forms and with carriers acceptable to City.

Proof of such insurance shall be delivered to the City Engineer of the City of Hollister prior to the commencement of construction and installation and each carrier shall give the City at least thirty (30) days prior notice of the cancellation of any policy.

9. Indemnity. Owner shall indemnify and hold harmless City, its elective and appointed boards, officer and employees, from any and all liability and claim for damages by reason of any injury to any person or persons or property of any kind from any cause or causes whatsoever, in any way connected with said construction and installation, or arising in any way from the deferment of the improvements called for under this agreement,

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 8 of 9

including the deferment of permanent drainage facilities or the adequacy, safety, use or non-use of temporary drainage facilities, and the performance or non-performance of the construction and installation of said improvements.

- 10. The term "Owner" as used in the Agreements shall mean the actual owner or owners of the real property described in the Exhibits "A" at the time the performance of a provision of the Agreements is required.
- 11. Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, shall not be required to participate in the installation and/or payment of the improvements contemplated by the Agreements if they are not the owner of the subject property at the time the improvements are required by the City of Hollister.
- between the parties and no representations, warranties, conditions, understandings or agreements of any kind shall be binding on the parties unless incorporated herein. This Agreement shall not be modified except by an agreement in writing signed by the party against whom the enforcement of any change, modification or discharge is sought. The waiver by either party or any breach of any term, covenant or condition of this Agreement shall

Deferred Improvement Agreement Sywak/Casarino/Quitney March 1, 1990 Page 9 of 9

not be deemed to be a waiver of any subsequent breach of the same, or any other, term, covenant or condition of this Agreement.

BY

Owners

Dated: September 17, 1990.

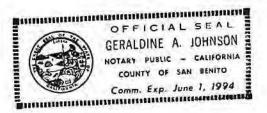
CITY OF HOLLISTER, a Municipal Corporation

Mayor of the City of Hollister

ATTEST:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BENITO)

On September 17, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gregory M. Light and Margaret L. Pidd, personally known to me to be the Mayor and the Clerk of the City of Hollister, a Municipal Corporation, the Municipal Corporation that executed the within instrument, and also personally known to me to be the persons who executed it on behalf of such Municipal Corporation, and acknowledged to me that such Municipal Corporation executed the same.



Notary Public in and for said County and State.

CAT. NO. NN00627 TO 1944 CA (9-84) **M** TICOR TITLE INSURANCE (Individual) STATE OF CALIFORNIA to COUNTY OF April 2, 1990 On _______ before me, the undersigned, a Notary Public in and for said State, personally appeared Dolph Casarino and Julie V. Casarino STAPLE HERE , personally known to me or proved to me on the basis of satisfactory evidence to be the person s whose name s are subscribed to the 全面心理性 医红色性 化二苯基乙基甲基甲基甲基甲基甲基甲基甲基甲基甲基 within instrument and acknowledged that they exc-SHARON E. La FOUNTAIN cuted the same. NOTARY PUBLIC - CALIFORNIA WITNESS my hand and official seal. SANTA CLARA COUNTY commission expires Feb. 10, 1991 (This area for official notarial seal) CAT. NO. NN00627 TO 1944 CA (9-84) **I** TICOR TITLE INSURANCE (Individual) STATE OF CALIFORNIA San Benito SS. COUNTY OF April 6, 1990 before me, the undersigned, a Notary Public in and for Gerald D. Quitney and Marlene A. Quitney said State, personally appeared. , personally known to me or NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY proved to me on the basis of satisfactory evidence to be the person whose name are commission expires Feb. 10, 1991 subscribed to the within instrument and acknowledged that they cuted the same. SHARON E. La FOUNTAIN WITNESS my hand and official seal. NOTARY PUBLIC - CALIFORNIA BANTA CLARA COUNTY commission expires Feb. 10, 1991 BIOLISIAN WITH THE MINISTER OF STREET WATER MUSICIAL Signature 5

STAPLE HERE

(This area for official notarial seal)

Application No. 0018707 0000

SCHEDULE C

The land referred to herein is described as follows:

All that certain real property in the County of San Benito, State of California, described as follows:

That part of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Vol. 1 of Maps, at Page 64, San Senito County Records, bounded and particularly described as follows:

Beginning at a 2" x 4" stake standing in the eastern line of said Rancho San Justo, said stake being in the northern line of the County Road known as Hollister and Enterprise Road, (being the road running to and past the Catholic Cemetery) and from said stake the Southeast corner of said Homestead Lot bears South 2 11' West 0.535 chains distant: running thence along the said eastern line of Rancho San Justo, North 2 11' East 22.224 chains to a 3" x 3" stake marked HB; South 2 11' West 22.224 chains to a 3" x 3" stake marked HD; thence Hollister and Enterprise Road; thence along the North line of said South 87 East 9.00 chains to the point of beginning.

	A .	*
	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual)	TICOR TITLE INSURANCE
^	STATE OF CALIFORNIA COUNTY OF San Benito On April 2, 1990 said State, personally appeared Dolph Casarino an	me the undersigned a Notary Public in and for Julie V. Casarino
TAPLE HERE -	proved to me on the basis of satisfactory evidence to be the persons whose name sare subscribed to the within instrument and acknowledged that they executed the same. WITNESS my hand and official seal. Signature Sharon E. La Fountain	SHARON E. La FOUNTAIN NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY My commission expires Feb. 10, 1991 THIRTINITIE IN THE SELECTION OF THE S
	CAT. NO. NN00627 TO 1944 CA (9–84) (Individual) STATE OF CALIFORNIA	TICOR TITLE INSURANCE
^	COUNTY OF San Benito SS.	me, the undersigned, a Notary Public in and for y and Marlene A. Quitney
TAPLE HERE	proved to me on the basis of satisfactory evidence to be the person whose name sare subscribed to the within instrument and acknowledged that they executed the same. WITNESS my hand and official seal. Signature Summe Sara Source.	SHARON E. La FOUNTAIN NOTARY PUBLIC - CALIFORNIA SANTA CLARA COUNTY My commission expires Feb. 10, 1991
	Sharon E. La Fountain	(This area for official notarial seal)

Ticor Title Insurance Company of California

SAN BENITO ENGINEERING & SURVEYING, INC.

502 Monterey Street HOLLISTER, CALIFORNIA 950	023 DATE 7/12/90 JOB NO.
	ATTENTION SHARON
	RE: CHILDRE - HILLOREST 1
110012	- Syware Toursette
·	Property
	the following items:
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□ Copy of letter	Change order Descriptions
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REMARKS	
·	Dolph Casarino and Julie V. Casarino,
10000	11 - 610(01 401 (1)) / (10)
	Husband and Wife; and
	Gerald D. Quitney and markenes Quitney,
	Trusties under a declaration of Trust dated
	Manual Maga
	Ebruary 11, 1984
	J
	City of Hollister, a Municipal Corporation ywale signed: Warrell
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17 17 18 18 18 18 18 18 18 18 18 18 18 18 18	SIGNED: //OWW OU

eintorlis of California 8705455 Recorded at the request of Return to Gerald D. Quitney et ux Western Title Insurance Company 1510 Hillcroot Road JUC''Y 2 Y987 Hollister, CA. 95023 * 3<u>1730</u> Documentary trainsfer tax \$ Monte du ☐ Computed on full value of property conveyed, or ☐ Computed on full value less liens and encumbrances maining thereon at time of sale. Western Title Insurance Company Daus Western 11116 1 Quit Claim Deed GERALD D. QUITNEY AND MARLENE A. QUITNEY, husband and wife quit claim unto GERALD D. QUITNEY AND MARLENE A. QUITNEY, as trustees under a declaration of Trust dated February 11, 1986 all that real property situate in the Unincorporated Area County of San Benito State of California, described as follows: That part of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, In Vol. 1 of Maps, at page 64, San Benito County Records, bounded and particularly described as follows: Beginning at a 2" x 4" stake standing In the eastern line of said Rancho San Justo, said stake being in the northern line of the County Road known as Hollister and Enterprise Road, (being the road running to and past the Catholic Cememtery) and from said stake the southeast corner of said Homestead Lot bears South 2° 11' West 0.535 chains distant; running thence along the said eastern line of Rancho San Justo, North 2° 11' East 22.224 chains to a 3" x 3" stake marked HB; thence North 87° West 9.00 chains to a 3" x 3" stake marked HD; thence South 2° 11' West 22.224 chains to a stake in the north line of said Hollister and Enterprise Road; thence along the north line of said road South 87° East 9.00 chains, to the point of beginning. Markine a 7 GFICIAL MAL TANTO BAVIS OFFICIAL MAL TAPTY DAVIS RY FUBLIC+ CALIFE TARY PUBLIC- CALIFORN SAN BENETO COLINTY SAM MEMITO COLINTY PHY COTTESSION EXP. JUNE 21, 1991 MY COTTOSICH ESP. JUE 21, 1991 STATE OF CALIFORNIA FOR NOTARY SEAL OR STAMP San BEnito County of . 19 87 before me, the und July 20 d for said State, personally appeared __GERALD_D__OHITMEY_and OFFICIAL SEAL COTARY FUELD

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SAN BENITO, CA.

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S ASSESSORS PARCEL NUMBER	MAILING ADDRESS	·		DOCUMENT	LAND USE SALE DATE PHONE #	Z B U L A V VI-DATOT VI-DKAJ
SUINTERO JOSEPH R & CARMEN M 9 056-170-004 Q	1109 SALLY ST HOLLISTER	CA 95023		170320	1950 #408-637-3372	\$>,555-LV
SOUINTERO PLACIDO E & CARLOTA 054-320-007	T 690 MEMORIAL DR HOLLISTE	R CA 95023		443336	1 FAMILY RESID 1979 #408-637-1707	31(-(40-LV
QUINTERO VICTOR E 9 056-040-013	831 SALLY ST HOLLISTER C	A 95023		428233	1978 1978	\$9.648-LV
DUIROZ AGUSTIN & GUADALUPE 056-060-027	56 HAWKINS STREET HOLLIS			5261	2 FAMILY RESID 1984	\$19,674-TV \$5,553-LV
OS4-402-001 & KATHARINE				486171	1 FAMILY RESID 1982	\$64,187-TV \$21,395-LV
QUITNEY GERALD D & MARLENE A 020-040-012	TRUSTEES 1510 HILLCREST RD HOLLIS	TER CA 9502	3	5455	1987 #408-637-7944	\$134,279-TV \$67,852-LV
QUITORIANO AMANTE R & AURELI 054-301-015	A M 320 MCCARTHY STREET HOLL	ISTER CA 95	023	5652	1 FAMILY RESID 1987	\$104,040-TV \$38,760-LV
RAAB MARION P ETAL 028-230-003	P O BOX 7500 250REO WOOD	LAND HILLS	CA 91365	6139	AGRIC VACANT L	\$6,863-TV \$6,863-LV
RABELLO RONALD CLAUDE 057-114-027	2021 SCENIC CIRCLE HOLLI	STER CA 950	23	1265	1 FAMILY RESID 1986	\$37,506-TV \$7,871-LV
RABENORTH WALTER & MARJORIE 020-540-013	C 85 RAYS CIRCLE HOLLISTER	CA 95023		457272	1 FAMILY RESID 1980 #408-637-9068	£/4 / 0/ _1 \/ 1
RACZ JOHN JR & HELEN 055-120-036	700 B STREET HOLLISTER C	A 95023		464244	1 FAMILY RESID 1981 #408-637-6552	\$22.747-IV I
RADMACHER ROSERT CARL & PATR 018-140-026	ICIA ANN 1720 SAN JUAN HOLL HWY S.	AN JUAN BAU	TISTA CA 9504	374277 5	RURAL-1 SNGL RI 1972 #408-623-4383	\$54,304-TV \$22,202-LV
RAFF CHARLES M & SANDRA G 002-410-028	P O BOX 648 SAN JUAN BAU	TISTA CA 95	045	392985	1 FAMILY RESID 1974 #408-623-4013	\$44,531-TV \$6,541-LV
RAFFERTY BENJAMIN J & LORI A 057-342-012	1200 ALTA WAY HOLLISTER	CA 95023		7261	1 FAMILY RESID 1986	\$132,090-TV \$44,370-LV
RAFFERTY DON L & RUTH ETAL 056-322-003	P O BOX 1146 GILROY CA 9	5021		3036	1 FAMILY RESID 1989	\$114,078-TV \$33,427-LV
RAFFERTY OLLIE JOE & JACKIE 019-310-049	1593 SANTA ANA RD HOLLIS	TER CA 9502	3	2803	RURAL-1 SNGL RI 1988	\$209,100-TV \$76,500-LV
RAGAN RONALD T & RAE ANN 057-413-003	1621 SAUSALITO DR HOLLIS	TER CA 9502	3	8472	1 FAMILY RESID 1988	\$195,000-TV \$55,000-LV

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NUMERS NAME ASSESSORS PARCEL NUME	MAILING ADDRESS		DOCUMENT #	LAND USE SALE DATE PHONE #	V A L U E S TOTAL-TV LAND-LV
ASANEGA KENNETH T & HE	LEN D 480 DONALD DR HOLLISTI	ER CA 95023	420381	1 FAMILY RESID 1977 #408-637-5477	\$74,143-TV \$15,699-LV
CASAREZ ANTONIO N & MAC	GDALENA M 880 CLEARVIEW DRIVE HO		5117	1 FAMILY RESID 1989	\$191,760-1v \$71,400-Lv
CASAREZ JOHN M & SARAH 054-240-003	INDS ENDI LHMMCTO COM		481596	1 FAMILY RESID 1982 #714-737-4478	\$29,872-TV \$9,908-LV
CASAREZ MANUEL R & FRAI		TER CA 95023	4894	1 FAMILY CONDOMIN 1988	
	1310 SCENIC CIRCLE HO	LLISTER CA 95023	397193	1 FAMILY RESID 1975	\$30,770-1v \$6,150-Lv
CASAREZ PAUL M JR & RO 054-303-006	SALINDA 361 MCCARTHY STREET H	OLLISTER CA 95023	482280	1 FAMILY RESID 1982 #408-637-2878	\$64,187-TV \$21,395-LV
CASAREZ RICHARD M & MA 052-153-009	RY T 101 MILLER ROAD HOLLI	era sentratura de constituir d	458922	1 FAMILY RESID	\$18,338-LV
CASAREZ ROBERT & MARIA 052-211-003			1872	1 FAMILY RESID 1985	322,/29-LV
CASARINO DOLPH & JULIE 020-040-028	V 1490 HILLCREST RD HOL	LISTER CA 95023	312362	1965 #408-637-5459	\$43,029-TV \$43,029-LV
CASARINO DOLPH & JULIE 020-040-029	1490 HILLCREST RD HOL		323289	RURAL-1 SNGL RESI 1966 #408-637-5459	\$97,659-TV \$46,198-LV
CASAS ELIAS & FRANCISC 056-150-018		TER CA 95023	363880	1 FAMILY RESID 1971	\$18,248-TV \$5,110-LV
CASAS FERNANDO & LILIA 056-300-029	ET AL 180 GIBSON DR #33 HOL	LISTER CA 95023	4050	1 FAMILY CONDOMIN 1989	1UM \$105,600-TV \$26,010-LV
CASAS HUMBERTO & ELIZA 019-060-008	BETH 1090 MARNE DRIVE HOLL		2586	VACANT RURAL RES 1989 #408-637-7024	\$65,000-LV
CASAS JESUS & JULIE 056-040-011	23 SOUTH ST HOLLISTER	R CA 95023	2484	2 FAMILY RESID 1988	\$91,800-T\ \$30,600-L\
CASAS NIEVES 054-240-019	115 SALLY ST HOLLISTE		338139	1 FAMILY RESID 1968 #408-637-7036	\$22,142-TV \$5,458-LV
CASAS ROBERTO M & MARI 056-150-010	A V 1016 PRUNE ST HOLLIST	TER CA 95023	3684	1 FAMILY RESID 1985	\$87,674-11 \$22,729-L1
CASAS THOMAS & ROSALIE	TRS 15 ALTA MESA CIRCLE P	MONTEREY CA 93940	4732	MULTI RES-4 UNIT 1985	\$226,301-11 \$58,366-L1

SAN BENITO, CA.

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Dual Estate Data Inc

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	The undersigned grantor(s) declare(s):	
z ابـ	Documentary transfer tax is \$	****
P T N.	 () computed on full value of property c () computed on full value less value of l 	onveyed, or iens and encumbrances remaining at time of sale.
	(xxx) Unincorporated area: () City of _	, and
	FOR A VALUABLE CONSIDERATION, rec	eipt of which is hereby acknowledged.
	Dolph Casarino and Julie V. Casarino	, husband and wife; and Gerald D. Quitney and Marlen
	A. Quitney, Trustees under a Declara	tion of Trust dated February 11, 1986
	hereby GRANT(S) to	
	City of Hollister, A Municipal Corpo	ration
	the following described real property in the	Same of California
-	County of San Benito	, State of California:
	FOR COMPLETE LEGAL DESCRIPTION, SEE	EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.
	Dated: July 13, 1990	Wolph Casamo
		Dolph Casarino
	STATE OF CALIFORNIA COUNTY OF SON BENTO	Ss. Julie V. Casarino
	on July 26, 1990	before Levals & Durtury Trustee
4	me, the undersigned, a Notary Public in and for personally appeared Markeye a. Out we	said State, Gerald D. Quillion, Traistee
	rusiee	Mariene A. Quitney, Trustee
	personally known to me or proved to me on the b isfactory evidence to be the person whose name	asis of sat-
	subscribed to the within instrument and ackie	nowledged OFFICIAL SEAT
	WITNESS my hand and official seal.	S. TURRES
	Simon Simon	SANTA CLARA COUNTY My Comm. Expires June 5, 1992
	Signature	7,132
		O138 (This area for official notarial seal)
	Title Order No	Escrow or Loan No

HILLCREST ROAL DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 40 feet wide, the southerly line of which is the southerly line of said Homestead Lot 25 and is particularly described as BEGINNING at the southeasterly corner of said Homestead Lot 25 and running thence North 87° 00' West 1089.17 feet to the westerly line of that certain parcel described in the Deed of Trust between Dolph Casarino, et ux, and American Securities Company, dated February 10, 1986 and recorded March 5, 1986 at Recorder's File No. 8601373, San Benito County Records.

