

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

June 8, 2017

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

6:00 P.M.

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

4. Approval of minutes: no minutes available.

BOUNDARY CHANGE PROPOSALS – CONTINUED PUBLIC HEARING ITEM

5. LAFCO 520 – Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment: Involving an amendment to the City of Hollister Sphere of Influence of approximately 31 acres, and the annexation of 57.9 acres into the City located to the northeast of the intersection of Buena Vista Road and Locust Avenue and west of the Union Pacific Railroad Right-of Way. The annexation involves a portion of a larger development, with the annexation area proposed for 198 single family and 10 multiple family residential dwellings to be served all public services the City of Hollister. The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Impact Report, and consider amendment of the Sphere of Influence and approval of the annexation. **(Public Hearing Continued from May 25, 2017 Meeting.)**

BUSINESS ITEMS – CONTINUED PUBLIC-HEARING ITEM

6. Adoption of Final Fiscal Year 2017-2018 Budget **(Public Hearing Continued from May 25, 2017 Meeting.)**

BUSINESS ITEMS – NON-HEARING ITEM

7. Adoption of resolution changing Policies and Procedures in the LAFCO Commission Handbook allowing Alternate Commissioner participation at Commission meetings only when a Regular Commissioner is absent or disqualified from voting

INFORMATIONAL

8. Commissioner Announcements and Requests for Future Agenda Items

9. Executive Officer oral status report on pending proposals
10. Adjourn to special meeting at 6:00 PM on June 29, 2017, 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 may contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at cgraves@cosb.us.

CONSENT AGENDA

4. Approval of minutes: no minutes available.

**BOUNDARY CHANGE
PROPOSALS –
CONTINUED PUBLIC
HEARING ITEM**

**5. LAFCO 520 – Allendale
Annexation to the City of Hollister
and Parallel Sphere of Influence
Amendment.**

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023

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

DATE: June 8, 2017 (Agenda)
TO: Local Agency Formation Commission
FROM: Bill Nicholson, Executive Officer *A.O. for BN*
RE: Action on LAFCO File No. 520: Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment (**Agenda Item 5**)

Summary

The Commission held a noticed public hearing on May 25, 2017, to consider approval of the Allendale Annexation to the City of Hollister involving 57.9 acres located north of North Avenue and Buena Vista Avenue and northeast of the intersection with Locust Avenue. In order to annex this territory, the City also requested LAFCO approval of a 31 acre expansion of the City Sphere of Influence on the northern portion of the territory (part of Assessor's Parcel No. 019-130-027).

Testimony from the applicant, Michael Evans with DeNova Homes and project representative Scott Fuller, questioned the contents of two new proposed conditions of approval that were presented to them just prior to the start of the Commission meeting, and whether they were needed or appropriate. Following a brief discussion, and with concurrence from the project proponents, the Commission continued the Public Hearing to the June 8th regular Commission meeting giving time to work with LAFCO Counsel on the recommended conditions regarding the 2010 Master Tax Agreement between the City of Hollister and San Benito County, and the indemnification language presented as Items F and G supplementing the recommendations listed on Page 5 of the Executive Officer's Report dated May 25, 2017.

The Commission is requested to bring your packets for this item from the May 25th Packet, and if you need another copy, to contact the Executive Officer. The conditions of approval are currently being negotiated the time of preparation of this Memo (June 1, 2017) and the updated language will be presented at the continued hearing. However, Attached to this memo is Draft Resolution No. 520 which has been prepared for consideration if the Commission takes action to approve the Allendale Annexation and parallel sphere of influence amendment.

RECOMMENDATION

It is recommended the Commission open the public hearing and receive any testimony, and consider any modification to the proposed two additional conditions of approval found to be necessary. After closing the public hearing, make the determinations presented in the Executive Officer's Report Dated May 25, 2017, and adopt the attached resolution approving the Allendale Annexation to the City of Hollister and parallel Sphere of Influence Amendment involving 31 acres of the annexation territory, subject to the conditions of approval.

Attachment – Draft Resolution No. 520 and City of Hollister Resolution No. 2016-202

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West
Alternate Commissioners: Dan DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

LAFCO No. 520

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE ALLENDALE
ANNEXATION TO THE CITY OF HOLLISTER AND PARALLEL
CITY OF HOLLISTER SPHERE OF INFLUENCE AMENDMENT

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 and the County Service Area Law (Sections 56000 et seq. of the Government Code) ; and

WHEREAS, the proposal seeks Commission approval to annex 57.9 acres into the City of Hollister and represents two parcels identified by the San Benito County Assessor as APN Numbers 019-130-026 and 019-130-027; and

WHEREAS, because the northern 31 acres of the annexation territory are located outside the City of Hollister's Sphere of Influence, the City has requested the Commission approve a sphere of influence amendment through City of Hollister Ordinance No. 1134; 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 public hearings held on the proposal on May 25, 2017 and continued to June 8, 2017; 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 owners 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 document or determination, Spheres 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 sphere

of influence amendment and 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 area 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. 2016-202, presented on Pages 3 through 42, and the Commission rejects the alternatives to the project based on the conclusions of the City of Hollister Resolution No. 2016-202, presented on Pages 43 through 45. The Executive Officer is the custodian of the records upon which these determinations are based; these records are located at the Commission office - 2301 Technology Parkway, Hollister, CA 95023.

(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. 2016-202, as presented on Pages 42 and 43 for the significant and unavoidable impacts related to visual degradation of the project site and its surroundings, loss of prime agricultural farmland, and traffic and circulation impacts.

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

ALLENDALE 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 consistent with the sphere of influence as amended by the Commission as part of their approval of the proposal, and identified in Exhibit C, and the sphere of influence amendment is processed in compliance with the provisions contained in Section 56425 of the Government Code, and the Commission adopts all five determinations as presented on Page 2 of the Executive Officer's Report dated May 25, 2017.

(8) Since the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(9) The territory being annexed shall be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

(10) The proposal is APPROVED, and 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, and the approval is subject to completion of conditions of approval that are currently being negotiated and will be passed out at the meeting.

I, Richard Bettencourt, 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 regular meeting thereof held upon the 8th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

San Benito LAFCO
LAFCO No. 520

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

**EXHIBIT A
ALLENDALE
AREA TO BE ANNEXED TO THE CITY OF HOLLISTER
SAN BENITO COUNTY, CALIFORNIA**

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AND BEING A PORTION OF RANCHO SAN JUSTO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING CITY LIMIT LINE OF THE CITY OF HOLLISTER, SAID POINT BEING THE INTERSECTION OF THE NORTHERN LINE OF NORTH STREET AND THE SOUTHWESTERN LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

- THENCE, (1) FROM SAID POINT OF BEGINNING, ALONG SAID EXISTING CITY LIMIT LINE, NORTH 86°53'26" WEST 148.54 FEET;
- THENCE, (2) NORTH 28°07'26" WEST 231.99 FEET;
- THENCE, (3) NORTH 86°53'26" WEST 391.50 FEET;
- THENCE, (4) NORTH 39°53'26" WEST 1,158.45 FEET;
- THENCE, (5) NORTH 86°53'26" WEST 421.75 FEET;
- THENCE, (6) SOUTH 02°41'34" WEST 1,045.63 FEET TO A POINT ON SAID NORTHERN LINE OF NORTH STREET;
- THENCE, (7) NORTH 86°53'26" WEST 100.00 FEET;
- THENCE, (8) LEAVING SAID EXISTING CITY LIMIT LINE, NORTH 02°41'34" EAST 762.99 FEET;
- THENCE, (9) NORTH 10°35'26" WEST 82.01 FEET;
- THENCE, (10) NORTH 17°50'26" WEST 174.00 FEET;
- THENCE, (11) NORTH 37°15'26" WEST 362.00 FEET;
- THENCE, (12) NORTH 27°03'26" WEST 275.70 FEET;
- THENCE, (13) NORTH 17°41'26" WEST 827.32 FEET;
- THENCE, (14) SOUTH 86°43'45" EAST 1,307.78 FEET;

ANNEXATION AREA DESCRIPTION
PAGE 2 OF 2

LAFCD
FEBRUARY 15, 2017

THENCE, (15) SOUTH 31°33'47" EAST 284.50 FEET;
THENCE, (16) SOUTH 31°08'54" EAST 130.25 FEET;
THENCE, (17) SOUTH 28°00'31" EAST 2,274.73 FEET TO SAID POINT OF
BEGINNING.

CONTAINING 57.9 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS EXHIBIT B, AND BY THIS REFERENCE MADE A PART
HEREOF.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL
PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT
BE USED AS THE BASIS FOR AN OFFER OF SALE OF THE LAND DESCRIBED.

END OF DESCRIPTION

PRELIMINARY

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

THENCE, (1)
BOUNDARY DESCRIPTION CONFORMS TO LAFCD REQUIREMENTS

DATE: _____ BY: _____

NAME: _____

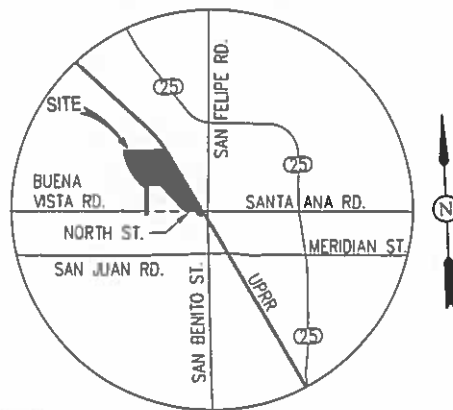
RCE/LS: _____

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS.

DATE: _____

BY: _____

PLS/RCE: _____



VICINITY MAP
NOT TO SCALE



LINE TABLE		
NO	BEARING	LENGTH
L1	N86°53'26"W	148.54'
L2	N28°07'26"W	231.99'
L3	N86°53'26"W	391.50'
L4	N39°53'26"W	1158.45'
L5	N86°53'26"W	421.75'
L6	S02°41'34"W	1045.63'

LINE TABLE		
NO	BEARING	LENGTH
L7	N86°53'26"W	100.00'
L8	N02°41'34"E	762.99'
L9	N10°35'26"W	82.01'
L10	N17°50'26"W	174.00'
L11	N37°15'26"W	362.00'
L12	N27°03'26"W	275.70'

LINE TABLE		
NO	BEARING	LENGTH
L13	N17°41'26"W	827.32'
L14	S86°43'45"E	1307.78'
L15	S31°33'47"E	284.50'
L16	S31°08'54"E	130.25'
L17	S28°00'31"E	2274.73'

