

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

SPECIAL MEETING AGENDA

Thursday, June 28, 2018

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

6:00 P.M.

(NOTE: SPECIAL STARTING TIME)

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

CONSENT AGENDA

No items.

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING

4. LAFCO 524 – Roberts Ranch Annexation to the City of Hollister: Involving the annexation of approximately 57.23 acres of property, located on the west side of Fairview Road and the north side of State Highway 25, excluding the unincorporated Cielo Vista neighborhood at the northwest corner of Fairview Road and State Highway 25. The proposed annexation is for the development of 192 single-family residential lots and 14 multiple-family lots to contain 35 duplex and triplex units to be served by the City of Hollister. The actions requested are to determine the City's Environmental Impact Report is adequate for the annexation, that there are no mitigation measures for the Commission to adopt, to adopt a statement of overriding considerations for significant unavoidable impacts, to approve the annexation, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

BUSINESS ITEMS – NON-HEARING ITEM

5. Update on legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO).

INFORMATIONAL

6. Commissioner announcements and requests for future Agenda Items
7. Executive Officer oral status report on pending proposals
8. Adjourn to regular meeting at 3:00 PM on July 11, 2018 unless meeting time is changed based on Commission action or cancelled by Chair

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or an financially interested person who actively supports or opposes the LAFCO decision on this matter.

Those who have made such contributions are required to disclose that fact for the official record of the proceedings. Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Executive Officer of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically in Government Code section 84308.

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at bnicholson@cosb.us.

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING

4. LAFCO 524 – Roberts Ranch Annexation to the City of Hollister: Involving the annexation of approximately 57.23 acres of property, located on the west side of Fairview Road and the north side of State Highway 25, excluding the unincorporated Cielo Vista neighborhood at the northwest corner of Fairview Road and State Highway 25. The proposed annexation is for the development of 192 single-family residential lots and 14 multiple-family lots to contain 35 duplex and triplex units to be served by the City of Hollister. The actions requested are to determine the City’s Environmental Impact Report is adequate for the annexation, that there are no mitigation measures for the Commission to adopt, to adopt a statement of overriding considerations for significant unavoidable impacts, to approve the annexation, and to authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 28, 2018 (Agenda)

<u>LAFCO No. 524:</u>	Roberts Ranch Annexation to City of Hollister
<u>PROPONENT:</u>	City Council of the City of Hollister by Resolution, and Property Owners by Petition
<u>ACREAGE & LOCATION</u>	Annexation of 57.23 acres on property located on the west side of Fairview Road and the north side of State Highway 25 (Airline Highway), excluding the Cielo Vista neighborhood located at the northwest corner of Fairview Road and State Highway 25; in the southeastern corner of the Hollister Sphere of Influence
<u>PURPOSE:</u>	Include this property within the City to allow development of 192 single family homes and 14 multiple family lots to contain 35 duplex and triplex dwellings and associated park space and trails and to provide all City services except water, which will be provided by the Sunnyslope County Water District.

PROJECT EVALUATION AND DETERMINATIONS

1. Land Use, Planning and Zoning - Present and Future:

The 57.23 acre property has historically been used to grow row crops, dry farmed grains, but the western portion is currently fallow. The territory is within the City of Hollister sphere of influence and is designated Low Density Residential (1 – 8 dwellings per acre) in the City's General Plan. The property is currently designated "Residential Mixed" in the County General Plan (allowing up to 20 dwellings per acre).

The City has rezoned the majority of the annexation area as "Low Density Residential Performance Overlay" (R1 L/PZ) and 2.54 acres of Open Space/Public on the area proposed for expansion of Valley View Park. In addition to the park expansion, the project includes an extension of a linear park on the east side of Mimosa Street that will connect from Valley View Park to Union Road, and the installation of three paseos that will provide pedestrian and bicycle circulation into and through the project from Fairview Road and the Cielo Vista neighborhood.

Surrounding land uses include existing residential development and Valley View Park within the City to the west, the 79 lot Cielo Vista subdivision in the County to the south and east, and an approved but not built "West of Fairview" residential project in the current city limits to the north (Award Homes). The area to the east of Fairview Road is open land and rural ranchettes straddling Old Ranch Road. The County approved Fairview Corners Residential Specific Plan is located east of the Ceilo Vista subdivision.

2. Topography, Natural Features and Drainage Basins:

The annexation area is gently sloping from east to west with an approximate 50 foot drop from the northeast corner on Fairview Road to the southwest corner on State Highway 25. There are no significant natural features that affect future development, and all drainage has been modified through installation of agricultural irrigation ditches.

3. Population:

There are no existing homes within the annexation area and no registered voters. Following annexation, development within the City will result in the construction of 192 single family homes and 35 duplex and triplex units in the annexation area. Exact occupancy levels are not known, but applying an average of 3.4 occupants per unit would result in a population of 772.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The City "Plan for Services" as required by Government Code Section 56653 is attached in the "Proposal Justification Questionnaire" in the responses to Question 14 starting on Page 4, and letter from the City Engineer. The City indicates the annexation will not cause a need to increase in personnel and that the City has adopted development impact fees for civic and public facilities for all new building permits. In addition, the City requires all projects involving an annexation enter into an agreement to be fiscally neutral on general City services and recreation programs. A public safety Mello-Roos (Community Facilities) District tax is collected for law enforcement services, which are provided by the City Police Department, and for fire protection services from the City Fire Department. There are also development impact fees for capital equipment that serve both police and fire protection services.

Other City service and facilities identified in the Plan of Services include storm drainage, road construction and maintenance, parks and recreation. Impact fees and/or improvements are required by the City for all these services and facilities, as detailed in the Plan for Services, and the project will be annexed into a lighting and landscaping district to provide funding for maintenance of streets, street lighting, the park, landscaping and utility services.

In terms of sewage treatment, the City Domestic Wastewater Treatment Plant has a capacity of 5 million gallons per day (mgd) and a current treatment level of only 2.7 mgd. The project will generate approximately 63,400 gallons per day well within the existing treatment capacity. A 2015 study of sewer impacts determined that the wastewater flows generated from this project, and possibly from the adjacent Cielo Vista subdivision

(currently served by an individual treatment plant), would have an insignificant impact on the City's downstream sewer collection system.

In terms of water supply, the project is within the Sunnyslope County Water District as is most of the adjacent land in eastern Hollister, and the District has indicated it has adequate water capacity and infrastructure to serve the potable water demand meeting all State and Federal quality requirements, and also for fire protection needs. The project water demand will be approximately 114 acre-feet per year for the 227 dwellings and 3.33 acres of landscaped area. This is a small fraction of the capacity of the District identified as 2,935 acre feet by Year 2020 (Page 3-243 of the Draft EIR). The water is supplied in a joint treatment system with the City of Hollister using surface supplies from the State Water Project and groundwater supplies, and the water is treated to potable standards at the Lessalt treatment plant. The District will require the developer to enter into an Agreement for Water Facilities and Services with the District to cover construction and connection costs.

One additional public facility cost involves payment of the San Benito County Council of Governments Traffic Impact Mitigation Fee (TIMF) for regional road improvements serving growth throughout the County. Funds under this program include widening Enterprise Road to four lanes between San Benito Street and Highway 25 and provide required improvements at the intersection with State Highway 25 meeting Caltrans standards. It should be noted that no direct access will be allowed onto Fairview Road – only an emergency access point and a bike and pedestrian trail. Even with payment of regional TIMF fees, and dedication of adjacent rights of way on existing streets, not all transportation impacts will be fully mitigated, and the impact on the environment remains significant and unavoidable according to Chapter 3.16 of the Draft Environmental Impact Report.

5. Impact on Prime Agricultural Land, Open Space and Agriculture:

The City's Environmental Impact Report (EIR) contains an evaluation of the agricultural resources within the annexation territory through the State Department of Conservation's Land Evaluation and Site Assessment (LESA) model (Pages 3-16 & 17 in the Draft EIR). Although 26.3 acres of the property consists of soils designated "Prime Farmland" and 27 acres are designated "Farmland of Statewide Importance" in the State's Important Farmland Mapping program, under the LESA model, only one score exceeds the threshold score of 20 points, and the conversion of this land for development is considered to have a less than significant effect. The main considerations diminishing the agricultural value of the site are its proximity to existing and approved development on three sides, soil limitations identified under the Storie Index Rating system along with the urban land use designation of the property in both the City and County General Plans. The property is not under a Williamson Act contract. The territory is also identified as a

"Priority Infill Development Area" in the City of Hollister General Plan. Neither the City of Hollister nor San Benito County has adopted an agricultural mitigation program for the loss of productive farmland, and no mitigation was required in the EIR.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation territory consists of one Assessors Parcel located within Tax Rate Area 67-008. The assessed value is \$3,522,653.

The base property tax rate will not be affected by the annexation, although the City's requirement for annexation into a Community Facilities District will be added to the tax bill of individual lots following future subdivision and development within the City. The proposal is subject to a property tax exchange agreement that has been approved by the Board of Supervisors and Hollister City Council, and the agreement is currently in full force and effect following reconsideration by the Superior Court of San Benito County.

However, additional litigation is pending on this agreement, and similar to the recent Allendale and Borelli Annexations to the City approved in the fall of 2017, the Commission is presented with a recommended condition of approval to require the landowner to enter into an agreement with LAFCO that they will either: 1) honor the exiting tax sharing agreement, 2) agree to comply with any successor master tax agreement which is approved and adopted by the City and County, or 3) agree to enter a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation. This condition is presented as Item F under the actions on Page 7 of this report.

7. Environmental Justice and Affordable Housing:

The site is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains non-residential land uses and an existing gated housing subdivision on large lots. The annexation does help the City of Hollister meet its Regional Housing Needs Assessment (RHNA) housing target, but not for affordable housing. The City has been given a need of 1,316 new housing units between 2014 and 2023, and has approved construction of 522 units to date. However, the project will only consist of 192 Above Moderate (higher income) and 35 Moderate (middle income) housing units, none of which help the City reach its affordable housing targets (consisting of Low and Very-Low Income Units) which constitute approximately 40% of the 1,316 unit housing target over the 2014-2023 period.

8. Landowner and Subject Agency Consent:

Written consent to the annexation has been given by petition of the applicant property owner and the City consents to the waiver of conducting authority (protest) proceedings.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there are no conflicts with lines of assessment or ownership. The site is contiguous to the City boundary on the north and west. The map and legal description are being reviewed by the County Surveyor for sufficiency in filing with the State Board of Equalization.

The territory is uninhabited; specifically, there are fewer than 12 registered voters.

ENVIRONMENTAL REVIEW

The City of Hollister, acting as lead agency for initial approval of the Roberts Ranch Vesting Tentative Map and related rezoning by the City, prepared a Draft and Final Environmental Impact Report (EIR) to evaluate the project. The environmental record reflects that the project also included future annexation of the parcel into the City. The Commission must rely on this environmental document when approving the annexation application in its role as a "Responsible Agency" under CEQA.

The City determined that most areas of potential impact in the Environmental Checklist would have a less than significant impact with adoption of 29 mitigation measures, however, there remained several significant unavoidable impacts to regional transportation and traffic for which the City adopted a Statement of Overriding Considerations. In City Resolution No. 2018-37, (page 36) the City concludes: *"Because implementation of the improvements in Mitigation Measure CUM T-1 is the responsibility of Caltrans and creation of a new program or modification of the current regional traffic impact fee program is dependent on the council of governments and others, it is uncertain whether the Mitigation Measure will be implemented by those agencies."* The same statement is made for Mitigation Measure T-5. None of the mitigation measures are under LAFCO's authority to adopt or administer, and the City maintains responsibility to monitor the impacts from development following completion of the annexation. However, in its role as a Responsible Agency, the Commission also must adopt the Statement of Overriding Considerations presented on Pages 39 and 40 of City Resolution No. 2018-37 (found in Attachment 5 to this report).

CORRESPONDENCE

A letter was received from the San Benito High School District Superintendent, Shawn Tennenbaum, Ed.D. dated June 1, 2018, raising concerns that the combination of "Level II" authorized school impact fees and State School Facility Program (SFP) grant funding is inadequate to construct new high school classroom facilities to serve the estimated 40 high school students generated from development in the annexation area. The letter provides a calculation for the number of students generated by the project and revenues available to the District under SB 50, approved in 1998. Based on their calculations, even with impact fees and SFP funds (which are not guaranteed), the District would be \$69,117.68 short for the costs to build classroom and related facilities to serve the students generated by the project. (Letter from Mr. Tennenbaum is presented as Attachment 6 to this report.)

In response, a letter has been received from Thomas Terpstra, Attorney for the developers of Roberts Ranch (letter dated June 12, 2018, presented in Attachment 7). Mr. Terpstra points out that the legislation passed under SB 50 contains provisions that limit LAFCOs, and other state and local agencies, from denying or refusing to approve a legislative or adjudicative act involving any change in governmental organization or reorganization as defined in the Government Code sections 56021 or 56073 governing LAFCOs, on the basis of a persons refusal to provide school facilities mitigation that exceeds the amounts authorized in Government Code sections 65995.5 or 65995.7. Mr. Terpstra also points out that the legislation only allows school districts to collect school impact fees, not the city or LAFCO, and also that there is no "nexus" to support the fee being collected by LAFCO as the homes could be built and students generated in the unincorporated County even if LAFCO didn't take any action. Finally, he points out that the school district did not comment or oppose the City's EIR, and has waived its right to challenge the project.

As of completion of the Executive Officer's Report on June 21st, no other comments have been received on the annexation application from affected agencies (such as the Hollister School District), or from neighboring landowners who were mailed notice of the hearing on June 7, 2018.

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposed annexation as submitted based upon the following findings, determinations and orders:

- A. Find that the Commission has reviewed and considered the Draft and Final EIR prepared by the City of Hollister as lead agency for CEQA approval of the

development project, annexation and rezoning. The the Commission finds that the City's EIR is adequate. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation. The Commission concurs with the Statement of Overriding Considerations adopted by the City of Hollister for approval of the project through City Resolution No. 2018-37, and hereby adopts the statement of overriding considerations.

- B. Adopt this report and approve the proposal known as the "Roberts Ranch Annexation to the City of Hollister," based on the determinations presented on Pages 2 through 5 of this Executive Officer's Report, and the adequacy of the plan for services submitted with the application. The annexation is not subject to a condition that the territory be liable for any existing or authorized taxes, charges, fees or assessments applicable to comparable properties presently within the City.
- C. Find: 1) the subject territory is uninhabited, 2) the affected landowner has signed a petition giving consent to the annexation and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- D. Waive the conducting authority (protest) proceedings and direct the staff to complete the proceedings without further notice, hearing or election.
- E. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.
- F. Direct staff not to record the annexation until the Property Owner has, at its option, (1) agreed to comply with the 2010/2011 Master Tax Agreement between the City of Hollister and San Benito County; (2) agreed to comply with any successor master tax agreement which is approved and adopted by the City and County, including the obligation to pay taxes and/or fees referenced in that successor master tax agreement; or (3) the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.


OPTION 2 – If the Commission cannot make the determinations and findings presented in the Executive Officer's Report, the Commission should DENY this proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.

Respectfully submitted,

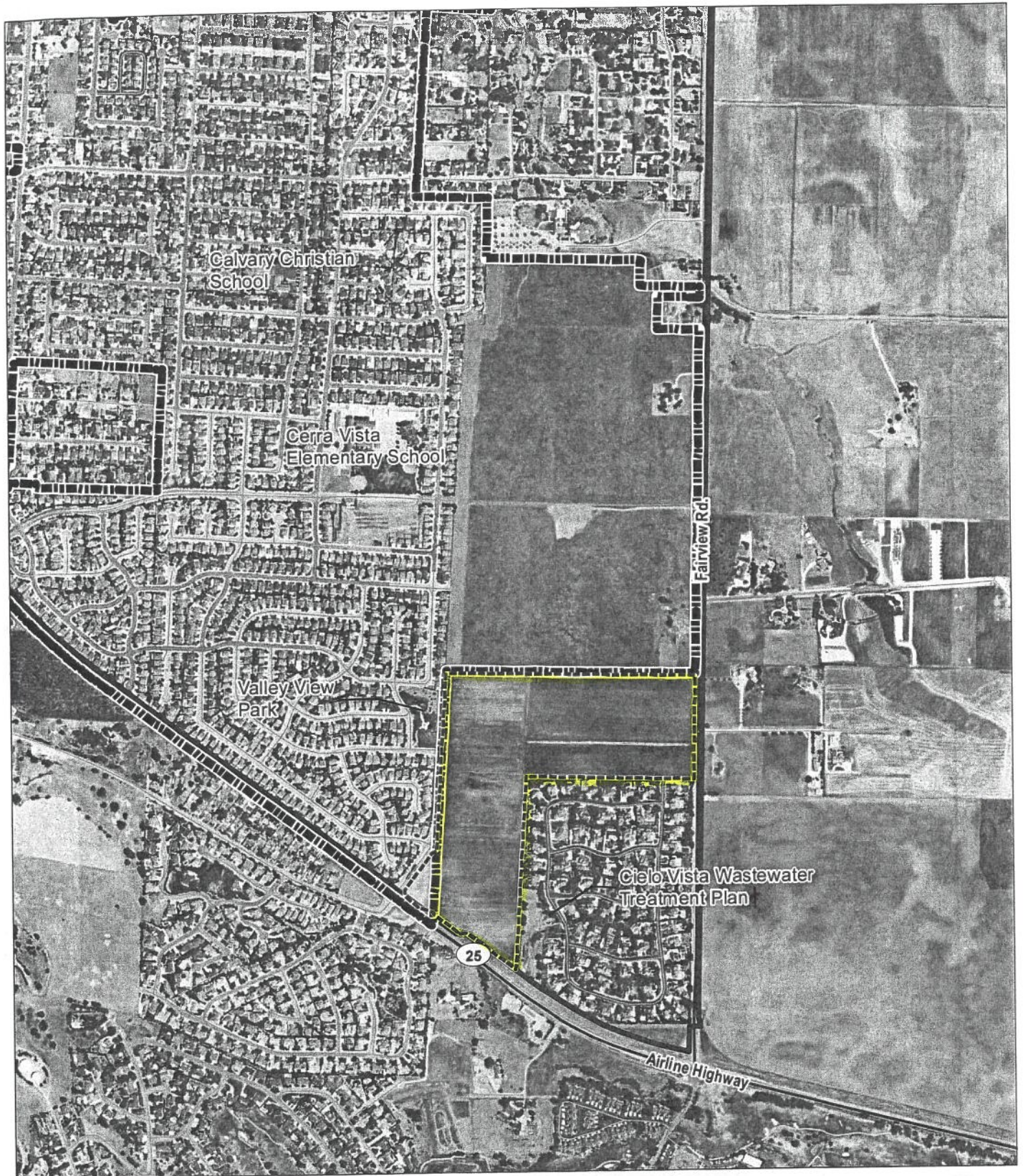


BILL NICHOLSON
Executive Officer
LAFCO of San Benito County

cc: Abraham Prado, City of Hollister Development Services Department
Peter Hellmann, Hollister Enterprise LLC, and chief petitioners: Matt Koart, Jim Brennan
& Richard Scagliotti
Michael Ziman, LAFCO Counsel

Attachments:

1. Maps of annexation area and vicinity
2. Proposal Justification Questionnaire and associated Plan for Services
3. Resolution No. 2018-65 of the City of Hollister, "Resolution of Application"
4. Landowner Petition in favor of Annexation
5. Resolution No. 2018-37 of the City of Hollister, "Resolution Certifying EIR and Adopting the Mitigation Monitoring and Reporting Program"
6. Letter from Shawn Tennenbaum, Superintendent, San Benito High School District, 6/1/18
7. Letter from Thomas Terpstra, Attorney for the Roberts Ranch Developers, 6/12/18
8. Draft LAFCO Resolution No. 524 Approving the Roberts Ranch Annexation to the City of Hollister
9. CD Containing the Draft and Final Environmental Impact Report (EIR) for the Roberts Ranch subdivision and annexation process.