89009

	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual)	TICOR TITLE INSURANCE
1	STATE OF CALIFORNIA COUNTY OF San Benito On July 28, 1990 said State, personally appeared Gerald D.	before me, the undersigned, a Notary Public in and for Suntney. Trustee
- STAPLE HI	, personally known to proved to me on the basis of satisfactory evidence the person_ whose name	to the
	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual) STATE OF CALIFORNIA BENITO COUNTY OF SAN BENITO	TICOR TITLE INSURANCE Ss.
KENE	on Hugust 1, 1790 said State, personally appeared Julie V.	before me, the undersigned, a Notary Public in and for
A STAPLE	, personally known to proved to me on the basis of satisfactory evidence the person_ whose name subscribed within instrument and acknowledged that cuted the same. WITNESS my hand and official seal. Signature	to the OFFICIAL SEAL
		(This area for official notarial scal)
	CAT. NO. NN 006 27 TO 1944 CA (9–84) (Individual)	I TICOR TITLE INSURANCE
THE T	STATE OF CALIFORNIA COUNTY OF San Bento On Hugust 1, 1990 said State, personally appeared Dolph Ca	before me, the undersigned, a Notary Public in Cand Gor

Name Street Address City & State		
Address	ŧ	
State [TO 4000 0 4 (0 00)	SPACE ABOVE THIS LINE FOR RECORDER'S USE———————————————————————————————————
ALL PTN.	FOR A VALUABLE CONSIDERATION, re Dolph Casarino and Julie V. Casarino Marlene A. Quitney, Trustees under hereby GRANT(S) to City of Hollister, A Municipal Corp the following described real property in the County of San Benito	ceipt of which is hereby acknowledged, b, husband and wife; and Gerald D. Quitney and a Declaration of Trust dated February 11, 1986
j	Dated: July 13, 1990 STATE OF CALIFORNIA COUNTY OF TAN Bencio On July 76, 1970 me, the undersigned, a Notary Public in and fo personally appeared Markal A. Quita personally known to me or proved to me on the isfactory evidence to be the personwhose name subscribed to the within instrument and act that 182. executed the same. WITNESS my hand and official seal.	Dolph Casarino John

MERIDIAN STREET DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 42.00 feet wide, the northerly line of which is the northerly line of Lots 7 and 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps, at page 34, San Benito County Records, and is particularly described as BEGINNING at the northwesterly corner of said Lot 7 and running thence along the northerly line of said Lots 7 and 8 and the easterly prolongation thereof South 87° 00' East 1402.17 to the easterly line of the Rancho San Justo.

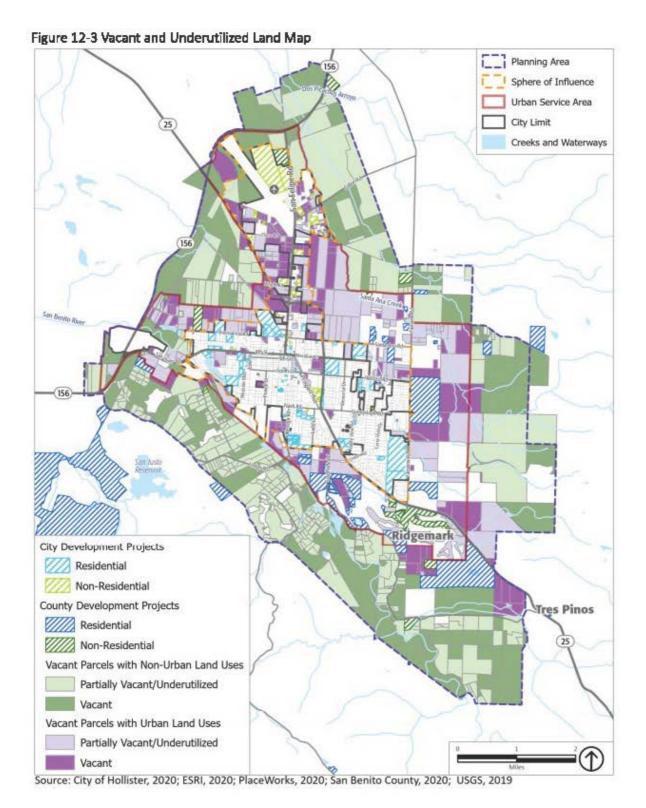
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	CAT. NO. NN00627 TO 1944 CA (9–84) (Individual)	TICOR TITLE INSURANCE
*	STATE OF CALIFORNIA COUNTY OF San Benito On July 28, 1990 said State, personally appeared Gerald L	before me, the undersigned, a Notary Public in and for
	, personally known to n proved to me on the basis of satisfactory evidence the person_whose name subscribed to within instrument and acknowledged that cuted the same. WITNESS my hand and official seal. Signature	to be o the OFFICIAL SEAL
	Signature	(This area for official notarial seal)
†	CAT. NO. NN00627 TO 1944 CA (9-84) (Individual) STATE OF CALIFORNIA COUNTY OF Sao Besite On August 1, 1970 said State, personally appeared Julie V.	TICOR TITLE INSURANCE ss. before me, the undersigned, a Notary Public in and for Casarino
← STAPLE HEA	, personally known to me proved to me on the basis of satisfactory evidence to the person whose name S subscribed to within instrument and acknowledged that cuted the same. WITNESS my hand and official seal	o be OFFICIAL SEAL TORRES
· *	Signature Signature	(This area for official notarial seal)
्र	CAT. NO. NN 00627 TO 1944 CA (9_84) (Individual)	I TICOR TITLE INSURANCE
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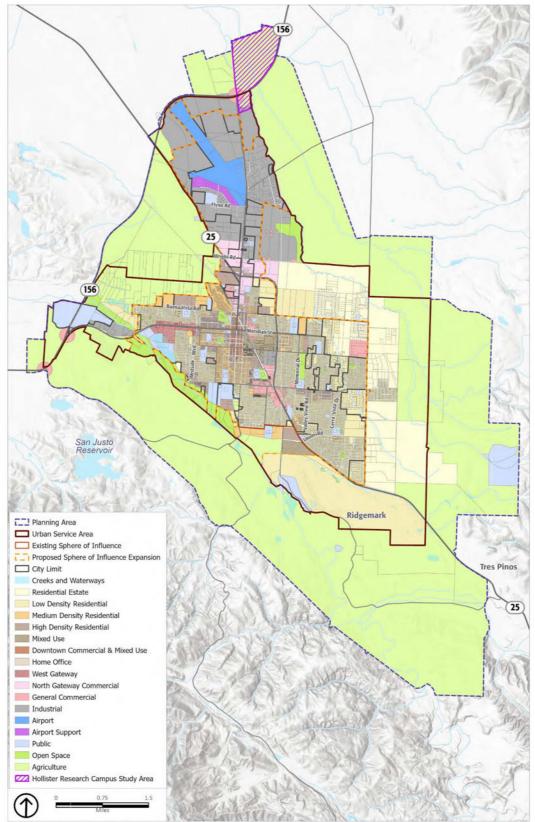
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LAND USE AND PLANNING



12-22 NOVEMBER 2020

Figure LU-2 Land Use Map



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.



Alexander Sywak < alex.sywak@gmail.com>

meet today?

Alexander Sywak

To: Bryan Swanson

Swanson Swanson@hollister.ca.gov>, Ingrid Sywak

Sasterben z@swsv.com>, Conor Murphy <cmurphy@swsv.com>, Danny Hillstock <danny.hillstock@hollister.ca.gov>, Abraham Prado <abraham.prado@hollister.ca.gov>, bob braitman bb@braitmanconsulting.com

Bryan/Danny,

Have completed the sewer study and attached.

Let me know if you have questions and you need to meet with authors.

Thx, Alex

[Quoted text bidden]

6 attachments

- Hollister Property Sewer Study Memo.pdf
- Attachment 1_SSMH19.pdf 5275K
- Attachment 2_H10-6.pdf
- Attachment 3_H11-39.pdf 5270K
- Attachment 4_I11-2.pdf
- Attachment 5_Sewer Atlas.pdf

3 Quail Run Circle, Suite 101 Salinas, CA 93907 t. 831-883-4848 f. 831-758-6328 s&w@swsv.com

Schaaf & Wheeler CONSULTING CIVIL ENGINEERS

MEMORANDUM

TO: City of Hollister, Public Works DATE: March 8, 2018

COPY TO: Alex Sywak

FROM: Conor Murphy, EIT JOB#: AXSK.02.17 (001)

Andrew Sterbenz, PE

SUBJECT: Hollister Property Sewer Study, APN 020-040-028, 020-040-056 and 020-040-057

This memorandum summarizes Schaaf & Wheeler's sewer study for the Sywak property in San Benito County near Hollister, CA. The property is located between Meridian Street (right-of-way) and Hillcrest Road, west of Fairview Road, within the City of Hollister Sphere of Influence (see Figure 1). An unnamed tributary of Santa Ana Creek flows through the western third of the property. The site is currently undeveloped, but prezoned by the City for residential development. This study considers several alternatives for possible connections from the Sywak property to the existing City of Hollister Sanitary Sewer System. Four viable options are considered with two considered in Santa Ana Road northwest of the Sywak property and two considered in Meridian Street west of the Sywak property. Gravity connections are possible in both Santa Ana Road and Meridian Street. This study also considers the inclusion of sewer flows from adjoining properties to the east and north of the Sywak property if they choose to develop.

The Sywak property generally slopes from Hillcrest Road on the south boundary down towards the Meridian Street right-of-way and Santa Ana Road to the north. There is a ridge in the middle of the site as well, dividing the property into east and west drainages. This analysis is based on the existing topography and does not assume any site grading.

This study uses a potential on-site sewer network flowing from south to north with the northern-most line flowing east to west. At the northwest corner of the property, off-site sewer lines flow north to Santa Ana Road or east to Meridian Street to connect to existing City of Hollister manholes. Depending upon how the site is ultimately developed, up to 10% of the area could be lots abutting Hillcrest Road. These lots could connect to the existing sewer in Hillcrest Ave, but some would require private sewer ejector pumps to reach the street. For this study, we assume all flows from the property will move north.

Wastewater System Flows

Wastewater flows were calculated based on land use. The land use on the Sywak property is zoned as single family residential in the City of Hollister General Plan. The City of Hollister Land Use Plan follows as Figure 1. Some adjacent properties will be taken into consideration as possible connections into the Sywak sanitary sewer. The adjacent properties were considered if they have the possibility of being developed in the future and could flow into the Sywak property or the off-site sewer mains by gravity. The adjacent properties taken into account are shown in Figure 2 below. The red properties are the 3 Sywak parcels (APNs 020-040-028, 020-040-056 and 020-040-057) while the yellow properties are the adjacent properties that may contribute wastewater flow.



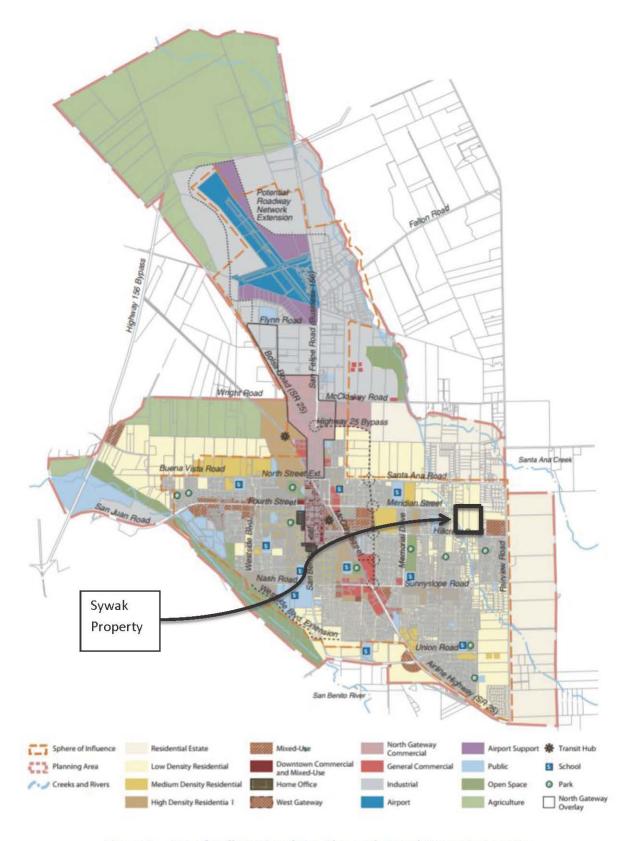


Figure 1 - City of Hollister Land Use Plan with Sywak Property Location

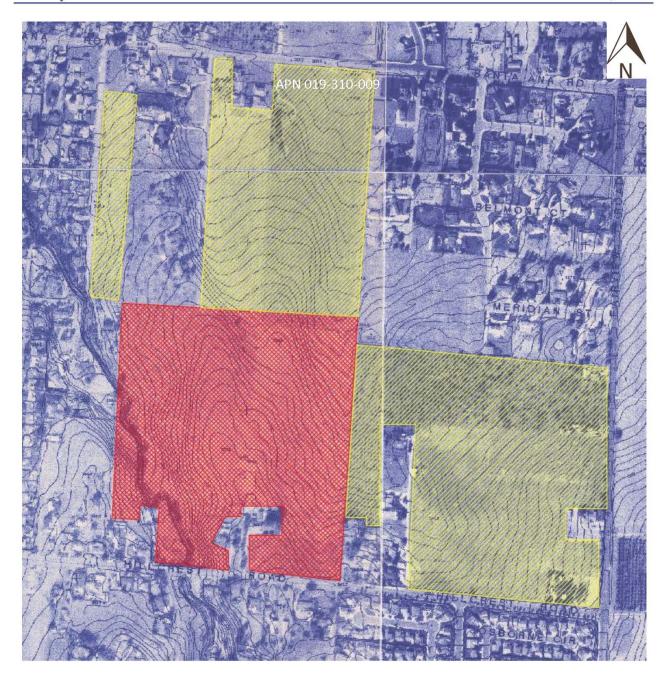


Figure 2 – Properties Used for Projected Wastewater Flows

Sywak Property Projected Wastewater Flows:

The Sywak property is three parcels totaling approximately 43.6 acres between Hillcrest Road and the future Meridian Street. The City of Hollister General Plan zones these parcels as Low Density Residential. Low Density Residential according to the City of Hollister General Plan has a maximum permitted density of 8 dwelling units per acre (du/acre). Residential use is assumed to produce 55 gallons per day per person (gpd/person) of wastewater return flow using current water efficient toilets and fixtures.

The City of Hollister Design Standards (May 1992) provide a sanitary sewer planning factor of 290 gallons/day/dwelling unit for average flow from single family residential development, and uses a fixed

factor of 2.5 for estimating peak hour flows. The City standards state that stormwater infiltration and inflow does not need to be considered in the analysis. For this study, we use a more detailed method, as described below, which includes estimating wet weather infiltration. The resulting flow rates are approximately 30% lower than those in the City Standards, reflecting the mandatory use of water conserving fixtures and appliances.

The following equations were used to calculate the population, Average Dry Weather Flow (ADWF), Peak Dry Weather Flow (PDWF), and Peak Wet Weather Flow (PWWF). The Peaking Factor (PF) is obtained from Figure 3. Stormwater infiltration and inflow (I/I) is estimated as 44% of the ADWF for new pipes.

(1) Population = Density
$$\left(\frac{du}{acre}\right) * Area(acres) * 3.33 \frac{persons}{du}$$
 (persons)

(2)
$$ADWF = Population (persons) * 55 \frac{gpd}{person}$$
 (gpd)

(3)
$$PDWF = PF * ADWF \quad (gpd)$$

(4)
$$PWWF = PDWF + 44\% * (ADWF)$$
 (gpd)

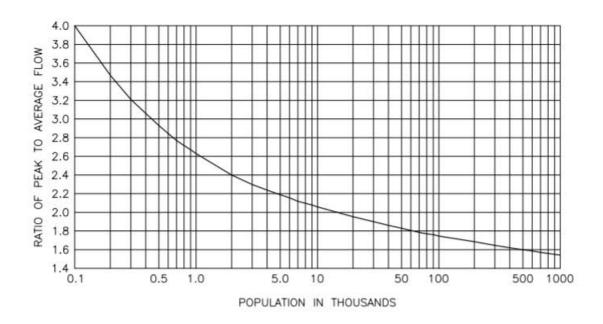


Figure 3 - Ratio of Peak to Average Domestic Sewage Flow

An overview of the considered properties is shown in Table 1. Population is estimated using the San Benito County average population of 3.33 persons per household. The projected flows for the Sywak property are shown in Table 2. The projected population is 1,161 persons results in a Peaking Factor of 2.6.

Table 1 - Overview of Properties

Owner	Acres	Zoning	DU/acre	DU	Persons/ DU	Persons	gpd/ person	ADWF (gpm)	PWWF (gpm)
Sywak	43.6	LD Res.	8	349	3.33	1162	55	44	135
Adjacent- East	25.8	Mixed Use	40	1031	3.33	3433	50	119	327
Adjacent- East	23.4	LD Res.	8	187	3.33	623	55	24	65
Adjacent- North	36.7	LD Res.	8	294	3.33	979	55	37	116
Villages	12.9	LD Res.	8	103	3.33	343	55	13	39

Table 2 - Projected flows for Sywak Property

	Factor	Flo	w
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.06	44
Peak Dry Weather Flow	2.6	0.15	115
Infiltration and Inflow	0.44	0.03	20
Peak Wet Weather Flow		0.18	135

Properties East of Sywak Projected Wastewater Flows:

There are multiple parcels east of the Sywak property that could potentially connect to this proposed sanitary sewer system. These properties combine to a total area of 49.2 acres. To the east, there are two different zoning types from the City of Hollister General Plan: low density residential and mixed-use commercial and low density residential. The maximum permitted density for mixed-use is 40 du/acre. Wastewater return flows from mixed-use land are assumed at 50 gpd/person, due to the smaller dwelling unit size.