EXHIBIT B

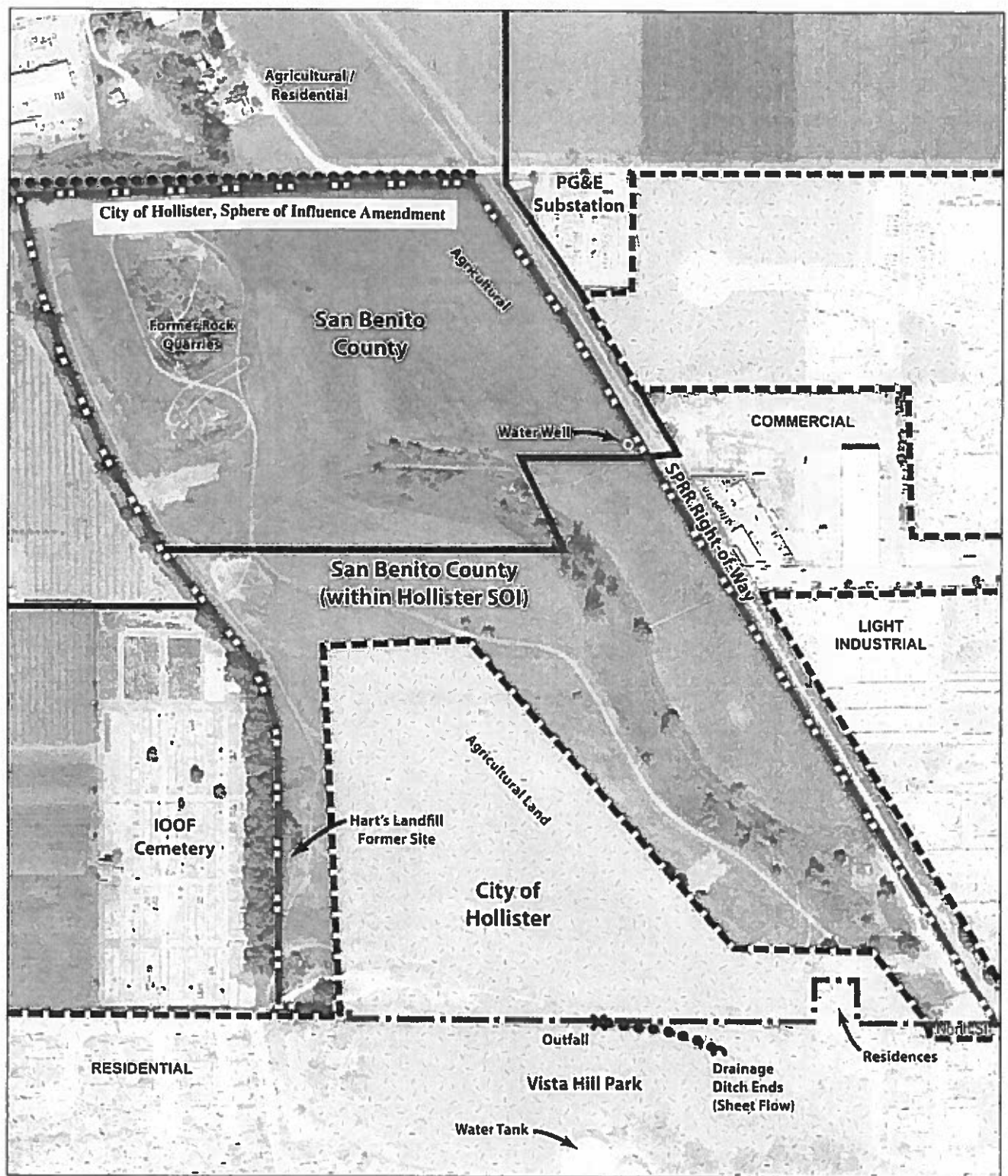
ALLEDALE
AREA TO BE ANNEXED INTO THE CITY OF HOLLISTER
SAN BENITO COUNTY, CALIFORNIA

FEBRUARY 15, 2017

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • (925) 866-0322
WEST SACRAMENTO • (916) 375-1877



0 400 feet

Project Boundary
Hollister City Limits

Hollister SOI

Drainage Ditch

Source: Google Earth 2013, AEI Consultants 2012

City of Hollister, Sphere of Influence Amendment LAFCO Resolution No. 520 (Allendale Annexation)

Exhibit C

RESOLUTION NO. 2016- 202

**A RESOLUTION OF THE CITY COUNCIL ADOPTING AN ENVIRONMENTAL
IMPACT REPORT AND MITIGATION, MONITORING AND REPORTING PROGRAM
FOR THE NORTH STREET DENOVA HOMES PROJECT**

WHEREAS, DeNova Homes ("the applicant") submitted multiple applications to the City of Hollister Development Services Department requesting approval of a General Plan Amendment from High Density Residential (HDR) which requires 12 to 35 dwelling units per net acre to Medium Density Residential (MDR) which requires 8 to 12 dwelling units per net acre, Sphere of Influence Amendment, Pre-zone for future annexation and Re-zone from HDR to MDR, a Conditional Use Permit for a Planned Unit Development, Vesting Tentative Map for a potential 343-unit residential subdivision and an Environmental Impact Report on an approximate 81.01-acre site located on the north side of North Street between the east terminus of Buena Vista Road and the west terminus of North Street, and is further identified as Assessor's Parcel 053-370-038, 053-370-037, 019-130-027, and 019-130-026; and,

WHEREAS, an initial study was prepared for General Plan Amendment Application No. 2014-1, Pre-Zone and Re-Zone Application No. 2014-9, Conditional Use Permit for a Planned Unit Development Application No. 2014-7, and Tentative Map Application No. 2013-2 ("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 therefore an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) was prepared; and,

WHEREAS, the Draft Administrative Environmental Impact Report was circulated from March 25, 2015 to May 9, 2015 to the Association of Monterey Bay Area Governments, local agencies, and the public; and,

WHEREAS, the City of Hollister received 11 comment letters from responsible agencies and the public in response to the Draft Administrative Environmental Impact Report; and,

WHEREAS, the City of Hollister prepared a final Environmental Impact Report 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 November 22, 2016, 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 per Planning Commission Resolution No. 2016-29; and,

WHEREAS, the Initial Study and Environmental Impact Report and the Mitigation Monitoring Program are in compliance with the provisions of the California Environmental Quality Act; and,

WHEREAS, adoption of the Environmental Impact Report and Mitigation Monitoring and Reporting Program does not constitute approval of the project; 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 Planning Commission 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, would have to be 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
NORTH STREET PROJECT**

**I
BACKGROUND**

1. Location of Project

The approximately 81.01-acre project site is located at the northwestern intersection of North Street and the Southern Pacific Railroad right-of-way. The project site is partially within the City of Hollister (hereinafter "City") and partially within the unincorporated portion of San Benito County (hereinafter "County").

Regional access to the project site is provided by State Route 25 and State Route 156 while local access to the project site is currently provided by North Street (to the east) and Buena Vista Road (to the west) on the southern portion of the site.

The project site is comprised of four parcels: Assessor's parcel numbers: 053-370-037, 053-370-038, 019-130-026 and 019-130-027.

2. Description of the Project

The project includes a Sphere of Influence (SOI) amendment, a General Plan Amendment (GPA), prezone for the properties outside of the current City limits, annexation of the portion of the project site located outside of the City limits, and vesting tentative map approval.

The project includes subdivision of approximately 81 acres of land and a planned unit development (PUD). The project site has a land use designation of Medium Density Residential (MDR) (8-12 du/ac). Development of the project site consistent with the vesting tentative map would result in development of 283 single-family homes. The subdivision includes a 5.27-acre parcel for future multi-family development, up to 60 units. Other features include an on-site water quality/retention basin, approximately 24 acres of open space, and several new roads providing access to the development.

Due to the topographical limitations of the project site and presence of known earthquake fault traces, residential development will occur on approximately 34 acres of the 81-acre project site, which corresponds with an aggregate overall residential net density of 10.1 units per acre.

The project's internal roadways will have connections at the future North Street extension along the southern boundary, which has already been approved and will be constructed by the City under its Capital Improvement Plan (CIP). North Street changes name designation west of Locust Avenue to Buena Vista Road and east of San Benito

Street to Santa Ana Road. With the planned extension, a continuous roadway will be provided connecting Buena Vista Road and Santa Ana Road. North Street currently consists of a short undeveloped roadway segment between Monterey Street and San Benito Street, east of the project site. Construction of the two-lane extension of North Street, between Locust Avenue and Monterey Street, is planned to occur concurrently with the project. This extension of North Street is not part of the project, but a funded improvement that will be completed in conjunction with the development of the adjacent undeveloped areas, which include the project site. The project will require the construction of a new sewer line to connect the project site to the nearest point of connection with adequate conveyance capacity (at the sewer manhole located at the Buena Vista Road and Westside Boulevard intersection). It is anticipated that the sewer line extension will be constructed along with the North Street Extension project; however, the project applicant will be required to fund the installment of the sewer lines. Future development of the 5.27-acre Parcel C, the multi-family, high density residential portion of the project, will require separate discretionary permits prior to approval of development of that portion of the site.

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 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. Develop a residential project that is consistent with the goals of the City's general plan;
- b. Create a residential community consisting of 343 lots to allow 60 multi-family units and 283 single-family units;
- c. Improve an underutilized vacant 81-acre 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;"
- d. Provide a mix of housing types to serve the housing needs of the City;
- e. Participate in the completion of the needed connection from North Street to Buena Vista Road; and
- f. Provide a minimum of 20 acres of open/undeveloped area consisting of a meandering walking path integrated with an outdoor exercise track (parcourse), tot lot, picnic area, Americans with Disabilities Act

(ADA) parking, and other associated improvements to serve the residents of the project and City.

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 B), incorporated herein by reference, for the project consists of the Draft EIR for North Street Subdivision and the Appendices to the Draft EIR prepared for the City of Hollister by EMC Planning Group Inc., dated March 2016; and the Final EIR for the North Street Subdivision prepared for the City of Hollister by EMC Planning Group Inc., dated July 2016. 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.

2. 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 December 22, 2014. The NOP response period ended on January 21, 2015. 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 March 28, 2016, and ending on May 11, 2016. The City distributed a Notice of Completion with copies of the Draft EIR, and posted the Notice of Completion at the San Benito County Clerk's office. The City published a Notice of Availability in the Free Lance Newspaper on March 25, 2016. The City received comment letters from the following agencies and members of the public: Monterey Bay Air Resources District; California Department of Parks and Recreation Office of Historic Preservation; California Department of Conservation Division of Land Resource Protection; consolidated comments signed by neighbors (Kathy Sanchez, Mira Sobedro, Alex Sobedro, Elbert Enos, Noe Iboa); California Department of Transportation (Caltrans) District 5; Noe Iboa; County of San Benito Resource Management Agency; and Tod duBois. 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.

NOTE TO STAFF: CEQA requires that responses are sent to commenting agencies. Please revise to state commenting agencies if only the agencies received the Final EIR.

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

3. Potential 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) Agricultural Resources

Project Impact (Potentially Significant): Conflict between Agricultural and Urban Uses. Placement of residential uses in proximity to active farming operations could lead to nuisance complaints regarding agricultural practices related to spraying, odors, dust, and noise. In turn, the farmer(s) continuing to operate on adjacent farmlands could complain about trespassing, vandalism, damage to crops, urban pets, and other infringements on farming operations.

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 AG-1: Developers shall inform potential buyers of homes near agricultural areas of the possible hazards associated with the application of pesticides/herbicides and nuisances from other cultivation practices. In those cases where the County of San Benito's "Right-to-Farm" Ordinance is applied to the City review of projects, homeowners shall also be informed of this ordinance by developers. This information shall be included on all deeds for future development on the project site, prior to occupancy. Implementation of this Mitigation Measure will be the responsibility of project developers.

Evidence: Mitigation Measure AG-1 reduces the impact by minimizing the potential for conflicts between urban and residential uses through disclosure of neighboring farming practices and applicable "Right-to-Farm" ordinances, thus, ensuring homebuyers are aware of dust, odor, and other nuisances that are generated by existing farming practices near the project site. As a condition of project approval, the developer is required to implement Mitigation Measure AG-1, which ensures that the potential for conflict is minimized between new urban uses and existing agricultural uses and reduces impacts associated with urban/agricultural interface conflicts to a less-than-significant level.

(b) Air Quality

Project Impact (Significant): Area Source Emissions that Exceed District Thresholds. During operations, the project will generate ozone precursor, particulate matter and carbon monoxide emissions that exceed Monterey Bay Unified Air Pollution Control District (hereinafter "air district") thresholds and contribute to regional air quality violations.

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 include the following air emissions reduction features on the project plans:

- a. Solid fuel heating appliances (i.e., wood-burning fireplaces; wood stoves; etc.) shall be prohibited. Restrictions on solid fuel heating appliances shall be included on deeds for individual parcels.
- b. Low VOC-emitting paints and coatings shall be used in all new construction.

Evidence: Mitigation Measure AQ-1 reduces the amount of ROG emissions that would otherwise be generated during project operations by prohibiting the use of wood stoves and requiring the use of low VOC coatings during construction. As a condition of project approval the developer will implement Mitigation Measure AQ-1, which will reduce project-related area source emissions below the air district

thresholds and ensure that project-generated operational emissions are less-than-significant.

Project Impact (Significant): Temporary Construction Dust Emissions that Exceed District Thresholds. The project will generate dust and other emissions from construction equipment during site preparation and construction that exceed air district thresholds, contribute to the region's non-attainment status for PM₁₀, which could significantly impact local air quality.

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 mitigates 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) these limits, the required grading plans shall include the following measures:

- 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. Haul trucks shall maintain at least 1'-0" of freeboard;
- f. ~~Plant tree windbreaks on the windward perimeter of construction projects of adjacent to open land;~~ (Subsection F to be removed per Planning Commission Resolution No. 2016-29 adopted on November 22, 2016 by the City of Hollister Planning Commission)
- g. Cover inactive storage piles;
- h. Sweep streets if visible soil material is carried out from the construction site;

- i. Post a publicly-visible sign written in English and Spanish with the telephone number and person to contact regarding dust complaints. 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); and
- j. Limit the area under construction at any one time.