0 1000 ft



Project Site

Hollister City Limit

Sphere of Influence

E

M

C

Source: Esri 2015

Figure 2

Aerial Photograph

Roberts Ranch Subdivision EIR



VICINITY MAP
NO SCALE

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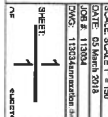
COUNTY OF SAN BENITO

PORTION OF SECTION 12
T. 13 S., R. 5 E., M.D.B.M.
STATE OF CALIFORNIA

PREZONE EXHIBIT

ROBERTS RANCH
ANNEXATION MAP

**SAN BENITO ENGINEERING
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(831) 637-2763 FAX (831) 637-6835 email: sbes@garlic.com



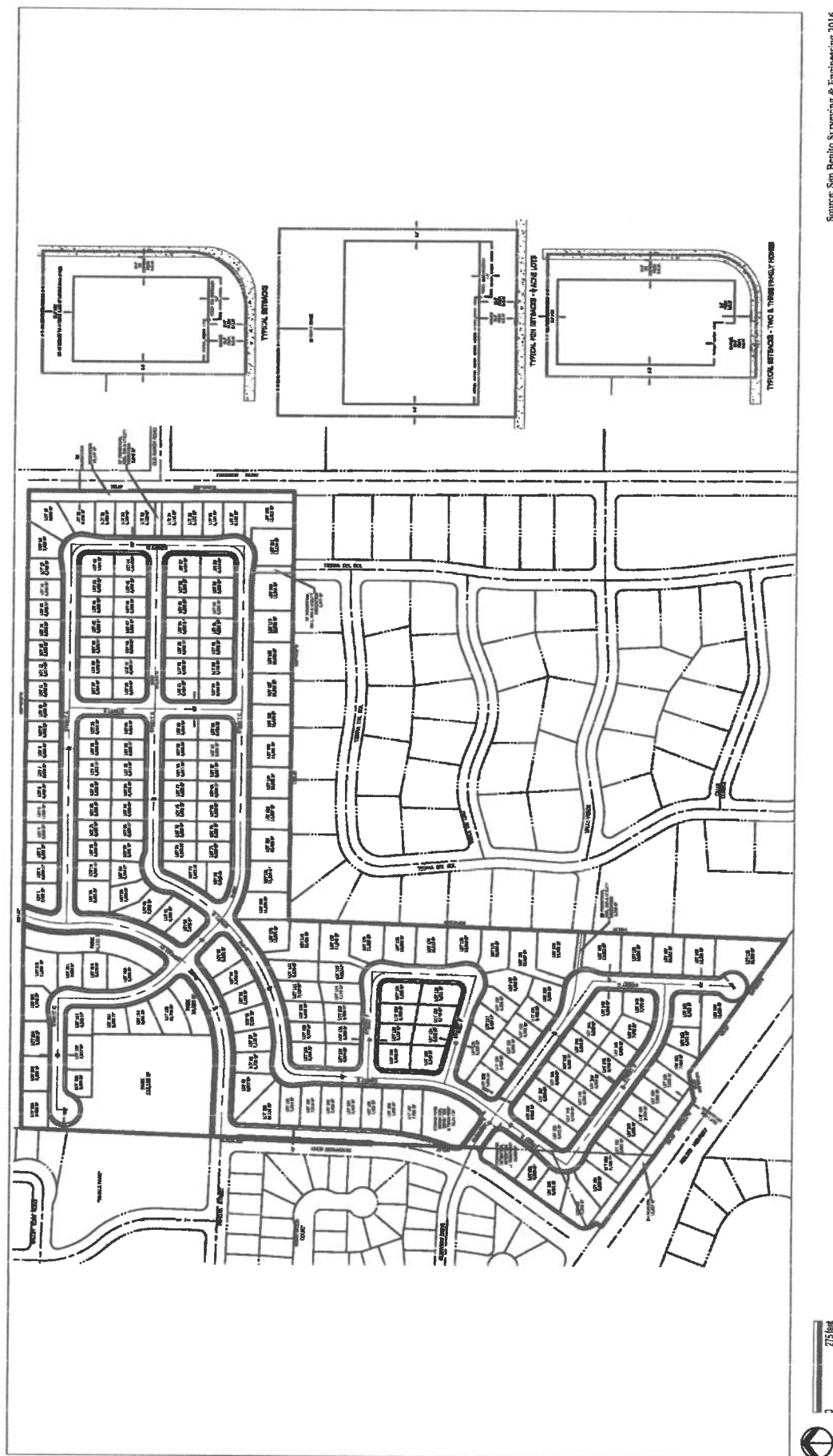


Figure 6
Vesting Tentative Map
Roberts Ranch Subdivision EIR

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations (Attach additional sheets as necessary)

1. **Name of Application:** (The name should match the title on the map and legal description; list all boundary changes that are part of the application)
Roberts Ranch
2. **Describe the acreage and general location; include street addresses if known:**
The Roberts Ranch area subject to annexation is a 57.23-acre, inverted "L-shaped" parcel located west of Fairview Road, north of State Route 25, east of Enterprise Road, and south of the approved West of Fairview project in the City of Hollister ("City").
3. **List the Assessor's Parcels within the proposal area:** *APN: 020-310-009*
4. **Purpose of proposal:** (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?) *Annexation of the Roberts Ranch project area into the City. The project entitlements, all of which have been approved by the City, include a vesting tentative map, rezone, conditional use permit, and architectural and site review.*
5. **Land Use and Zoning - Present and Future**
 - A. **Describe the existing land uses within the proposal area. Be specific.** *The property is currently vacant; it was previously cultivated with row crops since at least 1969.*
 - B. **Describe changes in land uses that would result from or be facilitated by this proposed boundary change.** *Subject to annexation, Roberts Ranch has been approved by the City for 192 single-family detached lots and 14 multifamily lots containing 35 duplex and triplex units, for a total of 227 residential units. The Roberts Ranch project will also include 1) a 2.5-acre expansion of the Valley View Park; 2) an extension of a linear park on the west side of Mimosa Street that will connect Valley View Park to Union Road; and, 3) three paseos that will provide pedestrian and bicycle circulation into and through the project from Fairview Road and the Cielo Vista neighborhood.*
 - C. **Describe the existing zoning designations within the proposal area.** *Roberts Ranch is currently zoned RR (Rural Residential) in the County of San Benito ("County"), and is rezoned Open Space/Public and Low Density Residential Performance Overlay Zone (R-1 L/PZ) in the City.*
 - D. **Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?** *On 3/5/18, the City Council approved the second reading of Ordinance No. 2018-1151 Pre-Zoning the property to Open Space/Public on 2.54 acres (the Valley View Park expansion) and to Low Density Residential Performance Overlay Zone (R1 L/PZ) on the remaining project area.*

E. **(For City Annexations) Describe the prezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this prezoning?** *Same response as Item 5.D.*

F. **List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).** *On 2/20/18, the City Council certified the EIR for the Roberts Ranch project, and approved 1) the introduction of the pre-zoning ordinance as described in the response to Item 5.D. above (the second reading of the ordinance was approved on 3/5/18); 2) Tentative Map Application No. 2016-1 for the Roberts Ranch Subdivision Project; 3) Conditional Use Permit No. 2017-6 Planned Unit Development for the Roberts Ranch Subdivision Project; 4) Site & Architectural Review Application No. 2017-6 for the Roberts Ranch Subdivision Project; and, 5) Resolution 2018-41 for the Reimbursement Agreement for the Roberts Ranch Project.*

6. Describe the area surrounding the proposal *Roberts Ranch is surrounded on all sides by existing subdivisions and approved development projects, summarized as:*

- ***North:** The adjoining parcels lying to the north are site of the City-approved “West of Fairview” project by Award Homes. West of Fairview will consist of 667 apartments, duets, cluster homes, and single family-detached homes.*
- ***South:** Hwy 25 borders Roberts Ranch to the south, beyond which are located the administrative offices of the Sunnyslope County Water District (“SSCWD”), the Quail Hollow subdivision, and the Ridgemark Golf and Country Club.*
- ***East:** Fairview Road and the existing Cielo Vista subdivision border Roberts Ranch to the east, and across Fairview Road and further to the east are the approved Gavilan College San Benito Campus (“Gavilan College”), the Fairview Corners Residential Specific Plan (“Fairview Corners”), and two 5-acre ranchettes which straddle Old Ranch Road. Cielo Vista is an existing neighborhood of 79 houses on minimum 1/2-acre lots. It lies in an unincorporated area of the County, but within the City’s Sphere of Influence and Planning Area. The County-approved Gavilan College and Fairview Corners projects, and the two ranchettes, are located in an unincorporated area of the County outside the City’s Sphere of Influence but within its Planning Area. The Gavilan College San Benito Campus is approved as a full-service college campus which will serve up to 3,500 students, including an administration building, theater, library, gymnasium, sports fields, 35,000 square feet of retail and 70 units of multi-family housing. The Fairview Corners project is approved for a maximum of 220 residential lots.*
- ***West:** The existing Valley View Estates subdivision, located within the City limits, lies to the west of Roberts Ranch and consists of single-family detached residences and Valley View Park.*

7. Conformity with Spheres of influence

A. **Is the proposal area within the sphere of influence of the annexing agency?**

Yes.

B. **If not, are you including a proposal to revise the sphere of influence?** *Not applicable.*

8. Conformity with County and City General Plans

- A. **Describe the existing County General Plan designation for the proposal area.** *Roberts Ranch is designated "Residential Mixed" in the County's General Plan, which allows a density of up to 20 units per acre.*
- B. **(For City Annexations) Describe the City general plan designation for the area.** *The parcel is designated "Low Density Residential" in the City's General Plan, which allows density of 1 to 8 units per net acre.*
- C. **Do the proposed uses conform with these plans? If not, please explain.** *Yes.*

9. Topography and Natural Features

- A. **Describe the general topography of the proposal area and any significant natural features that may affect the proposal.** *The property falls in a gentle but uneven slope from a maximum elevation of 486 feet above sea level in the northeast corner to a minimum elevation of 435 feet in the southwest corner. Years of cultivation and small-scale earthwork activities have removed any historic micro-topography. Site drainage is provided by 1 foot- to 3 foot-deep agricultural drainage ditches excavated around much of the perimeter of the parcel, with interior drainage provided only by crop furrows. The fields are bounded on all sides by dirt roads; the unimproved dirt tracks are maintained solely by farm traffic. A wire fence follows the northern site boundary and residential fencing bounds the adjacent residential areas, but the remainder of the perimeter is unfenced. There are no structures on the site.*
- B. **Describe the general topography of the area surrounding the proposal.** *Topography of surrounding parcels: Generally level and gently sloping from east down to west.*

10. Impact on Agriculture

- A. **Does the property currently produce a commercial agricultural commodity?** *No.*
- B. **Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?** *No.*
- D. **Is the property Prime Agricultural Land as defined in G.C. Section §56064?** *The proposed project will convert approximately 26.30 acres Prime Farmland and 27.05 acres of Farmland of Statewide Importance to non-agricultural uses. Per the Land Evaluation and Site Assessment (LESA) analysis prepared as part of the Roberts Ranch EIR, since only one score exceeds the LESA threshold of 20 points, the loss of farmland on the project site is a less than significant environmental impact.*
- E. **Is the proposal area within a Land Conservation (Williamson) Act contract?** *No.*
- 1) **If "yes," provide the contract number and date contract was executed.** *Not applicable.*
- 2) **If "yes", has a notice of non-renewal be filed? If so, when?** *Not applicable.*

- 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved. *Not applicable.*

11. **Impact on Open Space**

Is the affected property Open Space land as defined in G.C. Section 65560? *No.*

12. **Relationship to Regional Housing Goals and Policies (City annexations only)**

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs. For the period 2014 to 2023, the City has been given a construction need of 1,316 new housing units in the Regional Housing Needs Assessment (RHNA). As of April 2016, there were only 522 residential units constructed or under construction. Roberts Ranch will provide 192 Above Moderate housing units, and 35 Moderate housing units, thus helping the City achieve its RHNA goals.

13. **Population**

A. Describe the number and type of existing dwelling units within the proposal area.
Not applicable (there are none).

B. How many new dwelling units could result from or be facilitated by the proposal?

Single-family 192 Multi-family 35

14. **Government Services and Controls – Plan for Providing Services (per §56653)**

- A. Describe the services to be extended to the affected territory by this proposal. *See the response to 14.C. below.*
- B. Describe the level and range of the proposed services. *See the response to 14.C. below.*
- C. Indicate when the services can feasibly be provided to the proposal area.

General Government

General Government Services include the City Council, City Administration (City Manager, City Attorney, City Clerk), and departments including Finance, Building, Planning, Engineering and Animal Control. Annexation of the property will incrementally impact City General Government services. These will be funded through an increase in General Fund Revenues, including property and sales taxes. The City requires that all projects requesting annexation enter into an agreement to be fiscally neutral, so that the project will fund the impacts on general services. The direct impacts on the City's Building, Planning and Engineering services will be funded through payment of permit fees.

Police Service

Police service will be provided by the Hollister Police Department. The Police Department provides service throughout the city based on staffing levels set by the City Council. The proposed annexation is contiguous to the current City limits (current service area), and will extend the boundary of police service to include the project area.

Upon annexation and development, the project will include roadways that will affect traffic enforcement/collision investigation responsibilities, and an incremental increase in staffing levels and capital equipment due to the increase in population. Development of the property will include the construction of 227 new residences providing housing for an estimated 788 persons based on an average of 3.47 persons per household. Applying the optimal service standard ratio (1.7 officers per 1,000 residents), the project would create the need to add one to two additional police officers.

The costs associated with the increased demand for police services will be financed by a Mello-Roos Community Facilities public safety tax. The increase in capital equipment will be financed through the collection of police impact fees paid at the time of building permit issuance or prior to building occupancy. Annexation and development of the area will not create the need for any new or physically altered police facilities.

Fire Service

Fire service to the property will be provided by the Hollister Fire Department. The Fire Department provides this service throughout the city and adjoining County areas, via a mutual aid agreement, based on staffing levels set by the City Council. The closest fire station to the site is Station 2 located at 1000 Union Road between Valley View Road and Airline Highway, roughly one mile from the northern portion of the site. The proposed annexation is contiguous to the current City limits (current service area), and will extend the boundary of fire service to include the project area.

Upon annexation and development, the project will require an incremental increase in staffing levels and capital equipment due to the increase in population. The increase in fire service will be financed by the imposition of a Mello-Roos Community Facilities public safety tax. The increase in capital equipment will be financed through the collection of fire impact fees paid at the time of building permit issuance or prior to building occupancy. Annexation and development of the area will not create the need for any new or physically altered fire facilities.

Water Service

The property is located within the Sunnyslope County Water District (SCWD) service area, and SCWD will provide water service to the project. The project will include a total of 227 residential units, plus a park and other landscaped areas totaling 3.33 acres. According to the Hollister Urban Water and Wastewater Management Plan, water demand is 126 gallons per day per person. The residential units will therefore require 111.0 acre of water feet per year, and the park and other landscaped areas will require an additional 3.0 acre-feet per year, for an overall demand of 114.0 acre-feet per year. Existing SSCWD water mains are located immediately adjacent to the property, on its southwesterly and easterly boundaries. Annexation and

development of the area will not create the need for any new or expanded distribution or treatment facilities.

Water impact fees will be paid upon issuance of each certificate of occupancy to fund the project's fair share of the existing water storage, treatment and conveyance facilities.

Sewer Service

Wastewater generated by the project will be collected and treated by the City at the Hollister Domestic Wastewater Treatment Plant (DWTP). Sewage and wastewater flows will be transported to the DWTP via a series of gravity transmission lines. The project will require the construction of wastewater collection infrastructure on the site, which will be connected to an existing 10" sanitary sewer transmission line located at the corner of Enterprise Road and Glenview Drive. The project will also construct a sewer stub to provide a possible future connection for the Cielo Vista project, to convey wastewater from the existing on-site Cielo Vista wastewater system to the DWTP per the August 2010 Sanitary Sewer Collection System Master Plan.

The wastewater generation rate for the Hollister Urban Area is approximately 80 gallons per person per day. Based on an average household size of 3.47 persons per household, the proposed project would house an estimated 788 new residents (227 residential units x 3.47 residents/unit), generating an estimated 63,400 gallons per day (80 gallons per person x 788 new residents), or 0.0634 mgd. The DWTP has a capacity of 5.0 mgd and currently treats an average of approximately 2.7 mgd, so it therefore has sufficient capacity to treat the sewage and wastewater generated by the project. A sewer impact analysis prepared by the Wallace group in February 2015 found that projected flows from Roberts Ranch and Cielo Vista would have an insignificant impact on the City's downstream sewer collection system.

Sewer impact fees will be paid upon issuance of each certificate of occupancy to fund the project's proportional share of the existing DWTP and sewage conveyance facilities.

Storm Drainage

The City of Hollister maintains a series of transmission lines that convey storm flows within the city and portions of unincorporated San Benito County to San Benito River, Santa Ana Creek, or a terminal basin within the City's system. The property is within the Enterprise Road Detention Pond tributary area. The runoff from the proposed site will be diverted to the 10" storm drain transmission line within Mimosa Street, which has the capacity to service this area.

The property owner will construct all on- and off-site storm drainage improvements in conformance with City Standards. Storm system impact fees will be paid to fund the project's fair share impacts on the existing off-site storm water conveyance facilities.

Road Construction

The City of Hollister's General Plan provides that the City, to the maximum extent feasible, will ensure that the arterial roadway system is planned to operate at Level of Service (LOS) C or better. The property owner will i) construct all on-site roadways, ii) dedicate right-of-way and

construct improvements to widen Enterprise Road and the intersection of Enterprise Road and Glenview Drive, iii) dedicate right-of-way and construct improvements to extend Mimosa Street through the project; iv) dedicate right-of-way and construct frontage improvements along Fairview Road (although these improvements may be constructed instead by the previously approved West of Fairview project, depending on which project is constructed first), and v) dedicate right-of-way for a possible future widening of Airline Highway. In addition, the property owner will be required to mitigate, to the maximum extent feasible, the project's traffic-related impacts to off-site highways, roadways, bridges, intersections, and pedestrian and bicycle facilities.

The Council of San Benito County Governments adopted its current Traffic Impact Mitigation Fee (TIMF) program in 2015, establishing impact fees for regional road improvements serving growth throughout the county. The City of Hollister has adopted the TIMF fees, and the property owner will pay those fees prior the issuance of each certificate of occupancy.