The projected flows from the properties east of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 3. The projected population is 4,058 persons resulting in a Peaking Factor of 2.3.

Table 3 - Projected flows for Properties East of Sywak Property

	Factor	Flo	w
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.21	143
Peak Dry Weather Flow	2.3	0.47	329
Infiltration and Inflow	0.44	0.09	63
Peak Wet Weather Flow		0.56	392

Properties North of Sywak Projected Wastewater Flows:

There are multiple parcels north of the Sywak property that could potentially connect to this proposed sanitary sewer system if the pipeline is run to Santa Ana Road. These properties combine to a total area of 36.7 acres. Two of them are just north of the site while another is northwest of the site along Barnes Lane. These properties would only connect to the system if the sewer main is routed to Santa Ana Road. These properties are all Low Density Residential which has a maximum permitted density of 8 du/acre

and estimated wastewater flows of 55 gpd/person. The projected flows from the properties north of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 4. The projected population is 979 persons resulting in a Peaking Factor of 2.65:

Table 4 - Projected	flows for	Properties No	rth of Syv	wak Property

	Factor	Flo	w
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.05	37
Peak Dry Weather Flow	2.65	0.12	99
Infiltration and Inflow	0.44	0.02	16
Peak Wet Weather Flow		0.15	116

Wastewater Flows from the completed Northeast Section of The Villages Subdivision:

The Villages Subdivision has been completed between Santa Ana Road and Brigantino Drive. 103 homes from the northeast section of the subdivision are served by an 8-inch line from about the intersection of Santa Ana Road and Cielo Court, at SSMH 19, to a 15-inch line at the intersection of Brigantino Drive and Cabrillo Drive, continuing to MH H11-38 in Meridian Street (see Attachment 5). The projected flows from the 103 existing homes are computed using equations 1, 2, 3, and 4 and are shown in Table 5. The Villages Subdivision is examined with addition of the Sywak flows only. The projected population is 343 persons resulting in a Peaking Factor of 2.5 with the additional 1162 people from the Sywak Property (1,505 people total).

Table 5 – Projected flows for the Northeast section of The Villages Subdivision

	Factor	Flo	low	
		(mgd)	(gpm)	
Average Dry Weather Flow	1	0.02	13	
Peak Dry Weather Flow	2.5*	0.05	33	
Infiltration and Inflow	0.44	0.01	6	
Peak Wet Weather Flow		0.08	39	

^{*}Peaking factor based on combined Villages and Sywak flows

Possible Sanitary Sewer Points of Connection

Four potential points of connection to the existing City sanitary sewer system were evaluated: SSMH 19 in The Villages (Cielo Ct. just off Santa Ana Rd); City MH H10-6 in Santa Ana Road; City MH H11-39 in Meridian St and City MH I11-2 in Meridian Street (see Attachment 5). For this anaysis, we assumed sewer pipes would have a minimum 6-ft of cover and manholes would be spaced every 300-ft. All elevations were estimated using the topography from the map set: *Aerial Photography for City of Hollister* (1999) using verticle datum NGVD 1929. All locations and depths for existing manholes are from the City of Hollister Sewer Atlas (2010). Manhole invert elevations were calculated as the rim elevation (obtained from the topographic map) minus the manhole depth (obtained from the sewer atlas). The minimum allowable slope for sewer mains, listed below, is based upon achieving a maximum velocity of 8 feet/second when flowing at the listed flow depth/Diameter ratio (d/D). Flow capacity was calculated assuming a Mannings pipe roughness coefficient of n=0.013.

Pipe Diameter (in)	Minimum Slope (ft/ft)	Allowable d/D
8	0.0035	0.67
10	0.0025	0.67
12	0.0020	0.67
15	0.0015	0.8

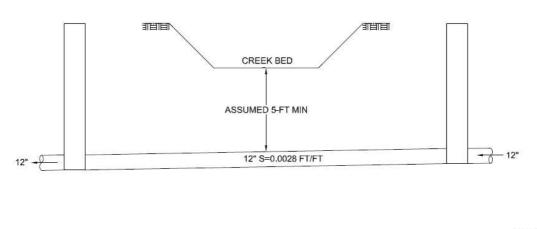
The City of Hollister uses an allowable d/D of 0.5 for 8-inch and 10-inch pipes and an allowable d/D of 0.67 for 12-inch and 15-inch pipes. The City of Hollister does not account for inflow and infiltration in sewer capacity calculations. Since inflow and infiltration has been taken into account, this study uses 0.67 for 8-inch and 10-inch pipes.

A simple sewer collection system was laid out on the Sywak property in order to estimate the manhole inverts (see Figure 5). Due to the ridgeline in the center of the site, some of the on-site manholes are over 10-ft deep. Regrading the site as part of future development was not consistered in this analysis, and does not affect the pipe inverts in the conceptual collection system.

The existing City of Hollister wastewater system does not cross the stream along the western boundary of the property. In laying out the sewer mains from the subject property to the west, we assumed that only 5-ft of cover would be required between the invert of the creek channel and a gravity sewer main. A creek scour analysis will be required to verify the design depth for any pipeline crossing this channel. Crossing the creek will require environmental permits from the U.S. Army Corps of Engineers (CWA Section 404), the Regional Water Quality Control Board (CWA Section 401) and the State Department of Fish and Wildlife (Lake and Streambed Alteration Agreement).

If a gravity pipeline is not feasible at that depth, an inverted sewer siphon may be considered. An inverted siphon consists of a pipeline installed between two gravity manholes that dips below and then returns to the gravity flow line (see Figure 4). Because this segment of the pipeline flows full, it is usually a smaller diameter than the gravity main so that flows maintain a scouring velocity (2.5 to 3 ft/s) to prevent solids from depositing at the low point. Due to the daily and seasonal variablity of flow rates, siphons typically consist of two pipes, with one installed sightly lower than the other. Daily base flows move through the lower inlet, keeping it scoured. Peak flows in excees of the lower pipe's capcity are conveyed in the higher pipe.

If the site were to be rezoned as residential mixed-use development, flows from the proeprty would increase, requiring larger diameter pipe to carry the flow. Larger pipes have a smaller minimum slope. However, since the minimum cover and creek crossing determine the depth of the proposed pipe, a smaller slope would not have much of an effect on the points of connection.



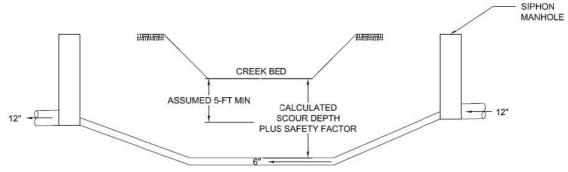


Figure 4 - Gravity Pipeline (Top) vs. Inverted Siphon (Bottom) for Creek Undercrossing

There are parts of the Sywak property that are west of the creek and separated from the rest of the property (see Figure 5, shaded areas). The southern portion that abuts Hillcrest Road could sewer directly to Hillcrest Road instead of having a sewer line cross the creek. For the portions not connected to Hillcrest Road, a bridge or culvert across the creek would be required for site access. Private sewer pumps at each home could then lift flows to a shallow sewer that crosses the bridge and connects to manhole 52 in the conceptual system.

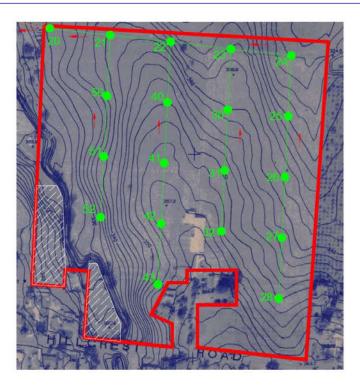


Figure 5 - Portions of Sywak Property West of the Creek

Connection to The Villages Subdivision SSMH-19:

This connection occurs in the northeast corner of the recently completed subdivision, The Villages, in Cielo Court at Santa Ana Road, SSMH-19. This connection would require about 2600 LF of off-site gravity sanitary sewer pipe and 9 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment.

The pipeline connection to The Villages SSMH-19 is shown in Attachment 1. This connection assumes the only flows entering the gravity line are from the Sywak property. Table 6 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to SSMH-19. Figure 5 is a profile for this connection along the proposed sewer pipe. Station 0 is at SSMH-19.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property could receive potential flows from the properties to the east if downstream pipes were upsized. Manhole 11 at the corner of Santa Ana Road and Barnes Lane could receive potential flows from the properties to the north if downstream pipes were upsized.

The topographic survey used for this study is on the National Geodetic Vertical Datum of 1929 (NGVD). Based on the elevation differences in Santa Ana Road, we assume that the subdivision plans are on the North American Vertical Datum of 1988 (NAVD). The difference between these datums is 2.86 feet, converted as:

Elevation_{NGVD} + 2.86 ft = Elevation_{NAVD}

The manhole data from the subdivision plans converts to:

SSMH 19 Rim: 296.74 -2.86 = 293.88

SSMH 19 Invert: 292.05 - 2.86 = 289.19

There is a water main in Santa Ana Road with an unknown depth. The sewer pipe would need to be installed along the south edge of Santa Ana Road to avoid crossing the water main. The required separation between potable water and sanitary sewers is 10-ft. There appears to be adequate space to offset the proposed sewer in Santa Ana Road south of the water main. There is also an existing storm sewer in Santa Ana Road, but it is about 9.5-feet deep, so it would not interfere with the proposed sanitary sewer.

All sewer lines serving the 103 homes in the northeast section of The Villages subdivision are 8-inch pipes with a slope of 0.0035 ft/ft and allowed d/D=0.67, and have a flow capacity of about 260 gpm (see Table 5). Subtracting the 39 gpm PWWF from the completed northeast section of The Villages subdivision leaves 221 gpm of available conveyance capacity. This would be sufficient to receive the 135 gpm PWWF from the Sywak property, and could accommodate flows from some of the other adjacent areas.

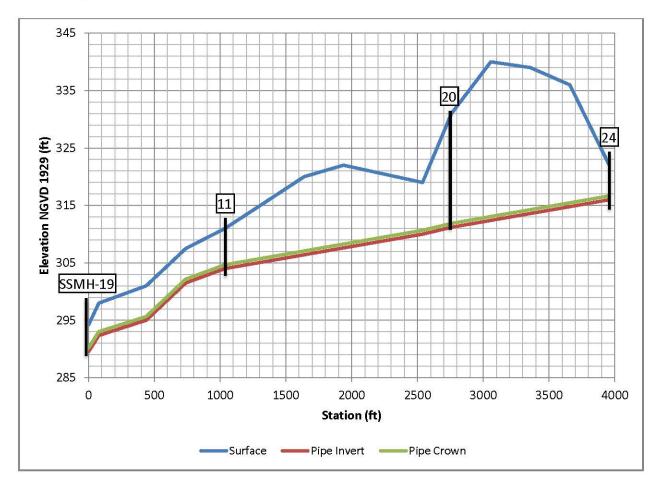


Figure 5 - Profile for Connection at The Villages SSMH-19

Table 6 - Proposed Connection to The Villages SSMH-19

Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
MH19	293.88	4.69		289.19	, , , ,	0.0035	8	0.46	0.00	135
8	298	5.63	78	292.37	0.0408	0.0035	8	0.36	5.98	135
9	301	6	360	295	0.0073	0.0035	8	0.37	2.57	135
10	307.5	6	300	301.5	0.0217	0.0035	8	0.28	3.80	135
11	311	7	300	304	0.0083	0.0035	8	0.36	2.70	135
12	315.5	10.3	300	305.2	0.0040	0.0035	8	0.44	2.07	135
13	320	13.6	300	306.4	0.0040	0.0035	8	0.44	2.07	135
14	322	14.4	300	307.6	0.0040	0.0035	8	0.44	2.07	135
15	320.5	11.7	300	308.8	0.0040	0.0035	8	0.44	2.07	135
16	319	9	300	310	0.0040	0.0035	8	0.44	2.07	135
20	331	19.8	220	311.2	0.0055	0.0035	8	0.4	2.31	135
21	340	27.6	300	312.4	0.0040	0.0035	8	0.44	2.07	135
22	339	25.4	300	313.6	0.0040	0.0035	8	0.44	2.07	135
23	336	21.2	300	314.8	0.0040	0.0035	8	0.44	2.07	135
24	322	6	300	316	0.0040	0.0035	8	0.44	2.07	135
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
	0.40	10.15		000.07		0.005=				
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H10-6:

This connection occurs in the 800 block of Santa Ana Road adjacent to Gabilan Hills Elementary School. This connection would require about 5,100 LF of off-site gravity sanitary sewer pipe and 16 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment including the adjacent properties.

The pipeline connection to MH H10-6 is shown in Attachment 2. The different flows enter from different positions along the gravity line. Table 7 contains general information for each manhole and pipe run for

the sanitary sewer connection from the site to MH H10-6. Figure 6 is a profile for this connection along the proposed sewer pipe. Station 0 is at MH H10-6.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property is assumed to receive potential flows from the properties to the East of Sywak. Manhole 11 at the corner of Santa Ana Road and Barnes Lane is assumed to receive potential flows from the properties North of Sywak. From manhole 6 until the connection at MH H10-6, 15-in pipe is used to reduce the minimum required slope. This allows the connection to be made at MH H10-6 while still maintaining a minimum pipe depth of 6-ft. It also allows for about 400 gpm of additional capacity if more properties along Santa Ana Road decide to connect to the proposed sewer line.

For this connection the proposed gravity pipe would have to cross under the creek in Santa Ana Road, which has an estimated streambed elevation of 286-ft. This requires manholes 5 and 6 to have invert elevations of at most 281-ft. MH H10-6 has an invert elevation of 277.84-ft (estimated from the system map information and the available topographic map), so the average slope from MH H10-6 and MH 5 is 0.0015 ft/ft, which is allowable for a 15-inch pipeline. If an inverted siphon is used, the inverts would be several feet higher, allowing for the use of 12-inch pipe downstream of the creek crossing.

There are currently no sewer mains in Santa Ana Road east of the proposed point of connection. There is a water main that is on the south side of the road, so it is assumed that there is ample room within the right-of-way, north of the center line for a new sewer main.

The gravity main in Santa Ana Road flowing west from MH H10-6 is a 10-inch pipe. The next manhole, H10-5, is 470-ft away and has an estimated invert elevation of 276.34-ft resulting in a pipeline slope of 0.0032 ft/ft. The capacity of a 10-in pipe with a slope of 0.0032 ft/ft and d/D of 0.67 is 439 gpm. This is insufficient to carry the proposed 642 gpm plus the current system flow. It may be possible to add a parallel sewer main in Santa Ana Road until a point is reached in which the existing system has capacity to receive the potential flow from this new main. We do not have a copy of the City's sewer model, and therefore cannot determine where this potential point of connection occurs.

Manhole G10-57 is where the sewer pipe size changes from 10-in to 15-in (see attached Atlas pages G10 and H10). It is about 980-ft west of MH H10-5 in Santa Ana Road. The slope of the pipe after MH G10-57 is estimated at 0.0015 ft/ft. Assuming a d/D of 0.8, the flow capacity of the 15-in pipe after MH G10-57 is 886 gpm. This may be capable of receiving the proposed 642 gpm if the existing system flows are less than 244 gpm.

The properties north of the Sywak property (APNs 019-310-009 and 019-310-052) could connect to MH 11 by gravity. The lowest point of that parcel is in the northeast corner along Santa Ana Road, with an elevation of about 306-ft (see Attachment 2). Assuming an 8-inch sewer starting at elevation 300-ft (5-ft of cover), 1400 feet long, installed at a slope of 0.0035 ft/ft, the invert at MH 11 would need to be 295.1-ft. This is about 8-feet deeper than the invert proposed in Table 6. If that future connection is expected to occur, manholes 9, 10 and 11 could be installed deeper to accommodate these properties.