Mitigation Measure AQ-3: Prior to commencement of construction activities, the contractor shall appoint a qualified site monitor to ensure that the dust control plan is 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.

Evidence: Mitigation Measure AQ-2 and Mitigation Measure AQ-3 will minimize the project's construction dust emissions that affect regional air quality during project construction by requiring the preparation of a grading plan that includes comprehensive dust control measures, and the appointment of a site monitor during construction to ensure the measures are implemented. As a condition of project approval, the developer will implement Mitigation Measure AQ-2, and shall ensure that the contractor implements Mitigation Measure AQ-3, which requires an on-site monitor during construction to implement the approved grading plan. Implementation of these measures will reduce the impacts of construction dust emissions to a less-than-significant level.

Project Impact (Significant): Construction Diesel Exhaust. Construction activities associated with development of the project site will include heavy-duty off-road equipment and large trucks that emit nitrogen oxides and diesel particulate matter.

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 mitigates impacts to less-than-significant levels:

Mitigation Measure AQ-4: The developer shall reduce nitrogen oxides exhaust and diesel 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 California Air Resources Board (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: 1) be manufactured during or after 1996, 2) shall meet the nitrogen oxides emissions standard of 6.9 grams per brake horsepower hour, and 3) shall be equipped with diesel particulate matter filters.

Mitigation Measure AQ-5: 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.

Mitigation Measure AQ-6: The developer shall reduce nitrogen oxides 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 five minutes 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 away from residential areas.
- Properly tune and maintain equipment for low emissions.
- Stage large diesel powered equipment at least 200 feet from any active land uses (e.g., residences).

Evidence: Mitigation Measures AQ-4 through AQ-6 minimize construction equipment emissions by limiting the number of vehicles, type of fuel used, hours of daily operation and duration of use consistent with the air district's CEQA Air Quality Guidelines (2008) (hereinafter "air quality guidelines"). As conditions of project approval the developer will implement Mitigation Measures AQ-4 through AQ-6, which will ensure that impacts related to construction equipment emissions are reduced to a less-than-significant level.

Project Impact (Significant): Cumulatively Considerable Net Increase of a Criteria Pollutant. The project will generate Reactive Organic Gases (ROG) and PM₁₀ emissions during construction and operations that will contribute to cumulative air quality conditions for which the air basin is in nonattainment.

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 Measures AQ-2 through AQ-6, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels:

Evidence: Mitigation Measures AQ-2 through AQ-6 minimize the project's contribution to cumulative construction dust and exhaust emissions that affect regional air quality by limiting the number of vehicles, type of fuel used, hours of daily operation and duration of use. As conditions of project approval the developer will implement these measures, which will ensure that the project's contribution to cumulative air quality impacts will be less-than-significant.

Project Impact (Potentially Significant): Exposure of Sensitive Receptors to Construction Dust and Equipment Exhaust. During construction, the sensitive receptors in existing residences near the south boundary of the project site could be exposed to PM₁₀ emissions that will temporarily exceed 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 imposition of Mitigation Measures AQ-2 through AQ-6, previously discussed, upon the project mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measures AQ-2 through AQ-6 minimize exposures to construction dust and equipment exhaust emissions by limiting the number of vehicles, type of fuel used, hours of daily operation and duration of use and serve to reduce and subsequently limit exposures of sensitive receptors to construction dust and exhaust emissions. As conditions of approval, the developer will implement these measures, which will ensure that potential impacts related to exposure of sensitive receptors to construction dust and exhaust emissions are reduced to a less-than-significant level.

(c) Biological Resources

Potential Project Impact (Significant): Substantial Adverse Effect on Special Status Species Individuals. The project will result in the loss of approximately 81 acres (due to designated open space areas) of low to moderate quality wildlife habitat. Based on the presence of suitable habitat on the site, this loss may directly and significantly impact special-status species individuals including burrowing owl, American badger, San Joaquin whipsnake, special-status bats, and nesting birds.

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: Burrowing Owl. To avoid/minimize potential impacts to burrowing owls, the project developer will retain a qualified biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of

suitable habitat on and adjacent to the project site no less than 14 days prior to the start of construction. Surveys shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If these pre-construction "take avoidance" surveys performed during the breeding season (February through August) or the non-breeding season (September through January) for the species locate occupied burrows in or near the construction area, then consultation with the CDFW would be required to interpret survey results and develop a project-specific avoidance and minimization approach. The project developer shall be responsible for implementation of this Mitigation Measure.

Mitigation Measure BIO-2: American Badger. Prior to the start of construction, a qualified wildlife biologist shall conduct surveys of the grassland and burrow habitat on the site to identify American badger burrows/dens. These surveys shall be conducted no more than 14 days prior to the start of construction. If an American badger burrow/den is found during the surveys, coordination with the CDFW shall be undertaken in order to develop a suitable strategy to avoid impacts to the burrow/den. Impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction. The project developer shall be responsible for implementation of this Mitigation Measure.

Mitigation Measure BIO-3: San Joaquin Whipsnake. Prior to the start of construction, a qualified wildlife biologist shall conduct surveys of the grassland and burrow habitat found on the site to identify San Joaquin whipsnakes or nests. If San Joaquin whipsnakes are found during pre-construction surveys of the project site, they shall be moved to suitable habitat at least 500 feet outside of the construction impact area. If a whipsnake nest is found during pre-construction surveys, a 100-foot buffer shall be established to prevent construction disturbance until the eggs have hatched and the whipsnakes have dispersed or are relocated to suitable habitat at least 500 feet outside of the construction impact area. Pre-construction surveys for San Joaquin whipsnake can be conducted in coordination with pre-construction surveys for other species. The project developer shall be responsible for implementation of this Mitigation Measure.

Mitigation Measure BIO-4: Special-Status Bats. Mature trees removed due to project implementation shall be removed in two stages: stage one will include removal of tree limbs, and stage two will include removal of the main trunk on a subsequent day. This will allow any potentially present, day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts. The project developer shall be responsible for implementation of this Mitigation Measure.

Mitigation Measure BIO-5: Nesting Birds. If construction activities begin during the bird nesting season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then

the developer will retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas in and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the City of Hollister for review and approval prior to construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist. To ensure that no inadvertent impacts to an active bird nest will occur, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist. The project developer shall be responsible for implementation of this Mitigation Measure.

Evidence: Mitigation Measures BIO-1 through BIO-5 avoid or minimize impacts to these species prior to and during construction, by requiring pre-construction surveys for special-status species including the burrowing owl, American badger, San Joaquin whipsnake, special-status bats, and nesting birds, and by requiring construction monitoring and/or implementation of other protective measures in the event any of these special-status species and protected active bird nests are found during site preparation and construction activities. As conditions of project approval, the developer will implement Mitigation Measures BIO-1 through BIO-5, which will reduce potential impacts to special-status species to a less-than-significant level.

Project Impact (Potentially Significant): Conflict with Local Policies or Ordinances. The project may require the removal of several trees located along North Street that may qualify as City-regulated street trees, which may conflict with the City of Hollister's Street Tree Ordinance (Chapter 12.24 of the municipal code).

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: Prior to removal of any City-regulated street tree(s) along North Street, the project developer shall obtain written authority from the City director to remove the tree(s). The project developer shall be responsible for implementation of this Mitigation Measure.

Evidence: The North Street Extension Project is an approved capital improvement project, a portion of which would be constructed concurrently with the proposed project with the proponents of the North Street Residential Subdivision Project installing some of its components. Mitigation Measure BIO-6 avoids potential conflicts with the City of Hollister's Street Tree Ordinance resulting from the removal of City-regulated trees along North Street by requiring that the developer receive written authority from the City prior to removal of City-regulated trees. As a condition of project approval the project developer will implement this measure, which will eliminate potential tree impacts that could result from conflicts with the Street Tree Ordinance to a less-than-significant level.

(d) Cultural Resources Impacts

Potential Project Impact (Significant): Damage to Archaeological Resources. During site preparation and construction of the project, previously undiscovered archaeological 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-1: The project developer shall include the following language on all bid and construction documents:

In the event that cultural resources are discovered, work within a 50-meter radius (165 feet) of the find shall be stopped, the Planning Department notified, and a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history) shall be retained to examine the find and make appropriate recommendations. Such measures may include avoidance, preservation in place, or other appropriate measures consistent with Public Resources Code Section 21083.2. The project developer shall be required to implement the identified measures for the protection of cultural resources.

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 CR-1 minimizes the potential to result in significant impacts to previously-undiscovered cultural resources should they be discovered during project-related ground-disturbing activity by requiring the developer to halt construction until the find can be appropriately identified and examined by a qualified archaeologist and appropriate recommendations are implemented. Such recommendations may include avoidance, preservation in place, or other appropriate measures consistent with Public Resources Code Section 21083.2. As a condition of project approval, the developer will include the language of Mitigation Measure CR-1 on all bid documents and shall ensure that the project contractor implements the measures during construction, which adds additional protection measures including that Implementation of the Mitigation Measure CR-1 in conjunction

with Municipal Code Section 17.16.030 will reduce potentially significant impacts to undiscovered archaeological 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-2: The project developer shall include the following language on all construction and bid documents:

In the event that any previously undiscovered paleontological resources are discovered, all work within a 50-meter radius (165 feet) of the finding shall be stopped, the County Planning Department notified, and a qualified paleontologist retained to examine the find and make appropriate recommendations, including, if necessary, feasible mitigation measures to reduce impacts to a less-than-significant level. The project developer shall be required to implement the identified mitigation measures for the protection of paleontological resources.

Evidence: Mitigation Measure CR-2 minimizes the potential to damage previously undiscovered paleontological resources that may be present on the project site by requiring construction to be halted and appropriate evaluation and actions be taken should paleontological resources be discovered during construction. As a condition of project approval, the developer will include the language of Mitigation Measure 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 paleontological resources to a less-than-significant level.

Potential Project Impact (Significant): Disturbance of Human Remains. Site preparation and construction of the project could result in the potential disturbance of human remains as yet to be discovered on the site.

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 CR-3: In the event of an accidental discovery or recognition of any human remains on the project site, the City of Hollister will ensure that this language is included in all construction documents in accordance with CEQA Guidelines section 15064.5(e):

"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: Mitigation Measure CR-3 minimizes the potential for inadvertent damage, disruption or destruction of human remains should they be discovered during construction by requiring construction to be halted and that appropriate evaluation and protective measures are taken, including an investigation by the San Benito County coroner, and by the appropriate most likely descendant if the coroner determines the remains to be Native American. 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 that could occur through accidental discovery and disturbance of human remains to less than significant.

(e) Geology and Soils

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Rupture of a Known Earthquake. Several areas of the project site are located within an Alquist-Priolo Earthquake Fault Zone. The potential for surface-fault rupture along any of the identified "active" fault traces at the site was determined to be high.

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 GEO-1: Development of the project site will comply with the most recent California Building Code design standards and performance thresholds for construction within seismic zones to avoid or minimize potential damage from fault rupture. All recommendations of the ESP (2007) geotechnical and (2008) fault investigation report, the T. Makdisy 2013 fault investigation (2013a), the T. Makdisy geotechnical update (2013b), the 2015 geotechnical assessments prepared by T. Makdisy, and the structural design requirements as prescribed by the most current version of the California Building Code, will be incorporated into a final design-level geotechnical report and the project improvement plans.

Future uses within the Building Exclusion Zone shall be limited to non-habitable improvements (e.g., roadway improvements, parks, open space, buffers, trails, etc.).

All plan sets shall include Building Exclusion Zones and/or setbacks as identified in the 2013 and 2015 geotechnical assessments (T Makdisy Consultants 2013a; 2013b; 2015), or as refined in the approved final design-level geotechnical report, subject to the review and approval by the City's engineer or engineering consultant.

The final geotechnical report and project improvement plans shall be prepared in consultation with the geotechnical consultant, subject to the review and approval of the City's engineer or engineering consultant.

Implementation of this Mitigation Measure is the responsibility of the developer and shall be implemented prior to approval of improvement plans.