Parks and Recreation

The City's municipal code requires residential projects to either dedicate land and/or pay park-in-lieu impact fees to mitigate for incremental impacts on the city's park and recreational facilities. The property owner proposes to dedicate and improve a total of 3.46 acres, more than the 3.19 acres required per the municipal code, including land for an expansion of Valley View Park (2.53 ac), an extension of the linear park (0.79 ac), and three bicycle/pedestrian paseos (0.15 ac).

The City provides a wide range of recreational programs to serve the needs of its residents. The cost of these programs are 75% funded by user fees, and 25% funded by the City of Hollister's General Fund. The property owner will enter into an annexation agreement with the City of Hollister to ensure that development of the site is fiscally neutral, including the incremental costs of recreational programs funded by the City's General Fund.

Street, Utility, Park and Landscape Maintenance

Development of the site will incrementally increase the maintenance of off-site city streets, landscaping, and utility facilities, as well as streets, the park, landscaping, and utility facilities within the project area. The off-site maintenance will be funded by the City. The project will be required to annex to a lighting and landscaping district to provide funding for the maintenance of streets, street lighting, the park, landscaping, and utility facilities that will serve the site.

- D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.** Existing water, sewer, and storm drainage improvements are located at the perimeter of the project area and will be extended into the project with the first phase of site improvements.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.** The costs of constructing the streets, water, sewer, and storm water improvements will be paid for by the developer. Upon completion, the streets and utilities will be publicly owned, and maintained by the City. The property shall be annexed into in a Community Facilities District to reimburse the City for the maintenance costs.

- F. **Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.** *There are no feasible alternatives for providing the services.*

15. Ability of the annexing agency to provide services

Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668j).

16. Dependability of Water Supply for Projected Needs (as per §56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs. *See the attached letter dated March 5, 2018, from Don Ridenhour, General Manager, Sunnyslope County Water District.*

17. Bonded indebtedness and zones – These questions pertain to long term debt that applies or will be applied to the affected property.

- A. **Do agencies whose boundaries are being changed have existing bonded debt?**
☐ Yes ☒ No If yes, please describe
- B. **Will the proposal area be liable for payment of its share of this existing debt?**
☐ Yes ☒ No If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?) N / A
- C. **Should the proposal area be included within any 'Division or Zone for debt repayment?** ☐ Yes ☒ No If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? ☐ Yes ☐ No Please describe. *Not applicable.*

18. Environmental Impact of the Proposal

- A. **Who is the "lead agency" for this proposal?** *The City of Hollister.*
- B. What type of environmental document has been prepared?
None, Categorically Exempt -- Class ____
EIR ☒ Negative Declaration _____ Mitigated ND _____
Subsequent Use of Previous EIR _____ Identify the prior report. _____
- C. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations." *See attached Resolution No. 2018-37.*

19. Boundaries

- A. **Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?** *The boundaries of the Roberts Ranch project are being used. The project area is contiguous on two sides with the City's current boundary. The annexation will not create any unincorporated islands.*
- B. **If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.** *The landowner has included all their land in this application.*

20. Final Comments

- A. **Describe any conditions that should be included in LAFCO's approval.** *The project shall comply with all ordinances, rules and policies of the City.*
- B. **Provide any other comments or justifications regarding the proposal.** *On 2/20/18, the City Council certified the EIR for the Roberts Ranch project, and approved 1) the introduction of the pre-zoning ordinance as described in the response to Item 5.D. above (the second reading was approved on 3/5/18); 2) Tentative Map Application No. 2016-1 for the Roberts Ranch Subdivision Project; 3) Conditional Use Permit No. 2017-6 Planned Unit Development for the Roberts Ranch Subdivision Project; 4) Site & Architectural Review Application No. 2017-6 for the Roberts Ranch Subdivision Project; and, 5) Resolution 2018-41 for the Reimbursement Agreement for the Roberts Ranch Project.*
- C. **Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.** *Please see attached agenda package pertaining to the City Council meeting where the EIR was certified and the applications were approved for the tentative map, rezoning, conditional use permit, and site and architectural review.*

21. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

	<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>
A.	Abraham Prado	City of Hollister Development Services Department 375 Fifth Street Hollister, CA 95023	Abraham.prado@hollister.ca.gov
B.	Peter Hellmann	Hollister Enterprise 822 Hartz Way, Suite 200 Danville, CA 94526 (510) 612-2027	phellmann@builderslandgroup.com

C.

Who should be contacted if there are questions about this application?

	<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
A.	Abraham Prado	City of Hollister Development Services Department 375 Fifth Street Hollister, CA 95023	Abraham.prado@hollister.ca.gov	
B.	Peter Hellmann	Hollister Enterprise 822 Hartz Way, Suite 200 Danville, CA 94526 (510) 612-2027	phellmann@builderslandgroup.com	

Signature



Date

3/4/18

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	<i>Residential and agricultural</i>	<u>County:</u> <i>Residential Mixed, Fairview Corners Specific Plan, and Public Quasi Public.</i>	<u>County:</u> <i>Rural Residential, Rural, and R-1 Single Family.</i>
West	<i>Residential</i>	<u>City:</u> <i>Low Density Residential.</i>	<u>City:</u> <i>R-1</i>
North	<i>Vacant (approved for West of Fairview project)</i>	<u>City:</u> <i>Low Density Residential and Medium Density Residential</i>	<u>City:</u> <i>West of Fairview Road/Specific Plan</i>
South	<i>Administrative office, residential, and recreational</i>	<u>County:</u> <i>Residential Mixed</i>	<u>County:</u> <i>Agricultural, Rural Residential, and Residential Mixed</i>

Other comments or notations:



City of Hollister Development Services

375 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4360 • Fax (831) 634-4913

April 9, 2018

To: LAFCO Commission
2301 Technology Parkway
Hollister, CA 95023

From: City of Hollister Engineering Department
375 Fifth Street
Hollister, California 95023

RE: Roberts Ranch Annexation to the City of Hollister Question Number 15

Dear LAFCO Commissioner,

At its regular meeting of March 5, 2018 the City of Hollister City Council adopted Ordinance No. 1151 approving a pre-zone of a 53.35 acre parcel to Open Space/Public on 2.54 acres and to Low Density Residential Performance Overlay Zone (R-1 L/PZ) on the remaining 50.81 acres for future annexation into the corporate limits of Hollister located west of Fairview Road, east of Enterprise Road, and north of Airline Hwy (State Route 25), further identified as San Benito County Assessor's Parcel Number 020-310-009.

Question number 15 of the LAFCO application states, *attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues.* The city of Hollister can provide services to the site pending LAFCO approval of the annexation of territory. The project site is within the City of Hollister General Plan area and is accounted for in the City's Long-Term Wastewater Management Program. It is proposed that services including sewer and wastewater generated onsite be collected and conveyed to the City of Hollister Domestic Wastewater Treatment Plant (DWTP) for treatment and disposal. The property would receive domestic water service from Sunnyslope County Water District. Impact fees will be assessed at the time of building permit issuance for use in future capital improvement projects. At the time the property is annexed the City will be able to provide and will have sufficient revenues to provide the proposed municipal services.

Should you have any questions, or require additional information, please do not hesitate to contact our department at your convenience at (831) 636-4340 ext. 15.

Sincerely,


Danny Hillstock, P.E., QSD, QSP
Engineering Manager/City Engineer

Sunnyslope County Water District

3570 Airline Highway
Hollister, California 95023-9702

Phone (831) 637-4670
Fax (831) 637-1399

March 5, 2018

Peter Hellmann
Builders Land Group
1615 Bonanza Street, Suite 314
Walnut Creek, CA 94596

Re: Roberts Ranch Subdivision (Assessor's Parcel Nos. 020-310-009, 057-490-002,
& 057-490-010)

Dear Mr. Hellmann:

The Roberts Ranch Development is located within the boundary of Sunnyslope County Water District. The District is willing and able to provide the potable water service to these properties when this project develops.

Prior to the start of construction, the Developer must enter into an Agreement for Water Facilities and Service with the District. This agreement dictates the terms and requirements of the construction of any facilities to be dedicated to the District upon project completion along with the financial arrangements to guarantee the product quality at completion.

The District currently has adequate water capacity and infrastructure to serve this development potable water that and meets all State and Federal drinking water quality requirements. Ample water will be available and delivered on demand at each and every lot without exception to meet all normal household use and fire protection needs.

Please do not hesitate to give me a call at 831-637-4670 if you have any clarifying questions. Thank you.

Sincerely,



Donald G. Ridenhour, P.E.
General Manager
Sunnyslope County Water District

RESOLUTION NO. 2018-65

**A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF
HOLLISTER REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
(LAFCo) OF SAN BENITO COUNTY TO INITIATE PROCEEDINGS FOR THE
ANNEXATION OF TERRITORY FOR THE PROPERTY IDENTIFIED AS SAN BENITO
COUNTY ASSESSORS PARCEL NUMBER 020-310-009
(HOLLISTER ENTERPRISE, LLC)**

WHEREAS, the City Council of the City of Hollister desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, (the "Act") for a change of organization consisting of one 53.35 acre parcel for annexation to the City of Hollister; and

WHEREAS, the reasons for the proposed reorganization is to annex the territory of 53.35 acres owned by Hollister Enterprise, LLC (the "Territory") which is substantially surrounded by the City of Hollister, and to allow for the provision of municipal services to the Territory that will allow development consistent with the City of Hollister General Plan; and

WHEREAS, the following agency would be affected by the proposed jurisdictional change:

<u>Agency</u>	<u>Nature of Change</u>
County of San Benito	Annexation to City of Hollister

WHEREAS, a description and map of the boundaries of the Territory are attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the proposed annexation of the Territory is consistent with the City of Hollister sphere of influence as set forth in the City's General Plan; and

WHEREAS, the Territory has been rezoned by City of Hollister Ordinance 1151 in conformance with state and local law; and

WHEREAS, the City Council certifies that as lead agency pursuant to the California Environmental Quality Act an Environmental Impact Report and Mitigation Monitoring and Reporting Program was adopted per Resolution No. 2018-37 at its regular meeting of February 20, 2018.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Hollister as follows:

1. This Resolution of Application is hereby adopted and approved by the City Council of the City of Hollister, and the San Benito County Local Agency Formation Commission is hereby requested to take proceedings for the change of organization as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The City Clerk shall cause a certified copy of this Resolution to be filed with the Executive Officer of the San Benito County Local Agency Formation Commission.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held on this 19th day of March, 2018, by the following vote:

AYES: Council Members Gillio, Luna, and Klauer.

NOES: Council Member Friend, and Mayor Velazquez.

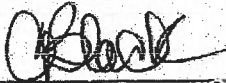
ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:

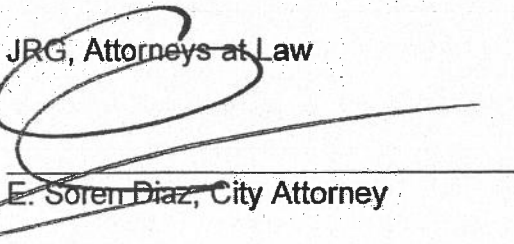


Christine Black, MMC, City Clerk

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

APPROVED AS TO FORM:

JRG, Attorneys at Law



E. Soren Diaz, City Attorney

EXHIBIT A

LEGAL DESCRIPTION AND MAP

ROBERTS RANCH ANNEXATION

BEING A PORTION of Section 12, Township 13 South, Range 5 East, Mount Diablo Base at Meridian, bounded by a line more particularly described as follows:

BEGINNING at a point in the jurisdictional boundary line between the City of Hollister and the County of San Benito at the intersection thereof, with centerline of Mimosa Street; thence along said jurisdictional boundary line

[1] North 2° 08' 58" East 594.31 feet; thence

[2] South 89° 45' 03" East 1949.27 feet to a point in the easterly line of Fairview Road;

Thence along said easterly line

[3] South 0° 15' 00" East 785.86 feet; thence leaving said easterly line

[4] North 89° 44' 18" West 1330.50 feet; thence

[5] South 2° 02' 25" West 1663.57 feet to a point in the southerly line of Airline Highway; thence along said southerly line

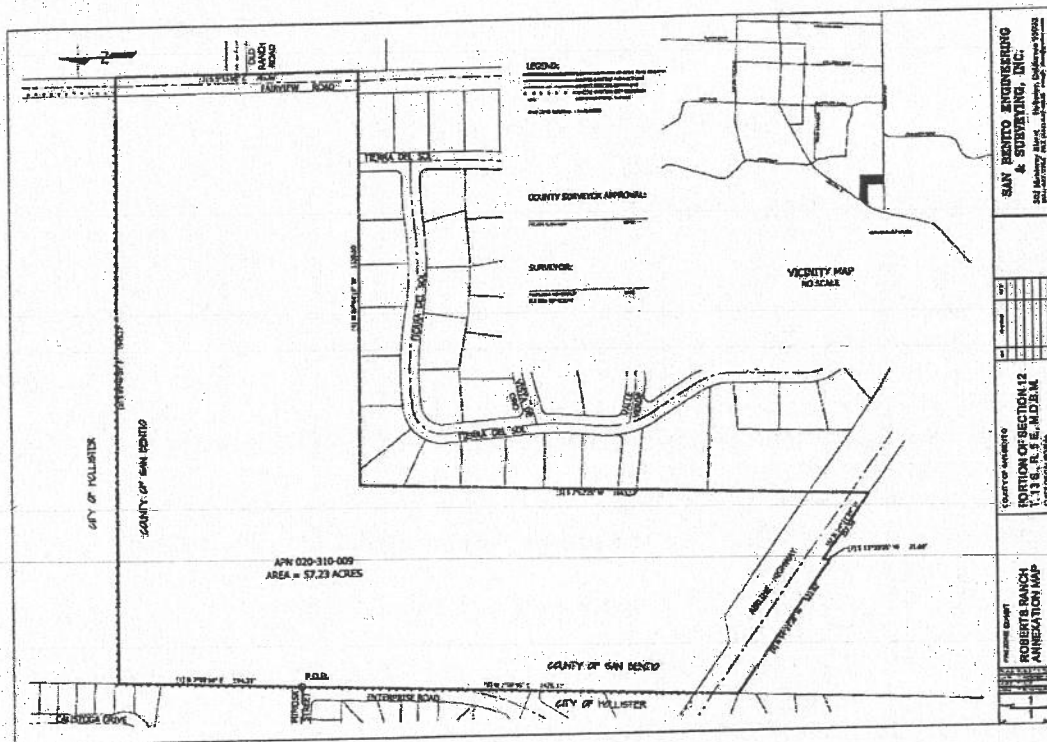
[6] North 54° 23' 38" West 257.55 feet; thence

[7] South 13° 03' 05" West 21.66 feet; thence

[8] North 54° 23' 38" West 522.02 feet; thence leaving said southerly line

[9] North 2° 08' 58" East 1425.11 feet to the point of beginning.

Containing 57.23 acres



**A PETITION OF LANDOWNERS INITIATING PROCEEDINGS FOR AN
ANNEXATION TO THE CITY OF HOLLISTER**

The undersigned, by their signatures hereon, petition the San Benito Local Agency Formation Commission for approval of a proposed annexation and stipulate as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is for an annexation of territory to the City of Hollister.
3. The boundaries of the territory to be annexed are shown on the map set forth as Exhibit A attached hereto and by reference incorporated herein (the "Property").
4. The annexation proposal shall be subject to the following terms and conditions: [The Certified Environmental Impact Report and Mitigation Monitoring and Reporting Program per Resolution No. 2018-37 approved by the City Council on February 20, 2018, Tentative Map No. 2016-1 approved per City Council Resolution No. 2018-38 on February 20, 2018, Conditional Use Permit No. 2017-6 for a Planned Unit Development approved per City Council Resolution No. 2018-39 on February 20, 2018, Site and Architectural Review Application No. 2017-6 approved per City Council Resolution No. 2018-40 on February 20, 2018, Ordinance 1151 introduced following a duly noted public hearing at a regular city council meeting on February 20, 2018 and approved by the City Council on March 5, 2018 rezoning the property, and the Annexation Agreement entered into and between the City of Hollister and Hollister Enterprise, LLC. On March 19, 2018 per City Council Resolution No. 2018-64].
5. The reasons for the proposal are to provide all municipal services to the Property, with the exception of water service, which is anticipated to be provided by Sunnyslope County Water District, for the future residential development of the Property within the City limits.
6. This annexation proposal is consistent with the Sphere of Influence of the City of Hollister.
7. The persons signing this petition have signed as landowners of the Property.
8. The following persons (not to exceed three) are designated as chief petitioners to receive copies of the notice of hearing and the Executive Officer's Report on this annexation proposal at the addresses shown:

Wherefore, petitioners herewith affix signatures as follows:


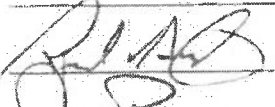

Signature and date	Print Name	APN
	Matt Koart	020-310-009-0
	Riccardo Scapellato	
	Jim Brennan	

EXHIBIT A

LEGAL DESCRIPTION AND MAP

ROBERTS RANCH ANNEXATION

BEING A PORTION of Section 12, Township 13 South, Range 5 East, Mount Diablo Base at Meridian, bounded by a line more particularly described as follows:

BEGINNING at a point in the jurisdictional boundary line between the City of Hollister and the County of San Benito at the intersection thereof, with centerline of Mimosa Street; thence along said jurisdictional boundary line

[1] North 2° 08' 58" East 594.81 feet; thence

[2] South 89° 45' 03" East 1949.27 feet to a point in the easterly line of Fairview Road;

thence along said easterly line

[3] South 0° 15' 00" East 785.56 feet; thence leaving said easterly line

[4] North 89° 44' 18" West 1350.50 feet; thence

[5] South 2° 02' 25" West 1663.57 feet to a point in the southerly line of Airline Highway;

thence along said southerly line

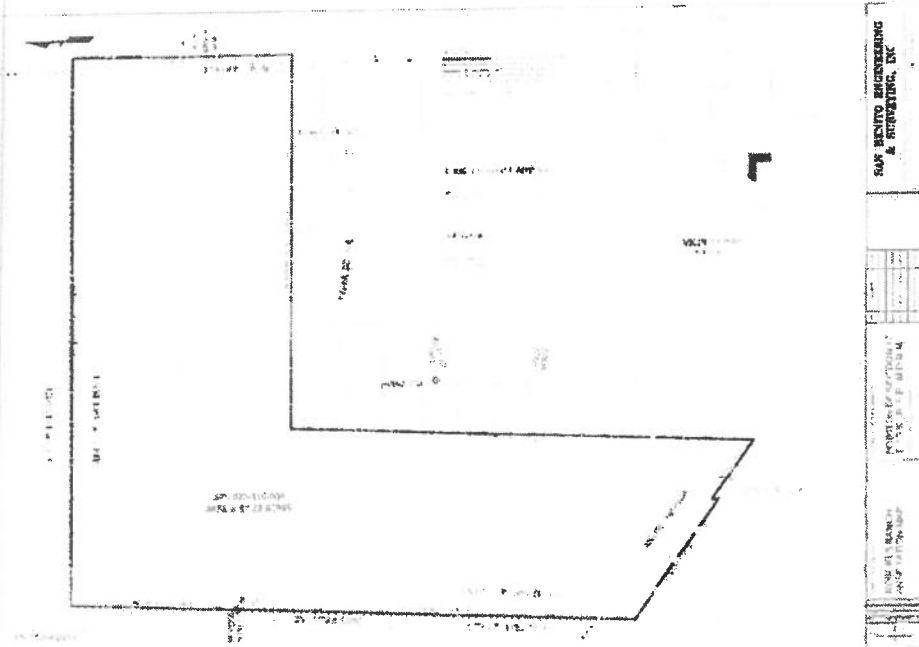
[6] North 54° 23' 38" West 257.55 feet; thence

[7] South 13° 03' 05" West 21.66 feet; thence

[8] North 54° 23' 38" West 522.02 feet; thence leaving said southerly line

[9] North 2° 08' 58" East 1425.11 feet to the point of beginning

Containing 66.23 acres.