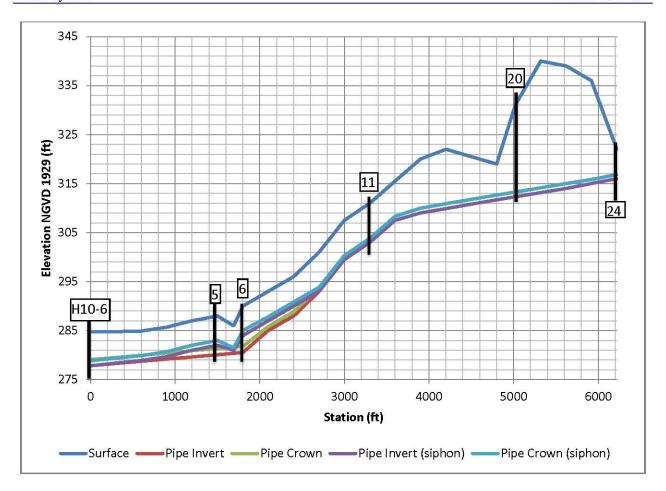


Figure 6 - Profile for Connection at MH H10-6

Table 7 - Proposed Connection to MH H10-6

	,		able / -			ccdon d) MU UTO			
Manhole	Rim		Length		Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
H10-6	284.8	6.95		277.84			15			
1	284.8	6.51	300	278.29	0.0015	0.0015	15	0.54	2.10	643
2	284.9	6.16	300	278.74	0.0015	0.0015	15	0.54	2.10	643
3	285.7	6.51	300	279.19	0.0015	0.0015	15	0.54	2.10	643
4	287	7.36	300	279.64	0.0015	0.0015	15	0.54	2.10	643
5	288	7.91	300	280.09	0.0015	0.0015	15	0.54	2.10	643
6	290	9.46	300	280.54	0.0015	0.0015	15	0.54	2.10	643
7	293	8	300	285	0.0149	0.002	12	0.4	4.99	643
8	296	8	300	288	0.0100	0.002	12	0.45	4.33	643
9	301	8	300	293	0.0167	0.002	12	0.39	5.21	643
10	307.5	8	300	299.5	0.0217	0.0025	10	0.47	5.75	643
11	311	8	300	303	0.0117	0.002	12	0.43	4.58	643
12	315.5	8	300	307.5	0.0150	0.002	12	0.36	4.75	527
13	320	11	300	309	0.0050	0.002	12	0.48	3.15	527
14	322	12.1	300	309.9	0.0030	0.002	12	0.56	2.60	527
15	320.5	9.7	300	310.8	0.0030	0.002	12	0.56	2.60	527
16	319	7.32	300	311.68	0.0029	0.002	12	0.57	2.59	527
20	331	18.7	220	312.3	0.0028	0.002	12	0.57	2.54	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.48	2.57	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H11-39:

This connection occurs at the intersection of Meridian Street and El Toro Drive. This connection would require approximately 2100 LF of off-site gravity sanitary sewer pipe and 6 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segement.

The pipeline connection to MH H11-39 is shown in Attachment 3. The different flows enter from different positions along the gravity line. Table 8 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH H11-39. Figure 7 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH H11-39.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case because those lands are downhill of this proposed connection.

For this connection the proposed gravity pipe would have to cross under the creek in the Meridian Street right-of-way, which has an estimated streambed elevation of 310-ft. This requires manholes 5 and 6 to have invert elevations of 305-ft or lower for a gravity crossing. MH H11-39 has an invert of 289.45-ft, so the average slope from MH H11-39 and MH 5 is 0.010 ft/ft, which is allowable for any diameter pipeline.

Meridian Street is two-lanes in both directions, but avoiding existing utilities and laterals along this alignment may make construction difficult. Three 8-in sewer lines already connect to MH H11-39. The proposed connection may require adding a new manhole elsewhere on an existing pipeline.

The existing gravity line may not have available capacity for the connection to MH H11-39. The Villages subdivision and Brigantino Estates Units 2 & 3 have 186 homes which will contribute approximately 71 gpm PWWF to the system flow at MH H11-39. Manhole H11-39 connects to a drop manhole, H11-38, adjacent to it in the intersection. Downstream of H11-38, the limiting segment appears to be a 12-in pipe between MH H11-28 and MH H11-32 with a slope of 0.002 ft/ft. Assuming a d/D of 0.67, the pipe has a capacity of 564 gpm. This segment may have sufficient capacity to carry the existing system flow, the 71 gpm from The Villages and Brigantino Estates Units 2 & 3, and the 135 gpm from Sywak, but it likely does not have capacity to also serve the parcels adjacent to Sywak, unless the pipeline is replaced with a larger-diameter sewer. The sewer transitions to a 15-inch diameter pipeline at MH H11-22, so the downstream system may have available capacity. This should be confirmed with the city's system model.

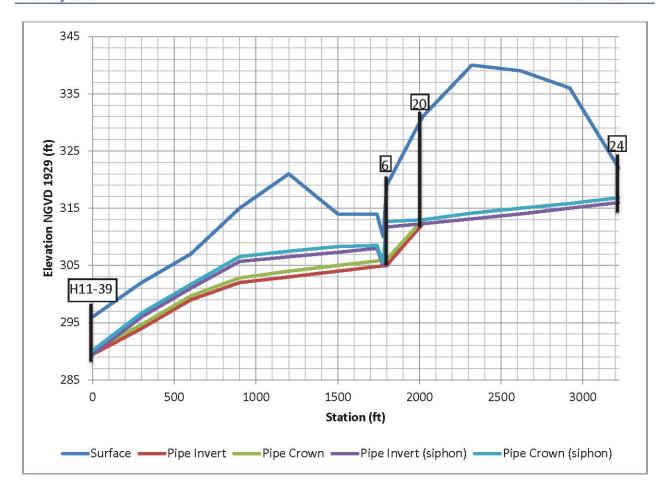


Figure 7 - Profile for Connection at MH H11-39

Table 8 - Proposed Connection to MH H11-39

				_			MU UTT.			T
Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	
management of the second	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
H11-39	296	6.55		289.45						
1	302	8	300	294	0.015	0.0025	10	0.47	4.81	527
2	307	8	300	299	0.017	0.0025	10	0.45	4.95	527
3	315	13	300	302	0.010	0.002	12	0.4	4.09	527
4	321	18	300	303	0.0033	0.002	12	0.55	2.72	527
5	314	10	300	304	0.0033	0.002	12	0.55	2.72	527
6	319	14	300	305	0.0033	0.002	12	0.55	2.72	527
20	331	18.7	220	312.3	0.033	0.0025	10	0.38	6.43	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.46	2.52	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.033	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	323.93	0.0035	0.0035	8	0.46	1.97	135
JZ	333	J	300	321	0.0033	0.0035	0	0.40	1.97	133

Connection to MH I11-2:

This connection occurs at the intersection of Meridian Street and Clearview Drive. This connection would require about 300 LF of off-site gravity sanitary sewer pipe, 600 LF of sanitary sewer forcemain, and a lift station. The lift station is required to pump from the west side of the creek to MH 11-2, which is too high to reach by gravity. The pipe sizing was determined based on the flow in each sanitary sewer pipe segement.

The pipeline connection to MH I11-2 is shown in Attachment 4. The different flows enter from different positions along the gravity line. Table 9 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH I11-2. Figure 8 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH I11-2.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case. These flows would have to travel uphill to connect to this proposed connection.

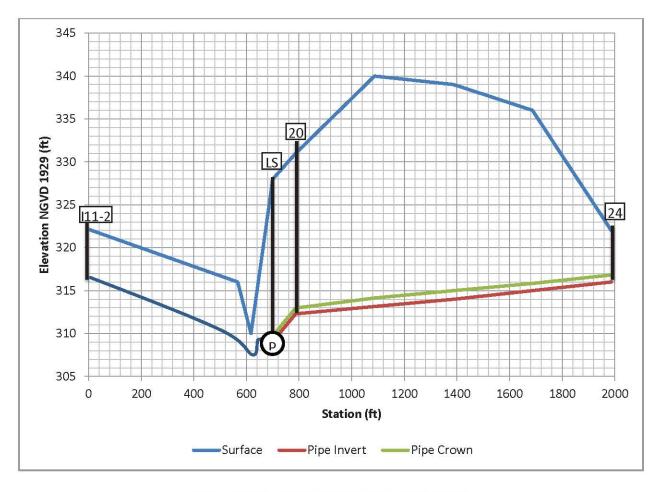


Figure 8 - Profile for Connection at MH I11-2

The invert of MH I11-2 is 316.77-ft, and the creek in the Meridian Street right-of-way has an estimated streambed elevation of 310-ft. It is not possible to cross the creek in a gravity pipeline and connect to MH I11-2 without including a sewer pump station. A pump station may be located on either side of the creek. Assuming it is installed on the east side, the pumping water level would be approximately elevation 310-ft, the pipeline would be about 700-ft long, and the pumps would be between 4.0 and 7.5 hp, depending upon the size of the force main pipeline (see Table 10).

The PWWF rate of 530 gpm is used to calculate the required pump sizes in Table 10. Friction losses are calculated using the Hazen-Williams equation for a 700-ft force main, static lift is based upon the receiving manhole invert and the assumed pumping elevation, and the minor losses are assumed. Horsepower conservatively assumes 50% pump efficiency.

Hazen-Williams Equation: $h_{\rm f} = \frac{(10.44)(L)(Q_{gpm})^{1.85}}{(C)^{1.85}(d)^{4.87}}$

where: h_f is the friction loss in feet

L is pipeline length in feet

Q is the flow rate in gpm

C is the Hazen-Williams friction factor (130 for plastic pipe)

D is the pipe diameter in inches

10.44 is a conversion constant

Pump power equation: HP = $\frac{(TDH)(Q)}{(3960)(Eff)}$

where: HP is the pump horsepower

TDH is the total dynamic head (total of friction and static lift)

Q is the flow rate in gpm

Eff is the pump efficiency, as a decimal

3960 is a conversion constant

Table 10 - Estimated Lift Station Sizing

		Nom	Act.			Haz-			Static	Minor		
Material	DR	ID	ID	Q	V	Will	L	Loss	Lift	Loss	TDH	HP
		in	in	gpm	ft/s	С	ft	ft	ft	ft	ft	
PVC,												
C900	18	6	6.09	530	5.84	130	700	14.9	8	5	27.9	7.5
PVC,												
C900	18	8	7.98	530	3.40	130	700	4.0	8	5	17.0	4.5
PVC,												
C900	18	10	9.79	530	2.26	130	700	1.5	8	5	14.5	3.9

The existing gravity system at MH I11-2 may have sufficient capacity to receive flows from the Sywak property. The pipes in Meridian Street are 8-inch and installed at slopes greater than 0.01 ft/ft, which should allow flows up to 425 gpm. It is unlikely that the system could accommodate flows from the adjacent property as well, unless the existing sewers were replaced with larger diameter pipes, including the downstream 12-inch segment identified in the previous option.

Table 9 - Proposed Connection to MH I11-2

								7		
Manhole	Rim	Depth	Length	INV	Slope	MINS	Diameter	d/D	Velocity	PWWF
	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/ft)	(in)	(in/in)	(ft/s)	(gpm)
111-2	322.14	5.37	7.56.1	316.77						
1	317	6	300	311	-0.019					527
2	316	11.9	267	304.1	-0.026					527
20	331	18.7	220	312.3	0.037	0.0035	8	0.5	6.68	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.56	2.53	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.0025	10	0.65	2.55	426
24	322	6	300	316	0.0033	0.0025	10	0.61	2.50	392
25	330	6	300	324	0.027	0.0035	8	0.4	5.10	135
26	338	6	300	332	0.027	0.0035	8	0.4	5.10	135
27	343	6	300	337	0.017	0.0035	8	0.45	4.26	135
28	350	6	300	344	0.023	0.0035	8	0.41	4.83	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.48	3.93	135
31	350	6	300	344	0.033	0.0035	8	0.37	5.48	135
32	353	6	300	347	0.01	0.0035	8	0.52	3.52	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.36	5.67	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.61	2.21	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.61	2.21	135
43	354	6	300	347.15	0.0035	0.0035	8	0.61	2.21	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.61	2.21	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.61	2.21	135
52	333	6	300	327	0.0035	0.0035	8	0.61	2.21	135

References:

<u>Drawing Set: Aerial Photography for City of Hollister</u>, prepared by MacKay & Somps Infrastructure Group, 1999

Drawing Set: City of Hollister Sewer Atlas, prepared by Wallace Group, 2010

City of Hollister General Plan, 2005

City of Hollister General Plan Land Use Map, Amended January 2009

Attachments:

- 1. Figure: Sanitary sewer connection at The Villages SSMH-19
- 2. Figure: Sanitary sewer connection at MH H10-6
- 3. Figure: Sanitary sewer connection at MH H11-39
- 4. Figure: Sanitary sewer connection at MH I11-2
- 5. City of Hollister Sewer Atlas, Sanitary Sewer Sheets G10, H10, H11, I11 and I12

From: Ambur Cameron

To: Carey Stone; David Early

Cc: Eva Kelly; Christine Hopper

Subject: FW: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for Mixed Use Zoning

Districts

Date: Monday, May 15, 2023 1:04:43 PM
Attachments: HollisterPolicyOptionsMemo 30521.pdf
PolicyOpt AppendixC 30521.pdf

Good afternoon Carey & David,

Please see Mr. Shahinian's email below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

(831) 636-4360 Ext. 1223

ambur.cameron@hollister.ca.gov

W Hollister.ca.gov

Get Involved In Community Planning!

General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Lee Shahinian

Sent: Monday, May 15, 2023 11:56 AM

To: GeneralPlan <generalplan@hollister.ca.gov>

Cc: Eva Kelly <eva.kelly@hollister.ca.gov>

Subject: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for

Mixed Use Zoning Districts

Good morning,

My family owns the 4.65 acres in downtown Hollister on which Republic Urban Properties (RUP) is proposing a mixed-use development. On behalf of the Shahinian family, I would like to voice our strong support for this project under consideration by the City of Hollister.

During the 35 years that we have owned this land in downtown Hollister, many buyers have approached us, but typically they were only interested in developing a corner lot for fast food. Our site has remained vacant along the City's major downtown corridor for far too long. Republic's high-density infill project, including live-work units along San Felipe, appears to be aligned with the City's housing requirements and their desire to keep Hollister residents in Hollister.

Reviewing the April 2023 General Plan 2040 draft, my family and RUP were pleased to see the mixed-use zoning for our property. However, the required minimum of 30 du/acre would render RUP's proposed project non-conforming. From the outset, RUP has designed their high-density mixed-use infill project for our property to conform with the attached GPA documents, which propose a minimum of 20 du/acre for our property.

Furthermore, RUP has explained to me that going from 20 du/acre to 30 du/acre makes their project no longer financially feasible, because construction costs per unit are much higher for 30 du/acre than for 20 du/acre. My family hopes you will modify the April 2023 General Plan Draft to allow mixed use with a minimum of 20 du/acre for our property. This will allow RUP to move forward with their development.

Thank you for your consideration.

Sincerely, Lee Shahinian, Jr. Managing Owner To: David Mirrione, Christine Hopper, Hollister Planning Department

From: G.W. Devon Pack, (former) San Benito County Planning Commissioner

RE: Hollister 2040 General Plan Comments

I am writing today to provide my official comments with regards to the proposed Hollister 2040 General Plan.

Hollister should consider reviewing the proposed agricultural zoning built around the city limits, as that is contrary to statewide prohibitions on new urban growth boundaries, is counterproductive to meeting Hollister's housing production needs, and is contrary to the principles of transit-oriented development, which suggests that there should be further development along key transit corridors and arteries. In particular, I urge the Hollister City Council to retain elements of the older General Plan with regards to the Buena Vista Road area. Under the older plan, this region within the city's sphere of influence would be developed as low density residential (R1). I recommend retaining that element, as it would be consistent with both earlier versions of the Hollister general plan, allow for affordable housing development, and would provide balance and equity to the exist developments of Santana Ranch and San Juan Oaks.

One positive trend in the draft General Plan is that of encouraging higher and denser mixed use buildings in the urban core. In discussing the general plan, one useful idea is to discuss extending the mixed use zoning along San Benito Street, possible all the way to Nash Road. Another might be to up-zone along Meridian Street (which connects downtown with the Western Gateway zone). In general, downzoning blocks that were previously residential blocks should be avoided. Especially in light of the proposed agricultural ring, which could be interpreted as a de-facto (and illegal) urban growth boundary by the CDH. Hollister needs to

resolve the transitional housing shortage by increasing the supply of rental housing, and that means that Hollister needs more apartments.



June 28, 2023

City of Hollister Development Services Manager – Planning Division

Attn: Eva Kelly, Interim Planning Manager 339 Fifth Street, Hollister, CA 95023

Tel: (831) 636-4360

Email: eva.kelly@hollister.ca.gov

generalplan@hollister.ca.gov

Re: Comments on City of Hollister Draft 2040 General Plan and Draft Environmental Impact

Report (SCH No. 2021040277)

Dear Ms. Kelly,

On behalf of Wright Thirteen LLC and Felipe Nine LLC, the Orosco Group appreciates the opportunity to comment on the City of Hollister Draft 2040 General Plan and Draft Environmental Impact Report (SCH No. 2021040277) dated May 2023. The Orosco Group applauds the City of Hollister for taking a pro-active look at how changing land use, emerging industries, technology, retail demand, housing needs, transportation improvements, demographic trends, and responsible and managed city growth will be addressed in the coming years.

With ownership stake in over 25 acres in the northern part of the City, approximately onequarter of the total area within the City Limits designated North Gateway Commercial (NG), we provide the following comments:

Comment #1: As depicted on Figure LU-2 Land Use Map, the northern partition of the North Gateway land use area starts at Briggs Road and extends approximately 0.65 miles from the east side of Highway 25 to the west side of San Felipe Road resulting in multiple parcels without direct frontage on the two intended City "entry boulevards", or parcels that have frontage but excessive depth not conducive to the allowable zoning uses, or parcels mid-block between the two "entry boulevards". To avoid creating these "dead zones", we recommend amending the North Gateway zoning district allowable uses to include the following complementary uses that will foster an attractive entry to the City, create technically skilled and high paying jobs, attract new and emerging businesses, and benefit from access to major transportation corridors:

- Creative / Flex Office
- Maker Space
- Research & Development (R&D)
- E-Commerce
- Robotics
- Fulfillment & Logistic Centers

- Warehouse
- Life Sciences

The proposed additional allowable uses would also benefit other North Gateway zoned properties on the east side of San Felipe Road that also do not have frontage along the major transportation corridor or have excessive lot depth. These parcels occur between McCloskey Road to the north and North Chappell Road to the south.

Since "job creation" is a highly prioritized element of the North Gateway district, the City should allow for these job creators uses. In addition to creating jobs, it will reduce traffic (commuting), improve air quality (reduced length of trips), and make the City a further desirable place to live.