Evidence: Mitigation Measure GEO-1 reduces the risks of damage and/or human harm due to fault rupture by requiring that development of the project site will comply with the most recent California Building Code design standards and performance thresholds for construction within seismic zones, and by requiring Building Exclusion Zones along the trace faults identified on the project site within which habitable development would not occur. The 2015 report prepared by T Makdisy Consultants recommends a 135-foot wide Building Exclusion Zone in the northern portion of the site and two parallel 100-foot wide Building Exclusion Zones in Parcel C on either side of the trace faults, unless further geotechnical investigation and site-specific fault mapping indicates a lesser distance is sufficient to mitigate impacts related to surface fault rupture. The final Building Exclusion Zones shall be identified on the project improvement plans at the time of building permit application submittal. As a condition of project approval the developer will implement Mitigation Measure GEO-1, which will ensure that potential impacts of seismically-induced human harm or property damage related to ground rupture resulting from development within a known fault are reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Strong Seismic Ground Shaking. Strong ground shaking occurring on the project site during a major earthquake may cause severe damage to

future buildings and other improvements constructed as part of the project, and therefore may expose people and structures to substantial adverse effects.

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, Mitigation Measure GEO-1, previously identified imposed upon the project mitigates impacts to less-than-significant levels:

Evidence: Mitigation Measure GEO-1 reduces the risks of human harm and property damage due to seismically-induced ground shaking by requiring incorporation of all soil remediation measures and recommendations identified by the ESP (2007) geotechnical and (2008) fault investigation report, the T. Makdissy 2013 fault investigation (2013a), the T. Makdissy geotechnical update (2013b), the 2015 geotechnical assessment prepared by T. Makdissy, the structural design requirements as prescribed by the most current version of the California Building Code, and the findings and recommendations of the design-level geotechnical report. As a condition of project approval the applicant shall implement of Mitigation Measure GEO-1, which will ensure that the impacts from seismically-induced ground shaking will be reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Liquefaction. As noted in the October 2015 geological report (Draft EIR Appendix F) the most comprehensive interpretive study of liquefaction potential in the Hollister area indicates the ridge area of the site has a very low potential for liquefaction. Further, the report notes that subsurface investigations conducted in 2007 and 2013 confirmed that the alluvial plain in the eastern portion of the property has a low potential for liquefaction. The 2015 report concluded that risks of seismically-induced liquefaction and lateral spreading are low to very low on the project site and are reduced further with implementation of Mitigation Measure GEO-1.

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, Mitigation Measure GEO-1, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Evidence: In addition to compliance with the City's general plan policies and structural design standards and performance thresholds of the most recent versions of the California and Uniform Building Codes, Mitigation Measure GEO-1 reduces the risks of seismically-induced liquefaction and lateral spreading on the site by requiring a design level geotechnical report and incorporation into the project of all performance criteria and design standards recommended in the geotechnical assessments. As a condition of project approval, the project developer is required to implement Mitigation Measure GEO-1, which will ensure that the impacts associated with risks of seismically-induced liquefaction will be reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Seismically-Induced Subsidence. The 2015 geotechnical report

concluded that development of the project site could expose people and property to unstable soils resulting from seismically-induced settlement of surface and near surface sandy soils located within the flat-lying northeastern portion of the site. Seismically-induced soil settlement could result in harm to humans or property damage.

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 GEO-2: As part of the design-level geotechnical report required in Mitigation Measure GEO-1, the applicants shall conduct cone penetrometer test explorations within the flat-lying eastern portion of the site to guide the development of project-specific design and construction criteria. The tests shall be conducted prior to submission of improvement plans to the City, and their results shall be included in the design-level geotechnical report for review and approval by the City engineer and/or his or her designate.

Evidence: Mitigation Measure GEO-2 minimizes the risks of human harm and/or property damage due to seismically-induced ground subsidence by requiring cone penetrometer test explorations as part of the design level study within the flat-lying eastern portion of the site. The tests will further refine the subsidence risks due to subsurface conditions estimated by the 2015 geotechnical report, and will guide the development of project-specific design and construction criteria recommendations of the required design-level geotechnical report. In addition to this measure, Mitigation Measure GEO-1 also requires compliance with all recommendations identified by the ESP (2007) geotechnical and (2008) fault investigation report, the T. Makdissy 2013 fault investigation (2013a), the T. Makdissy geotechnical update (2013b), the 2015 geotechnical assessment prepared by T. Makdissy, the structural design requirements as prescribed by the most current version of the California Building Code, and the findings and recommendations of the required design-level geotechnical report. As conditions of project approval, the applicant shall implement Mitigation Measures GEO-1 and GEO-2, which will ensure that the impact of increased risks of seismically-induced soil settlement of surface and near surface soils is reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Seismically Induced Differential Settlement. The 2015 geotechnical report (Draft EIR Appendix F) determined that the risks of seismically-related ground settlement are moderately high on the project site. Development of the project will increase risks of seismic-related ground differential settlement in areas underlain by undocumented (non-engineered) fill soils in portions of the site that could result in human harm and/or property damage, which 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, Mitigation Measures GEO-1 and GEO-2, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measure GEO-2 minimizes the risks of human harm and/or property damage due to seismically-induced ground subsidence by requiring cone penetrometer test explorations as part of the design level study within the flat-lying eastern portion of the site. The tests will further refine the subsidence risks due to subsurface conditions estimated by the 2015 geotechnical report, and will guide the development of project-specific design and construction criteria recommendations of the required design-level geotechnical report. In addition to this measure, Mitigation Measure GEO-1 also requires compliance with all recommendations identified by the ESP (2007) geotechnical and (2008) fault investigation report, the T. Makdissy 2013 fault investigation (2013a), the T. Makdissy geotechnical update (2013b), the 2015 geotechnical assessment prepared by T. Makdissy, the structural design requirements as prescribed by the most current version of the California Building Code, and the findings and recommendations of the required design-level geotechnical report. As conditions of project approval, the applicant shall implement Mitigation Measures GEO-1 and GEO-2, which will ensure that the impact of increased risks of seismically induced settlement of surface and near surface soils to a less-than-significant level.

Potential Project Impact (Potentially Significant): Risk of Loss, Injury, or Death Associated with Landslide. The 2015 geotechnical report notes that the geotechnical evaluations of ESP (2007) and T. Makdissy (2013b) show that there is a potential for relatively shallow landslides on the steep slopes along the eastern flank of the ridge at the site. An additional slope stability analysis performed for the project as part of the 2015 report confirmed that shallow slope failures could occur along the ridge (T. Makdissy 2015). Due to the sandy nature of the soil profile, residential irrigation and other operational urban runoff, if not controlled, could have detrimental effects on slopes and contribute to the risks of shallow slope failures.

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, Mitigation Measures GEO-1, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Evidence: Mitigation Measure GEO-1 will minimize the risks of landslides by requiring a design-level geotechnical report to finalize recommended setbacks, and recommended performance standards and design criteria for the use of engineered fill, construction phase slope protection and other measures for controlling runoff during and post-construction. As conditions of approval the project developer will implement Mitigation Measure GEO-1, in addition to compliance with City general plan policies, and the structural design standards and performance thresholds of the most recent versions of the California and Uniform Building Codes, which will reduce the risks of damage from landslides to a less-than-significant level.

Potential Project Impact (Potentially Significant): Slope Failure in Former Quarry Areas. The presence of over steepened, near vertical bluffs along the northern, eastern and western borders of the abandoned quarry (the larger of two present) in the north central portion of the property presents a risk of slope failure and toppling of blocks of the dense cement-like San Benito Formation soils in this area of the project site.

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 GEO-3: Prior to the issuance of grading permits, grading and site preparation measures to reduce the risks of landslides in the abandoned quarry shall be developed and incorporated into the required design-level geotechnical study. The report and related improvement plans are subject to review and approval by the City engineer or his/her designate. Developers of the project shall comply with the grading and site preparation recommendations (pertaining to the abandoned quarry) set forth in the approved design level geotechnical report.

Evidence: Mitigation Measure GEO-3 minimizes significant risks of landslides in the former quarry by requiring the preparation and implementation of City-approved grading and site preparation measures to remove unstable soils. These measures will be incorporated into the design-level geotechnical report identified in Mitigation Measure GEO-1. As conditions of project approval the project developer will implement Mitigation Measures GEO-3 and GEO-1, which will ensure that potential impacts of human harm or property damage related to slope failure within the former quarry areas of the site are reduced to less-than-significant.

Project Impact (Potentially Significant): Substantial Soil Erosion or Loss of Topsoil. The project includes alteration of the site topography to create residential neighborhoods and access roads, and to install utility infrastructure improvements. Construction of the project will expose soils to high to severe wind and water erosion potential based upon the site topography where they are found. The project will also introduce non-porous and/or low porosity surfaces in areas of the site that will increase the quantity and rates of post-construction surface runoff, and deposit soils off-site in downstream water bodies.

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 GEO-4: The project developer shall incorporate all recommendations of the design-level geotechnical report required by Mitigation Measure GEO-1 into all required grading plans. Development of the project shall comply with site preparation, grading, slope protection, erosion control and drainage

recommendations set forth in the design level geotechnical report required under Impact GEO-1. All grading, drainage and erosion control plans shall be subject to review and approval by the City engineer or his or her designate prior to issuance of a grading permit.

Evidence: Mitigation Measure GEO-4 reduces the significant effects of wind and water erosion by requiring the recommendations of the design-level geotechnical report to be incorporated into the project along with Mitigation Measure AQ-2 requiring preparation of a grading plan to minimize dust emissions during construction. Also, in compliance with the City's storm water management plan a grading and construction runoff plan is required that identifies BMPs to reduce the amount of construction runoff and pollution entering the storm drainage system (refer to section 3.10 of the Draft EIR for examples of BMPs). The project will comply with Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast (RWQCB 2013) as mandated by the RWQCB. Further, the project is subject to compliance with City general plan policies CSF3.1 (Adequate Drainage Facilities) and CSF3.2 (Erosion and Sediment Control). In particular, policy CSF 3.2 requires preparation of an erosion and sediment control plan when development plans are submitted.

As conditions of project approval, the project developer will implement Mitigation Measures AQ-2, GEO-1 – GEO-4, in addition to compliance with general plan policies and standard conditions of grading and building permit approval, which will ensure that soil erosion impacts are reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Located on Expansive Soils Creating Substantial Risks to Life or Property. Expansive soils present on the project site may cause movement or heaving, potentially resulting in damage to foundations, concrete pads and pavements.

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, Mitigation Measures GEO-1 and GEO-3, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Mitigation and Evidence: Mitigation Measures GEO-1 and GEO-3 minimize the risks of property damage by requiring the preparation of a design-level geotechnical report and requiring implementation of performance thresholds and design criteria recommended by the report to address expansive soils during site preparation activities, grading plans and foundation design and construction on the site. As a condition of approval, the project developer will implement these Mitigation Measures, which will reduce impacts resulting from expansive soils to a less-than-significant level.

(f) Hazardous Materials Impacts

Potential Impact (Potentially Significant): Hazard to the Public or Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment. Concentrations of diesel and

motor oil or undocumented storage structures may be encountered during construction, which may create a significant hazard to the public or the environment if disturbance results in release of hazardous materials into the environment.

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 HAZ-1: The project developer shall include the following language on all bid and construction documents: In the event that unidentified contamination (including stained soils) or features (such as an unaccounted for underground storage tank) are observed during construction, work within a 50-meter radius (165 feet) of the find shall be stopped, the Planning Department notified, and a qualified environmental professional shall be retained by the project developer to examine the find and make appropriate recommendations. Any underground storage tank shall be removed and properly disposed of in accordance with all applicable federal, state, and local regulations. Any observed stained soils may require testing. Results of the sampling (if necessary) shall indicate the level or remediation efforts that may be required. In the event that subsequent testing indicates the presence of any hazardous materials beyond acceptable thresholds, a work plan shall be prepared subject to review and approval by the San Benito County Environmental Health Department and the City of Hollister in order to remediate the soil in accordance with all applicable federal, state, and local regulations prior to resuming construction work in the affected area.

Evidence: Mitigation Measure HAZ-1 minimizes the risk of release of hazardous materials into the environment by ensuring that in the event that unidentified contamination and/or features (such as contaminated soils or unaccounted for underground storage tanks) are discovered during construction activities, structures are removed and contaminated soils are remediated and or disposed of in accordance with all applicable federal, state, and local regulations. As a condition of project approval the developer will implement Mitigation Measure HAZ-1, which will reduce the potential for the project to create a significant hazard to the public or the environment through involving the release of hazardous materials into the environment to a less-than-significant level.

