

### 3.0 AMENDMENTS

#### Amendments to Section 3.3, Air Quality

The last paragraph on page 3.3-7 and Table 3.3-4 on page 3.3-8 of the DEIR has been revised as follows:

Under the Federal Clean Air Act, the NCCAB is currently designated attainment for the recently established eight-hour ozone federal AAQS (0.08 ppm), but not the recently adopted 2008 federal 8-hour (0.075 ppm). EPA is still in the process of finalizing area designations for the 2008 standard. The NCCAB is designated either attainment or unclassified for the remaining federal AAQS. Under the California Clean Air Act, the basin is designated as a non-attainment transitional area for the state ozone AAQS. The NCCAB is also designated a non-attainment area for the state PM<sub>10</sub> AAQS.

**TABLE 3.3-4  
NCCAB ATTAINMENT STATUS DESIGNATIONS**

Pollutant	National Designation	State Designation
Ozone, 1 hour	Not Applicable	Nonattainment
Ozone, 8 hour	Unclassified/Attainment*	Not Applicable
PM <sub>10</sub>	Unclassified	Nonattainment
PM <sub>2.5</sub>	Unclassified	Attainment
Carbon Monoxide	Unclassified/Attainment	Unclassified/Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified	Attainment
Sulfates	Not Applicable	Attainment
Lead	Not Applicable	Attainment
Hydrogen Sulfide	Not Applicable	Unclassified
Visibility Reducing Particles	Not Applicable	Unclassified

Sources: MBUAPCD, 2008a

\*The NCCAB is currently designated attainment for the 1997 eight-hour ozone federal AAQS (0.08 ppm), but not the recently adopted 2008 federal 8-hour (0.075 ppm). EPA is still in the process of finalizing area designations for the 2008 standard.

Table 3.3-3 on page 3.3-7 of the DEIR has been revised as follows:

**TABLE 3.3-3**  
**SUMMARY OF AMBIENT AIR QUALITY DATA – HOLLISTER-FAIRVIEW ROAD STATION**

POLLUTANT STANDARDS	2006	2007	2008
Ozone (O <sub>3</sub> )			
Maximum concentration, 1-hr/8-hr period (ppm)	0.099/0.087	0.087/0.074	0.090/0.072
Number of days state 1-hr/8-hr standard exceeded	1/5	0/2	0/2
Number of days federal 8-hr standard exceeded	0/1	0/0	0/0
Carbon Monoxide (CO)			
Maximum concentration, 1-hr/8-hr period (ppm)	2.5/1.04	2.0/1.15	2.2/0.89
Number of days state (1-hr/8-hr) standard exceeded	0/0	0/0	0/0
Number of days federal (1-hr/8-hr) standard exceeded	0/0	0/0	0/0
Nitrogen Dioxide (NO <sub>2</sub> )			
Maximum 1-hour concentration (ppm)	0.067	0.050	0.049
Number of days state standard exceeded	0	0	0
Annual arithmetic mean (AAM)	0.007	0.007	0.007
AAM exceed federal standard?	0	0	0
Respirable Particulate Matter (PM <sub>10</sub> )			
Maximum 24-hour concentration (µg/m <sup>3</sup> )	45.0	40.0	39.0
Number of days state standard exceeded	0/0	0/0	0/0
(measured/estimated)			
Number of days federal standard exceeded	0	0	0
Fine Particulate Matter (PM <sub>2.5</sub> )			
Maximum 24-hour concentration (µg/m <sup>3</sup> )	N/A	20.9	22.7
Number of days federal standard exceeded *		0	0

**Error! Bookmark not defined.**AAM = Annual Arithmetic Mean; µg/m<sup>3</sup> = Micrograms per Cubic Meter; ppm = Parts per Million; N/A = Data Not Available

Ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> data obtained from the Hollister-Fairview Road Monitoring Station.

CO and NO<sub>2</sub> data obtained from the Salinas Monitoring Station; concentrations are not monitored at the Hollister-Fairview Road Monitoring Station.