Comment #2: Per Section 3.4.1 North Gateway, the North Gateway includes a triangular area northeast of Highway 25 and San Felipe Road north of Downtown that could be developed for automobile dealerships. The site has access from Highway 25, and the dealerships would be visible to all motorists entering the City. In addition to allowing for automobile dealerships and to reflect the transition from combustible to clean air vehicles, we recommend amending the North Gateway zoning district allowable uses to include the following uses:

- Electrical Vehicles Services
- Collision Centers
- Research & Development (R&D)
- Manufacturing
- Battery and Other Energy Related Power Systems and their Manufacturing, Servicing, and Sales

Comment #3: Figure LU-2 Land Use Map depicts multiple parcels to the east of the Highway 25 and San Felipe Road intersection as High Density Residential that bisects the North Gateway zoning to the north, south and partial east. Given the State's housing crisis and the need for residents to activate commercial uses, reduce vehicle trips / traffic congestion, and reduce the impact to air quality, we recommend amending the North Gateway zoning district allowable uses to feather in adjacent bisects zoning uses to include:

- High Density Residential
- Medium Density Residential
- Comment #4: Figure LU-2 Land Use Map identifies Industrial land use zoning to the north of McCloskey Rd then immediately jumping to North Gateway zoning to the south. There are a number of existing, successful, and deeply entrenched industrial users along the south side of McCloskey Road that have no frontage along San Felipe Road that are zoned North Gateway creating a legal conforming situation. Further the North Gateway zoning allowable uses are extremely limiting and not viable for parcels with no frontage along a major transportation corridor and/or excessively deep depths. As such, we recommend the City rezone these parcels

between McCloskey to North Chappell that have no frontage along San Felipe to Industrial zoning.

- Comment #5: Per Section 3.4.1 North Gateway, the area is intended to create an entry boulevard for large retail uses that cater to the commuters and other motorists arriving in Hollister from the north along Highway 25 without duplicating services found Downtown. Creating competitive commercial in the NGC designated land use areas will impact the downtown and other commercial centers in the City of Hollister. In addition, with Highway 25 being a commuter's corridor where the highest volume of trip hours occur well before sunrise as residents head to the bay area for work and return home after sunset, the majority of the targeted retail tenants the City envisions will not even be open so commuters will not stop.
- Comment #6: Per Section 3.4.1 North Gateway, the area is intended to create an entry boulevard for large retail uses that cater to the commuters and other motorists arriving in Hollister from the north along Highway 25 without duplicating services found Downtown. With the North Gateway district beginning at Briggs Road on the east side of Highway 25 and extending south, the district area is on the opposite side of the flow of traffic it is intended to capture creating the dependance for left-in and left-out traffic circulation patterns that will further impact the poor level of service of Highway 25. Further, Highway 25 has restricted access points by Caltrans, therefore it will necessitate increased turning movements at existing intersections which will also slow and impact traffic flow.
- Comment #7: The EIR under the utilities section discusses stormwater. The City has recently pushed developers to implement underground stormwater retention / detention facilities that are extremely costly and have their own set of engineering issues. The EIR references the use of drainage ponds / on-grade detention / treatment facilities. We strongly encourage the City to allow the developer to decide which type of stormwater system is appropriate in complying with the stormwater codes while also being complementary to the project instead of a one type fits prescriptive approach. On-grade drainage pods and detention systems along with bioswales can be seamlessly integrated into landscape solutions and help reduce the excessive construction required (air quality impact), off-haul of spoils (more construction trip generation and air quality impacts), that underground systems generate.
- Comment #8: The EIR under the utilities section discusses electrical and gas services. It does not appear the EIR authors are aware of the current lack of infrastructure and extensive service deficiencies PG&E has in providing electric and gas service to the norther part of the City of Hollister. Developers in northern part of Hollister have had to delay projects for over three (3) years due to the lack of available electric service. PG&E appears to be starting to investigate option for new substation and transmission lines but the timing and final implementation remain undetermined.

We look forward to continuing our engagement with the City of Hollister's General Plan update process and will continue to respond to your request for input. Thank you for being responsive to all the input you are receiving from community members including residents, customers, business partners, employees, and property owners.

Sincerely,

Matt Nohr

Orosco Group & Associates

Cc: Patrick Orosco porosco@oroscogroup.com

Chris Orosco corosco@oroscogroup.com
Geary Coats coatsconsulting@gmail.com

Christy Hopper Christine.hopper@hollister.ca.gov

San Benito County Association of REALTORS®



Mayor Casey & Hollister City Council Planning Commission & Development Service Staff 375 5th St. Hollister, CA 95023

Thank you for allowing our association the opportunity to submit comments regarding the general plan update. Our association's board of directors has taken a position regarding the proposed inclusionary housing ordinance (IHO) as outlined in policy action LU 2.1. It is the opinion of the board that an IHO requiring 20% affordable units is not economically feasible and will be a hindrance to the construction of housing at all income levels. Our board is endorsing an IHO with a 15% affordable requirement. We believe that this level of inclusionary housing can maximize community benefit without stifling investment. Please see below for additional reasoning on why we believe a 20% requirement would be harmful to the community.

<u>Creates a lack of housing</u>- Where market factors will not allow developers to increase prices to account fully for the effect of the inclusionary requirement, developers may look for cost savings in other ways. If developers are not able to recoup the cost of inclusionary requirements to a sufficient extent, they may choose to build elsewhere or not at all.

<u>Hurts the middle class-</u> A 20% IHO program could also have the effect of pushing developers to focus on providing more high-end housing in an attempt to offset a negative impact on their proforma from satisfying the excessive 20% requirement. This could constrain housing opportunities for those who do not qualify for affordable housing units because their incomes are too high, but who also cannot afford the higher priced market rate housing, exacerbating the housing affordability issue.

<u>Does not address factors that cause high housing costs</u>- factors such as high land and materials costs, lack of available sites, high impact fees, extensive conditions of approval & cumbersome permitting processes are not addressed by an excessive IHO and will continue contribute to the high cost of market-rate housing.

Thank you for your time and attention. Please feel free to contact the association if you have any questions.

Nichole Nijmeh,

President, San Benito Gounty Association of Realtors

Mission Statement of the San Benito County Association of REALTORS® is to promote growth and opportunities for its members while preserving and protecting property rights for all.

330 Tres Pinos Road, Suite C6, Hollister CA 95023

Phone: 831.636.4605



June 30, 2023

City of Hollister Development Services Manager – Planning Division

Attn: Eva Kelly, Interim Planning Manager 339 Fifth Street, Hollister, CA 95023

Tel: (831) 636-4360

Email: eva.kelly@hollister.ca.gov

generalplan@hollister.ca.gov

Re: Comments on City of Hollister Draft 2040 General Plan and Draft Environmental Impact

Report (SCH No. 2021040277)

Dear Ms. Kelly,

On behalf of Wright Thirteen LLC and Felipe Nine LLC, The Orosco Group appreciates the opportunity to comment on the City of Hollister Draft 2040 General Plan and Draft Environmental Impact Report (SCH No. 2021040277) dated May 2023. The Orosco Group applauds the City of Hollister for taking a proactive look at how changing land use, emerging industries, technology, retail demand, housing needs, transportation improvements, demographic trends, and responsible and managed city growth will be addressed in the coming years.

Wright Thirteen LLC and Felipe Nine LLC have owned a combined 25 acres in the North Gateway district of City since 2017 and 2018 respectively, approximately one-quarter of the total area within the City Limits designated North Gateway Commercial (NG) as depicted on Exhibit A-1. During that time we have pursued development strategies that are intended to realize the vision of the City's General Plan and Zoning Code. During the same period of time we have observed a changing opportunity set that reduced demand for certain approved uses and increased demand for uses that are either very similar to the existing approved uses in the North Gateway Zone or consistent with certain rezoning that is proposed by the current draft 2040 GP update.

Comment #1:

Towards the goal of advancing immediate economic development opportunities for the City and our 25 acres, as well as the 16 acres owned by our neighbor and affiliate Hollister-Forever 16 LLC (which property is presently within the County but proposed for annexation) as depicted in Exhibit A-2: we would encourage you to please consider amending allowable uses within the North Gateway zoning to include the following complementary uses:

- 1) Research & Development
- 2) Creative / Flex Office / Maker Space
- Life Sciences related facilities (including but not limited to, Sales, Manufacturing,

- Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- 4) E-Commerce related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- 5) Robotics related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- 6) Computer, Artificial Intelligence, and Technology related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- 7) Data Centers and the technological evolution thereof.

All of the above uses are unmentioned in the current zoning code but are consistent with the existing spirit and intent of the North Gateway Zone. In many cases, they are the result of technology or trends that did not exist at the time of the last General Plan Update. The allowance of these uses within the North Gateway will foster an attractive entry to the City. As consistent with the prioritized "job creation" in the the North Gateway district, this proposal create technically skilled and high paying jobs and attract new and emerging businesses. Given that the benefits from access to major transportation corridors. These uses will reduce traffic (commuting), improve air quality (reduced length of trips), and make the City a further desirable place to live.

Comment #2:

Per Section 3.4.1 North Gateway, the North Gateway includes a triangular area northeast of Highway 25 and San Felipe Road north of Downtown that could be developed for automobile dealerships. The site has access from Highway 25, and the dealerships would be visible to all motorists entering the City. In addition to allowing for automobile dealerships and to reflect the transition from combustible to clean air vehicles, we recommend amending the North Gateway zoning district allowable uses to include the following uses:

- 8) Electrical Vehicles related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)
- 9) Battery, Solar, & Alternative Energy Related facilities (including but not limited to, Sales, Manufacturing, Fulfillment, Service, Logistics, Warehouse, Wholesaling and Distribution)

All of the above uses are unmentioned in the current zoning code but are consistent with the existing spirit and intent of the North Gateway Zone. In many cases, they are the result of technology or trends that did not exist at the time of the last General Plan Update. The allowance of these uses within the North Gateway will foster an attractive entry to the City. As consistent with the prioritized "job creation" in the the North Gateway district, this proposal create technically skilled and high paying jobs and attract new and emerging businesses. Given that the benefits from access to major transportation corridors. These uses will reduce traffic

(commuting), improve air quality (reduced length of trips), and make the City a further desirable place to live.Comment #3:

Comment #3:

As depicted on Figure LU-2 Land Use Map (Exhibit A1 and A2), the northern partition of the North Gateway land use includes multiple parcels without direct frontage on the two intended City "entry boulevards", as well as parcels that have frontage but excessive depth not conducive to the allowable zoning uses, or parcels mid-block between the two "entry boulevards". Hard corners at the intersection of most roads within in the North Gateway Zone have already been developed with uses currently permitted within the zone. Further, a number of the existing retail approved uses within the NG zone are disconnected with current market demand as well as the priority of supporting the vibrancy of the City's downtown and existing commercial centers. To avoid creating "dead zones" additional uses should be added to the list of allowed uses within the North Gateway Zone that are prepresently permitted in other zones, but also consistent with the spirit, intent and other uses already permitted within the NG zone:

- 10) Professional Offices
- 11) Convenience Store
- 12) Food Products / Food Processing
- 13) Pharmaceuticals
- 14) Repair and Maintenance Consumer Products
- 15) Equipment Sales, Services, Rental
- 16) Food and Beverage Sales
- 17) Health / Fitness Clubs (Recreation)
- 18) Storage, Personal Storage Facilities

Comment #4:

Figure LU-2 Land Use Map (Exhibit A1 and A2) depicts multiple parcels to the east of the Highway 25 and San Felipe Road intersection as High Density Residential that bisects the North Gateway zoning to the north, south and partial east. Multiple parcels on the south side of N Chappell and the parcel on the northeast corner of San Felipe and N Chappell are also identified in Figure LU-2 Land Use Map as High Density Residential. Given the State's housing crisis and the need for residents to activate commercial uses, reduce vehicle trips / traffic congestion, and reduce the impact to air quality, we request High Density Residential zoning continue to our Felipe Nine LLC parcel, the existing group of legal non-conforming residential parcels, and the CALTRANS yard on the north side of N Chappell which are all immediately adjacent to identified High Density Residential zoning areas and lack any frontage on San Felipe making them viable for NG uses (See Exhibit A3). As an alternative to modifying the zoning, we request the City implement an overlay district that allows for High Density Residential within the NG zone.

Comment #5:

The EIR under the utilities section discusses stormwater. The City has recently pushed developers to implement underground stormwater retention / detention facilities that are extremely costly and have their own set of engineering issues. The EIR references the use of drainage ponds / on-grade detention / treatment facilities. We strongly encourage the City to allow the developer to decide which type of stormwater system is appropriate in complying with the stormwater codes while also being complementary to the project instead of a one type fits prescriptive approach. On-grade drainage pods and detention systems along with bioswales can be seamlessly integrated into landscape solutions and help reduce the excessive construction required (air quality impact), off-haul of spoils (more construction trip generation and air quality impacts), that underground systems generate.

Comment #9:

The EIR under the utilities section discusses electrical and gas services. It does not appear the EIR authors are aware of the current lack of infrastructure and extensive service deficiencies PG&E has in providing electric and gas service to the norther part of the City of Hollister. Developers in northern part of Hollister have had to delay projects for over three (3) years due to the lack of available electric service. PG&E appears to be starting to investigate option for new substation and transmission lines but the timing and final implementation remain undetermined.

We look forward to continuing our engagement with the City of Hollister's General Plan update process and will continue to respond to your request for input. Thank you for being responsive to all the input you are receiving from community members including residents, customers, business partners, employees, and property owners.

Sincerely.

Matt Nohr

Orosco Group & Associates

Cc: Patrick Orosco porosco@oroscogroup.com

Chris Orosco corosco@oroscogroup.com

Geary Coats coatsconsulting@gmail.com

Christy Hopper Christine.hopper@hollister.ca.gov

Exhibit A1 - Figure LU-2 Land Use Map

CITY OF HOLLISTER 2040 DRAFT GENERAL PLAN

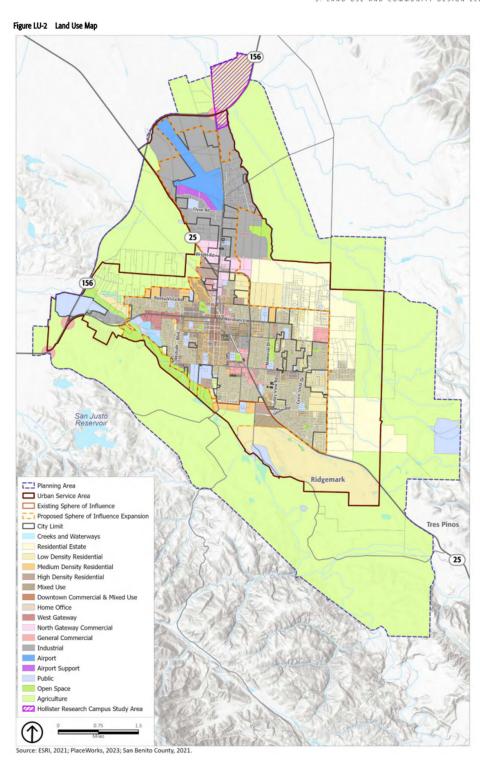


Exhibit A2 - Figure LU-2 Land Use Map

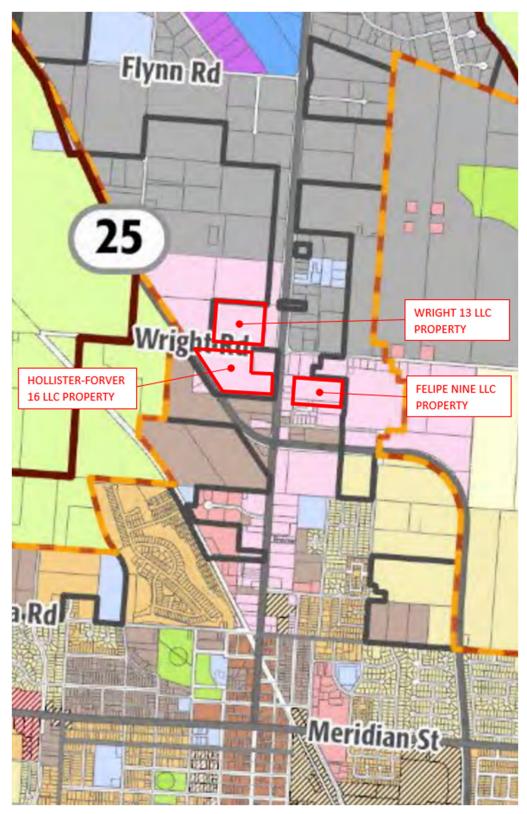
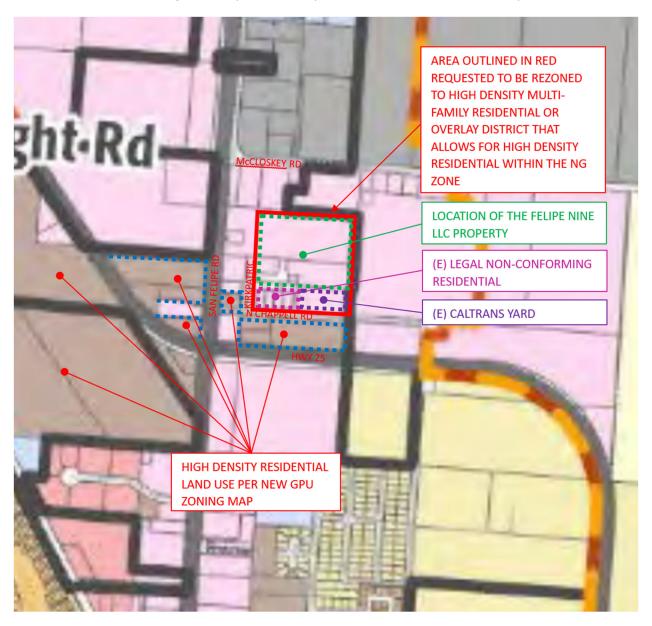


Exhibit A3 - Proposed High Density Multi-family Residential Rezone or Overlay District



From: <u>Ambur Cameron</u>

To: <u>Tejas Chakravarthi</u>; <u>David Early</u>; <u>Carey Stone</u>

Cc: Eva Kelly; Christine Hopper

Subject: FW: Commenting on Hollister 2040 Plan - 4-Way Stops on Sunnyslope Road

Date: Thursday, June 22, 2023 2:28:09 PM

Good afternoon,

Please see the email below from Maureen McCullough regarding the City of Hollister's Draft General Plan.