(g) Hydrology and Water Quality

Project Impact (Potentially Significant): Runoff that Exceeds Capacity or Polluted Runoff. Development of the project will add impervious surfaces on the undeveloped project site 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 transport urban pollutants to off-site 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 Measures imposed upon the project mitigate impacts to less-than-significant levels:

Mitigation Measure HYD-1: Prior to approval of final site plans, 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 for compliance with non-point discharge emissions for storm water and that substantially detain storm water runoff on the project site with any of the following methods including the on-site retention and siltation basin, reduction of impervious surfaces, vegetated swales, permeable paving, landscaping, and other strategies.

The drainage plan shall include measures conforming to the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032, entitled "Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region," dated July 12, 2013 (PCRs), as applicable.

Mitigation Measure HYD-2: Prior to any approval of any storm water permit, grading permit or improvement plans the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.

Mitigation Measure HYD-3: Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a grading plan that complies with Chapter 15.14 Grading and Best Management Practice Control of the Hollister Municipal Code. Low Impact Development (LID) strategies shall be considered and incorporated as part of site planning and design as appropriately feasible.

Evidence: Mitigation Measures HYD-1 through HYD-3 reduces impacts associated with storm water runoff by requiring a City-approved drainage plan incorporating the City's Grading and Best Management Practice Control measures and Low Impact Development (LID) strategies consistent with the requirements of the Central Coast Regional Water Quality Control Board, and by requiring the developer prepare to obtain the appropriate NPDES, CDFW, and Section 401 or Section 404 permits prior to construction. All storm water runoff is required to be detained in an on-site retention and siltation basin. As a condition of project approval the developer shall implement Mitigation Measures HYD-1 through HYD-3, which will ensure that storm water runoff is greatly decreased, will not exceed the capacity of new or existing storm water drainage systems or contribute to polluted runoff, and will reduce impacts on

water quality resulting from increased storm water drainage and polluted runoff to a less-than-significant level.

(h) Noise Impacts

Impact: (Potentially Significant): Exposure of Persons to High Noise Levels During Construction Activity. Construction activities associated with the project may expose persons at the residences closest to the project site to noise levels up to 102 dBA, with typical construction noise ranging from 60 to 70 dB DNL which exceeds the 60 dBA exterior limit for residential uses specified in the City's Municipal Code.

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-1: During all project construction activities, the following mitigation measures shall be incorporated into construction documents and shall be implemented by the project developer:

- a. Properly maintain all construction equipment and equip all internal combustion engine driven machinery with intake and exhaust mufflers that are in good condition and recommended by the vehicle manufacturer.
- b. Stationary equipment, such as compressor and generators shall be housed in acoustical enclosures and placed as far from sensitive receptors as feasible.
- c. Use wheeled earth moving equipment rather than track equipment.
- d. Provide a noise disturbance coordinator with a phone number and email address so that the nearby residents have a contact person in case of a noise problem.
- e. Keep vehicle routes clean and smooth both on site and off site to minimize noise and vibration from vehicles rolling over rough surfaces.
- f. Nail guns should be used where possible as they are less noisy than manual hammering.
- g. Stationary equipment, such as compressor and generators shall be housed in acoustical enclosures and placed as far from sensitive receptors as feasible.

- h. 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, consistent with the City of Hollister Municipal Code. Construction-related noise-generating activities shall be prohibited on Sundays.

Evidence: Mitigation Measure N-1 minimizes impacts associated with construction noise by limiting the hours and days of equipment operations, placement of equipment near sensitive receptors and requiring appropriate muffling and equipment maintenance. This will minimize exposures to noise generated by faulty or poorly maintained engine, drive-train and other components or excessive usage limiting nail guns, acoustical enclosures for compressors and generators, use of wheeled rather than tracked equipment, etc, and will prohibit construction activities during the more noise-sensitive nighttime hours. As a condition of project approval the developer will implement Mitigation Measure N-1, which will reduce impacts from construction noise to a less-than-significant level.

(i) Traffic and Circulation

Project Impact (Potentially Significant): Hazardous Design Feature Due to Site Distance. The project's "A" Street intersection with North Street is placed within a horizontal curve along North Street which may increase hazards as a result of limited site distance for vehicles traveling along the curve and/or on the intersecting roadway.

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 T-3: Prior to approval of the improvement plans, consistent with sight distance analysis submitted by the project applicant, the City shall verify that an adequate sight distance is provided for both the traffic traveling along North Street and traffic entering/exiting "A" Street. Final development plans submitted for City review shall identify that project plans meet or exceed City roadway and site design standards.

Evidence: Mitigation Measure T-3 reduces the potential impact of a hazardous intersection design by requiring that adequate site distance is provided for the intersection of "A" Street and North Street and that final improvement plans are consistent with City roadway and site design standards. As a condition of project approval the applicant will implement Mitigation Measure T-3, which will ensure potential project design hazards are reduced to a less-than-significant level.

Potential Project Impact (Potentially Significant): Hazardous Design Feature Due to Inadequate Internal Circulation. The vesting tentative map does not specify that all internal roadways are designed following the standards and guidelines of

the City of Hollister, including standards for adequate width and turn-radii in order to provide continuous unimpeded circulation through the site for emergency vehicles and large trucks (such as garbage trucks).

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-4: At the time of improvement plan submittal, the applicant shall identify that project plans meet or exceed City roadway and site design standards. Specifically, development plans will be evaluated for conformance with City roadway and site design standards including but not limited to standards for site circulation, roadway width, and turning-radii.

Evidence: Mitigation Measure T-4 avoids the impacts associated with potentially hazardous roadway design and circulation by requiring that final improvement plans are consistent with City roadway and site design standards including, but not limited to, designs for adequate turn-around space, and adequate roadways for large design vehicles such as garbage trucks and fire trucks. As a condition of project approval, the applicant will implement Mitigation N-1, which will reduce potential impacts from hazardous roadway design to a less-than-significant level.

Project Impact (Potentially Significant): Increased Pedestrian and Bicycle hazards. The project will add pedestrian and bicycle traffic, including schoolchildren, to Buena Vista Road and North Street, which are located within school zones and which have incomplete pedestrian and bicycle facilities and are an existing hazard. An increase in pedestrians and cyclists to these facilities could increase pedestrian and cyclist safety hazards and risks of conflicts between pedestrians/cyclists and vehicles.

Findings: Changes or alterations have been required in the project that avoid or substantially lessen the potentially significant environmental effect of increased hazards and risks of conflicts between pedestrians, cyclists, and vehicle traffic on streets with inadequate and/or non-continuous pedestrian and bicycle facilities as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed upon the project mitigates the potential impact to less-than-significant levels:

Mitigation Measure T-5: Prior to approval of final improvement plans, the project applicant shall ensure that the following features are identified and incorporated:

- a. The project applicant shall build a sidewalk on the north side of Buena Vista Road/North Street and south side frontage improvements including curb, gutter, and sidewalk, to connect to adjacent pedestrian facilities. This would provide a continuous sidewalk connection from every proposed

residential unit within the project site to existing and planned pedestrian facilities within the study area such as the nearby Calaveras Elementary School

- b. The project applicant shall design project frontage improvements on Buena Vista Road/North Street to City of Hollister and San Benito County roadway design standards and guidelines. Project frontage improvements shall be designed to accommodate the future installation of a Class II bike lane along Buena Vista Road/North Street.
- c. The project applicant shall adhere to City roadway design standards and guidelines when designing roadway widths and turn radii.

The developer shall be reimbursed for all costs associated with these improvements and all improvements made to the North Street extension project required to be made by the developer beyond its fair share contribution (including costs for design, permitting and construction) to be determined by the City Engineer as applicable to offsite improvements. Such reimbursement shall be made either through credit against TIF credit or reimbursement from TIF, or some other method of reimbursement.

Evidence: Mitigation Measure T-5 reduces the potential impacts of pedestrian and bicycle safety hazards and increased risks of conflicts between pedestrians, cyclists and vehicles by requiring that final improvement plans include pedestrian and bicycle facilities, and safety features (particularly between the residences and the school) Buena Vista Road and North Street. As noted previously, the North Street Extension Project is an approved City capital improvement project that will be completed in conjunction with the development of adjacent undeveloped areas, including the project site. Construction of the two-lane extension of North Street, between Locust Avenue and Monterey Street, is planned to occur concurrently with the proposed project. Some of the North Street Extension Project improvements would be constructed and/or funded by the proposed project as mitigation for the project's proportionate contribution to operational hazards on the new street, and in compliance with the City's policies for pedestrian and bicycle improvements.

The project will participate in the City's Safe Routes to School program, which further reduces the impact. In addition to participating in the Safe Routes to School program, the developer as a condition of project approval will implement Mitigation Measure T-5, which ensures the project will not contribute to existing hazards or create new hazards resulting from increased risks of conflicts between pedestrians, cyclists, and vehicles.

Potential Project Impact (Potentially Significant): Inadequate Access for Emergency Vehicles. New roadways provide access to the project site; however, the vesting tentative map does not specify that all internal roadways are designed following the standards for adequate width and turn-radii in order to provide continuous unimpeded circulation through the site for emergency vehicles.

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, Mitigation Measure T-4, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Evidence: Mitigation Measure T-4 minimizes impacts associated with inadequate emergency access by requiring that all internal roadways are designed to meet City standards for adequate width and turn-radii for emergency vehicles, and by requiring that final improvement plans are consistent with City roadway and site design standards including, but not limited to, designs for adequate turn-around space, and adequate roadways for large design vehicles such as fire trucks, subject to approval by the City and by the Hollister Fire Department. As a condition of project approval the developer will implement Mitigation Measure T-4, which will ensure that future development is adequately designed to minimize hazards associated with on-site design and the impacts related to inadequate emergency access are reduced to a less-than-significant level.

Project Impact (Significant): Additional Bicycle Facilities Demand Which Conflicts with the Bicycle Master Plan. The project will create additional demand for bicycle facilities in the study area which, without mitigation, will conflict with the County's Bikeway and Pedestrian Master Plan.

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 T-6: Prior to the approval of final improvement plans, the project applicant shall contribute to the completion of planned bicycle facilities along Buena Vista Road/North Street, if a funding mechanism has been established for these improvements. The contribution shall be determined by the City of Hollister/San Benito County and it shall be based on the project's contribution to the total projected growth in the study area. The developer shall be reimbursed for all costs associated with these improvements and all improvements made to the North Street extension project required to be made by the developer beyond its fair share contribution (including costs for design, permitting and construction) to be determined by the City Engineer as applicable to offsite improvements. Such reimbursement shall be made either through credit against TIF credit or reimbursement from TIF, or some other method of reimbursement.

Evidence: Mitigation Measure T-6 will minimize the impact associated with the project's contribution to the cumulative demand for regional bicycle facilities and related conflicts with the County's Bicycle Master Plan by requiring the applicant to make a fair share contribution to the completion of planned regional bicycle facilities along adjacent roads if a funding mechanism has not been established for these improvements. As a condition of project approval the applicant will implement Mitigation

Measure T-6 in coordination with Mitigation Measure T-5, previously discussed, which will reduce the project's contribution to regional bicycle and pedestrian circulation impacts to less-than-significant.

Project Impact (Significant): Increase in Non-Vehicular Travel Conflicts with the City's Safe Routes to Schools program. The project will generate increased pedestrian and cyclist traffic traveling to and from land uses surrounding the project, including Calaveras Elementary School, which could conflict with the adopted "Safe Routes to R.O. Hardin and Calaveras Elementary Schools Implementation Plan".

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, Mitigation Measure T-5, previously discussed, imposed upon the project mitigates impacts to less-than-significant levels.

Evidence: Mitigation Measure T-5 will eliminate impacts related to an increase in non-vehicular traffic that would conflict with the City's adopted "Safe Routes to R.O. Hardin and Calaveras Elementary Schools Implementation Plan" by requiring that final improvement plans include adequate pedestrian and bicycle facilities, and safety features (particularly between the residences and the school). As a condition of project approval, the project developer will implement Mitigation measure T-5, in coordination with Mitigation Measure T-6, previously identified, which will eliminate the impact associated with potential conflicts with the "Safe Routes to R.O. Hardin and Calaveras Elementary Schools Implementation Plan" and impacts will be reduced to a less-than-significant level.

The Hollister City Council, in approving the project, will eliminate or substantially lessen all potentially significant effects on the environment to the fullest extent within the power of the City of Hollister. All of the mitigation measures recommended in the Final EIR as necessary to avoid or reduce potential significant effects of the project to an acceptable level will be required in or incorporated into the project as conditions of approval, or will be otherwise provided for as explained in these Findings or as a part of the administrative record.