R

RESOLUTION NO. 2018-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
APPROVING CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT AND
ADOPTING A MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE
ROBERTS RANCH SUBDIVISION PROJECT**

WHEREAS, Hollister Enterprise LLC ("the applicant") submitted multiple applications to the City of Hollister Development Services Department requesting approval of a Pre-zone for future annexation of LDR (R1 L/PZ), a Conditional Use Permit for a Planned Unit Development, Vesting Tentative Map for a potential 227-unit residential subdivision, and a Site & Architectural Review on an approximate 54.29-acre site located at on Enterprise Road near the southeastern corner of the Hollister city limit and within the Sphere of Influence; and

WHEREAS, an environmental impact report was prepared for Pre-Zone Application No. 2015-5, Conditional Use Permit for a Planned Unit Development Application No. 2017-6, Tentative Map Application No. 2016-1, and the Site & Architectural Review ("Project") and it was determined that potentially significant impacts from the Project could be reduced to an insignificant level with the incorporation of mitigation measures agreed to by the applicant into the project and other potentially significant impacts from the Project could not be reduced to an insignificant level with the incorporation of mitigation measures and would require a statement of overriding consideration from the City of Hollister City Council; and

WHEREAS, the Draft Environmental Impact Report was circulated for public comment from January 17, 2017 to March 2, 2017, and a Notice of Availability was distributed to the Association of Monterey Bay Area Governments, local agencies, and to members of the public; and

WHEREAS, the City of Hollister received five comment letters from responsible agencies and the public in response to the Draft Environmental Impact Report; and

WHEREAS, the City of Hollister prepared a Final Environmental Impact Report on May 10, 2017 responding to the comments and provided the Final Environmental Impact Report to the commenter's; and

WHEREAS, all federal, state, and local requirements must be met with any proposed project; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 28, 2017, to consider the staff report, to hear and consider written and oral comments, and to consider recommending adoption of the Environmental Impact Report and Mitigation Monitoring and Reporting Program to the city council; and

WHEREAS, after considering written and oral comment, the City of Hollister

Planning Commission deliberated and determined to recommend the adoption of the Environmental Impact Report and the Mitigation Monitoring and Reporting program to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on February 20, 2018, to consider the staff report, to hear and consider written and oral comments, and to consider adoption of the Environmental Impact Report and Mitigation Monitoring and Reporting Program; and

WHEREAS, after considering written and oral comment, the City of Hollister City Council deliberated and determined to adopt the Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

WHEREAS, the Environmental Impact Report and the Mitigation Monitoring Program have been prepared in compliance with the provisions of the California Environmental Quality Act; and

WHEREAS, pursuant to Section 711.4 of the Fish and Game Code, a de minimis finding cannot be made for the proposed project and the applicant shall be required to pay Fish and Game fees when the Notice of Determination is filed.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPT THE FOLLOWING FINDINGS:

1. The Environmental Impact Report for the Project evaluated the impacts of the proposed projects.
2. The City Council has reviewed and considered the information contained in the Environmental Impact Report, Mitigation Monitoring and Reporting Program and based on the whole record before the Commission, including the initial study and any comments received, that there is substantial evidence that the Project will have a significant effect on the environment and that the approval of a statement of overriding consideration as provided in Section III, has been reviewed and approved by the city council.
3. The Environmental Impact Report and the Mitigation, Monitoring and Reporting Program comply with the California Environmental Quality Act, the State CEQA Guidelines, and the City of Hollister CEQA process.
4. The proposed Environmental Impact Report reflects the City of Hollister's independent judgment and analysis.
5. The mitigation measures contained in the Mitigation Monitoring and Reporting Program were agreed to by the applicant and are adequate to reduce some of the impacts of the project on the physical environment to a less than a significant level.

6. The document and other materials that constitute the record of the proceedings on which the City's determinations are based are located at the City of Hollister Development Services Department, 339 Fifth Street, Hollister California 95023, (831) 636-4360.

FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) AND FACTS AND EVIDENCE IN SUPPORT OF FINDINGS FOR THE
ROBERTS RANCH SUBDIVISION

I
BACKGROUND

1. Location of Project

The 54.9-acre project site is located at the southeastern corner of the Hollister Sphere of Influence: 1.55 acres are located within the city limits, and 53.35 acres are located outside of the city limits. The project site is bound by existing residential uses and vacant land to the north; Fairview Road and the existing Cielo Vista residential neighborhood to the east; State Route 25 (Airline Highway) to the south, and Enterprise Road and other residential neighborhoods to the west.

Regional access to the project site is provided by State Route 25 and State Route 156 while local access to the project would be provided by roadway extensions from Enterprise Road off of Glenview Drive and Mimosa Street.

The project site Assessor's parcel numbers are 020-310-009, 057-049-010, and 057-049-002.

2. Description of the Project

The proposed project is a 53.35-acre prezone and annexation to the City of Hollister, a 54.9-acre vesting tentative map for a 206-lot residential subdivision with a net residential density of 6.3 dwelling units per acre, and a Planned Unit Development (PUD).

The residential subdivision includes 192 single-family residential lots and 14 multi-family lots for which a PUD is required, and dedication of 2.54 acres of land adjacent to Valley View Park to enable expansion of the park by a future developer. The 14 multi-family residential lots consist of seven duplex lots and seven triplex lots for a total of 35 residences. Development of the site consistent with the vesting tentative map will provide a total of 227 dwelling units, which is consistent with the 2005 Hollister General Plan (general plan) Low Density Residential land use designation.

The project also includes public land uses including roadways, rights-of-way, a linear park, improved bicycle and pedestrian paths and utilities easements. Development of the multi-family residential portion of the project will require separate design review and approval. The project will require connection to the municipal sanitary sewer main at the nearest point of connection with adequate conveyance capacity, with all sewer lines installed at the applicants' expense. Recreational facility improvements on the 2.54-acre land dedication for Valley View Park will be funded and made by the applicant prior to the 145th certificate of occupancy for the project. All public improvements and the expanded community park will be maintained by the city, with the costs of the maintenance funded through the existing Mello-Roos District No. 1 and by annexing into the city's existing landscape and lighting district, once the project site is annexed into the City of Hollister and required planning applications are approved.

3. Project Objectives

In accordance with CEQA, a statement of objectives sought by the project should be clearly stated to aid the lead agency in developing a reasonable range of alternatives to evaluate in the EIR and to aid decision makers in preparation of findings or a statement of overriding considerations (Title 14 CCR § 15124 (b)). The following objectives, as prepared by the applicant, outline the underlying purpose of the project. The objectives of the project are to:

- a. Provide an opportunity to implement the Hollister 2005 General Plan infill strategy by obtaining approval for residential development of a 54.9-acre site identified by the Hollister 2005 General Plan as a "Phase I Priority Infill Area";
- b. Provide a visually attractive and distinctive high-quality residential community with an average net residential density of six dwelling units per acre, consistent with the Low Density Residential (1-8 dwelling units per acre) land use designation and typical residential densities (Hollister 2005, Table A23) that are necessary to meet the city's regional housing needs;
- c. Provide a mix of housing types to increase the city's available housing opportunities to meet the needs of, and be affordable to, a variety of household sizes, types and income levels;
- d. Provide cohesive and integrated land uses and infrastructure in proximity to existing utilities, infrastructure, and public services, adjacent existing neighborhoods, and public spaces;
- e. Dedicate land sufficient to complete the existing Valley View Park and a linear park that will provide pedestrian and bicycle access to Valley View Park;

- f. Promote an energy efficient community that supports quality of life through energy and water conservation, and connectivity with existing infrastructure and services;
- g. Provide an economically competitive, financially feasible, and environmentally sound development plan that promotes community livability and quality of life;
- h. Provide safe and quiet neighborhoods, by creating an internal circulation pattern that minimizes speed of traffic and related noise in neighborhoods;
- i. Create a convenient, attractive pedestrian and bicycling network that will encourage and facilitate walking and bicycling, consistent with the city's Complete Streets and Safe Routes to School policies and programs, by providing pedestrian and bicycle connections from existing and planned neighborhoods to the north and east for convenient and safe access to parks, recreational and school facilities; and
- j. Enable independent development of each planned phase within the project, while ensuring that all infrastructure, facilities, services and amenities needed to serve the project are constructed in a timely manner and have adequate capacity for each phase.

II

FINDINGS AND FACTS AND EVIDENCE IN SUPPORT OF FINDINGS:

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. and Title 14, California Code of Regulations Section 15000 et seq. the city as Lead Agency adopts the following findings, along with the facts and evidence upon which each finding is based.

1. Final EIR:

The Final EIR (Exhibit A), incorporated herein by reference, for the project consists of the Draft EIR for Roberts Ranch Subdivision and the Appendices to the Draft EIR prepared for the City of Hollister by EMC Planning Group Inc., dated January 9, 2017; and the Final EIR for the Roberts Ranch Subdivision prepared for the City of Hollister by EMC Planning Group Inc., dated May 10, 2017. The Final EIR analyzes and evaluates approval and development of the project as described in Section I-2 above.

Finding. The Hollister City Council finds that the actions necessary to carry out approval of the project are within the scope of the project analyzed in the Final EIR; and that the Final EIR is fully adequate to consider this project and reflects the independent judgment of the City of Hollister. Pursuant to CEQA guidelines section 15088.5 no additional recirculation of documents is required. No subsequent changes have been proposed in the project analyzed by the Final EIR that will require important revisions of the Final EIR due to the involvement of new significant environmental impacts not considered in the Final EIR. No substantial changes have occurred with respect to the

circumstances under which the project analyzed in the Final EIR is to be undertaken which will require important revisions to the Final EIR due to the involvement of new significant environmental impacts not covered in the Final EIR. No new information of substantial importance to the project analyzed in the Final EIR has become available in the time since the Final EIR was prepared.

The location and custodian of records for the basis of decision of the city as Lead Agency approving the recommendations and actions described herein is the Hollister City Clerk, City Hall, 375 Fifth Street, Hollister, CA 95023.

3. Public Notice

The city has complied with all noticing as required by CEQA. A Notice of Preparation (NOP) was prepared and comments received from responsible agencies pursuant to Public Resources Code Section 21080.4. The city distributed the NOP to all Responsible Agencies on January 20, 2016. The NOP response period ended on February 18, 2016. Responses to the NOP were considered in the preparation of the Draft EIR and are included as an appendix to the Draft EIR.

A Draft EIR was circulated for public review for 45 days beginning on January 17, 2017, and ending on March 2, 2017. The city distributed a Notice of Availability with copies of the Draft EIR, and posted the Notice of Availability at the San Benito County Clerk's office. The City published the Notice of Availability in the Free Lance Newspaper on January 13, 2017. The city received comment letters from the following agencies and members of the public: William and Michele Lee, LSA, Inc., Peter Hellmann, California Department of Transportation (Caltrans) District 5, and the Monterey Bay Air Resources District. The city responded to these in the Final EIR, copies of which were provided to the commenters no less than ten days prior to project approvals.

Finding. The Hollister City Council finds that the environmental review process was duly noticed to the public and responsible agencies in accordance with CEQA.

4. Environmental Effects of the Project Mitigated to a Less-than- Significant Level

The following subsections briefly explain the manner in which each of the recommended mitigation measures have been incorporated or will be implemented into the project plans or conditions and supply the rationale for the finding that the following potential significant effects, as identified in the Final EIR, have been reduced to an acceptable level.

The environmental effects of the project identified in the Final EIR and mitigation measures required in the Final EIR to mitigate each impact to a less-than-significant level are listed below.

(a) Air Quality

Project Impact (Significant): Area Source Emissions (Pollutants) that Exceed District Thresholds. During operations, the project will generate 389.28 pounds per day of reactive organic gases (ROG) in exceedance of the Monterey Bay Air Resources District (hereinafter "air district") threshold of 137 pounds per day. This would contribute to violations of regional air quality standards.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure AQ-1. Prior to building permit issuance, the applicant shall provide evidence that the following air emissions reduction features are incorporated into the covenants, conditions, and restrictions (CC&Rs) for the subdivision and will be recorded against each of the individual parcels:

Solid fuel heating appliances (i.e., wood-burning fireplaces; wood stoves; etc.) shall be prohibited.

Evidence: Mitigation Measure AQ-1 prohibits the incorporation of wood-burning fireplaces, wood stoves, and other solid fuel heating appliances within project plans, which reduces ROG emissions that would otherwise be generated during project operations from 389.28 pounds per day to 40.29 pounds per day or by 89.7 percent. Eliminating wood-burning appliances from development of the site would also reduce area source pollutants-nitrogen oxides (NO_x) emissions by 23.8 percent; suspended particulate matter (PM₁₀) emissions by 80.9 percent; and carbon monoxide (CO) emissions by about 82.9 percent. As a condition of project approval, the developer will implement Mitigation Measure AQ-1, which will reduce project-related area source emissions below air district thresholds and ensure that project-generated operational emissions are less-than-significant.

Project Impact (Significant): Temporary Construction Dust Emissions that Exceed Air District Thresholds. Initial site preparation and mass grading activities proposed in the first phase of construction would exceed 2.2 acres per day. Site improvements conducted in later phases also could include grading or other light earth movement exceeding 8.1 acres in a day. According to the air district's CEQA guidelines, a project that includes excavation or grading to this extent would generate dust that would exceed the air district standards (82 lbs per day) for suspended particulate matter, which also would contribute to the air basin's nonattainment status for PM₁₀.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the project mitigate impacts to less-than-significant levels:

Mitigation Measure AQ-2. Prior to issuance of grading, or building permits, the applicant or developers of the project site shall prepare a grading plan subject to review and approval by the city. In the event ground disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth moving (e.g. finish grading), the required grading plans shall include the following measures to be implemented as needed to prevent visible dust emissions:

- a. Water all active construction sites continuously. Frequency should be based on the type of operation, soil, and wind exposure;
- b. Prohibit all grading activities during periods of high wind (over 15 mph);
- c. Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- d. Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area;
- e. Maintain at least 2'-0" of freeboard on haul trucks;
- f. Cover inactive storage piles;
- g. Sweep streets if visible soil material is carried out from the construction site; and
- h. Limit the area under construction at any one time.

AQ-3. Prior to commencement of construction activities, the contractor shall appoint a qualified site monitor to ensure that the dust control measures are implemented. Evidence of implementation shall be submitted to the City of Hollister Planning Department within three days of commencement of grading, and monthly thereafter as long as grading occurs. In addition, a publicly-visible sign written in English and Spanish with the telephone number and person to contact regarding dust complaints should be posted at the project site. This person shall respond and take corrective action within 48 hours. The phone number of the air district shall also be visible to ensure compliance with rule 402 (nuisance).

Evidence: Mitigation Measure AQ-2 minimizes the project's construction dust emissions by requiring the preparation and implementation of a grading plan that includes comprehensive dust control measures. These measures will reduce project construction dust emissions that affect regional air quality below air district thresholds. Mitigation Measure AQ-3 requires the appointment of a site monitor during construction to verify implementation of the measures outlined in the grading plan. As a condition of project approval, implementation of Mitigation Measure AQ-2 and Mitigation Measure AQ-3 will be required and will impacts related to construction dust will be less than significant.

Project Impact (Potentially Significant): Temporary Construction Diesel Exhaust Emissions that Exceed Air District Thresholds. Construction activities associated with the proposed project would likely involve use of the heavy-duty off-road equipment and large trucks that use diesel fuel. Any older equipment used not meeting the EPA Tier 4 standards would result in greater emissions of NO_x and diesel particulate matter and potentially significant air quality impacts.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potentially significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the project mitigate impacts to less-than-significant levels:

AQ-4. The developer shall reduce nitrogen oxides exhaust and particulate matter emissions by implementing one of the following measures prior to the start of construction:

- Provide a plan, acceptable to the air district, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles and equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent nitrogen oxides reduction and 45 percent particulate matter reduction compared to the most recent CARB fleet average for the time of construction; or
- Provide a plan, acceptable to the air district, that all off-road construction vehicles/equipment greater than 50 horsepower that will be used on site for more than one week shall be manufactured during or after 2001, or equipped with diesel particulate matter filters such that they meet the nitrogen oxides emissions standard of 6.9 grams per brake horsepower hour.

Prior to the onset of site preparation, grading and construction activities, the project applicant(s) or developer(s) shall require in construction contracts that all off-road construction vehicles comply with the detailed specifications required in Mitigation Measure AQ-4 and shall submit evidence demonstrating compliance with this measure to the City of Hollister Planning Department for review and approval.

AQ-5. The developer shall reduce NO_x and particulate matter exhaust emissions by implementing the following measures prior to the start of construction:

- Contractors shall install temporary electrical service whenever possible to avoid the need for independently-powered equipment (e.g. compressors).
- Signs at the construction site shall be clearly visible to advise that that diesel equipment standing idle for more than two minutes within 200 feet of sensitive receptors shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously if on-site and staged at least 100 feet away from residential areas.
- Properly tune and maintain equipment for low emissions.
- Stage large diesel powered equipment at least 200 feet from any sensitive land uses (e.g., occupied residences).

Evidence: Mitigation Measures AQ-4 and AQ-5 minimize construction equipment emissions by requiring the implementation of NO_x and particulate matter exhaust emission reduction measures such as diesel particulate matter filters on construction vehicles and limits on idling time. As conditions of project approval the developer will implement Mitigation Measures AQ-4 and AQ-5, which will ensure that impacts related to construction equipment emissions are reduced to a less-than-significant level.

Project Impact (Potentially Significant): Exposure of Sensitive Receptors to Equipment Exhaust. During construction, the residents of adjacent existing homes to the east and west of the project site could be exposed to substantial PM₁₀ and equipment exhaust emissions.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the imposition of Mitigation Measures AQ-4 and AQ-5, previously discussed, upon the project mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measures AQ-4 and AQ-5 require the implementation of measures such as diesel particulate matter filters on construction vehicles and limits on idling that reduce NO_x and particulate matter exhaust emissions. As conditions of approval, the developer will implement these emission reduction measures emissions, thereby limiting the potential impacts related to exposure of adjacent sensitive receptors to exhaust emissions and ensuring impacts are less than significant.