Ambur



Ambur Cameron, Senior Planner

City of Hollister Development Services Department

339 Fifth Street, Hollister, CA 95023

(831) 636-4360 Ext. 1223

ambur.cameron@hollister.ca.gov

W Hollister.ca.gov

Get Involved In Community Planning!

General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Maureen McCullough

Sent: Wednesday, June 21, 2023 6:33 PM

To: GeneralPlan <generalplan@hollister.ca.gov>

Subject: Commenting on Hollister 2040 Plan - 4-Way Stops on Sunnyslope Road

Hello,

Regarding the Hollister 2040 Plan to include widing Sunnyslope Road to four lanes from El Toro Drive to Fairview Road (page C-25, under table C3 Network Improvements), I would like to advocate 4-Way Stops installed at the intersection of Dry Creek Road, Cerra Vista Drive and Sunnyslope Road; and at the intersection of Highland Drive and Sunnyslope Road.

Currently traffic exceeds the speed limit on Sunnyslope Road, increasing the road to four lanes without 4-Way Stops will only exacerbate the existing problem.

Thank you,

Maureen McCullough

Sent: Thursday, June 29, 2023 1:46 PM

To: GeneralPlan < <u>generalplan@hollister.ca.gov</u>> **Subject:** Hollister General Plan - ALPP EIR

I would like to express my opinions on the HOLLISTER General Plan - ALPP EIR

- 1. I believe there is a lack of Public Out Reach to stake holders in our community and I am recommending more time be allowed to promote more outreach.
- 2. On the subject of PRESERVATION OF AGRICULTURE LAND, the ratio of 2:1 is two high, currently the city of Hollister, San Benito County and Monterey County are at 1:1 ratio. I do not see the need to change it.
 - Raising the ratio to a 2:1, dramatically increases the cost of Commercial and housing in our city, and drives new development away from the city to our county and to neighboring counties. We need to be doing everything in our power to promote commercial activity which in turn provide local jobs.
- 3. The 200 foot buffer zone has no exemptions or flexibility, all parcels and locations would be different. This has to be modified. The 200 foot buffer zone is another ordinance that ends up raising costs of all projects, making them unaffordable.

Thank you for your time and attention, Graham Mackie, long time resident.

----Original Message-----

From: Clementine Jones

Sent: Thursday, June 29, 2023 6:15 PM

To: GeneralPlan < generalplan@hollister.ca.gov >

Subject: Sunnyslope

Hello,

Regarding the Hollister 2040 Plan to include widing Sunnyslope Road to four lanes from El Toro Drive to Fairview Road (page C-25, under table C3 Network Improvements), I would like to advocate 4-Way Stops installed at the intersection of Dry Creek Road, Cerra Vista Drive and Sunnyslope Road; and at the intersection of Highland Drive and Sunnyslope Road.

Currently traffic exceeds the speed limit on Sunnyslope Road, increasing the road to four lanes without 4-Way Stops will only exacerbate the existing problem.

Thank you,

Copied from another Sunnyslope rd resident Sent from my iPhone



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Chancellor, UC Santa Cruz

Matt Huffaker, Board Vice-Chair

City Manager, Santa Cruz

Tom Moran, Treasurer

President & CEO, Goodwill Central Coast

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President, Ow Commercial Properties

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President, California State University, Monterey Bay

Miles Reiter

CEO, Driscoll's

Francine Rodd

Executive Director, First 5 Monterey County (F5MC)

Faris Sabbah

Santa Cruz County Superintendent of Schools

Bonny Simi

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President & CEO, Santa Cruz County Bank

Susan True

CEO, Community Foundation Santa Cruz County

Matt Wetstein

Superintendent/President, Cabrillo College

Staff: Tahra Goraya, President & CEO

June 29, 2023

Hollister City Council 375 Fifth Street Hollister, CA 95023

Subject: Extension of Public Outreach and Comment Period for City of Hollister 2040 General Plan

Monterey Bay Economic Partnership (MBEP) writes to request an extension of the public comment period for the City of Hollister 2040 General Plan. It is crucial to ensure a diverse range of voices are heard and considered, including stakeholders from the development community whose input might better inform General Plan Land Use policies.

Policies such as the 2:1 agricultural mitigation policy (Policy OS-2.1) and the inclusionary housing ordinance (Action LU-2.1) warrant further analysis for their feasibility and potential impacts, particularly considering the Regional Housing Needs Allocation (RHNA) for Hollister of 4,163. Increasing mitigation requirements increases the cost of development and may raise the barrier to affordable development. Similarly, a flat 20% inclusionary requirement without concessions for impact fees or density bonuses or other incentive programs may make it difficult to produce affordable housing. We recommend conducting a more thorough analysis of their impacts on housing production, specifically affordable housing production.

Additionally, the City of Hollister must ensure that the General Plan update accommodates the 6th Cycle Housing Element. Submitting and adopting a General Plan before updating the Housing Element – especially with policies bearing on housing production – risks a time and cost-intensive process of further updates to the General Plan in the future.

We are happy to extend our services and resources in the convening of stakeholders and analysis of policy to ensure a 2040 General Plan that meets the needs of the City for generations to come. Please feel free to contact Director of Housing and Community Development Policy Gabriel Sanders at gsanders@mbep.biz.

Sincerely,

Tahra Goraya, MA, MPA President & CEO

> 3180 Imjin Road, Suite 102 Marina, CA 93933 831.915.2806

Santa Cruz . San Benito . Monterey

June 28, 2023

City of Hollister Development Services Department Planning Division 339 Fifth Street, Hollister, CA 95023 generalplan@hollister.ca.gov

To the Planning Division,

I write on behalf of my mother Maria Gomes, who, since 1969 has lived within 200 yards of her current home at Buena Vista Road. My father, Joe Gomes, who passed away almost seven years ago, farmed and lived on the property from 1969 until his passing. While I don't live in Hollister now, I spent the first 18 years of my life on the same property. The property's APN is

In 1969, my father and his business partner, Manuel Pereira purchased two parcels of farmland that included my mom's current property. It was farmed as a single parcel. That land got water from a well located on the property that had been in existence since before the property was purchased. In 1994 the partnership came to an end, and the property was divided into two relatively similar sized parcels between my father and his former business partner. Mr. Pereira took a portion of the land to the east, and my parents took the western portion, where my mom currently lives. This split created a unique zig-zag line separating the two parcels, which I would not expect to be approved today. The well was included in Mr. Pereira's parcel and we continued to, and still do, get water from that same well. Mr. Pereira's portion of the original parcel was subsequently sold, brought into the sphere of influence, recently annexed to the City, and has been approved for the development of 130 duplex and triplex units. Due to the unique characteristics of my mother's property, from a planning perspective we believe it makes sense that it should be included within the Sphere of Influence as residential property.

While my parents land provided a home base for their apricot farming business, we no longer farm apricots on the land but lease it to a farmer who grows various row crops. The rent we receive from the farming is very small. My mother has significant concerns that the current Draft 2040 General Plan will detrimentally impact her property's value and negatively affect her long-term well-being. We have

submitted written letters to the GPAC Committee in the past, but I want to highlight some key issues that were not addressed in those letters.

In the 2005 Hollister General Plan, my mother's property was designated, and others along Buena Vista, as Low-Density Residential, a designation allowing 1 to 8 units/net acre (**Attachment #1** – Existing General Plan Map). While her property was not included in the Sphere of Influence, it is immediately adjacent to the Sphere of Influence line and within Hollister's Planning Area. The property was also included within "Phase 4" of the City's 2005 General Plan Phasing Strategy (**Attachment #2** – 2005 General Plan Phasing Strategy), so my parents understood and hoped that the property would likely be added into the City's Sphere of Influence sometime in the future. Further, In Table B-4 to the 2005 General Plan, her property is listed among "Vacant Residential Land in the General Plan Planning Area" and is described as potentially allowing 78 to 104 dwelling units (**Attachment #3** - Table B-4).

The Draft 2040 General Plan Land Use Map (Attachment #4) would change the designation of my mother's property from LDR to agricultural, and severely diminish the perceived value of her home and property that has been a constant since at least 2005. In short, its value would roll backwards.

Another issue is the well that services my mom's property. That well is now located in Hollister, not the County. Not only does the well provide water for my mother, but it also provides water for two homes on her property. The well frequently has problems, which my mother is responsible for handling. When there is a problem, my mom has deal with it. At 78, addressing these problems is very taxing on her. When the current development to the east of our land is complete, my mom will have to enter that residential community to address problems with the well. (Attachment #5). I don't know if there are any regulations discouraging the City well from servicing County property, but from a practical perspective I can tell you that it makes little sense.

Once the development to the east of my mom's property is complete, she will have Hollister homes to the south and east. I understand that inclusion in the Sphere does not guarantee that my mom's land can be developed. However, without inclusion in the Sphere of Influence in the 2040 General Plan, it will be 17 years before my mom's property could be included in the Sphere and development explored. During that time, she will be left with no choice but to continue to rent the land for farming and have to address issues with the well. At 78, that situation is far from ideal.

We understand that the City has to make choices on how it grow and has mandates from the State of California to add housing. While the decision of where to add housing is for the City, we think the inclusion of my mother's property in the Sphere has logical and pragmatic support.

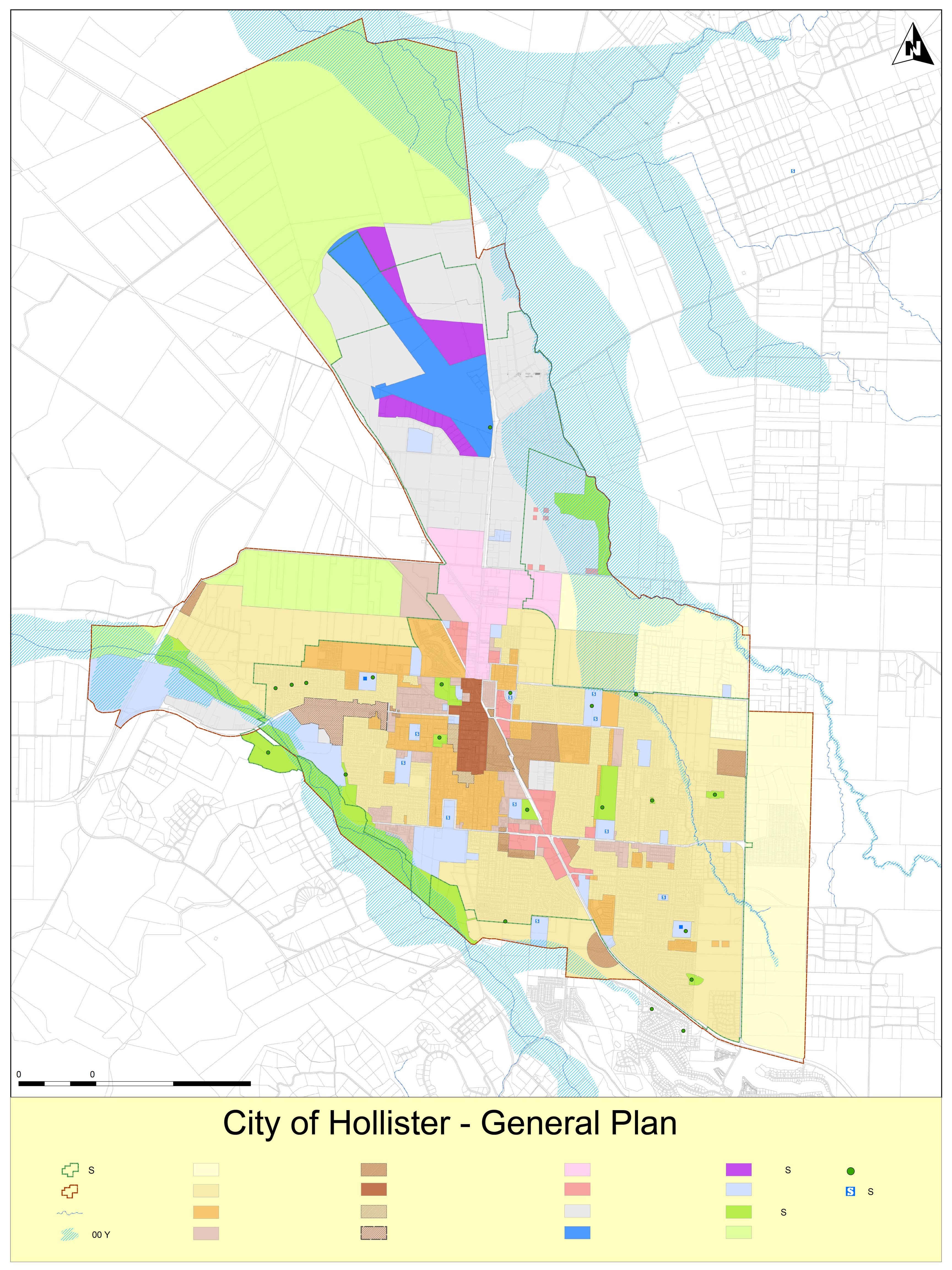
For all of these reasons, I ask that you include my mom's property in the 2040 plan's Sphere of Influence and maintain the residential designation given to the property in 2005. This will provide for the chance at annexation, which would also give Hollister a clean City limit line and eliminate the zig-zag property line and unusual well situation that resulted from a split of the parcel nearly thirty years ago.

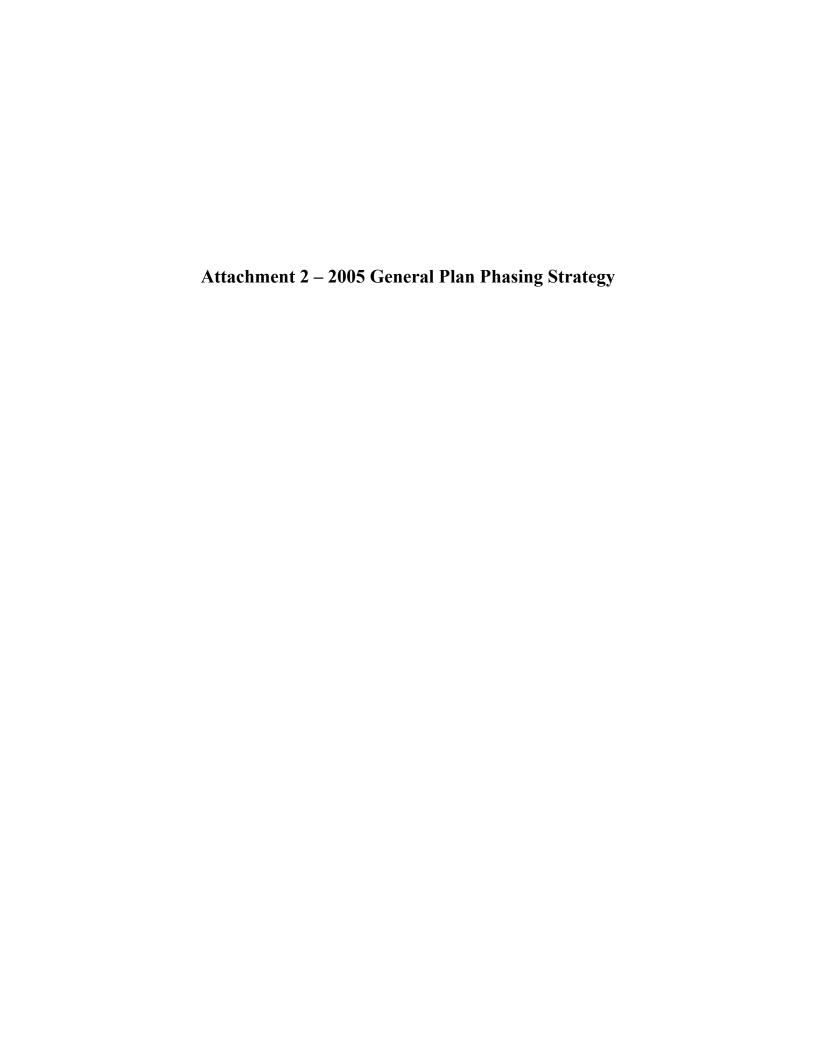
Regards,

Allan Gomes

On behalf of Maria Gomes







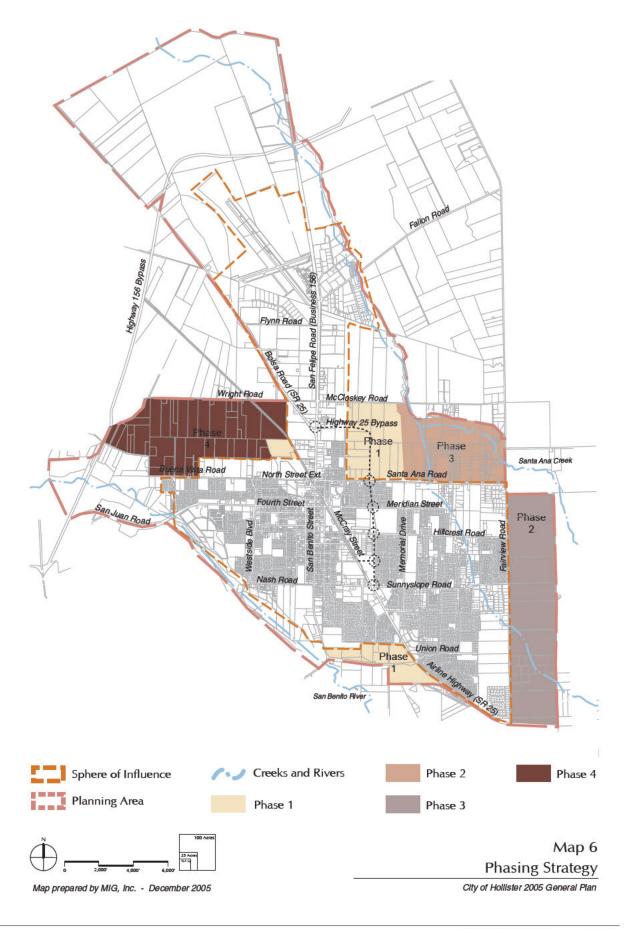




Table B-4 Vacant residential land in General Plan Planning Area

18-22-10	LDR	Phase 4	Buena Vista	5.17	5.17	30	41
18-22-12	LDR	Phase 4	Buena Vista	5	5	30	40
18-22-7	LDR	Phase 4	Buena Vista	2.31	2.31	12	18
19-10-14	LDR	Phase 4	Buena Vista	4.83	4.83	24	39
19-10-18	LDR	Phase 4	Buena Vista	5	5	30	40
19-10-19	LDR	Phase 4	Buena Vista	24.51	24.51	147	196
19-10-20	LDR	Phase 4	Buena Vista	5.31	5.31	30	42
19-10-21	LDR	Phase 4	Buena Vista	5.01	5.01	30	40
19-11-19	LDR	Phase 4	Buena Vista	33.58	33.58	201	269
19-11-22	LDR	Phase 4	Buena Vista	39.23	39.23	235	314
19-11-26	LDR	Phase 4	Buena Vista	12.92	12.92	78	103
19-11-28	LDR	Phase 4	Buena Vista	41.88	41.88	251	335
19-11-30	LDR	Phase 4	Buena Vista	2.3	2.3	12	18
19-11-32	LDR	Phase 4	Buena Vista	13.9	13.91	78	104
				200.95	200.96	1188.72	1599
19-23-2	LDR	No Phase	Buena Vista	4.85	4.85	29	38.8
19-23-3	LDR	No Phase	Buena Vista	5	5	30	40
19-23-10	LDR	No Phase	Buena Vista	2	2	12	16
19-23-19	LDR	No Phase	Buena Vista	4.3	4.3	26	35
19-23-20	LDR	No Phase	Buena Vista	4	4	24	32
19-23-21	LDR	No Phase	Buena Vista	5	5	30	40
29-23-22	LDR	No Phase	Buena Vista	4.5	4.5	27	36
19-23-23	LDR	No Phase	Buena Vista	9	9	54	72
19-24-20	LDR	No Phase	Bidgevale	4	4	24	32
				42.69	42.69	256.14	341.52