The City Council further finds that for each potential significant environmental effect identified above in Section II-3 changes or alterations have been required in, or incorporated into, the project plans or conditions that avoid, or substantially lessen the potential significant environmental effects to an acceptable level. The City finds that the project as approved with conditions will not have a significant effect on the environment for those impacts identified in Section II-3 of this document.

As used in these findings, the term "acceptable level" means a level that is not significant under CEQA and/or the thresholds of significance identified in the Final EIR for each such impact. The substantial evidence to support this finding for each of the significant environmental impacts identified in Section II-3 may be found in the Final EIR and its technical appendices, and elsewhere in the record of this proceeding. The

changes incorporated into the project plans and conditions reflect the appropriate response to the environmental effects and recommended mitigation measures identified in the Final EIR. These responses vary depending on the nature of these environmental effects and the mitigation measures.

Each of the recommended mitigation measures contained in the Final EIR, to the fullest extent within the power of the City of Hollister, has been or will be incorporated into the project in the project design or through conditions imposed on the approvals for the project or will be implemented directly by the City of Hollister and/or Lead Agency.

4. Impacts that Remain Significant and Unavoidable after Mitigation because Implementation is the Responsibility of another Agency

(a) Traffic and Circulation

Project Impact (Significant and Potentially Unavoidable): Conflict with Applicable Plan, Ordinance, or Policy Establishing Measures of Effectiveness for the Performance Study Intersections. The addition of project traffic to existing traffic volumes will cause the State Route 156 and Buena Vista Road intersection to deteriorate from unacceptable LOS E to unacceptable LOS F, with a 45.8-second increase in delay during the PM peak hour.

Finding: 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 California Department of Transportation (Caltrans) and County of San Benito and not the City of Hollister. Such changes have been adopted by the County of San Benito in the regional Traffic Impact Fee program.

Mitigation Measure T-1: Prior to building permit issuance, the applicant shall pay the applicable TIF fee for the signalization of the State Route 156 and Buena Vista Road intersection.

Evidence: Mitigation Measure T-1 minimizes the project's impact to the intersection of State Route 156 and Buena Vista Road by requiring that the applicant pay the applicable TIF fee to fund its proportionate share toward signalization of the State Route 156 and Buena Vista Road intersection, the construction of which will mitigate the project's direct impact and its contribution to cumulative impacts related to exceedances of performance standards at this intersection. The intersection is identified in the San Benito Council of Governments regional traffic impact fee program. The identified improvements for signalization of the intersection fall within the responsibility and jurisdiction of Caltrans and the County of San Benito in addition to the City. As a condition of project approval the applicant will implement Mitigation Measure T-1, which will ensure that the project's impact is minimized. However, payment of a fee alone, as required by Mitigation Measure T-1, will not guarantee the timely construction by others of the identified improvements to mitigate the project impact; thus, this impact is potentially significant and unavoidable.

Project Impact (Significant and Potentially Unavoidable): Conflict with Applicable Plan, Ordinance, or Policy Establishing Measures of Effectiveness for the Performance Study Highway Segments. The addition of project traffic to existing traffic volumes project will result in additional trips to segments of State Route 25 and State Route 156 which operate at unacceptable levels of service (LOS D) during at least one of the peak hours.

Finding: While requiring the developer to pay the appropriate fee is the responsibility of the City, the construction of the identified improvements that would reduce traffic impacts to a less-than-significant level are within the responsibility of the California Department of Transportation (Caltrans) and County of San Benito and not the City of Hollister. Such changes can and should be adopted by the County of San Benito and included in the Traffic Impact Fee program.

Mitigation Measure T-2: At the issuance of building permit, if the identified widening improvements to State Route 25 and State Route 156 are expressly covered in the then-current or future TIF program, then the developer's payment of the applicable TIF shall constitute a fair share contribution toward improvements along the highway segments.

Evidence: Mitigation Measure T-2 reduces the project's contribution to traffic level-of-service impacts to State Route 25 and State Route 156 by requiring the applicant to pay the applicable TIF fee to fund its share of widening improvements to State Route 25 and State Route 156, the construction of which will mitigate cumulative impacts related to performance standards and level of service deficiencies on these roadways. The identified improvements to these roadway segments falls within the responsibility and jurisdiction of Caltrans and the County of San Benito in addition to the City of Hollister. As a condition of project approval the applicant will implement Mitigation Measure T-2, which will ensure that the project's impact is minimized. However, payment of a fee alone, as required by Mitigation Measure T-2, will not guarantee the timely construction by Caltrans of the identified improvements to mitigate the project impact. Thus, this impact is potentially significant and unavoidable.

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) Aesthetics

Project Impact (Significant and Unavoidable): Degradation of Existing Visual Character. The project will change the visual character of the project site from rural to urban and will substantially degrade the existing visual character or quality of the site and its surroundings when viewed from Vista Hill Park, a significant public vantage point.

Findings: Changes or alterations have been required in the project that lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed on the project lessens the significant impact, but not to a less-than-significant level:

Mitigation Measure AES-1: The project developer shall comply with the City's development standards and design guidelines. To mitigate the visual impact of new residential development introduced into the undeveloped landscape, the project developer shall locate and design the future residential structures in a manner that enhances their visual integration into existing environs, when feasible. Design elements may include but shall not be limited to use of natural, unobtrusive materials and paint color to blend with surrounding land uses, sensitivity to transition of scale and compatibility with the area neighborhoods, use of the natural topography in building placement and design to shield development from public views, or implementing appropriate landscaping and design to minimize visual impacts. During construction, the project developer shall ensure that construction equipment, construction staging areas, and construction sites are sufficiently shielded, when feasible, to the extent that they do not substantially alter scenic views.

Evidence: Implementation of Mitigation Measure AES-1 will reduce impacts associated with degradation of visual character of the site and its surroundings by ensuring that the overall design of the project will be of high quality and blend into the existing environment as feasible. As a condition of project approval the developer will implement Mitigation Measure AES-1, which will reduce the project's effect to the rural landscape; however, even with implementation of this mitigation measure, the project site's rural visual character will be permanently altered as seen from the public viewpoint at Vista Hill Park. There are no mitigation measures that will reduce the impact to a less-than-significant level. Therefore, the project's impacts to visual character will remain significant and unavoidable.

(b) Agricultural Resources

Project Impact (Significant and Unavoidable): Conversion of Prime Farmland. The project will convert 15.29 acres of Prime Farmland to non-agricultural uses.

Finding: There are no mitigation measures that reduce this impact to a less-than-significant level. Specific economic, social, or other benefits outweigh the unavoidable adverse effects.

Evidence: The City's general plan, zoning, and sphere of influence maps identify the project site as a priority infill area targeted for residential development. The project fully utilizes and improves 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;" the project provides a mix of housing types to serve the housing needs of the City consistent with the general plan; and the project aids in completion of the needed connection from North Street to Buena

Vista Road. Although the adverse impact is not mitigated to a less-than-significant level, these substantial benefits, namely the facilitation of maximum development opportunities on a site located within a priority infill area outweigh the significant individual and cumulative impact of the loss of 15.29 acres of Prime Farmland on the site. There is no mitigation available to reduce the impact to a less-than-significant level. The impact to the agricultural resource will be significant and unavoidable.

(c) Traffic and Circulation

Project Impact (Significant and Unavoidable): Highway Interchange Level of Service. The addition of project traffic to existing traffic volumes project will result in additional trips to the U.S. Highway and State Route 25 interchange, which currently operate at unacceptable levels of service (LOS E or F) during at least one of the peak hours.

Finding: There are no mitigation measures that reduce this impact to a less-than-significant level. Specific economic, social, or other benefits outweigh the unavoidable adverse effects.

Evidence: The Valley Transportation Authority, Santa Clara County's Congestion Management Agency, in its Valley Transportation Plan 2035 document has identified improvements at the U.S. Highway 101 and State Route 25 interchange, which include the construction of a full interchange and the widening of U.S. Highway 101 between Monterey Highway and State Route 25 and a new roadway extension to Santa Teresa Boulevard. However, funding for the interchange improvements is currently not available. Additionally, it is not feasible for an individual development project to bear responsibility for implementing such extensive transportation system improvements due to constraints in acquisition and cost of right-of-way, the significant impact at the U.S. Highway 101 and State Route 25 interchange must be considered significant and unavoidable.

The City's general plan, zoning, and sphere of influence maps identify the project site as a priority infill area targeted for residential development. The project fully utilizes and improves the 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;"; the project provides a mix of housing types to serve the housing needs of the City consistent with the general plan; and the project aids in completion of the needed connection from North Street to Buena Vista Road. Although the adverse impact is not mitigated to a less-than-significant level, these substantial benefits, namely the facilitation of maximum development opportunities on a site located within a priority infill area outweigh the project's significant individual and cumulative impact to the U.S. Highway 101/ and State Route 25 interchange. The project impact to the interchange will be significant and unavoidable.

6. Cumulative Impacts

(a) Aesthetics

Project Impact (Significant and Unavoidable): Degradation of Existing Visual Character. The project will contribute to the cumulative impacts of a gradual degradation of the aesthetic value of the City's remaining views of open space and agricultural landscapes. The project will replace the rural character of the site (all agricultural fields, open space, etc.) with urban uses (homes, apartments, streets, and ancillary improvements) within the City's general plan planning area in the vicinity of the project site when viewed from Vista Hill Park, which is a cumulatively considerable impact.

Findings: Changes or alterations have been required in the project that lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following Mitigation Measure imposed on the project lessens the significant impact, but not to a less-than-significant level:

Evidence: The project's contribution to the cumulative impact is reduced by requiring project compliance with general plan policies and implementation of Mitigation Measure AES-1, but not to a less-than-cumulatively-considerable level. Although as a condition of project approval the developer will implement Mitigation Measure AES-1 to ensure that the overall design of the project will be of high quality and blend into the existing environment as feasible, the project's contribution to the cumulative impact will remain cumulatively considerable. Consequently, conversion of the site from rural to urban forms will substantially contribute to a significant cumulative loss of aesthetically valuable open space and agricultural landscapes within the City's general plan planning area in the vicinity of the project site when viewed from Vista Hill Park. Therefore the cumulative impact remains significant and unavoidable.

(b) Agricultural Resources

Project Impact (Significant and Unavoidable): Conversion of Prime Farmland. The City's general plan EIR indicates that about 50 percent of the City's planning area is designated Prime Farmland (p. 4.11-1), which includes the 15.29 acres of Prime Farmland on the project site. Build-out of the general plan may result in the loss of approximately 4,250 acres of Prime Farmland, which is a significant cumulative impact. The project will contribute to the loss of Prime Farmland by converting 15.29 acres of Prime Farmland to non-agricultural uses, which is a cumulatively considerable contribution to this significant and unavoidable cumulative effect.

Finding: There are no mitigation measures that reduce this impact to a less-than-significant level. Specific economic, social, or other benefits outweigh the unavoidable adverse effects.

Evidence: The City's general plan, zoning, and sphere of influence maps identify the project site as a priority infill area targeted for residential development. The project fully utilizes and improves 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;" the project provides a mix of housing types to serve the housing needs of the City consistent with the general plan;

and the project aids in completion of the needed connection from North Street to Buena Vista Road. Although the project's contribution to the cumulative adverse impact is not mitigated to a less-than-cumulatively-considerable level, these substantial benefits, namely the facilitation of maximum development opportunities on a site located within a priority infill area outweigh the significant individual and cumulative impacts of the loss of 15.29 acres of Prime Farmland on the site. There is no mitigation available to reduce the impact to a less-than-cumulatively-considerable level. The impact to the agricultural resource will be cumulatively considerable and significant and unavoidable.

(c) Air Quality

Project Impact (Significant): Construction Emissions that Exceed District Standards. During construction and operations the project would generate criteria pollutant emissions, including reactive organic gases (ROG), nitrogen oxides (NOx) and particulate matter (PM₁₀) that exceed air district standards and contribute to significant regional air quality emissions for which the air basin is in nonattainment. This is a cumulatively considerable contribution to significant cumulative impacts to air quality.

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-6, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

Evidence: Implementation of Mitigation Measures AQ-1 through AQ 6 (Section 3.3 Air Quality) minimizes the impacts to air quality by requiring dust and equipment exhaust controls during construction, low VOC paints and solvents, and by prohibiting the use of solid fuel appliances in new residences. As conditions of project approval the developer will implement Mitigation Measures AQ-1 through AQ-6, which ensures that the project's contribution to cumulative air quality impacts will be less than cumulatively considerable and less than significant.