(b) Biological Resources

Potential Project Impact (Potentially Significant): Substantial Adverse Effect on Special Status Species Individuals (California Tiger Salamander, California red-legged Frog, and Western Spadefoot). Construction of the proposed project could result in unintended harassment, habitat removal, or direct mortality of California tiger salamander (CTS), a Federally- and State-listed as Threatened Species; California red-legged frog (CRLF), a Federally-listed Threatened and State-listed Species of Special Concern, and western spadefoot, a State-listed Species of Special Concern. While CTS, CRLF and western spadefoot are considered unlikely to occur on the site, their presence cannot be completely ruled out.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the project mitigate potential impacts to less-than-significant levels:

Mitigation Measure BIO-1. At least 15 days prior to ground disturbance, the applicant shall submit the name(s) and credentials of biologists who will conduct activities specified in the measures BIO-1 through BIO-8 ("qualified biologist"). No project activities shall begin until the applicant has received written approval from the US Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) that the biologist is qualified to conduct the work. The qualified biologist will supervise and/or implement all protection measures at the expense of the applicant.

Mitigation Measure BIO-2. Before construction activities begin, the qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of CRLF, CTS, and western spadefoot and their habitats, general measures that are being implemented to conserve CRLF and CTS as they relate to the project, and the boundaries within which the project occurs. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training.

Mitigation Measure BIO-3. During construction the qualified biologist will be present during all initial ground disturbance activities. Only the qualified biologist will be allowed to handle CTS, CRLF, and western spadefoot. The qualified biologist will have the authority to halt construction work at any time to prevent harm to CTS, CRLF, and/or or western spadefoot when any protection measures have been violated. Work will commence only when authorized by the qualified biologist. If work is stopped due to potential harm to CTS, CRLF, or western spadefoot, the qualified biologist will contact the USFWS and/or CDFW by telephone or email on the same day.

The qualified biologist will train biological monitors designated by the construction contractor. Before the start of work each day, the monitors will check for animals under any equipment such as vehicles and stored pipes within active construction zones that are fenced. The monitors will also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If a CTS, CRLF, or western spadefoot is observed within an active construction zone, the qualified biologist will be notified immediately and all work within 100 feet of the individual will be halted and all equipment turned off until the biologist has captured and removed the individual from the work area. CTS, CRLF, and/or western spadefoot will be relocated to a USFWS/CDFW-approved off-site location.

Evidence: Mitigation Measures BIO-1 through BIO-3 avoid or minimize impacts to the CTS, CRLF, and Western Spadefoot Toad, through a variety of protection measures, prior to and during construction, including training of construction personnel by a USFWS and CDFW approved biologist and construction monitoring by a biological monitor trained by a USFWS and CDFW approved biologist. These Mitigation Measures will ensure that if CTS, CRLF, or western spadefoot are present on the site they are more likely to be discovered and that appropriate procedures will be taken to avoid harm to the individuals in the event they are discovered. This reduces the potential for the loss of these special status species individuals. As conditions of project approval, the developer will implement Mitigation Measures BIO-1 through BIO-3, which will reduce potential impacts to special-status species to a less-than-significant level.

Impact (Significant): Loss of Habitat for Special Status Species (CTS and CRLF). The project will result in the loss of approximately 54.9 acres of potential upland dispersal habitat for CRLF and potential upland habitat for CTS. Although it is unlikely that CTS and CRLF are present on the project site and Fairview Road and SR 25 present significant barriers to movement onto the site, the site is within dispersal distance of several known occurrences of the species to the east and southeast. In addition, the site may have served as upland habitat for these species prior to development of adjacent areas. As such, the project will contribute to cumulative upland habitat loss for these species in the Hollister region.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure BIO-4. To compensate for the permanent loss of CTS and CRLF upland habitat, the applicant shall preserve or purchase in-kind grassland habitat that is known to provide upland habitat for CTS and CRLF at a minimum 2:1 ratio of area preserved to area impacted or as otherwise permitted by the USFWS and CDFW. Compensatory mitigation may be accomplished through one of the following options:

- Establishing a conservation easement on or off site in a suitable San Benito County location and providing a non-wasting endowment for management and monitoring of the property in perpetuity. Lands placed in a conservation easement must be documented to support CTS and CRLF;
- Depositing funds into an USFWS- and CDFW-approved in-lieu fee program; or
- Purchasing credits in a USFWS- and CDFW-approved conservation bank that includes the Roberts Ranch site in its service area.

Evidence: Mitigation Measure BIO-4 minimizes impacts related to the permanent loss of CTS and CRLF upland habitat through compensatory mitigation at a minimum 2:1 ratio of area preserved to area impacted. This mitigates the project contribution to overall CRLF and CTS habitat loss and thereby minimizes project impacts. As a condition of project approval, the developer will implement Mitigation Measure BIO-4, which will reduce impacts related to CRLF and CTS habitat loss to a less-than-significant level.

Potential Impact (Potentially Significant): Impacts to a State-listed Species of Concern (Western Burrowing Owl). The proposed project could result in the destruction of burrows occupied by burrowing owls that could result in the disturbance or loss of owl individuals. Although the project site currently does not support burrows and is considered unsuitable for burrowing owls, there is slight potential for the species to occur in the future if ground squirrels colonize the site perimeter (e.g., embankments of drainage ditches, margins of maintenance roads), prior to construction activities. Project grading that destroys occupied burrows and the loss of individuals is considered a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure BIO-5. No more than 14 days prior to any ground disturbing activities, a qualified biologist will conduct a preconstruction/take avoidance survey for burrowing owls using methods described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation, and at the expense of the applicant. If no owls are detected during the initial take avoidance survey, a final survey shall be conducted within 24 hours prior to ground disturbance to confirm that owls are still absent.

If take avoidance surveys conducted during the non-breeding season (September 1 to January 31) identify any burrowing owls within the construction footprint, owls may be excluded from burrows using one-way doors provided that a Burrowing Owl Exclusion Plan is developed and approved by CDFW prior to implementation. Any burrow exclusion efforts will be monitored prior to, during, and after exclusion of burrowing owls from burrows to ensure that take is avoided. If burrow exclusion will occur immediately after the end of the breeding season, daily monitoring shall be conducted for one week prior to the exclusion to confirm that any young of the year have fledged.

If owls are found within the construction footprint during the breeding season, occupied burrows will be avoided by establishing buffers around the burrows in which no work shall be allowed until a qualified biologist has determined that the nest attempt has failed or that young have fledged and can forage independently of the adults. A minimum buffer of 250 feet will be maintained during the breeding season around active burrows. Owls present on site after February 1 will be assumed to be nesting on or adjacent to the site unless focused monitoring by a qualified biologist familiar with burrowing owl reproductive behavior indicates that the observed individual is unpaired or that egg-laying has not yet begun. A Burrowing Owl Exclusion Plan will be developed and approved by CDFW prior to implementation.

Evidence: Mitigation Measure BIO-5 minimizes the potential for impacts to burrowing owls by requiring a qualified biologist to conduct a preconstruction/take avoidance survey for burrowing owls and implementation of exclusion or avoidance measures if burrowing owls are found in or around the project site. This Mitigation Measure increases the likelihood that if burrowing owls are present on site they will be discovered and that appropriate procedures will be undertaken to ensure they are not harmed. This reduces the potential for the loss of this state listed species of special concern. As a condition of project approval, the developer will implement Mitigation Measure BIO-5, which will reduce potential impacts to the burrowing owl to a less-than-significant level.

Potential Impact (Potentially Significant): Impacts to a Federally-listed Endangered Species and a State-listed Threatened Species (San Joaquin Kit Fox). The proposed project could result in the destruction of burrows occupied by San Joaquin kit fox. Although the project site currently does not support burrows and is considered unsuitable for San Joaquin kit fox, there is slight potential for the species to occur in the future if ground squirrels colonize the site perimeter (e.g., embankments of drainage ditches, margins of maintenance roads). Project grading that destroys occupied burrows and the losses of individuals is considered a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure BIO-6. Preconstruction/pre-activity surveys for San Joaquin kit fox in accordance with USFWS protocols shall be conducted no less than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity that may impact the San Joaquin kit fox. The surveys shall include all work areas and a minimum 200-foot buffer. The preconstruction surveys shall identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, assess the potential impacts of the proposed activity. The status of all dens should be determined and mapped.

If a natal/pupping den is discovered within the project area or within 200 feet of the project boundary, the applicant will consult with CDFW and USFWS to establish an appropriate avoidance buffer. The avoidance buffer will be maintained until such time as the burrow is no longer active and/or an incidental take permit is determined to be required and is obtained.

Evidence: Mitigation Measure BIO-6 minimizes the potential for impacts to the San Joaquin kit fox by requiring a qualified biologist to conduct a preconstruction/pre-activity survey for San Joaquin kit foxes and implementation of avoidance measures should they be found. This Mitigation Measure increases the likelihood that if kit foxes are present they will be discovered and that appropriate procedures will be undertaken to ensure they are not harmed. These measures will reduce the potential for the loss of this federally listed endangered species and state listed threatened species. As a condition of project approval, the developer will implement Mitigation Measure BIO-6, which will reduce potential impacts to the kit fox to a less-than-significant level.

Project Impact (Significant): Direct Removal and Filling of a Protected Seasonal Wetland. Construction activities would fill the 0.08-acre seasonal wetland on the southwestern corner of the project site. Filling a wetland is considered a significant adverse environmental impact. The applicant is required to obtain appropriate regulatory approvals/authorizations from the US Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB). Although the wetland is of limited size and dominated by ruderal vegetation, permanent fill without compensatory mitigation would violate the "no net loss" policy of the Clean Water Act and would thus be a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure BIO-7: To compensate for permanent impacts to 0.08 acre of wetlands of the United States and achieve "no net less" of wetland acreage or habitat value, the applicant will create, preserve, or purchase in-kind wetland habitat at a 2:1 ratio. Compensatory mitigation may be accomplished through one of the following options:

- The applicant shall create at least 0.16 acre of off-site mitigation wetlands elsewhere in the Hollister region, or in a location approved by the CDFW. A conservation easement shall be placed on the mitigation site to preserve the site in perpetuity as natural open space. A long-term management plan shall be developed for the mitigation site. The applicant shall provide an endowment in an amount to be determined by the city, USACE, and RWQCB for the long-term maintenance and monitoring of the mitigation site. Off-site wetland creation would also require the following:
 - A wetland mitigation replacement plan that includes, at a minimum, 1) a discussion of the impacted wetland's plant species composition and hydrology and the proposed plant species composition and hydrology of the mitigation site; 2) performance standards by which success will be evaluated; 3) monitoring procedures; 4) a contingency plan, 5) annual reporting requirements, and 6) rational for expected success. The mitigation plan shall be approved by USACE, and RWQCB prior to city approval of the grading plan. The mitigation wetland shall be monitored for five years after installation.
 - A performance bond, letter of credit, or other financial instrument shall to guarantee any remedial work that might need to occur if the prior effort fails.
- As an alternative to creating wetlands, the applicant may purchase mitigation credits at an approved mitigation bank in San Benito County (e.g., Pajaro River Mitigation Bank). If this alternative approach is chosen, a minimum of 0.16 acre of credits shall be purchased to compensate for the loss of waters of the United States and State at a ratio of 2:1. The purchase of mitigation bank credits shall be subject to approval by the county, USACE, and RWQCB. If this mitigation alternative is pursued, the applicant shall submit detailed information about the bank, including verification of purchased credits to the city, USACE, and RWQCB prior to the initiation of construction of filling of wetlands.

Evidence: Mitigation Measure BIO-7 requires the applicant to create, preserve, or purchase in-kind wetland habitat at a 2:1 ratio. Such compensatory mitigation ensures that there is "no net loss" of wetland acreage or habitat value and would effectively compensate for the permanent loss of the 0.8 acre wetland on the project site. As a condition of project approval, the developer will implement Mitigation Measure BIO-7, which will reduce impacts related to loss of wetlands to a less-than-significant level.

Potential Project Impact (Significant): Construction Impacts to Nesting and Migratory Birds and Raptors. The dense ruderal vegetation within and adjacent to the seasonal wetland provide nesting habitat for resident bird species. Construction activities during the bird nesting season (March 15 through August 30) could impact nesting birds, including migratory birds and raptors, by removing vegetation that supports active nests. This would be a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure BIO-8. If construction activities are scheduled during the nesting season, a qualified biologist, shall conduct a preconstruction nest survey of all vegetation in and within 50 feet of the limits of work. The survey shall be conducted no more than 14 days prior to the start of work. If the survey indicates the presence of nesting birds, the biologist will determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist and will be based on the nesting species and its sensitivity to disturbance.

Evidence: Mitigation Measure BIO-8 requires a qualified biologist to conduct a pre-construction survey if work is scheduled during the nesting season to determine whether nesting birds are present. In the event the survey indicates that nesting birds are present on or adjacent to the site, a buffer zone will be established around the nesting site which will prevent removal of vegetation or other activities that would disturb active nests within the buffer zone. This will reduce the likelihood for nest abandonment and loss of native bird individuals including migratory birds and raptors. As a condition of project approval, the developer will implement Mitigation Measure BIO-8, which will reduce potential impacts to nesting birds to a less-than-significant level.

(c) Cultural Resources

Potential Project Impact (Potentially Significant): Disturbance to Human Remains or a Substantial Adverse Change in the Significance of Previously Undiscovered Archaeological and/or Tribal Cultural Resources. Previously undiscovered archaeological resources, including human remains, archaeological

resources, and/or tribal cultural resources, could be present on the site. Unanticipated resources could be disturbed during earth moving activities associated with site preparation and construction of the proposed project which would be a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the project mitigate impacts to less-than-significant levels:

Mitigation Measure CR-1. The following language shall be included in any permits issued for the project site and included on all improvement and construction documents:

If archaeological resources or human remains are unexpectedly discovered during construction, work shall be halted within 50 meters (160 feet) of the find until it can be evaluated by a qualified professional archeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with concurrence of the City of Hollister, and implemented.

Mitigation Measure CR-2. The following language shall be included in any permits issued for the project site and included on all improvement and construction documents:

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of San Benito County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Evidence: In addition to required compliance with the regulations contained in Hollister Municipal Code Section 17.16.030 for the treatment of undiscovered cultural resources during construction, Mitigation Measures CR-1 and CR-2 minimize the potential of significant impacts to previously-undiscovered human remains, archaeological resources, and tribal cultural resources should they be discovered during project-related ground-disturbing activity. These Mitigation Measures require the developer to halt construction until the find can be properly identified and examined by a qualified professional, and appropriate protection recommendations such as avoidance, preservation in place, or other measures consistent with Public Resources Code Section 21083.2 are implemented. As a condition of project approval, the developer will include the language of Mitigation Measures CR-1 and CR-2 on all bid documents and shall ensure that the project contractor implements the measures during construction which will reduce potentially significant impacts to undiscovered human remains, archaeological and/or tribal cultural resources to a less-than-significant level.

Potential Project Impact (Significant): Damage to Paleontological Resources. During site preparation and construction of the project, previously undiscovered paleontological resources could be damaged.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure CR-3. The following language shall be included in any permits issued for the project site and included on all improvement and construction documents:

If paleontological resources are unexpectedly discovered during construction, work shall be halted within 50 meters (160 feet) of the find until it can be evaluated by a qualified professional paleontologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with concurrence of the City of Hollister, and implemented.

Evidence: Mitigation Measure CR-3 minimizes the potential for damage to previously undiscovered paleontological resources site by requiring construction to be halted in the event of a discovery until an evaluation of the resource by a qualified professional and the implementation of appropriate city approved protection measures in the event the resource is found to be significant. As a condition of project approval, the developer will include the language of Mitigation Measure CR-3 on all bid documents and shall ensure that the project contractor implements the measures during construction, which will reduce potentially significant impacts to undiscovered paleontological resources to a less-than-significant level.

(c) Geology and Soils

Potential Project Impact (Significant): Soil Erosion during Construction. Grading, removal of vegetation, and other construction-related activities would disturb the soil, which could increase soil erosion rates during the construction phases of the proposed project. This is a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the Mitigation Measures AQ-1 and AQ-3, imposed upon the project mitigates impacts to less-than-significant levels:

Evidence: Mitigation Measure AQ-2 minimizes windborne erosion during construction by requiring the preparation and implementation of a grading plan that includes comprehensive dust control measures. Mitigation Measure AQ-3 requires the appointment of a site monitor during construction to verify implementation of the measures outlined in the grading plan. As a condition of project approval, implementation of Mitigation Measure AQ-2 and Mitigation Measure AQ-3 will be required and will ensure less-than-significant impacts related to windborne erosion will be less than significant.

(d) Greenhouse Gas Emissions

Project Impact (Significant): Generation of GHG Emissions that Exceed the 2027 Threshold of Significance of 2.92 MT CO₂e per Year. The proposed project would generate annual GHG emissions of approximately 3.07 MT CO₂e/service population in the year 2027 which exceeds the 2027 threshold of significance of 2.92 MT CO₂e/service population. Consequently, the proposed project would have a significant impact from generation of GHG emissions in the buildout year of 2027.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure GHG-1. Prior to issuance of building permits, the applicant shall demonstrate that one or more GHG reduction measures have been incorporated into the project to reduce projected 2027 GHG emissions to below 2.92 MT CO₂e/service population (or by a minimum of 0.04 MT CO₂e/year). Numerous GHG reduction options are available to achieve this reduction. These include, but are not limited to:

- a. Include a 240-volt electric vehicle charger in the garage or off-street parking area of residences to allow for future installation of electric vehicle chargers;

- b. Residences shall be designed to exceed the Title 24 standards in effect at the time that building permits are issued;
- c. On-site renewable energy features (e.g. solar photovoltaic cells) shall be installed in a sufficient number of residences;
- d. Other measures demonstrated by the applicant to the satisfaction of the Planning Director that achieve measurable, validated GHG emissions reductions.

To demonstrate compliance with this Mitigation Measure, the applicant shall prepare a GHG reduction plan that specifies the measure(s) to be incorporated into the project and includes detailed calculations of GHG reductions to be achieved through the measure(s). The GHG reduction plan shall be submitted with the improvement plans and is subject to review by the Planning Director for conformance with this Mitigation Measure.

Evidence: Mitigation Measure GHG-1 requires preparation and implementation of a GHG reduction plan that includes detailed calculations demonstrating how the project will achieve emission reductions below the 2027 threshold of significance. As a condition of project approval, the developer will implement these measures which will ensure that GHG emissions will be reduced to a less-than-significant level.

(e) Hydrology and Water Quality

Project Impact (Potentially Significant): Generation of Polluted Storm Water Runoff during Operations in Violation of Water Quality Standards or Waste Discharge Requirements. Operations of the proposed project could generate storm water runoff that transports urban pollutants to the Enterprise basin and eventually to the impaired San Benito River. Compliance with the regional board requirements, Hollister general plan policies, and municipal code requirements reduce the project's impact of increased storm water flows that can affect water quality during project operations. However, design details are not yet available that outline the volume treatment capacity and treatment capacity of the proposed basins and therefore, it cannot be stated with certainty that significant impacts to water quality would not occur.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure HYD-1. Prior to issuance of a grading permit, the applicant shall obtain city approval of a final drainage plan for the project that complies with the City of Hollister Best Management Practices and standards established by the regional water quality control board for compliance with non-point source storm water discharge. The drainage plan shall demonstrate that basin capacity, percolation rates, and storm water treatment meets the performance objectives and design criteria requirements of the Central Coast Regional Water Quality Control Board. The drainage plan shall outline BMPs and low impact development strategies that will be utilized by the proposed project to control and minimize storm water runoff and may include on-site retention and siltation basins, reduction of impervious surfaces, vegetated swales, permeable paving, landscaping, and other strategies. The drainage plan shall be subject to the review and approval of the City Engineer.