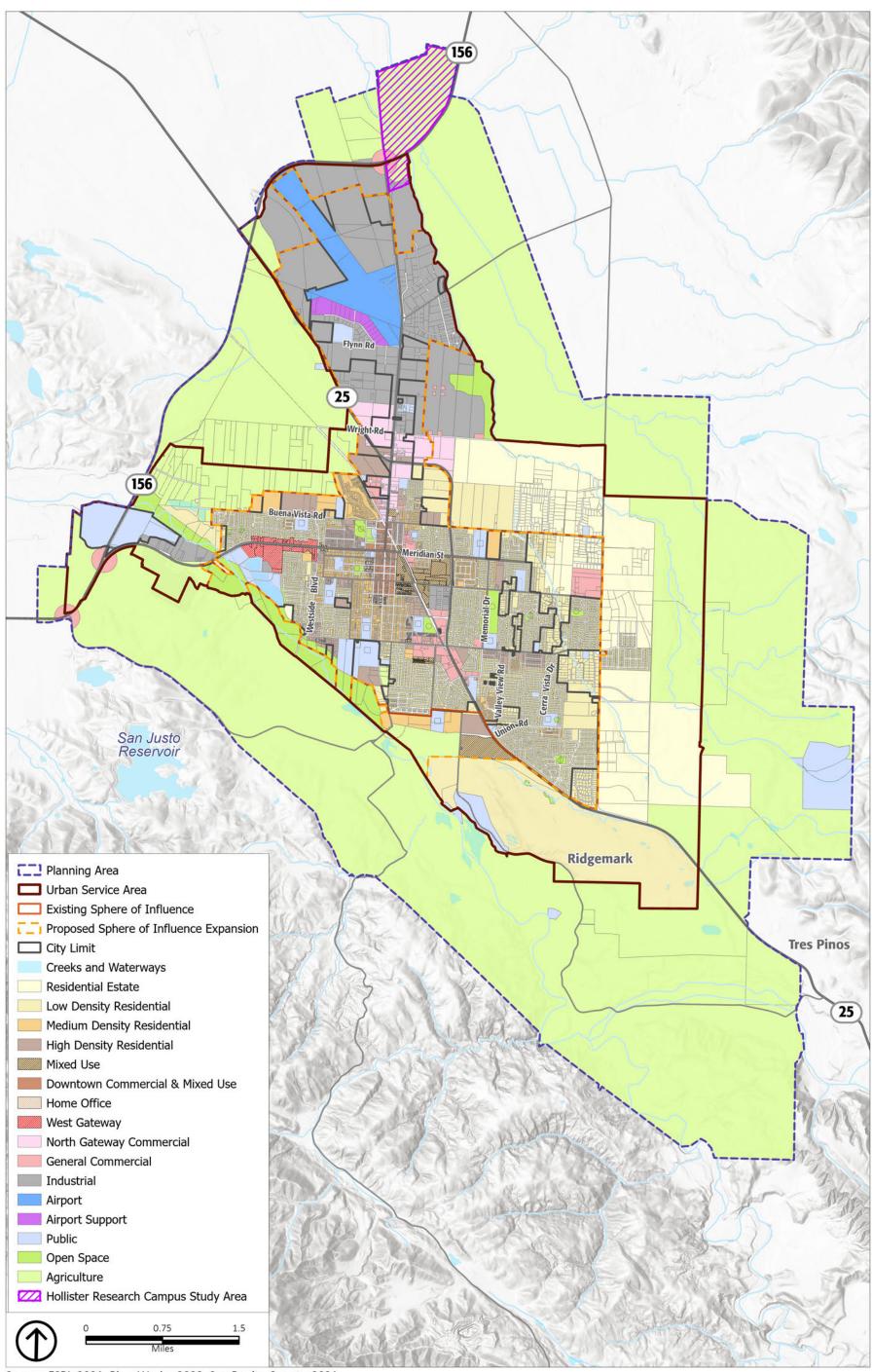
Medium Density Residential

					Annex			
	General				Sphere	Average	Max	ximum
APN	Plan	Phase	Street	Acres	Acres	10 du/ac	12	du/ac
19-11-31	MDR	Phase 4	Buena Vista		5	5	50	60

High Density Residential

APN	General Plan	Phase	Street	Acres	Annex Sphere Acres	Average 24 du/ac	Maximum 40 du/ac
19-13-12	HDR	Phase 1	NorthSt. Area	31	31	744	1085
19-13-10	HDR	Phase 4	NorthSt. Area	20.46	20.46	491	716
19-13-11	HDR	Phase 4	NorthSt. Area	31	31	744	1085
19-13-21	HDR	Phase 4	NorthSt. Area	15	15	360	525
19-13-25	HDR	Phase 4	NorthSt. Area	20	20	480	700
Total	HDR			117.46	117.46	2819	4111

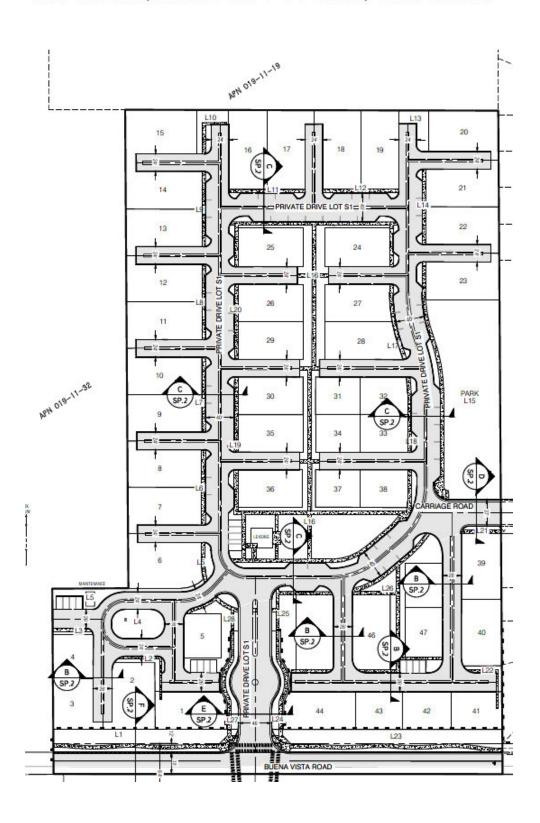




Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.



VESTING TENTATIVE SUBDIVISION MAP FOR 1620 BUENA VISTA MULTI-FAMILY HOLLISTER, SAN BENITO COUNTY, CALIFORNIA





DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Hollister-Gilroy Area 740 Renz Lane Gilroy, CA 95020 (408) 427-0700 CALIFORNIA GRINAY PATED

June 21, 2023

File No.: 725.14548.17803

City of Hollister 339 Fifth Street Hollister, CA 95023

Attention: Eva Kelly, Interim Planning Manager

SCH: 2021040277

I was recently requested to review the Notice of Environmental Impact document from the State Clearinghouse (SCH) related to the Hollister 2040 General Plan. After reviewing SCH# 2021040277, as well as the information and procedures outlined in General Order 41.2, Environmental Impact Documents, the Hollister-Gilroy Area does not believe the addition of bicycle paths within the City of Hollister will adversely affect traffic-related matters in the area. The Hollister-Gilroy Area is opposed to the bus-on-shoulder concept of this project. Motorists involved in traffic crashes, experiencing medical emergencies, or who have mechanical troubles, are instructed to move to the shoulder and out of the traffic lanes. Peace officers respond to these incidents make all efforts to move the involved vehicles off the freeway or to the right shoulder to minimize secondary traffic crashes and the associated risks. When officers make traffic stops on the freeway, drivers pull to the shoulder and stop, as they are instructed to do in driving classes and per California Vehicle Code §21806. Based on past experiences in San Benito and Santa Clara counties, if busses (or other vehicles) are allowed to drive on the shoulder, other motorists will undoubtedly follow suit, creating an additional lane and removing the availability of the shoulder for true emergencies. Busses driving on the shoulders, and the inevitable vehicles which follow them, may cause confusion for other motorists and result in an increase of traffic related crashes in the area. Additionally, Appendix F, exhibit 5, identifies a Class III Bicycle Path along SR-25. These scenarios have the potential of making the roadways more dangerous and increasing liability for the State and all involved government agencies. Authorizing any vehicle to drive on the shoulder will cause an undue safety hazard to the motoring public, road workers, and peace officers working in the area. If the bus-on-shoulder program were to progress, additional discussion would be needed to develop proper procedures regulating specific times or scenarios which would allow busses to use the shoulder as well as the speeds at which they would be allowed to travel. The Hollister-Gilroy CHP Area has concerns with this overall project.



City of Hollister Page 2 June 21, 2023

The Hollister-Gilroy Area supports the construction of a Class I Bicycle Path adjacent to the existing railway. The Hollister-Gilroy Area recommends additional safety measures be considered for the proposed bicycle path along the existing railway to ensure the safety of the bicyclist and the passenger/freight trains.

If you have any questions, please contact our office at (408) 427-0700.

Sincerely,

P. COOPER, Captain

Commander





LAND PLANNING • ENVIRONMENTAL PLANNING • ENTITLEMENT/PROJECT MANAGEMENT • BRANDING

TO: Christi Hopper

City of Hollister Planning Department

FROM: Geary Coats

DATE: 5/28/23

SUBECT: Hollister General Plan Update

Good afternoon Ms. Hopper;

I want to thank you and the Planning Commission for the opportunity to present my comments on the North Gateway Commercial Land Use Designation and the allowable uses. I am respectfully requesting to amend the allowable uses within the North Gateway Commercial Designation by permitting industrial uses along with the existing uses.

"The North Gateway Commercial designation is intended to foster an attractive entry to the City of Hollister by featuring commercial and service-oriented businesses along with high-employment uses such as office parks. The design guidelines described in the "Special Planning Area" section of this element stipulates additional criteria that development within the North Gateway must meet."

The current North Gateway Commercial designation (NGC), limits land uses to commercial and/or office use. With the existing approved Regional Center at Hwy 25 and San Felipe Road; any other commercial center in the NGC will be in direct competition. At the present time there is not adequate residential use support to require this amount of commercial development. This type of Commercial land use is already provided for in current centers (Hwy 25 and Sunnyslope Road). In addition to the existing centers (Target, Ace Hardware, Nob Hill etc..) there is an existing, under used regional site, at the old K Mart property. The existing commercial sites, along with the old K-Mart property, provide adequate commercial development to meet the needs of the surrounding residentially designated lands. The location of these new, large scale commercial projects, need to be close to the city's residential centers. Putting larger scale commercial projects on the north side of town (NGC) does not provide convenient access availability to the city's residential centers.

The current land use element provides for "Specific Plan / Area Plan Overlay – this designation is intended to identify areas that require special planning

attention to promote a mix of land uses that remain flexible enough to adjust to changing market demands."

Allowing the use of a Specific Plan or Area Plan Overlay, will permit a property of sufficient size (5 acres or larger) to propose a mixed-use plan. This plan will need to address the "Gateway" importance, but not limit the site's potential of providing uses that may be varied, while at the same time providing for the creation of larger employment opportunities.

In the northern Hollister General Plan Area, a very new and important land use trend has begun. Area and Regional industrial uses have located in the corridor between San Felipe Road, Hwy 25 and Hwy 156 Bypass. It is easy to see the reason for the draw to this area:

- Ease of access to Hwy's 101 & Hwy 5
- Parcel sizes adequate to allow "large scale" users to develop
- Accessibility to the Hollister airport
- Additional land for development of support industrial uses.

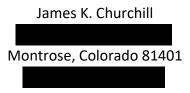
A very large benefit will be the job creation. These types of industrial services will employee large numbers, and will look to Hollister, San Benito County, and reverse commuters from Santa Clara County to staff these jobs. Since "job creation" is a key element of the North Gateway Commercial designation, we need to allow industrial/job creators as allowable uses. I am concerned that if the allowable uses are not expanded to include "Industrial" job creators, the city will end up with underutilized properties having vacant in-line commercial strip centers, thus missing the clean industrial job creators of the future.

I request the City General Plan Committee, Planning Commission and City Council amend the allowable uses within the North Gateway Commercial Designation to include Industrial uses. Alternatively, a means of allowing a mixed-use project of Commercial, Office and Industrial uses will be to utilize an Area Plan or Specific Plan as an "Overlay" use in the North Gateway Commercial Designation, as previously discussed in the current land use element.

I would also like to request to be notified of when the General Plan Update Committee and the Planning Commission are meeting to discuss possible amendments to the City General Plan, so that I am able to present our approach for discussion and consideration.

Respectfully Submitted;

Geary Coats Principal



July 18, 2023

Christine Hopper, Development Services Director City of Hollister Development Services 339 Fifth Street Hollister, CA 95023

Re: 2040 Draft General Plan Update

Dear Ms. Hopper,

reasonable.

The Churchill family has owned property in San Benito County for more than 75 years. It is with interest that I have reviewed the Draft General Plan Update, the proposed Agriculture Lands Preservation Program, and the proposed Climate Action Plan.

I have the following questions and comments regarding these three documents:

Chapter 17.13 – Agricultural Lands Preservation Program

There are several requirements which are extreme and create an undue hardship on the property owner of agriculture land. These extreme conditions will also act to limit growth of all types due to the inability of the agricultural land owner to comply.

Concern: 17.13.030- B. 4 - Agricultural Lands: All lands which in the reasonable judgment of the City of Hollister have the physical characteristics and yield potential to qualify as one of the classifications in Section 17.13.030.B.2. Whether or not the land under consideration is currently used for agricultural production shall not be a criterion in this determination.

Concern – The four recognized classifications are adequate and a 5th "City Opinion" is excessive. The four classifications rely on recognized criteria and are sufficient for making a determination on specific land.

Concern: 17.13.050 - Overall Requirement: Before any Development Project that involves conversion of one (1) acre or more of Agricultural Land to uses other than Agricultural Uses may occur, Agricultural Conservation Easements on other Agricultural Lands that Comply with criteria established in Section 17.13.090 shall be dedicated to the City of Hollister or to an Easement Holder selected by the City of Hollister, at a rate of at least two(acres) of Agricultural Land for each one (1) acre of Agricultural Land to be converted [2:1 ratio] Response: What is the nexus that would require twice as much mitigation as impact? This is not

Concern: 17.13.090 - Eligible Lands: To Achieve the purpose of this chapter, lands proposed for acquisition of Agricultural Conservation Easements shall share the characteristics of Agricultural Land and meet the following criteria:

A. The lands shall be located in the City of Hollister Planning Area, as defined in the City of Hollister General Plan.

Concern: Limiting eligible land to those properties which are in the City Planning Area will ensure that the Developer will be forced to pay top dollar for a limited commodity. Further criteria in the new program will severely limit the properties that are actually available for mitigation.

D. Where a dedication of Twenty (20) or more acres is required, lands shall be composed of legal parcels of twenty net acres or more in size. Parcels less than twenty net acres in size shall only be allowed for dedication if merged to meet the minimum size requirement prior to execution of the Agricultural Conservation Easement.

Concern: the requirement that parcels be a minimum size of twenty acres or be adjacent parcels, capable of being merged will further reduce the opportunities to locate properties to satisfy the mitigation. If preservation is the goal, does the size really matter?