(d) Biological Resources

Potential Project Impact (Significant): Impacts to Special Status Species Individuals. Future development of the site would contribute to cumulative impacts to several special-status species individuals (burrowing owl, American badger, San Joaquin whipsnake, bats and nesting birds) through disturbance during construction.

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-5, previously discussed, imposed upon the project will mitigate potential impacts to less-than-significant levels.

Evidence: Implementation of Mitigation Measures BIO1 through BIO-6, avoids or reduces impacts on individual special-status wildlife species and regulated trees to a less-than-significant level such that the contribution of the project to cumulative impacts will be less-than-cumulatively considerable.

(e) 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 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 through CR-3, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

Evidence: Mitigation Measures CR-1 through CR-3 minimize the potential for incidental disruption or disturbance of unknown cultural resources during construction and, as conditions of project approval, the developer will implement the measures thus ensuring that the project's contribution to the cumulative loss of cultural or paleontological resources will be less-than-cumulatively considerable and the cumulative impact will be less-than-significant.

(f) Geology and Soils

Potential Project Impact (Significant): Seismic Shaking and Liquefaction. The project will result in a cumulatively considerable contribution to cumulative impacts resulting from an increased risk of exposures of people and structures to seismic shaking and liquefaction hazards.

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 GEO-1 and GEO-2, previously discussed, imposed upon the project mitigate potential impacts to less-than-significant levels.

Evidence: Mitigation Measures GEO-1 and GEO-2 reduce impacts associated with seismic shaking and liquefaction by requiring that development of the project site will comply with the most recent California Building Code design standards and performance thresholds for construction within seismic zones, and by requiring the preparation of a site-specific design-level geotechnical report and incorporating all soil remediation measures and report recommendations into the project design. Implementation of these measures will ensure that the project's contribution to cumulative impacts is less than cumulatively considerable and is less-than-significant.

(h) Hydrology and Water Quality

Potential Project Impact (Significant): Water Quality. The project will have a cumulatively considerable contribution to significant cumulative water quality impacts resulting from the introduction of impervious surfaces and subsequent increase in urban runoff from the site, which in turn could transport urban pollutants to natural and artificial drainage-ways and could contribute to groundwater quality degradation and/or contamination within the City's general plan planning area.

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 HYD-1 through HYD-3, previously discussed, imposed upon the project mitigate the project's potential impacts to less-than-significant.

Evidence: The project's contribution to cumulative water quality impacts will be minimized through implementation of Mitigation Measures HYD-1 through HYD-3 in addition to compliance with NPDES permit requirements and general plan policies and by ensuring that BMPs and LID measures will be implemented during and post- construction on the project site. Therefore, the project's contribution to cumulative water quality impacts will be less than cumulatively considerable.

(i) Noise

Project Impact (Significant): Exposure of Persons to High Noise Levels During Project Construction and Operation. During construction and operations the project would generate noise from construction equipment, construction and operational traffic and stationary noise sources that would exceed general plan standards and contribute to a cumulative increase in ambient noise levels. The project's contribution to ambient noise levels 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 Measure N-1, previously discussed, imposed upon the project will mitigate impacts to less-than-significant levels.

Evidence: Implementation of mitigation measure N-1 will reduce the project's construction noise impacts to less than cumulatively considerable. Additionally, compliance with the City's noise ordinance and standard conditions of project approval would reduce the project's construction and operational noise impacts to less than significant. Therefore, the project's contribution to cumulative increases in ambient noise levels within the general plan planning area would be less than cumulatively considerable and less than significant.

(j) Traffic and Circulation

Project Impact (Significant and Unavoidable): Signalized Intersection - San Benito Street and Fourth Street. During the AM and PM peak hours, the LOS at the intersection of San Benito Street and Fourth Street operates at an unacceptable LOS D under baseline (existing) conditions. The addition of cumulative trips will cause

the average intersection delay to increase from 36.7 seconds (AM) and 37.7 seconds (PM) under existing conditions to 40.8 (AM) and 49.9 (PM) under cumulative conditions. This equates to a 12.1 second increase in the average intersection delay during the PM hour that exceeds the minimum five second increase in delay threshold which is a significant cumulative impact. The project will generate additional traffic to the already congested intersection of San Benito Street and Fourth Street that will contribute to the 12.1-second increase in delay at this intersection during the PM peak hour, which is a cumulatively-considerable impact.

Finding: There are no mitigation measures that reduce this impact to a less-than-significant level. Specific economic, social, or other benefits outweigh the unavoidable adverse effects.

Evidence: Right-of-way restrictions make the physical improvements that would reduce the project's cumulatively considerable contribution to the cumulative impacts to this signalized intersection, including removal of on-street parking and/or sidewalk narrowing within the downtown area, infeasible. As such, there are no mitigation measures available to address the impact. The City's general plan, zoning, and sphere of influence maps identify the project site as a priority infill area targeted for residential development. The project fully utilizes and improves the 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,"; the project provides a mix of housing types to serve the housing needs of the City consistent with the general plan; and the project aids in completion of the needed connection from North Street to Buena Vista Road. Although the adverse impact is not mitigated to a less-than-significant level, these substantial benefits, namely the facilitation of maximum development opportunities on a site located within a priority infill area outweigh the project's significant individual and cumulative impact to the intersection. The project impact to the intersection of San Benito Street and Fourth Street will be significant and unavoidable.

Potential Project Impact (Significant and Unavoidable): Signalized Intersection- State Route 25 and Hillcrest Road. The addition of cumulative traffic to baseline traffic volumes will cause the State Route 25 and Hillcrest Road intersection to deteriorate from an acceptable LOS C to an unacceptable LOS D and increase the average delay 21.5 seconds during the peak PM hour which exceeds the five second or more impact. The proposed project contributes to the cumulative impact.

Finding: 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 California Department of Transportation and San Benito County and are beyond the control of the City of Hollister. Such changes have been adopted by San Benito County and incorporated into the regional Traffic Impact Fee program.

Mitigation Measure T-7: Prior to building permit issuance, the applicant and/or project site developers shall pay the project's applicable fair-share TIF fee, as determined by the City of Hollister, toward improvement costs at the intersection of State Route 25 and Hillcrest Road, which is under Caltrans jurisdiction. Improvements could consist of an additional through-lane and second left-turn lanes in the northbound and southbound legs of the intersection.

Evidence: Mitigation Measure T-7 requires the applicant to make a fair share contribution to road improvements, construction of which will reduce the project's contribution to the cumulative impact to a less-than-cumulatively-considerable level. However, improvements to the State Route 25 and Hillcrest Road intersection are the responsibility of Caltrans and the City has no authority to require Caltrans to implement the improvement. Thus, timely implementation of Mitigation Measure T-7 cannot be guaranteed and the project's cumulative impact will remain significant and unavoidable.

Potential Project Impact (Significant and Unavoidable): Unsignalized Intersection- State Route 156 and Buena Vista Road. The addition of cumulative traffic to baseline traffic volumes will cause the State Route 156 and Buena Vista Road intersection to deteriorate from unacceptable LOS E under baseline conditions to unacceptable LOS F, with a 154.9-second increase in delay during the PM peak hour under cumulative conditions. The traffic volumes at the intersection of State Route 156 and Buena Vista Road under cumulative conditions will increase the delay by 154.9 seconds over existing conditions and also satisfy the peak-hour volume traffic signal warrant.

Finding: 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 California Department of Transportation and not the City of Hollister. Such changes have been adopted by San Benito County in its regional Traffic Impact Fee program.

Evidence: Implementation of Mitigation Measure T-1, previously discussed, requires the applicant to make a fair share contribution to road improvements, construction of which will reduce the project's contribution to a less-than-cumulatively considerable level. However, because the identified improvements for signalization of the intersection will also fall within the responsibility and jurisdiction of Caltrans and the County of San Benito, timely construction of the identified improvements to mitigate the project impact is not guaranteed. Thus, this impact is significant and unavoidable.

Potential Project Impact (Significant and Unavoidable): Unacceptable Level of Service-Segments of State Route 25 and State Route 156. The addition of project traffic will add peak hour trips to segments of State Route 25 and State Route 156 which operate at unacceptable levels of service (LOS D) during at least one of the peak hours.

Finding: 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 California Department of Transportation and not the City of Hollister. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Evidence: Mitigation Measure T-2, previously discussed will require the applicant to make a fair share contribution toward the widening of the highways, construction of which will mitigate the project contribution to the cumulative impacts to a less-than-cumulatively considerable level. However, because the identified improvements fall within the responsibility and jurisdiction of Caltrans, timely construction of the identified improvements to physically mitigate the cumulative impact is not guaranteed. Thus, the cumulative impacts remain significant and unavoidable.

Project Impact (Significant and Unavoidable Cumulative Impact): Unacceptable Highway Interchange Level of Service. Both intersections of the U.S. Highway 101 and State Route 25 interchange are projected to operate at unacceptable levels of service during both peak hours under cumulative conditions. The project is projected to add traffic to both interchange intersections during the peak hours, which is a cumulatively considerable impact.

Finding: Specific economic, social, or other considerations make infeasible any mitigation measures that would reduce impacts to a less-than-significant level.

Evidence: The Valley Transportation Authority, Santa Clara County's Congestion Management Agency, in its Valley Transportation Plan 2035 document has identified improvements at the U.S. Highway 101 and State Route 25 interchange, which include the construction of a full interchange and the widening of U.S. Highway 101 between Monterey Highway and State Route 25 and a new roadway extension to Santa Teresa Boulevard. However, funding for the interchange improvements is currently not available. Additionally, it is not feasible for an individual development project to bear responsibility for implementing such extensive transportation system improvements due to constraints in acquisition and cost of right-of-way, the significant impact at the U.S. Highway 101 and State Route 25 interchange must be considered significant and unavoidable.

The City's general plan, zoning, and sphere of influence maps identify the project site as a priority infill area targeted for residential development. The project fully utilizes and improves the 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;"; the project provides a mix of housing types to serve the housing needs of the City consistent with the general plan; and the project aids in completion of the needed connection from North Street to Buena Vista Road. Although the project's cumulatively considerable adverse impact is not mitigated to a less-than-significant level, these substantial benefits, namely the facilitation of maximum development opportunities on a site located within a priority infill area outweigh the

project's significant individual and cumulative impact to the U.S. Highway 101/ and State Route 25 interchange. The project impact to the interchange will be significant and unavoidable.

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 visual degradation of the project site and its surroundings, loss of prime agricultural farmland, and traffic and circulation impacts.

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

- Aids in completion of the needed connection from North Street to Buena Vista Road.

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 and irreversible 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 aesthetics, agricultural land, and traffic. 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 a Maximum Density Consistent with the General Plan Alternative, Increased Density Alternative, and Alternative Location Alternative. The Maximum Density Consistent with the General Plan Alternative was dismissed from further consideration due to the presence of physical site constraints and because it will not eliminate or avoid the significant and unavoidable individual and cumulative impacts to visual character, agriculture, regional air and water quality, and traffic of the project. The Increased Density Alternative was dismissed from further consideration as it will increase risks of harm and property damage due to seismic hazards, but otherwise will result in environmental effects similar to those of the project and will not eliminate the significant and unavoidable impacts of the project. The Alternative Location Alternative was dismissed as there are

no areas of comparable size within the City's Sphere of Influence which 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 A" Alternative

B. "No Project B" Alternative

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

Alternative A ("No Project A"): The No Project A alternative assumes that the project site will remain vacant. For this analysis the existing development and land use on each parcel is assumed to continue unchanged for at least 20 years. With no development on the site, all of the significant and unavoidable impacts will be eliminated; however, this Alternative will not meet any of the objectives of the project.

Alternative B ("No Project B" Alternative): assumes a scenario consistent with development allowed by existing City of Hollister High Density Residential land use designations and zoning. This alternative assumes future development on only the approximately 23 acres that are currently within the City limits. The No Project (B) alternative assumes that future development of the 23 acres will include 603 high density residential uses consistent with the maximum density allowed by the general plan HDR land use designation (35 du/ac), less an assumed 25 percent reduction in land area for infrastructure, open space, parks etc. This alternative will provide housing for approximately 2,176 persons.

The No Project (B) alternative will not convert Prime Farmland to non-agricultural use (refer to Figure 13, Important Farmlands Map). There is no Prime Farmland within the boundary of the 23-acre No Project (B) alternative site which will eliminate the significant and unavoidable impacts related to the project's conversion of Prime Farmland.