~~Evidence:~~ Mitigation Measure HYD-1 minimizes the potential for polluted storm water runoff during operations by requiring the preparation and city approval of a final drainage plan that employs Best Management Practices and standards established by the regional water quality control board for storm water discharge. Implementation of these standards will prevent pollutants or sediments associated with residential development from contacting storm water with the intent of keeping all products of erosion from moving off-site into receiving waters. This would minimize the project's contribution to further degradation of water quality. As a condition of project approval, the developer will implement these measures which will ensure that potential impacts to water quality from storm water runoff will be less than significant.

Potential Project Impact (Potentially Significant): Increased Runoff that Could Result in Off-site Flooding by Exceeding the Capacity of Existing or Planned Storm Water Drainage Systems. Development of the project site would create impervious surfaces through construction of buildings, parking areas, roadways, and other project improvements. An increase in impervious surfaces has the potential to increase runoff from the site, which in turn could cause off-site flooding if the capacity of existing or planned storm water drainage systems is exceeded. As previously discussed design details are not yet available for the proposed on-site storm water retention, and therefore, it cannot be stated with certainty that significant impacts to water quality would not occur.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potential significant environmental effect as identified in the Draft EIR. Specifically, the Mitigation Measure HYD-1, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Evidence: Mitigation Measure HYD-1 requires the preparation of a drainage plan to ensure that the proposed storm water infrastructure improvements meet the performance capacity objectives and design criteria required by the regional board. Compliance with these requirements and implementation of Mitigation Measure HYD-1 ensures that the proposed drainage infrastructure would not exceed capacity of storm water drainage systems and reduces the potential for impacts related to off-site flooding to less than significant. Therefore, with implementation of Mitigation Measure HYD-1, the proposed project's impacts related to off-site flooding and exceedance of storm water capacity would be less than significant.

(f) Noise

Project Impact: (Potentially Significant): Exposures to Unacceptable Noise Levels during Construction. The proposed project would generate construction noise that would result in a short-term increase in ambient noise levels and would expose sensitive receptors (residents within the Cielo Vista and Valley View neighborhoods adjacent to the site) to noise levels exceeding the 60 dBA general plan noise threshold for residential areas.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potentially significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure N-1. The following measures shall be incorporated into all bid and construction documents prior to issuance of any permit and shall be implemented by the project developer during construction:

- a. All construction equipment shall be properly maintained and equipped with intake and exhaust mufflers that are in good condition and recommended by the vehicle manufacturer.
- b. Unnecessary idling of internal combustion engines shall be strictly prohibited.
- c. Wheeled earth moving equipment shall be used rather than track equipment.
- d. A detailed construction plan shall be prepared and submitted with the grading and improvement plans identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- e. A noise disturbance coordinator shall be designated to handle complaints and the site shall be posted with a phone number and email address so that the nearby residents have a contact person in case of a noise problem.
- f. Vehicle routes clean and smooth both on site and off site to minimize noise and vibration from vehicles rolling over rough surfaces.
- g. Nail guns shall be used where possible as they are less noisy than manual hammering.
- h. Stationary equipment, such as compressor and generators shall be housed in acoustical enclosures and placed as far from sensitive receptors as feasible.
- i. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- j. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- k. Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 AM to 7:00 PM Monday through Friday and 8:00 AM and 6:00 PM on Saturday. Construction-related noise-generating activities shall be prohibited on Sundays.

Evidence: Mitigation Measure N-1 minimizes impacts associated with construction noise by requiring noise reduction measures such as limiting the hours and days of equipment operations, precluding placement of equipment near sensitive receptors, and requiring appropriate muffling and equipment maintenance. These noise reduction measures will ensure ambient noise levels are minimized during construction thereby diminishing the potential for adjacent sensitive receptors to be exposed to unacceptable noise levels. As a condition of project approval the developer will implement Mitigation Measure N-1, which will reduce impacts related to exposure of sensitive receptors to construction noise exceeding thresholds to a less-than-significant level.

Project Impact (Significant) Increase of 3 dBA in Ambient Noise Levels along Portions of Enterprise Road. The proposed project would create new sources of noise on the site, which would result in a permanent noise level increase of 3 dBA Ldn at the existing residences with backyards facing Enterprise Road. An increase of 3 dBA Ldn to ambient noise levels is a significant impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potentially significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure N-2. Prior to issuance of building permits, the applicant shall demonstrate that one or more of the following noise reduction measures have been incorporated into the project to ensure that project-related mobile source noise level increases are less than 3 dBA at existing residences along Enterprise Road between State Route 25 and Glenview Drive. Measures necessary to reduce the increase in noise levels include but are not limited to one or more of the following items:

1. Larger noise barriers or other noise reduction techniques could be constructed to protect existing residential land uses where reasonable and feasible. The necessary height and final design of new or modified sound barriers shall be included with the improvement plans for the proposed project and are subject to the review and approval of the Planning Director;
2. As part of the required improvements to Enterprise Road, alternative noise reduction techniques including traffic calming measures such as speed bumps and/or re-paving streets with "quieter" pavement types including Open-Grade Rubberized Asphaltic Concrete, which can reduce noise levels by 2 to 5 dBA, depending on the existing pavement type, traffic speed, traffic volumes, and other factors; and/or
3. Other measures demonstrated by the applicant to the satisfaction of the Planning Director that achieve measurable, validated noise reductions, such as a program to provide building sound insulation, such as sound-rated windows and doors, on a case-by-case basis, as a method of reducing noise levels in interior spaces to affected residences;

To demonstrate compliance with this Mitigation Measure, the applicant shall prepare a noise reduction plan that specifies the measure(s) to be incorporated into the project and includes detailed calculations of acoustical noise level reductions to be achieved through the measure(s). The noise reduction plan shall be submitted with the improvement plans and is subject to review by the Planning Director for conformance with this Mitigation Measure.

Evidence: Mitigation Measure N-2 requires that the applicant prepare a noise reduction plan that specifies measures that will reduce mobile source noise levels below 3 dBA increase at existing adjacent residences. As a condition of project approval the applicant will implement Mitigation Measure N-2, which will reduce impacts related to exposure of an increase in noise exceeding the 3 dBA threshold at nearby residences, to a less-than-significant level. The applicant will be required to demonstrate the incorporation of noise reduction measures into the project design prior to the issuance of grading permits.

Project Impact (Significant): Incompatibility of Proposed Land Uses with Projected Exterior and Interior Noise Levels. The general plan specifies land use compatibility guidelines for residential land uses and identifies the "Normally Acceptable" exterior noise exposure standard as 60 dB DNL. Although not specifically stated, the city's general plan guidelines refer to applying an interior noise limit of 45 dB DNL to be consistent with the standards of Title 24. Modeling conducted as part of the noise report found that the proposed project would generate traffic that would cause unacceptable noise levels on parcels adjoining State Route 25, Enterprise Road, and Fairview Road and would exceed the city's single-family residential 60 dBA day and night community noise level threshold along these roadways. This is a significant, adverse environmental impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potentially significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measures imposed upon the project mitigate impacts to less-than-significant levels:

Mitigation Measure N-3. For the lots abutting Enterprise Road, the project developer shall ensure that exterior noise levels are reduced to 60 dBA or less by incorporating an eight-foot tall sound wall along the first two lots north of State Route 25 and a six-foot tall sound wall along the remaining lots to Mimosa Street. The developer may choose to install the sound wall utilizing the construction of traditional noise barriers or earth berms, or in combination of the above. The sound wall shall be free of cracks or gaps over the face and at the base of the barrier and shall be constructed from materials with a minimum surface weight of 3 lbs./ft.². The construction of each barrier is required at or near the property line for the residential properties. The sound wall design is subject to the review and approval of the City Engineer prior to issuance of any building permits along Enterprise Road.

Mitigation Measure N-4. Prior to submittal of improvement plans for lots abutting Fairview Road, State Route 25, and Enterprise Road, the building designs shall include noise-reducing construction methods and building facade treatments identified by a qualified acoustical consultant at the developers expense to ensure that noise levels in the proposed residential interiors are 45 dBA or less. These treatments may include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. Building sound insulation requirements may also need to include forced-air mechanical ventilation for all perimeter residential structures, so the windows could be kept closed at the occupant's discretion to control noise. The determination of necessary and specific noise insulation treatments shall be determined by the acoustical consultant. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted with the building plans and approved design, and is subject to approval by the building inspector prior to issuance of a building permit.

Evidence: Mitigation Measure N-3 requires the incorporation of an eight-foot tall sound wall along the first two lots north of State Route 25 and a six-foot tall sound wall along the remaining lots to Mimosa Street, which will reduce outdoor noise levels to 60 dBA or less. Mitigation Measure N-4 requires building designs to include noise-reducing construction methods and building facade treatments identified by a qualified acoustical consultant to ensure that noise levels in the proposed residential interiors are 45 dBA or less. As conditions of project approval, the applicant will implement Mitigation Measures N-3 and N-4, which will reduce noise levels below the 60 dBA outdoor and 45 dBA indoor thresholds and minimize impacts related to the incompatibility of the proposed land uses with projected exterior and interior noise levels to a less-than-significant level.

(g) Traffic and Circulation

Project Impact (Significant): Level of Service (LOS) Decline from LOS D to LOS E during the PM peak hour (State Route 25 and Union Road). Based on agency-established thresholds of significance, the addition of project-generated trips is forecast to cause a significant impact at this intersection for Existing with Project conditions.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure T.1. Prior to building permit issuance, the applicant shall be responsible for its proportionate and fair share contribution to and payment of the applicable traffic impact fee for the widening of Union Road to four lanes between San Benito Street and State Route 25 at the State Route 25 and Union Road (Caltrans) intersection.

Evidence: Changes or alterations to this intersection that would address existing service level deficiencies are within the responsibility of Caltrans, and already are included in planned widening of Union Road to four lanes between San Benito Street and State Route 25. The widening project is identified in the San Benito County Regional Transportation Impact Mitigation Fee (regional traffic impact) program and the proposed project would be required to pay for its proportionate fair share toward the costs of the improvement. Mitigation Measure T-1 requires participation in the regional traffic impact fee program would reduce the proposed project's impact to existing operations at this intersection to less than significant.

Project Impact (Significant) 1.9 Second Increase in Delay During the AM Peak Hour. The Caltrans intersection of Union Road/Mitchell Road and State Route 156 would experience a 1.9 second increase in delay during the AM peak hour, during which the intersection already operates at LOS D, which is also a significant impact by Caltrans standards.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates impacts to less-than-significant levels:

Mitigation Measure T-2. Prior to building permit issuance, the applicant shall be responsible for its proportionate and fair share contribution to and payment of the applicable traffic impact fee for the widening of Union Road to four lanes between San Benito Street and State Route 156, which includes modification of the Union Road/Mitchell Road and State Route 156 intersection (Caltrans), the construction of which will mitigate the project's direct related to exceedances of performance standards at this intersection.

Evidence: The intersection of Union Road/Mitchell Road and State Route 156 is the responsibility of the Caltrans. The widening of Union Road to four lanes between State Route 156 and San Benito Street would include construction of intersection modifications to meet acceptable service thresholds, is identified in the San Benito County Regional Transportation Impact Mitigation Fee (regional traffic impact) program and the proposed project is required to pay for its proportionate fair share toward the costs of the improvement. Participation in the regional traffic impact fee program required by Mitigation Measure T-2 would mitigate the proposed project's impact to the intersection.

5. Significant Unavoidable Adverse Impacts

The Final EIR identifies certain unavoidable or potentially unavoidable adverse impacts of the project, i.e., environmental effects that cannot be reduced to an insignificant level if development in accordance with the project description is implemented. These impacts are as follows:

(a) Traffic and Circulation

Project Impact (Significant and Unavoidable) Decline of LOS on Highway Segments (State Route 25 Between San Felipe Road and State Route 156; State Route 25 Between State Route 156 and U.S. Highway 101; and State Route 156 Between the Alameda in San Juan Bautista and Union Road). The traffic report found that all highway segments studied operate at LOS D or LOS E during peak hours with or without the project under the existing and existing plus project conditions. Although the proposed project would not cause existing levels of service to decline further, the addition of project traffic on State Route 25 between San Felipe Road and State Route 156, State Route 25 between State Route 156 and U.S. Highway 101, and State Route 156 between the Alameda in San Juan Bautista and Union Road in Hollister will increase the percent time-spent-following on these roadways. The addition of project trips to highway segments that already operate at unacceptable levels at any peak hour is a significant impact based on Caltrans standards.

Findings: Implementation of the improvements identified in the following Mitigation Measure could significantly reduce project impacts; however, such changes or alterations are within the responsibility of the Caltrans and not the City of Hollister. These highway segments are identified for improvements in the regional transportation plan.

Mitigation Measure T-3. Prior to building permit issuance, the applicant shall be responsible for its proportionate and fair share contribution to and payment of the applicable traffic impact fee for the widening of State Route 25 between San Felipe Road and State Route 156, State Route 25 between State Route 156 and U.S. Highway 101, and State Route 156 between the Alameda in San Juan Bautista and Union Road in Hollister, the construction of which will mitigate the project's direct impacts to levels of service along these highway segments.

Evidence: The widening of State Route 156 and State Route 25 is included in the list of improvement projects identified in the regional transportation plan for which traffic impact fees are collected from development to fund the improvements and mitigate project impacts to these roadways. The planned road-widening project includes State Route 156 from two to four lanes between the Alameda in San Juan Bautista and Union Road in Hollister. Planned highway widening along State Route 25 would occur between San Felipe Road in Hollister, north to the Santa Clara County line. Implementation of these widening improvements on the affected highway segments would reduce the project's impacts to less than significant. Given the regional significance of these improvements, their length and associated pre-planning, facility design, and acquisition of adjacent lands by Caltrans, as well as the substantial costs associated with their construction, requiring any one applicant to construct the improvements may be infeasible. As such the widening improvements are included in the county-wide traffic impact fee program and the proposed project is subject to participation in the program. Implementation of Mitigation Measure T-3 would reduce

the project impact to less than significant. However, because the necessary improvements to these intersections may not receive funding from other agencies and may not be implemented in a timely manner by Caltrans, the project's impact is still considered significant and potentially unavoidable.

5. Cumulative Impacts

(a) Air Quality

Potential Project Impact (Significant): Area Source Emissions that Exceed District Thresholds. The proposed project would generate operational PM₁₀ and ROG emissions that would exceed the air district's thresholds. Therefore, project-related PM₁₀ and ROG emissions would be cumulatively considerable.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures AQ-1 through AQ-5, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

Evidence: Implementation of Mitigation Measures AQ-1 through AQ-5 minimizes impact to air quality by requiring dust control measures during construction, restrictions on solid fuel heating appliances during operations, construction fleet performance standards for nitrogen oxide emissions and particulate matter reductions, and diesel equipment idling restrictions. These measures would ensure that the operational emissions would be under the air district thresholds and that the projects contribution would be less than cumulatively considerable. As conditions of project approval the developer will implement Mitigation Measures AQ-1 through AQ-5, which ensures that the project's cumulative emissions contribution would result in less than cumulatively significant air quality impacts.

(c) Biological Resources

Potential Project Impact (Significant): Impacts to Special Status Species Individuals (CTS, CRLF, western spadefoot, San Joaquin kit fox, nesting birds, and burrowing owls). Development of the 54.9-acre site would occur on disturbed agricultural land and the wetland area that are within the range of protected species such as California tiger salamander, California red-legged frog, western spadefoot, San Joaquin kit fox, nesting birds, and burrowing owls. The proposed project would eliminate habitat for these species. As such the proposed project could result in a cumulatively considerable contribution to the cumulative loss of these special status wildlife species and their habitat.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures BIO-1 through BIO-8, previously discussed, imposed upon the project will mitigate potential impacts to less-than-significant levels.

Evidence: Implementation of Mitigation Measures BIO1 through BIO-8, avoids or reduces impacts on individual special-status wildlife species to a less-than-significant level such that the contribution of the project to cumulative impacts will be less-than-cumulatively considerable. Implementation of the Mitigation Measures BIO-1 – BIO-8 requires pre-construction surveys, establishment of buffer zones when protected species are observed, monitoring during construction by qualified biologist, construction personnel training, off-site compensatory habitat for California red-legged frog and California tiger salamander and the provision of compensatory wetland preservation. Such measures serve to avoid or reduce the project's contribution to the cumulative impact on biological resources to less than cumulatively considerable.

Project Impact (Significant) Direct Removal and Filling of a Protected Seasonal Wetland. Construction activities would fill the 0.08-acre seasonal wetland on the southwestern corner of the project site. Filling a wetland is considered a significant adverse environmental impact. Although the wetland is of limited size and dominated by ruderal vegetation, permanent fill without compensatory mitigation would violate the "no net loss" policy of the Clean Water Act and would be a cumulatively considerable impact.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the Mitigation Measure BIO-7, previously discussed, imposed upon the project mitigates impacts to a less-than-significant level.

Evidence: Mitigation Measure BIO-7 requires the applicant to create, preserve, or purchase in-kind wetland habitat at a 2:1 ratio. Such compensatory mitigation ensures that there is "no net loss" of wetland acreage or habitat value and would effectively compensate for the permanent loss of the 0.8 acre wetland on the project site. As a condition of project approval, the developer will implement Mitigation Measure BIO-7, which will reduce the project cumulative contribution to loss of wetlands to a less-than-significant level.

(d) Cultural Resources

Potential Project Impact (Significant): Damage to Unknown Cultural Resources. The project could result in cumulatively considerable contributions to construction impacts to cultural resources due to its location within an identified archaeologically sensitive area. There is always a possibility that unknown buried cultural resources (including tribal cultural resources, paleontological resources, and human remains) are present within an archaeologically sensitive area. The project could incidentally disturb or disrupt culturally significant resources during construction, which is a cumulatively considerable impact.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measures CR-1 and CR-2, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measures CR-1 and CR-2 ensure that unknown cultural resources that may be present below ground are protected should they inadvertently be disturbed during excavation and grading activities on the site. Implementation of these measures in addition to compliance with Hollister general plan policies and programs in combination with federal, state, and local regulations for the preservation of cultural resources would reduce the proposed project's contribution to cumulative impacts on cultural resources to a less-than-cumulatively-considerable level.

(e) Greenhouse Gas Emissions

Potential Project Impact (Significant): The estimated GHG emissions of the proposed project would exceed the 2027 threshold of significance by approximately 0.04 MT CO₂e/year in 2027. As such, project GHG emissions in 2027 would be cumulatively considerable.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure GHG-1, previously discussed, imposed upon the project mitigate potential impacts to less-than-significant levels.

Evidence: Mitigation Measure GHG-1 requires the applicant to prepare a GHG Emissions Reduction Plan which will require that the applicant demonstrate that emissions reduction measures for construction and design have been incorporated into the project that would reduce emissions below the threshold of significance. Applicable reduction measures include, but are not limited to, installation of vehicle chargers in garages, design residences to Title 24 standards in effect at the time that building permits are issued, provide on-site renewable energy features (e.g. solar photovoltaic cells) in a sufficient number of residences, or other measures demonstrated by the applicant to the satisfaction of the Planning Director that achieve measurable, validated GHG emissions reductions. Implementation of such reduction measures in project design must be demonstrated prior to the issuance of building permits. With implementation of Mitigation Measure GHG-1, the project's contribution to cumulative GHG emissions is less than cumulatively considerable.