In Summary: This program creates a situation where almost any vacant land could be deemed subject to mitigation, at double the impact. Trying to locate a suitable property is further hindered by limiting location and requiring a minimum size of 20 acre parcels. If the goal is to discourage development, this is an effective tool.

Climate Action Plan

Concern: How are the origins of Green House Gas determined? Who will make these decisions? Is a project responsible for determining their impacts or will the City?

2040 General Plan Update

Section 3 - Land Use

3.3 Land Use Designations

Comment – section 3.3.3 precludes single family detached homes from the Medium Density Residential category. If a housing product is able to meet the density, it should not be excluded. This also applies to Policy LU-2.7. Section 3.3.9 details the uses under General Commercial. The Churchill property (Hillcrest and Fairview) is proposed for this use. The land use designation is reasonable, however, trying to direct the type of commercial to be a regional attraction or community destination (such as Santana Row) is not realistic. Commercial Brokers have advised that they would not be able to bring those types of business to the Churchill property. That vision also seems to be in conflict with supporting the downtown business area and those existing merchants.

3.4 Special Planning Areas

Comment – Figure LU-4 shows the Churchill property is included in the Meridian Street Extension Planning Area. The majority of the owners in this planning area have no interest in

selling their property or annexing into the City. The requirement for a specific plan is going to make it nearly impossible to get group consensus on future uses of the area which will cause a hardship for the Churchill property. The Churchill property is anxious to annex now, but is potentially prevented from doing so by the expense and timing of securing a specific plan for this 250 acre (+/-) area, of which the Churchill project is only 23 acres. The Churchill property should be excluded from the Specific Plan, but kept as General Commercial. At a minimum, the requirement for a Specific Plan should be deferred to after annexation, but prior to approval of a development project (see Action LU-13.2)

3.6 Land Use and Community Design Element Goals, Policies, and Actions

Comment – Policy LU-1.7 requires a Specific Plan on annexation requests over 20 acres, or any non-residential use regardless of size. 20 acres is too small to require a Specific Plan and should be applicable to larger parcels with more potential for development. A single property owner with more than 20 acres should not be subject to a Specific Plan as there are other planning tools for the City to use to get a project they want. Non-residential properties should be allowed to proceed without a Specific Plan if they are smaller than 25 acres – especially commercial as most of the site will be parking.

Comment – Action LU-13.1 calls for the City to prepare a cost analysis for the implementation of the Meridian Street bridge. The costs for a bridge should not be placed solely on new development. This is an improvement that would benefit all residents as they travel through town and should be paid for by all residents.

3.6.16 Community Design

Comment – Policy LU-16.1 discourages the use of franchise architecture and/or corporate branding. The Churchill property has a General Commercial land use designation. There is a concern that this type of restriction will keep certain national businesses (Sprouts, Trader Joes) from coming to Hollister if they are not allowed to use proven architecture and branding. This part of the policy should be removed. Policy LU-18.9 requires 48" box trees for street trees. Most arborists agree that planting large box trees is not the best idea. Tree roots in a large box tend to grow much slower than tree roots from smaller containers. The result is not only slower overall growth of the tree but less drought tolerant. Trees that have been transplanted or transferred from large containers tend to go into shock, the roots are less aggressive, meaning less overall growth. The proposed policy goes against current thinking by the experts. The larger sizes are also harder to find in quantities that would be needed to fill in a landscape strip.

Section 4 – Circulation

Figure C-1 – Roadway Classifications – Is it accurate to depict Fairview Road as a highway? Table C-1 shows an association of Commercial use with an Arterial/Major collector Street. Figure LU-2 proposes the property at the corner of Hillcrest and Fairview as General Commercial. Surrounding uses along Fairview are residential.

4.1.5.1 Transportation Demand Management states the City will prepare a list of TDM strategies for new development projects to reduce VMT generated from the development.

Policy C-1.4 – Transportation Demand Management – Reduce single-occupant vehicle usage using TDM strategies.

Comment: What are examples of TDM strategies? How would these strategies be implemented if a project is located in a more rural setting? Is it reasonable to expect a rural resident to avoid using their car and how can a developer influence that decision? It seems likely that a rural resident would require their single occupancy vehicle to visit a commercial property that sold products.

4.3.2 Circulation System Improvements

Action C-2.2 - Meridian Street Extension -

Comment: How will this study be funded? How will the costs be shared by all city residents? It is unfair to straddle the owners of the study area with the expense of the study and possibly the improvements.

4.3.4 Roadway Standards

Policy C-4.6 Transportation Demand Management Requirements – Require new or existing developments that meet specific size capacity and/or context conditions to implement TDM strategies.

Comment: What are the strategies? What criteria will be used to determine which developments are subject to this policy? How can existing development be required to participate. This policy is very vague and needs more information/explanation of its goal.

Section 7 – Natural Resource and Conservation

Comment: Section 7.2.1 lists multiple policies for ensuring enhanced habitat for native plants and animals (Goal NRC1). Policy NRC-1.7 is written to require an impact fee by the County for every home or acre developed, if the property is within San Joaquin Kit Fox habitat area boundaries. There should be no assessment if there are no species detected during the preconstruction surveys. Will projects within the City limits be subject to the San Benito County Habitat Conservation Plan?

Does Policy MRC-1.8 requires site assessments within critical habitat areas, to evaluate project potential for negative impact on CTS and CRLF. Is a 2nd peer review only required when the habitat is high quality? If not, it should be limited to this scenario. Is this policy suggesting that lengthy, time consuming protocol studies are the only way to confirm absence? Is this precluding the opportunity to acquire a Take Permit if habitat is not "high quality"? Section 7.2.3 (Air Quality) includes policy NRC-3.8 which requires Commercial and Industrial Projects exceeding 10,000 sf to be zero emissions operations – including the facilities themselves and associated fleets. Our state is not prepared to supply the electric energy necessary to achieve these measures. It is not reasonable to expect a business to control the engine types on vehicles that deliver supplies to their facility. This is a business killer! Are we trying to discourage those tax dollars?

Figure NRC-3 Illustrates locations of Special-Status Animal Species and Critical Habitat? At what point will this exhibit be updated to reflect existing conditions? For example, the Santana Ranch

project east of Fairview Rd is nearly built out. It's reasonable to expect that the Santana Ranch project area no longer supports the habitat and/or species identified on figure NRC-3.

Section 9 - Open Space and Agriculture

James K Churchill

Comment: Section 9.9.2 (Agriculture Preservation) includes Policy OS-2.1 which requires two (2) acres of Ag land as mitigation for conversion of one (1) acre. As noted in my Agricultural Lands Preservation Program comments – what is the nexus for double the impact? This section should be amended to require 1:1.

Policy OS-2.2 requires new development to provide a 200' buffer AND pay a fee to the City to manage the buffer. This should be amended to allow an HOA or the City to manage the buffer so that it isn't in conflict with Action OS 2-2.

I appreciate the opportunity to offer my questions and comments. I look forward to an updated plan that is realistic, reasonable, and fair to those who desire to do business in the City as well as those who choose to reside in Hollister.

7-20-2023

Sincerely,

James K. Churchill

From: <u>Talli Robinson</u>

To: <u>Erica Fraser</u>; <u>Christine Hopper</u>; <u>Eva Kelly</u>

Cc: Ross Doyle; Dr. Christopher Churchill; Jennifer Churchill; John Churchill; Jim Churchill

Subject: RE: Churchill Property Designation

Date: Friday, August 4, 2023 9:33:06 AM

Good Morning,

Please see the email below from Mr. Jim Churchill. He would like to add an additional comment to those already provided for the 2040 General Plan Update. He is not in favor of the proposed land use (noted in the draft update of the general plan) for his property at the corner of Hillcrest and Fairview.

Thank you,

Talli Robinson

Senior Planner

RUGGERI-JENSEN-AZAR

ENGINEERS - PLANNERS - SURVEYORS

8055 Camino Arroyo Gilroy, CA 95020 T: (408) 848-0300 x227

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From: Jim Churchill []

Sent: Monday, July 24, 2023 4:24 PM

To: Christine Hopper <<u>christine.hopper@hollister.ca.gov</u>> **Cc:** Erica Fraser <<u>efraser.4leaf@hollister.ca.gov</u>>; Eva Kelly <<u>eva.kelly@hollister.ca.gov</u>>; Talli
Robinson <<u>trobinson@ria-gps.com</u>>; Ross Doyle <<u>RDoyle@ria-gps.com</u>>; Dr. Christopher Churchill

<<u>>; Jennifer Churchill <>; Joh</u>n Churchill

<>

Subject: Churchill Property Designation

I have made several inquiries as to the viability of providing a "Barnyard" approach to the Churchill property. All responses have replied with a negative. Hollister, or the County of San Benito, does not have a population or affluence that would support such a community/development. Nor will it have a surrounding population for years to come.

1. In view of this, I am asking to change the land designation from "General Commercial" to "Mixed Use/ Commercial".

The Churchill's envisions about 110 apartments, minimum, along with sufficient parking. The apartments should be 2-3 stories. Parking would be covered with solar panels. In addition, some units may have a lesser number of detached garages or storage units for cars and electrical charging. There are also available charging stations for individual use in the outdoor covered parking spaces.

Some of the commercial properties will be two stories for business tenants. Commercial details and types of business will be designed and presented to planning prior to construction.

All available rooftop space will have solar. Electrical charging will be available to shoppers.

Jim Churchill

From: Ambur Cameron

To: Carey Stone; David Early

Cc: Eva Kelly; Christine Hopper

Subject: FW: Hollister GP 2040, CAP, and ALPP EIR Date: Monday, July 3, 2023 1:16:16 PM

Good afternoon Carey and David,

Please see the email below form Kristina Chaves-Wyatt on behalf of the San Benito Business Council providing comment on

the City of Hollister General Plan 2040, Climate Action Plan, Agricultural Plans Preservation Program and Draft Environmental Impact Report.

Thank you,

Ambur



Ambur Cameron, Senior Planner
City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023
P (831) 636-4360 Ext. 1223

E ambur.cameron@hollister.ca.gov W Hollister.ca.gov

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From: San Benito County Business Council [mailto:kristina@sbcbusinesscouncil.com]

Sent: Friday, June 30, 2023 4:38 PM

To: GeneralPlan <generalplan@hollister.ca.gov> **Subject:** Hollister GP 2040, CAP, and ALPP EIR

Good afternoon,

I am writing on behalf of the San Benito County Business Council to provide comments on the City of Hollister General Plan 2040, Climate Action Plan, Agricultural Plans Preservation Program and Draft Environmental Impact Report.

Established in 2001, the Business Council is a 501(c) 6 non-profit member-based organization representing over 45 local and regional municipal agencies, businesses, trade organizations and major employers representing more than 6000 employees in the Monterey Bay, Central Coast and South Bay Regions.

Our current member & organizational goals include; 1) Retention, expansion, job creation and

growth of existing businesses, 2) EDC 2017-2022 Comprehensive Economic Development Strategy (CEDS) Implementation, Supporting development of 2023-2028 CEDS - Supporting new business attraction, 3) Improving Infrastructure: Measure G Implementation- road and highway improvements, broadband, energy, education, housing, water & wastewater, tackling blight & litter, and 4) Building relations with elected officials, staff, regional organizations and community.

There has been a major lack of community outreach and engagement as described in the consultants Scope of Work (i.e., two community outreach events referred in scope, presentations, staff reports). Many of our residents lack access to internet, lack knowledge on how to operate the Zoom application and in many cases were unaware that the virtual meetings were taking place.

On many occasions, community members that posed questions and concerns at the General Plan Public Advisory Committee Meeting were rebuffed, ignored and subjected to condescending behavior by officials, committee members and consultants.

We respectfully request and would support the City's efforts to host at least one large-scale, inperson community workshop to present the Draft General Plan and EIR- including "general plan 101" education and workstations with detailed information on each element, the proposed Agricultural Plans Preservation Program (ALPP) and Climate Action Plan (CAP). EJ-2 states, "Promote civic engagement in the public decision-making process."

Stakeholder groups, especially in agriculture (i.e, the San Benito County Farm Bureau) were not targeted for outreach and engagement. Please conduct this engagement to inform and encourage community participation.

Phone calls and emails to the City regarding the Plan were not returned, responded to.

We are concerned that the EIR was prepared prior to draft General Plan review by the public, the City Planning Commission and City Council. Please extend the review and comment period on the Draft General Plan for 60-days and pause work on the EIR until the plan is completed to ensure that the impacts of the final Plan are evaluated, the Draft EIR presented to the public followed by time to prepare and submit comments.

Additional consideration should be made for habitat conservation and mitigation measures already in place (i.e, California Tiger Salamander). Additional consideration may also be revisited for joining the County's efforts underway to develop a Habitat Conservation Plan.

Consider extending the Sphere of Influence further outward to the Urban Service Area or even the Planning Area to help support longer term, comprehensive planning, public utilities and services. This is especially important apply City codes and standards for curbs, gutters, sidewalks, roads and parks.

Regarding the 2:1 proposed ALPP, please consider matching San Benito County's 1:1 policy as that ratio best adheres to 1.3.7 "maintain productive and VIABLE ag land."

Additionally, any lands within the Plan that have low density or zoning other than agriculture cannot be re-zoned/downzoned to agriculture as investments and planning have been in place for other uses.

Lands are only productive and viable for agricultural production if the commodities are marketable, when food safety programs can be implemented, where adequate, high-quality water is readily available and ag/urban interfaces (dust, noise, ag inputs, employees, heavy equipment traffic) can be avoided.

Furthermore, the proposed ALPP, in addition to the 200-foot buffer requirement and the VMT presents major obstacles to job growth and meeting our housing needs. These policies do not confirm to 1.3.2 "attracting employment generating uses" and "range of housing choices."

Local job creation reduces commuting and reduces/eliminates traffic.

Consider adding educational attraction to 3.4.1 North Gateway Special Planning Area.

Evaluate the opportunities and implications of the California Opportunity Zone and high-wage job creation in 3.4.2 West Gateway Special Planning Area.

Extend the Buena Vista Road Special Planning Area west to SR156 to help ensure continuity with planning future growth in an area with existing infrastructure and access to current and planned regional transportation networks.

Thank you for the opportunity to provide comments and for your consideration of our questions, concerns and ideas.

Please don't hesitate to reply with any questions, concerns or needs.

Sincere regards,

Kristina

Kristina Chavez Wyatt

Executive Director, San Benito County Business Council 341 First Street Hollister, CA 95023 831.524.0408 / 831.637.6637 fax Kristina@SBCBusinessCouncil.com
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Please consider the environment before printing this email.

California Department of Transportation

CALTRANS DISTRICT 5
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(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov





June 30, 2023

SBt/VAR SCH#2021040277

Eva Kelly, Interim Planning Manager City of Hollister 339 Fifth Street Hollister, CA 95023

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) – HOLLISTER 2040 GENERAL PLAN, CLIMATE ACTION PLAN (CAP), AND AGRICULTURE LANDS PRESERVATION PROGRAM, HOLLISTER, CA

Dear Ms. Kelly:

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Hollister 2040 General Plan, Climate Action Plan, and Agricultural Lands Preservation Program DEIR which builds off the existing 2005 General Plan to provide a framework for land use, transportation, and conservation decisions through the horizon year of 2040. Caltrans offers the following comments in response to the DEIR:

- Caltrans looks forward to working with the City of Hollister on future transit and complete streets concepts located within state right of way. The state views all transportation improvements as opportunities to improve safety, access, and mobility for all users and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Hollister, is encouraged.
- 2. We support Goal C-1 and the policies to help reduce VMT (vehicle miles traveled) to insignificant levels. The listed policies will help appropriately balance the needs of congestion management with statewide goals related to multimodal transportation, promotion of public health through active transportation, and reduction of greenhouse gas emissions. Caltrans encourages the city to begin working on these policies as soon as possible to find the best local based practices to best alleviate VMT in the region.

Eva Kelly, Interim Planning Manager June 30, 2023 Page 2

- 3. Further, we support the Predefined VMT Mitigation Bank to lower VMT. The bank should complement State goals to promote equitable transportation outcomes, advance multi-modal transportation strategies, and advance innovative technology and systems as a corollary to new land use projects.
- 4. Caltrans appreciates Policy C-4.6 TDM Requirements which requires new or existing developments that meet specific conditions to implement transportation demand management (TDM) strategies and other single vehicle occupancy reduction methodologies which will be monitored. TDM monitoring should be supported with long term maintenance of effort. Measures that are more useful to consider include transit and micro-mobility pass discounts, carpool matching and incentives, bike facilities at workplaces, vanpools, and emergency-ride-home services for non-driving employees.
- 5. Additional traffic studies will be needed for any operational changes on the state highway system (SHS). For example, any proposed changes to the type of intersection control would require an Intersection Control Evaluation (ICE) to be performed.

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

Sincerely,

Christopher Bjornstad
Chris Bjornstad

Associate Transportation Planner
District 5 Land Development Review

Good morning Carey and Dave,

Please see the comment below form Megan Avidano

Thank you,

Ambur



mbur Cameron, Senior Planner City of Hollister Development Services Department 339 Fifth Street, Hollister, CA 95023 p (831) 636-4360 Ext. 1223 ambur.cameron@hollister.ca.gov W Hollister.ca.gov

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From: Megan Avidano

Sent: Thursday, May 11, 2023 6:29 PM

To: GeneralPlan <generalplan@hollister ca gov>

Subject: Land Designation for

along with my neighbors properties are being designated as "Low Density Residential" instead of "Residential Estate"? These properties are all 1 acre plus lots with single family homes on them. We have septic systems and not city sewer. We face and are next to fields and areas that are designated as "Residential Estates."

I ve included a map with a circle for the area I m referencing. Thank you,

Megan Avidano

6:15











https://holli... a hollister2040.org









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