The No Project (B) alternative will convert less overall area from vacant to residential use, potential impacts of this alternative on special status species will be less in magnitude than for the project.

It is assumed that, like the project, storm water detention facilities will need to be constructed under this alternative, but on a smaller scale and therefore the impacts to hydrology and water quality resulting from this alternative will be less than the project.

The No Project (B) alternative will meet the project's objectives to provide development consistent with the general plan in terms of high density land uses, and participate in the development of the North Street extension. This alternative will not be consistent with objectives to provide infill residential development on an 81-acre site or to provide 20

acres of parkland and open space on the site. The No Project (B) alternative also will not fully meet project objectives to establish a mix of housing types on the site. Due to the small size of the site and the presence of geologic and seismic characteristics that further limit land area for habitable uses, the development of 35 dwelling units per acre will consist primarily of apartment complexes as opposed to small lot single-family residential uses. As a result, the No Project (B) alternative will not meet project objectives to establish a mix of housing types on the site.

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, which would attain the project objectives to the greatest extent feasible, as described above, and which will avoid or substantially lessen the significant effects of the project.

The City finds that the Final EIR examined in detail only those alternatives (other than the No Project A alternative) which could most closely attain the project objectives, and that the selection of the alternatives analyzed provided sufficient information to the City to permit a reasoned choice for alternatives to the proposed project.

The City further finds that the No Project (B) alternative, although the most environmentally sensitive alternative after the No Project A 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, and does not fully and feasibly meet project objectives. The City further finds that the No Project (B) alternative will eliminate significant impacts to agriculture by avoiding the conversion of Prime Farmland to non-agricultural uses. However, the No Project (B) alternative will result in greater individual contributions to cumulative impacts to aesthetics, regional air and water quality, GHG emissions, and traffic, and will not accomplish the City's development strategy for high priority infill areas outlined in the general plan, or timely construction of the approved North Street extension, which is not economically feasible and will not occur in a timely manner without participation by the project developer. Due to these factors, the City finds that the No Project (B) alternative is infeasible.

BE IT RESOLVED THAT THE CITY OF HOLLISTER CITY COUNCIL HEREBY ADOPTS THE ENVIRONMENTAL IMPACT REPORT AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT APPLICATION NO. 2014-1, PRE-ZONE AND RE-ZONE APPLICATION NO. 2014-9, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT APPLICATION NO. 2014-7, AND TENTATIVE MAP APPLICATION NO. 2013-2

PASSED AND ADOPTED, at the regular meeting of the City of Hollister City Council held this 5th day of December 2016, by the following vote:

AYES: Council Members Klauer, Friend and Luna.

NOES: Council Member Sims.

ABSTAINED: Mayor Velazquez.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Thomas A. Graves, MMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

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

BUSINESS ITEMS – CONTINUED PUBLIC- HEARING ITEM

**6. Adoption of Final Fiscal Year
2017-2018 Budget (Public Hearing
Continued From May 25, 2017
Meeting).**

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

June 8, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

Final LAFCO Budget for FY 2017-18
(Continued Public Hearing from May 25, 2017)
(Agenda Item 6)

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission:

1. Review the Final Budget for Fiscal Year 2017-18, as modified for the Continued June 8, 2017 Public Hearing, accept all public testimony and approve the Proposed Budget with any desired modifications.
2. Direct the staff to distribute the Adopted Budget to cities, special districts and the County as required by Government Code Section 56381.
3. Authorize the County Auditor-Controller to adjust the amounts collected from local agencies for LAFCO operations based on the actual year-end fund balance.
4. Direct staff to advise the Commission of any changed conditions that could adversely affect the Commission's ability to fulfill its responsibilities in the coming year.

DISCUSSION

Summary

At the May 25, 2017 noticed public hearing, Staff presented the Final Budget for Fiscal Year 2017-2018 stating that no comments were received from the County, Cities or special districts as a result of the required mailing of the Preliminary Budget on May 2, 2017. However, the Executive Officer indicated that based on his contract and the current fiscal year budget, he is authorized to work an average of 7 hours per week, or 30 hours

Local Agency Formation Commission
Final Budget for FY 2017-2018
June 8, 2017 (Continued from May 25, 2017)
Page 2

per month, with a maximum of 360 hours per year. Based on the first 11 months of employment with San Benito LAFCO, I have averaged 33.6 hours per month. However, due to the pending issues the Commission has been involved in, the average hours per month has increased from 28.5 (May through December 2016), to 41.6 (January through March 2017).

Looking at current issues and pending annexations and out of agency service extensions, an average of 35 hours is proposed as a minimum, which would result in an annual total of 420 hours. In terms of cost, this would represent an \$8,400.00 increase. The total increase in Account No. 619.222 "LAFCO Consultant Services" would increase from \$50,400 to \$58,800. As stated at the previous hearing, hours are billed based on actual work performed, and if less hours are required, the full budgeted amount would not be billed.

If the Commission supports this increase in Account 619.222, the total Budget for FY 2017-18 would be \$130,694. This would represent a decrease of \$3,668 from the current fiscal year.

There are no other changes from the previous Executive Officer's Report from the May 25th meeting.

Conclusion/Recommendation

In consideration of this revised information, it is recommended the Final Budget be approved and distributed to local agencies as required by Government Code Section 56381, the Auditor-Controller be requested to adjust the actual amounts billed to the County and Cities for LAFCO operations to reflect the actual the year-end fund balance, Counsel work with the Executive Officer on a contract amendment for the increase in hours, and that Staff be directed to apprise the Commission of any changed conditions during the fiscal year which could adversely affect the Commissions ability to fulfill its responsibilities.

Sincerely,

BILL NICHOLSON
Executive Officer

Enclosure – Final Budget Chart: Explanation of Accounts as modified for June 8, 2017 Continued Public Hearing

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Final Budget for Fiscal Year 2017-18

(Revised from Final Budget Presented to the Commission on 5/25/17)

Explanation of Accounts

Object Code No.	Description	FY 2016-17 Adopted	As of 4/3/17	FY 2017-18 Proposed	Change
619.166	CALAFCO Membership	800	840	898	98
	Membership dues are not increasing this year.				
619.172	Service & Supplies: Postage	1,320	0	1,320	0
	Keeping account the same based on anticipated application activity.				
619.174	Service & Supplies: Office Supplies & Copies	3,200	164	3,200	0
	Keeping account the same based on anticipated application activity.				
619.180	Services & Supplies: Legal Notice	750	0	750	0
	Keeping account the same based on anticipated application activity.				
619.194	Training - Registration	1,000	0	1,000	0
619.196	Travel - Lodging	1,520	0	1,520	0
	Executive Officer and possible Commissioner attendance at CALAFCO Conference – To be held in San Diego in October 2017 and Marin in April 2018.				
619.198	Training & Education - Meals	565	0	565	0
	Corresponding meal reimbursement for conference attendance.				
619.200	Travel – Mileage	5,166	0	3,000	(2,166)
	For attending conferences and special meetings.				
619.210	Legal Counsel Services	10,000	0	10,000	0
	Legal services are provided by County Counsel and Outside Counsel.				
619.222	LAFCO Consultant Services	50,400	40,250	50,400	\$8,400
	Executive Officer services through 2/2017 invoice (approximately \$20,500 also paid to EPS for Fiscal Study - Hollister and County). Propose to increase hours from 360 to 420 per year with corresponding increase of \$8,400 over prior fiscal year.				

San Benito Local Agency Formation Commission
Final Budget for Fiscal Year 2017-18
June 8, 2017
Page 2

Object Code No.	Description	FY 2016-17 Adopted	As of 4/3/17	FY 2017-18 Proposed	Change
619.226	Prof. Services: Public Works (Map/Legal review)	7,825	0	7,825	0
619.252	County GIS Contribution	9,000	0	9,000	0
	The Commission participates in the County GIS Program. The amount is provided by the County as the LAFCO share of annual Basic Maintenance Expense.				
619.101	Cost Allocation Plan	2,816	1,840	2,816	0
	County overhead for Auditor/Administration and related functions.				
645.704	Retire – Medical Insurance	10,000	6,822	10,000	(10,000)
	Medical insurance costs for former Executive Officer settlement, reduced estimate.				
999.999	Contingency Reserve	20,000	0	20,000	0
	Contingency Reserve – remain at \$20,000 the amount was increased in FY 2016-17 by \$10,000 for emergencies/unanticipated costs. Funds only spent with prior Commission authorization.				
	Totals	134,362	70,560	130,694	(3,668)

BUSINESS ITEMS – NON- HEARING ITEM

7. Adoption of resolution changing Policies and Procedures in the LAFCO Commission Handbook allowing Alternate Commissioner participation at Commission meetings only when a Regular Commissioner is absent or disqualified from voting.

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023

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

June 8, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95023

**Adoption of Resolution Modifying the Role of Alternate Commission Members at Meetings
Where a Regular Commission Member is Present and Able to Vote
(Agenda Item 7)**

Dear Members of the Commission:

ACTION CONSIDERED

Based on direction given by the Commission at the May 25, 2017, Commission Meeting, the Commission can adopt the resolution modifying the Rules and Procedures contained in the *Commissioner Handbook* limiting the participation of alternate Commissioners at meetings where a regular member is present and able to vote.

DISCUSSION

At the May 25, 2017, Commission meeting, the Commission discussed their support for changing the Rules and Procedures contained in the *Commissioner Handbook* such that alternate members on the Commission should not be encouraged to attend or participate in Commission meetings where the regular member is present and able to vote on the scheduled agenda items.

To enact this modification, the Commission would modify Section C.2 and C.3 of Chapter 3, by making the following edits (new text is underlined and deleted text is presented in ~~striketrough~~):

2. Alternate members may not participate ~~fully~~ in LAFCO proceedings except ~~with the exception they vote only~~ in the absence or disqualification of a regular member.
3. ~~Alternates are encouraged to attend and participate in LAFCO meetings.~~

On motion by Commissioner De La Cruz, Seconded by Commissioner Botelho, and Carried 4-1 (Bettencourt), the Commission requested this item be set for action at the next meeting. Adoption of the attached resolution will modify this policy and procedure.

Sincerely,



Bill Nicholson,
Executive Officer

Attachment

**RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MODIFICATION TO COMMISSIONER HANDBOOK REGARDING ROLE OF ALTERNATE
COMMISSIONERS**

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56300 et. seq.) the Commission is required to establish written policies and procedures and exercise its powers in compliance with the Government Code and those adopted local policies and procedures; and

WHEREAS, the Commission has adopted rules and procedures which set forth the role of alternate LAFCO Commissioner's during Commission meetings, under Section 3 "Alternate Members" of Chapter 3 "LAFCO Membership;" and

WHEREAS, at the May 25, 2017 regular meeting, the Commission discussed the merits of allowing alternate Commissioners to attend and participate in Commission meetings when the regular members are present and the alternate is not able to vote; and

WHEREAS, in accordance with Chapter 13 of the Commission's Rules and Procedures, as contained in the *Commissioner Handbook*, the Commission may, by majority vote, modify the procedures contained in the Handbook when the situation warrants, and the change is not in conflict with statutes governing LAFCO activities; and

WHEREAS, the Government Code does not specify the role of alternate commissioners at Commission meetings when they are not acting as voting members in place of a regular Commissioner; and

WHEREAS, at the June 8, 2017 regular meeting, the Commission determined that the alternate members should not be encouraged to attend or participate in Commission meetings where the regular member is present and able to vote on the scheduled agenda items.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Commission hereby changes the text in Chapter 3, Section C.2, of the Rules and Procedures to read:

"Alternate members may not participate in LAFCO proceedings except in the absence or disqualification of a regular member."

BE IT FURTHER RESOLVED AND ORDERED that Chapter 3, Section C.3 be deleted from the LAFCO Rules and Procedures.

This resolution was adopted on June 8, 2017, and is effective on the date signed by the Chair.

San Benito LAFCO
Resolution Amending the Rules and Procedures
Section C.2 and 3, of Chapter 3
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I, Richard Bettencourt, 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 regular meeting thereof held upon the 8th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

INFORMATIONAL

8. Commissioner Announcements and Requests for Future Agenda Items.

9. Executive Officer oral status report on pending proposals.

10. Adjourn to special meeting at 6:00 PM on June 29, 2017, unless meeting time is changed based on Commission action or cancelled by Chair.