(f) Hydrology and Water Quality

Potential Project Impact (Significant): Generation of Polluted Storm Water Runoff during Operations in Violation of Water Quality Standards or Waste Discharge Requirements. Operations of the proposed project could generate storm water runoff that transports urban pollutants to the Enterprise basin and eventually to

the impaired San Benito River. Compliance with the regional board requirements, Hollister general plan policies, and municipal code requirements reduce the project's impact of increased storm water flows that can affect water quality during project operations. However, design details are not yet available that outline the volume treatment capacity and treatment capacity of the proposed basins and therefore, it cannot be stated with certainty that significant impacts to water quality would not occur. Thus, the proposed project could generate a cumulatively considerable increase in storm water and potentially polluted urban runoff that would contribute to the cumulative environmental impacts.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure HYD-1, previously discussed, imposed upon the project mitigate the project's potential impacts to less-than-significant.

Evidence: Mitigation Measure HYD-1 minimizes the potential for polluted storm water runoff during operations by requiring the preparation and city approval of a final drainage plan that employs Best Management Practices and standards established by the regional water quality control board for storm water discharge. Implementation of these standards will prevent pollutants or sediments associated with residential development from contacting storm water with the intent of keeping all products of erosion from moving off-site into receiving waters. This would minimize the project's contribution to further degradation of water quality. As a condition of approval, the developer will implement these measures, which will reduce the project's contribution to cumulative water quality impacts to less than cumulatively considerable.

(g) Noise

Project Impact (Significant): Increase of 3dBA in Ambient Noise Levels along Portions of Enterprise Road. The proposed project's contribution to traffic noise along Enterprise Road, between Airline Highway/State Route 25 and Glenview Drive and between Glenview Drive and Mimosa Street are 1-3 dBA, which would be a cumulatively considerable contribution.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure N-1 and N-2, previously discussed, imposed upon the project will mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measure N-1 would reduce the project's contribution to a less than cumulatively considerable level by reducing roadway noise exposures along Enterprise Road. Mitigation Measure N-2 requires that the applicant prepare a noise reduction plan that specifies measures that will reduce mobile source noise levels below 3 dBA at existing adjacent residences. The applicant will be required to demonstrate the incorporation of noise reduction measures into the project design prior

to the issuance of grading permits. As a condition of project approval the applicant will implement Mitigation Measure N-2, which will reduce impacts related to exposure of an increase in noise exceeding the 3 dBA threshold at nearby residences.

(h) Traffic and Circulation

Project Impact (Potentially Significant): Increased Traffic that Contributes to Cumulative Unacceptable Level of Service at the Signalized Intersection (State Route 25 and Union Road). Under background plus project conditions and cumulative conditions, the intersection of State Route 25 and Union Road is projected to operate at unacceptable LOS F during all peak hours. Under background plus project conditions the proposed project would generate traffic that would increase delays at the intersection of State Route 25 and Union Road by 8.7 seconds during AM peak hours and 26.2 seconds during the PM peak hour. Under cumulative conditions, the proposed project would contribute traffic that would increase delays by 4.9 seconds during the AM peak hour and by 29.1 seconds during the PM peak hour. These are cumulatively considerable traffic volume contributions that exceed the Caltrans level of service for intersections that are operating at unacceptable LOS D or worse.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure T-1, previously discussed, imposed upon the project will mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measure T-1 requires participation in the regional traffic impact fee program. The widening of Union Road to four lanes between San Benito Street and State Route 25 to reduce unacceptable levels of service is identified in the regional transportation plan and included in the regional transportation impact fee program. Implementation of the widening project would include modification to the intersection of State Route 25 and Union Road, which would mitigate the project impact. Implementation of Mitigation Measure T-1 would reduce the project's contribution to cumulative impacts at the State Route 25 and Union Road (Caltrans) intersection to less than cumulatively considerable.

Potential Project Impact (Potentially Significant): Increased Traffic that Contributes to Cumulative Unacceptable Level of Service at the Signalized Intersection (Union Road/Mitchell Road and State Route 156). Under background plus project conditions and cumulative conditions this intersection would operate at LOS D during peak hours with or without the project. The proposed project would contribute traffic that would increase average delays by 2.5 seconds in the AM peak hour and by 1.1 seconds during the PM peak hour under background conditions. This is a significant impact according to Caltrans standards for signalized intersections already operating at unacceptable LOS D or worse. Under cumulative conditions the intersection would operate at LOS E without the project and at LOS F with the project during both peak hours. The proposed project would contribute traffic volumes that would increase

average delays by 5.3 seconds during that AM peak hour and by 5.5 seconds during the PM peak hour under cumulative conditions. This is also is a significant impact under Caltrans standards for signalized intersections already operating at unacceptable LOS D or worse.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, Mitigation Measure T-2, previously discussed, imposed upon the project will mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measure T-2 requires participation in the regional traffic impact fee program. Changes or alterations to the intersection that would address cumulative service level deficiencies are within the responsibility of Caltrans, and are included in planned widening of Union Road to four lanes between State Route 156 and San Benito Street. The widening project, which includes construction of intersection modifications to meet acceptable service thresholds, is identified in the regional transportation impact program. The project developer is required to pay for the project's proportionate fair share toward the costs of the improvement. Participation in the regional traffic impact fee program would mitigate the proposed project's contribution to cumulative impacts to the intersection. Implementation of the Mitigation Measure T-2 would reduce the proposed project's contribution to cumulative impacts at this intersection to less than cumulatively considerable.

Potential Project Impact (Significant and Unavoidable) Contribution to Intersection Levels of Service that Exceed Standards at the Signalized Intersection (State Route 25 and Hillcrest Road). Under background plus project conditions, the proposed project would generate traffic that would cause operations at the intersection of State Route 25 and Hillcrest Road to drop from an unacceptable LOS D to unacceptable LOS E and cause an 11.6 second increase in average delay during the PM peak hour. This is a cumulatively considerable contribution based on Caltrans significance thresholds for signalized intersections that already operate at an unacceptable LOS D. Under cumulative conditions this intersection would operate at unacceptable LOS E with or without the project. The project traffic would cause a 3.5-second increase in average delay during the PM peak hour, which also exceeds Caltrans standards for already impacted intersections.

Finding: The following changes or alterations that have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment are within the responsibility of the Caltrans and are beyond the control of the City of Hollister. Such changes have been incorporated into the regional transportation impact program.

CUM T-1. Prior to issuance of a building permit in any phase, provided there is a funding mechanism established by San Benito County and in place at the time of building permit issuance, and if requested by Caltrans, the project developer, or developers, shall contribute fair share funds for the improvements to the intersection of State Route 25 and Hillcrest Road. These required improvements consist of the acquisition of 12 feet of right-of-way along the south side of Hillcrest Road for approximately 150 feet and the construction of a dedicated eastbound right-turn lane.

Evidence: Mitigation Measure CUM T-1 suggests that the respective agencies create new or amend existing programs designed to alleviate cumulative impacts on specific transportation network facilities, to include the circulation improvement described in the Mitigation Measure. If the recommended improvements are implemented by the respective agencies, CEQA Guidelines section 15130(a)(3) states that the contribution of fair share fees to the respective programs by the proposed project applicants and/or developer would ensure that project impacts are mitigated. Accordingly, the project's contribution would be less than cumulatively considerable. However, if the responsible agencies do not implement the improvements or programs, the impact would be cumulatively considerable. Because implementation of the improvements in Mitigation Measure CUM T-1 is the responsibility of Caltrans and creation of a new program or modification to the current regional traffic impact fee program is dependent on the council of governments and others, it is uncertain whether the Mitigation Measure will be implemented by those agencies. Therefore, the project's contribution to the cumulative impact is significant and potentially unavoidable.

Potential Project Impact (Significant and Unavoidable): Contribution to Intersection Levels of Service that Exceed Standards at the Signalized Intersection (State Route 25 and Santa Ana Road). Under cumulative conditions, traffic generated by the proposed project would increase average delays by 1.8 seconds during the PM peak hour at the Caltrans intersection of State Route 25 and Santa Ana Road. Although the intersection would operate at LOS D with or without the project during the PM peak hour, the 1.8 second increase in delay is a cumulatively considerable contribution based on Caltrans significance criteria for signalized intersections.

Finding: The following changes or alterations that have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment are within the responsibility of the Caltrans and are beyond the control of the City of Hollister. Such changes have been incorporated into the regional transportation impact program.

CUM T-2. Prior to building permit issuance, the applicant and/or project site developers shall be responsible for the payment of a fair-share transportation impact fee toward the cost of constructing a separate southbound right-turn lane at the intersection of State Route 25 and Santa Ana Road, if requested by the Caltrans and a county program is in place to determine the fair share amount.

Evidence: Improvements to this intersection are not included in the regional traffic impact fee program and the intersection is not within the jurisdiction or responsibility of the city. Responsible agencies include Caltrans (for effects on transportation facilities along State Route 25) and the council of governments (for effects related to projects identified in the regional transportation plan and/or the county traffic impact fee program). Implementation of Mitigation Measure T-5, below would reduce the project's contribution to the cumulative impact. However, the Mitigation Measure suggests that the respective agencies create new or amend the existing impact fee program designed to alleviate cumulative impacts on specific transportation network facilities, to include the circulation improvement described in Mitigation Measure T-5, below. As previously noted, CEQA Guidelines Section 15130(a)(3), states the contribution of fair share fees by the proposed project applicants and/or developer to the respective programs that include the recommended improvements would ensure that project impacts are mitigated. Accordingly, the project's contribution to the cumulative impact would be reduced to less than cumulatively considerable and the cumulative impact would be less than significant. However, if the responsible agencies do not implement the improvements or programs, the impact would be cumulatively considerable. Because implementation of the improvements in Mitigation Measure T-5, is the responsibility of Caltrans and creation of a new program or modification to the current regional traffic impact fee program is the responsibility of the council of governments, it is uncertain whether the Mitigation Measure will be implemented by those agencies. Therefore, the project's contribution to the cumulative impact at the intersection of State Route 25 and Santa Ana Road is significant and potentially unavoidable.

Potential Impact (Potentially Significant): Increased Traffic that Contributes to Cumulative Unacceptable Level of Service at the Unsignalized Intersection (Fairview Road and Hillcrest Road). The intersection is projected to operate at LOS F during both peak hours and average delays meet signal warrant criteria under the background plus project and cumulative conditions whether or not the project is constructed. Installation of a traffic signal at the intersection is identified in the regional transportation impact fee program. The traffic report projections indicate that the proposed project's traffic contribution would increase in average delay by 18.4 seconds during the AM peak hour and by 25.3 seconds during the PM peak hour under background plus project conditions and would increase delays by 16.7 seconds during the AM peak hour and by 42.1 seconds during the PM peak hour under the cumulative condition. This is a cumulatively considerable project contribution based on the San Benito County standards for unsignalized intersections with LOS D or worse.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project will mitigate impacts to less-than-significant levels.

CUM T-3. Prior to building permit issuance, the applicant shall be responsible for its proportionate and fair share contribution to in the form of payment of the applicable traffic impact fee for the installation of a signal at the county-controlled intersection of Fairview Road and Hillcrest Road, the construction of which will mitigate the project's contribution to the cumulative impacts at this intersection.

Evidence: Development of the proposed project is subject to participation in the regional transportation impact fee program to mitigate the project's contribution to the cumulative impacts to this intersection. Implementation of the following Mitigation Measure would reduce the project's contribution to the cumulative impact to the intersection of Fairview Road and Hillcrest Road to less than cumulatively considerable.

Potential Impact (Potentially Significant): Increased Traffic that Contributes to Cumulative Unacceptable Level of Service at the Unsignalized Intersection (Enterprise Road and State Route 25). Average delay at this intersection already meets signal warrant thresholds during existing and future conditions and signalization of this intersection is included in the regional transportation impact fee program. The traffic report analysis indicates that the proposed project would contribute traffic volume that would cause intersection operations to degrade from LOS D to LOS E during the PM peak hour under background conditions, and under cumulative conditions would cause the operations to drop from LOS D to LOS F during the PM peak hour. Under cumulative conditions, traffic volumes generated by the project would also cause intersection operations to drop from LOS C to unacceptable LOS D during the AM peak hour. These are significant impacts based on Caltrans significance criteria for unsignalized intersections.

Finding: Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project will mitigate impacts to less-than-significant levels.

CUM T-4. Prior to building permit issuance, the applicant shall be responsible for its proportionate and fair share contribution in the form of payment of the applicable traffic impact fee for the installation of a signal at the state-controlled intersection of Enterprise Road and State Route 25, the construction of which will mitigate the project's contribution to the cumulative impacts at this intersection.

Evidence: The project is subject to participation in the regional transportation impact fee program, which would reduce the cumulative impact and mitigate the project's contribution to that impact. Implementation of the following Mitigation Measure would reduce the project's contribution to the cumulative impact at the intersection of Enterprise Road and State Route 25 to a less-than-cumulatively-considerable level.

III.

STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act and the State CEQA Guidelines provide that:

"CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable adverse risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse impacts may be considered acceptable.

Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).

If any agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination." (Section 15093 of the State CEQA Guidelines).

Project benefits are defined as those improvements or gains to the community that will not occur without the project.

Project Impacts

As previously discussed, development of the project site will result in significant and unavoidable impacts related to traffic and circulation.

Project Benefits

The City of Hollister finds that the following substantial benefits will occur as a result of approval of the project:

- Full utilization and improvement to an underutilized vacant site identified in the city's general plan as "Vacant Land Inventory - High Density Residential," "Infill Development Strategy: Priority Infill" and "Phasing Strategy: Phase 1;"
- Provides a mix of housing types to serve the housing needs of the city consistent with the general plan; and
- Provide land sufficient to complete the development of the existing Valley View Park as a community park, construction of surface improvements for the park extension and donation of land for a linear park that will provide pedestrian and bicycle access to Valley View Park.

The city has considered each of the significant and unavoidable adverse environmental impacts identified above in deciding whether to approve the project. Although substantial evidence demonstrates that the unavoidable impacts identified in the EIR will be substantially lessened by the mitigation measures incorporated into the project, the city recognizes that approval of the project will nonetheless result in certain unavoidable effects.

After balancing the project's environmental risks with its benefits described above, the city specifically finds that, to the extent that adverse or potentially adverse impacts set forth above have not been mitigated to a level of insignificance, that specific economic and social benefits, namely, the facilitation of maximum redevelopment opportunities on a site located within a priority infill area outweigh the significant effects on the environment. Furthermore, the city specifically finds that any one and each of the foregoing benefits constitutes a significant consideration sufficient to approve the project despite the unavoidable impacts to area traffic volume. Therefore, each of the foregoing benefits is adopted as an overriding consideration with respect to each of the significant unavoidable impacts individually. Each overriding consideration is severable from any other consideration should one or more consideration be shown to be legally insufficient for any reason. The Statement of Overriding Considerations for the project is thus adopted.

IV ALTERNATIVES TO THE PROJECT

1. Alternatives

Because the city finds that the project could have a significant effect on the environment, alternatives have been identified that could reduce the level of significance of those effects.

A reasonable range of alternatives to the project were identified and evaluated in the Final EIR. Several alternatives were considered but not selected including an Increased Density Alternative and Alternative Locations Alternative. The Increased Density Consistent with the General Plan Alternative was dismissed from further consideration because this Alternative would not avoid or reduce the proposed project's significant impacts, and may result in new or greater impacts than those of the proposed project. The Alternative Location Alternative was dismissed as there are no areas of comparable size within the city's Sphere of Influence which will avoid or reduce the proposed project's significant impacts and will feasibly meet the objectives of the project.

The two alternatives to the project that were selected for further analysis in the DEIR are:

- A. No Project Alternative
- B. Reduced Density Alternative

The city has considered these alternatives and makes the following findings with respect thereto:

Alternative A No Project Alternative: The No Project Alternative assumes that the project site will remain vacant. The prezone, vesting tentative map, annexation, Site & Architecture, and planned unit development application would not be approved and no new development would occur on the project site. For the analysis of this alternative the existing land use on the site is assumed to continue unchanged. While development within Hollister would continue within the existing city limit and other areas within the sphere of influence, or potentially within new additions to the sphere of influence in other parts of the city, resulting in various and potentially significant environmental impacts in those locations, this analysis focuses on the environmental effects within the project site under a no build scenario. With no development on the site, all of the significant and unavoidable impacts will be eliminated. However, the No Project alternative does not achieve project objectives.

Alternative B Reduced Density Alternative: This alternative assumes that the project site would be developed with 25 percent fewer dwellings, which would consist of 11 duplex units, 16 triplex units, and 144 single family residential uses only, with a net density of 4.8 dwelling units per acre. Like the proposed project this alternative also would be consistent with the general plan Low-Density Residential land use designation. All street, open space, drainage improvement infrastructure and recreation improvements and land dedications would be the same or similar to the proposed project. Development of this alternative would provide housing for approximately 594 people using the most recent Department of Finance estimates of 3.47 persons per household in Hollister (2016b). Similar to the proposed project a prezone, vesting tentative map, and annexation would be required.

The Reduced Density Alternative with a presumed 25 percent fewer dwelling units would generate 25 percent fewer students, vehicle trips and sources of traffic noise, as well as reduced demand for water and wastewater services, reduced GHG and air pollutant emissions, and solid waste.

Under the Reduced Density Alternative, with fewer vehicles and a lesser traffic volume on area roadways, traffic and circulation impacts would be lesser in magnitude than the proposed project and a lower share of required traffic impact fees would be paid into the regional transportation impact fee program.

2. Alternatives Analysis

Based on the foregoing and on substantial evidence in the record of this entire proceeding, the city finds that the EIR considered a reasonable range of alternatives to the project.

The city finds that the Final EIR examined alternatives that provided sufficient information to the city to permit a reasoned choice for alternatives to the proposed project.

The city further finds that the Reduced Density Alternative, although the most environmentally sensitive alternative after the No Project Alternative, is not a feasible alternative because it would not feasibly accomplish the basic project objectives in a successful manner due to economic and social factors, including that reducing the project size will limit opportunities available for future development of uses on the site consistent with the city's general plan. The city further finds that the Reduced Density Alternative would result in similar impacts as the proposed project to air quality and water quality during construction and to biological resources. This alternative also would not avoid significant impacts to Prime Farmland as would occur with the proposed project. The city finds that a reduction in vehicle trips by 25 percent would reduce the project's contribution to cumulatively considerable delays and declines in levels of service at the intersection of State Route 25 and Santa Ana Road, and the intersection of Fairview Road and Hillcrest Avenue. However, since these intersections would operate at unacceptable levels of service under background plus project and cumulative conditions, and the facilities are under the jurisdictions of other agencies including Caltrans, San Benito County, and the San Benito County Council of Governments, this alternative would also result in significant and unavoidable impacts to these intersections. This alternative would not meet the project objective to meet the city's targeted average residential density of six dwelling units per acre for low-density residential land uses will not accomplish the city's development strategy for high priority infill areas outlined in the general plan. Due to these factors, the city finds that the Reduced Density Alternative is infeasible.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the environmental impact report and the mitigation and monitoring and reporting program for pre-zone application No. 2015-5, Conditional Use Permit for a planned unit development Application No. 2017-6, tentative map application No 2016-1, and site and architectural review for the Roberts Ranch Subdivision.

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.

Resolution No. 2018-37
Page 43 of 45

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 20th day of February, 2018, by the following vote:

AYES: Council Members Friend, Klauer and Vice Mayor Luna.

NOES: Council Member Gillio.

ABSTAINED: None.

ABSENT: Mayor Velazquez.



Mickie Solorio Luna, Vice Mayor

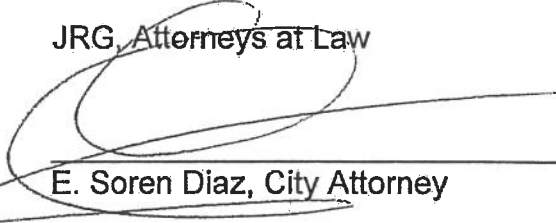
ATTEST:

APPROVED AS TO FORM:



Christine Black, MMC, City Clerk

JRG, Attorneys at Law



E. Soren Diaz, City Attorney

EXHIBIT A

Draft Environmental Impact Report
Final Environmental Impact Report
Mitigation Monitoring and Reporting Program

The above referenced Exhibit A is on file in the
City Clerk's Office and available for review.

EXHIBIT B

Mitigation Monitoring and Reporting Program

The above referenced Exhibit B is on file in the City Clerk's Office and available for review.



San Benito High School District

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

SHAWN TENNENBAUM
SUPERINTENDENT

Bill Nicholson
Executive Officer
Local Agency Formation Commission
San Benito County
2301 Technology Parkway
Hollister, CA 95023

Re: Roberts Ranch Annexation to the City of Hollister

Dear Mr. Nicholson:

Thank you for providing the May 17 Notice of Receipt of Application Materials regarding the captioned request for annexation. The San Benito High School District ("District") is very concerned about the growing impacts of residential development on the District, specifically upon the District's ability to house students to be generated by new development. The Roberts Ranch project ("Project") is one example of the impacts of new development on the District. In 1998, the State of California legislature approved Senate Bill 50 which lead to the current state bond program, known as the State School Facility Program ("SFP"), and a restructuring of the fees that school districts can charge developers for the impacts of new development on school districts' ability to house students generated by new development, known as "developer fees" or "school fees." Since 1998, the value of those fees has eroded, and the formula for calculating them has not been updated. Hence, developer fees now fall far short of mitigating the impacts of new development on school districts.

We can calculate some of the difference between the developer fees for the Project and the actual impacts of the project on the District utilizing the information provided in the District's 2017 School Facility Needs Analysis and Justification Study ("SFNA").

Student Generation

The first step in calculating the impact of this Project on the District is to determine the number of students to be generated by this Project. Using the student generation rates in the SFNA, the 192 single family units will generate 27.84 students and the 35 multifamily units will generate 12.845 students. Adding these numbers, the Project will generate 40.685 students in grades 9-12. The SFNA indicates that the District had excess capacity in 2017 to house 97 students. The SFNA estimates that 336 9-12 grade students will be generated within the District in the next five years, of which 262 will be unhoused after housing student generation from existing housing. State law and program regulations do not allow consideration of students to be generated by new development after this five-year period. Since the Project will generate 15.528 percent of the anticipated new students (40.685 divided by 262), the Project will use 6.318 units of the excess capacity and generate 34.367 unhoused students

ATTACHMENT 6

The Mission of San Benito High School is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.

1999
1994
1988
California
DISTINGUISHED
SCHOOL
AWARD



1987
1986
California
OUTSTANDING
ACHIEVEMENT
AWARD



1984
United States
Department of
Education
EXEMPLARY
HIGH SCHOOL
AWARD

(40.685 – 6.318 = 34.367). These student generation numbers are based upon an arbitrary cut off of five years of new development which does not reflect the actual student generation for which a school district in a growing area must plan since a district must plan now for students to be generated after that arbitrary five year period expires.

Cost to House Project Students

According to the SFNA, at an allowable per pupil cost of \$18,629 for high school students, based on the State School Facility Program ("SFP") grant (calculated at one half the cost of facilities using out of date criteria) and one half the allowable site development costs per pupil, one half of the cost to house 34.367 unhoused students would be \$640,222.84 (\$18,629 x 34.367). However, this figure is less than one half the cost to house the 34.362 unhoused students estimated to be generated from the project. The actual cost would exceed twice this amount, or more than \$1,280,445.68.

The allowed cost per classroom of \$1,280,445.68 is based upon state guidelines for calculating the cost of construction of school facilities that do not reflect the actual cost of construction for school facilities. As stated in the 2017 SFNA,

The per-pupil grant does not include all cost items that the local community may deem important to meeting the quality of facilities in the District. Because the per-pupil grants do not address certain costs, the actual funding will likely not be adequate to fund school facilities to the quality and level required by the District. Therefore, the final calculation of Level II fees will likely understate the funding required by the District. (SFNA dated September 2017, p. 7.)

In fact, the students generated by this Project will require more than one classroom, and the costs for the last two facilities that the District constructed, to improve programs and replace old buildings, were \$1. 57 million per classroom (seven classrooms for a total cost of \$11 million) and \$1.64 million per classroom (13 classrooms for a total cost of \$21.4 million). The average cost for these classrooms is \$1.62 million, or approximately \$340,000 per classroom more than the cost allowed for the calculation of Level 2 developer fees.

Project Developer Fees

The Project will contain approximately 473,175 square feet, utilizing the average square feet per residence in the SFNA of 2290 per single family residence and 957 per multi-family unit.

Type of housing	Number units	Average square feet/residence	Total square feet/housing type
Single family	192	2290	439,680
Multi-family	35	957	33,495
Total			473,175

Using these figures, the Project will generate Level 2 developer fees of approximately \$605,664 at \$1.28 per square foot (\$1.28 x 473.175).

Level 2 developer fees are based upon an assumption that State bond funds will match the developer fee amount. Whether the current State bond will be sufficient to fund new construction projects that are not yet planned is questionable. Even if such funds become available, those funds plus developer fees will not be sufficient to pay for the new school facilities needed. Project developer fees will leave an unfunded cost to the District of \$674,781.68 with a maximum SFP grant of \$605,664. Even with an SFP grant, which is not likely, the District will be left with a shortfall of \$69,117.68.

On the basis of the foregoing, the District requests that LAFCO reconsider the proposed development and that the developers be encouraged to show how the Project's impact on the District will be mitigated, before approval of this annexation application.

We would be happy to meet with LAFCO or to discuss these issues further with the developers.

Sincerely

A handwritten signature in black ink, appearing to read 'Shawn Tennenbaum', written over the word 'Sincerely'.

Shawn Tennenbaum, Ed.D.
Superintendent



Thomas H. Terpstra
tterpstra@thtlaw.com

June 12, 2018

Bill Nicholson
Executive Officer
Local Agency Formation Commission
San Benito County
2301 Technology Parkway
Hollister, California 95023

Re: *Roberts Ranch*
TH Matter ID: 2917-001

Dear Mr. Nicholson:

This office represents the developers of the proposed Roberts Ranch project (the "Project"), which is scheduled for a public hearing before LAFCO on June 28, 2018. The purpose of this letter is to respond to Superintendent Shawn Tennenbaum's June 1, 2018 letter to LAFCO on behalf of the San Benito High School District. In that letter, Mr. Tennenbaum requests that LAFCO "encourage" my client to "mitigate" alleged impacts of the Project on the District.

Notwithstanding its own School Facilities Needs Analysis ("SFNA"), and more importantly, in direct contravention of State law, the District requests that LAFCO impose additional "mitigation" on the Roberts Ranch project, presumably as a condition of annexation. This "mitigation" would exceed the "Level I" and "Level II" fees charged by the District in accordance with the School Impact Fees Legislation and would ostensibly offset an alleged shortfall of \$69,117.68. (Government Code Sections 6599-65998 and Education Code Sections 17620-17626)

Let me be clear: There is absolutely no legal authority which would in any way authorize LAFCO to impose an additional fee or any other form of "mitigation" on the Roberts Ranch project for school facilities or programs. To the contrary, Government Code Section 65995, the same law the District relies upon to impose school impact fees, expressly prohibits both local and State agencies¹ from denying or refusing to approve any development project on the basis of the proponent's refusal to pay school impact fees in excess of those specifically authorized in that section. Section 65995(i) provides:

A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or

¹ The statute specifically references annexations conducted by LAFCO, a state agency. (Government Code 56021)

ATTACHMENT 7

development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.

Thus, the School Impact Fees Legislation itself disposes of and precludes any notion of additional mitigation. But there are still other reasons to deny the District's request. First, the School Impact Fees Legislation is clear that it is only the District, not the City of Hollister and not LAFCO, which has been granted the requisite legal authority to impose and collect school impact fees. The SFNA repeatedly affirms this. LAFCO should resist the District's ill-advised scheme to inject itself into an area which is so clearly outside its statutory purview.

Even if LAFCO discovered some latent authority to mitigate school impacts, it could only do so if there was a significant "nexus" between its own action--that is, approval of the annexation--and increased impacts on school facilities. But new home construction within the District occurs in both the City of Hollister and in County projects such as Santana Ranch; that is, with or without action by LAFCO. Put simply, neither annexation nor the lack of annexation, in and of itself, creates the impact on schools. The construction of new homes creates the impact. Finally, the issue of school facilities was carefully analyzed in the certified Environmental Impact Report for the Project. The District did not participate at all during the City's 3 year CEQA and land entitlement process for this Project, never questioned the adequacy of that process, and as a matter of law, has effectively waived its right to challenge the Project.

The District's letter is an invitation to LAFCO to interject itself into the complex and often controversial issue of school facilities finance. As outlined herein, it is an invitation fraught with legal and political barriers. While LAFCO serves the vital function of ensuring orderly development and the efficient delivery of services, it has no legal authority to impose the "mitigation" requested by the District. My client respectfully urges LAFCO to reject the District's request.

Very truly yours,



Thomas H. Terpstra
Attorney at Law

THT:ca

LAFCO No. 524

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE
ROBERTS RANCH ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 57.23 acres into the City of Hollister and represents one parcel identified by the San Benito County Assessor as APN Number 020-310-009; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on June 28, 2018; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper, and mailed notice to all landowners within 300 feet of the project boundaries; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the Environmental Impact Report and determinations made by the Hollister City Council, the Sphere of Influence and applicable General and Specific Plans; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the annexation and has determined that the annexation is a "project" subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected City and the organization of local governmental agencies within San Benito County.

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

(1) The Commission finds it has reviewed and considered the Environmental Impact Report prepared by the City of Hollister as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of this sphere of influence amendment and annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. These environmental findings are based on the Commission's independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in City of Hollister Resolution No. 2018-37, presented on Pages 3 through 42.

(2) The Commission adopts the statement of overriding considerations in compliance with Section 15091(a)(2) and (a)(3), consistent with the findings adopted by the City of Hollister in Resolution No. 2018-37, as presented on Pages 39 and 40 for the significant and unavoidable impacts related to traffic and circulation impacts.

(3) The annexation proposal is assigned the distinctive short-form designation:

ROBERTS RANCH ANNEXATION TO CITY OF HOLLISTER

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

(6) All proceedings in connection with this proposal shall be conducted only in compliance with the approved boundaries set forth in the attachments.

(7) The annexation boundary is within the sphere of influence of the City as adopted by the Commission.

(8) Since the subject territory is uninhabited, the applicant property owner has given written consent to the annexation and the City of Hollister has given consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding without further notice, hearing or election.

(9) The territory being annexed will not be liable for any existing or authorized taxes, charges, fees or assessments applied to comparable properties presently within the City.

(10) The proposal is APPROVED, and, and the approval is subject to completion of the following conditions of approval:

(a) Staff is directed not to record the annexation until the maps and legal descriptions presented as Exhibit A and B are found by the County Surveyor to be acceptable.

(b) Direct staff not to record the annexation until the Property Owner has, at its option: (1) agreed to fully comply with the 2010/2011 Master Tax Agreement between the City of Hollister and San Benito County; (2) agreed to comply with any successor master tax sharing agreement which is approved and adopted by the City and County, including the obligation to pay taxes and/or fees referenced in that successor master tax sharing agreement; or (3) entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.

I, Ignacio Velazquez, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a special meeting thereof held upon the 28th day of June, 2018, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Ignacio Velazquez, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission



COUNTY OF SAN BENTITO

APN 020-310-009
AREA = 57.23 ACRES

MIMOSA STREET P.O.B.

ENTERPRISE ROAD

1425.11' [9] N 2° 08' 58" E

COUNTY OF SAN BENTO
425.11'
CITY OF HOLISTER

AIRLINE HIGHWAY
(8) N 54°23'38" W

S 13°03'05" W 21.66'

[4] N 89°44'18" W 1330.50'

TIERRA DEL SOL

TIERRA DEL SOL

VALLE
VERDE

45° 52' 02.25" N 1663.57'

COUNTY SURVEYOR APPROVAL:

COUNTY SURVEYOR	DATE

SURVEYOR:

LEGEND:

_____ DENOTES BOUNDARY OF AREA TO BE ANNEXED

_____ DENOTES EXISTING PROPERTY LINE

_____ DENOTES EXISTING CITY BOUNDARY

• • • • • DENOTES EXISTING PARCEL NUMBER

APN

AREA TO BE ANNEXED = 57.73 ACRES

DATE	REMARKS
KENNETH J WEATHERLY PLS 6675 EXP 9/24/18	

VICINITY MAP
NO SCALE**EXHIBIT A**

SAN BENITO ENGINEERING
& SURVEYING, INC.

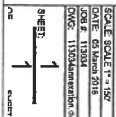
502 Monterey Street Hollister, California 95023
(831) 637-2763 FAX (831) 637-6835 email: sbes@garlic.com

PREZONE EXHIBIT

ROBERTS RANCH
ANNEXATION MAP

COUNTY OF SAN BENITO
PORTION OF SECTION 12
T. 13 S., R. 5 E., M.D.B.M.
STATE OF CALIFORNIA

NO.	REVISIONS	DATE



ROBERTS RANCH ANNEXATION

BEING A PORTION of Section 12, Township 13 South, Range 5 East, Mount Diablo Base at Meridian, bounded by a line more particularly described as follows:

BEGINNING at a point in the jurisdictional boundary line between the City of Hollister and the County of San Benito at the intersection thereof, with centerline of Mimosa Street;
thence along said jurisdictional boundary line

[1] North 2° 08' 58" East 594.31 feet; thence

[2] South 89° 45' 03" East 1949.27 feet to a point in the easterly line of Fairview Road;

Thence along said easterly line

[3] South 0° 15' 00" East 785.86 feet; thence leaving said easterly line

[4] North 89° 44' 18" West 1330.50 feet; thence

[5] South 2° 02' 25" West 1663.57 feet to a point in the southerly line of Airline Highway;
thence along said southerly line

[6] North 54° 23' 38" West 257.55 feet; thence

[7] South 13° 03' 05" West 21.66 feet; thence

[8] North 54° 23' 38" West 522.02 feet; thence leaving said southerly line

[9] North 2° 08' 58" East 1425.11 feet to the point of beginning.

Containing 57.23 acres

BUSINESS ITEMS – NON-HEARING ITEM

5. Update on legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO).

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

Phone: (831) 637-5313 Fax: (805) 647-7647

DATE: June 28, 2018 (Agenda)

TO: Local Agency Formation Commission

FROM: Bill Nicholson, Executive Officer

RE: California Association of Local Agency Formation Commissions (CALAFCO)
Legislative Committee Update
(Agenda Item 5)

The CALAFCO Legislative Committee and CALAFCO Board have been engaged in a hectic effort to shepherd CALAFCO sponsored legislation through the legislature and to negotiate over critical LAFCO-related issues in legislation sponsored by other parties. This brief memo will focus on the three bills San Benito LAFCO had approved letters of support for, and a pending recommendation for a support position on AB 2050 (Caballero) the “Small System Water Authority Act of 2018.”

First off, here is an update on the status of the three bills CALAFCO sponsored:

- AB 2258 (Caballero) proposing one-time funding for local LAFCO studies on governmental efficiency – specifically leading to dissolution or consolidation of districts. Status: Passed the Assembly, just passed the Senate Government and Finance Committee on June 20th with some amendments and set for the Senate Natural Resources and Water Committee on June 26th (just prior to our LAFCO meeting on June 28th). The funding portion of the bill (\$2 million in grant funding to be made available to LAFCOs over 5 years) was not included in the budget, or in the pending draft of AB 2258, but the program would not be instituted for another 8 to 12 months, if passed, so there will be time to get the funding in the next legislative session.

Amendments recently added involve: 1) direct that the funds can only be used to study consolidations and dissolutions of special districts involving disadvantaged communities (less than 80% of the State median income), 2) if the LAFCO doesn't complete the funded study within two years, the grant funds have to be reimbursed to the State Strategic Growth Council (who will administer the grant), and 3) require the LAFCOs applying for the grant to show that they have made decisions “not in conflict with a sustainable communities strategy” if they are within the jurisdiction of a Metropolitan Planning Organization. Assemblymember Caballero has been a strong champion of pushing this bill along with opposition coming from several fronts, including the California Special Districts Association. With these amendments, it should still be feasible for San Benito LAFCO to seek funding targeting struggling special districts.

Commissioners: Ignacio Velazquez, Chair ♦ Anthony Botelho, Vice Chair ♦ Richard Bettencourt ♦ Jaime De La Cruz ♦ Jim West

Alternate Commissioners: Don DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

Agenda Item 5
CALAFCO Legislative Update
Page 2

- AB 3254 (Sponsored by the Assembly Local Government Committee) containing CALAFCO's annual Omnibus Government Code clean-up bill (focused on minor technical and non-controversial changes to LAFCO laws.
Status: Passed in Assembly, in Senate Rules Committee.
- AB 2600 (Flora) proposing to allow initiation of regional park and open space district formation by board of supervisor's or city council resolution rather than only by petition of 5,000 registered voters, which could benefit local park efforts in San Benito County.
Status: Passed in Assembly, in Senate Rules Committee.

Regarding AB 2050 (Caballero), this bill would create the "Small System Water Authority Act of 2018" and State legislative findings and procedures relating to the creation of new water authorities who would have the power to absorb, improve and competently operate noncompliant public water systems where there is a grouping of at least 5 such noncompliant systems. It is not limited to special districts, but includes private and mutual water companies which fewer than 3,000 connections or fewer than 10,000 people within their service area. It is targeted at Counties with clusters of noncompliant water systems – many located throughout the Central Valley (but including any identified grouping of systems in San Benito County). On Monday, the Legislative Committee took a support position for this bill, and once the CALFCO Board confirms, we will receive a template letter of support. If it is available by the June 28th special Commission meeting, I will distribute the letter and ask for the Commission to approve a support position.

Action Requested

Receive the update of legislation tracked by CALAFCO, discuss any legislation of interest and consider approving a letter of support for AB 2050 if it is available by the time of the meeting.

INFORMATIONAL

6. Commissioner announcements and requests for future Agenda Items.

7. Executive Officer oral status report on pending proposals.

8. Adjourn to regular meeting at 3:00 PM on July 11, 2018 unless meeting time is changed based on Commission action or cancelled by Chair.