Source: ARB 2008; EPA 2008

**Impact 3.3-1** on page 3.3-19 of the DEIR has been revised, as follows:

**Impact 3.3-1** Short-term construction-generated emissions could exceed MBUAPCD significance thresholds, and could be inconsistent with the AQMP. As a result, this impact is considered potentially significant.

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The second paragraph on page 3.3-21 of the DEIR is amended as follows:

Based on modeling conducted for this project, implementation of MBUAPCD-recommended mitigation measures would reduce fugitive dust emissions associated with individual construction activities by as much as approximately 84 percent, depending on the activities conducted and mitigation measures employed. With implementation of the MBUAPCD-recommended measures, maximum construction-generated emissions would be reduced to approximately 41 82 lbs/day, and would therefore not exceed the MBUAPCD's significance threshold of 82 lbs/day.

### Amendments to Section 3.4, Biological Resources

Mitigation measure **MM 3.4-1b** on page 3.4-30 of the DEIR has been revised as follows:

**MM 3.4-1b** If any rare plants are found on-site, the developer shall consult with the USFWS, CDFG, and/or CNPS, as applicable, to determine appropriate minimization and mitigation for special-status plants, which shall include, but is not limited to the following measure:

The developer shall use diligent, good faith efforts to salvage portions of the habitat or plant populations that will be lost as a result of implementation of the proposed project by transplanting the plants that would be adversely affected by the proposed project for either re-establishment after construction is complete or for planting in a preserve with appropriate habitat. The developer, in consultation with the biologist, shall develop and fund a propagation program for the salvage and transfer of rare, threatened, or endangered plant populations from the site before the initiation of construction activities. Said plan shall include the following criteria, as approved by the appropriate consulting agency:

The location for propagating or transplanting plants, and a mechanism for the conservation and management of this land;

The success criteria associated with the mitigation program, and triggers for remedial measures if success criteria are not achieved;

The means for assessing and preventing genetic contamination at the translocation site; and

The monitoring that will be conducted to evaluate success of the proposed mitigation.

Permits may be required from the CDFG or USFWS, which would ensure that certified biologists are involved in the propagation and transport of rare, threatened or endangered plant species. (Note: Propagation

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methods for the salvaged plant population may be developed on a case-by-case basis and must include the involvement of local conservation easements/ preserves/ open space, where applicable). The propagation and transfer of individual plant species must be performed at the correct time of year and successfully completed before the project's construction activities eliminate or disturb the plants and habitats of concern.

Mitigation measure **MM 3.4-1c** on page 3.4-30 has been revised as follows:

**MM 3.4-1c**

**MM 3.4-1c** Prior to any ground disturbance within the project site, replacement aestivation and dispersal habitat for California tiger salamander shall be required at a 1:1 ratio of project site impact area to compensation habitat area. Providing aquatic breeding habitat (i.e., ponds) on the mitigation lands could, at the County's discretion, reduce the amount of upland mitigation required by up to 50% of the total upland habitat requirement so that the upland habitat requirement may be reduced to 0.5:1 (compensation area to impacted area). This would allow a landscape-based mitigation strategy that provides a greater benefit to the species by creating more breeding ponds in relatively dry San Benito County as opposed to preserving more upland areas.

This mitigation requirement may be satisfied by the purchase of credits in a conservation bank and/or project-specific off-site mitigation. Prior to the issuance of the grading permit(s), the project applicant shall provide the County with either: (a) proof of purchase of the required number of credits in an approved conservation bank, or (b) a Habitat Management Plan to fix the details of the implementation of the proposed habitat mitigation. This Plan, which must be approved by the County, shall at a minimum include the following information:

- (1) A summary of habitat impacts and mitigation ratios, and shall demonstrate that the required mitigation ratios are satisfied
- (2) A description of the location and boundaries of the mitigation site and description of existing site conditions
- (3) A description of measures to be undertaken to enhance the property for use by California tiger salamanders and to protect particularly sensitive resources (e.g., breeding ponds)
- (4) A description of site management (e.g., grazing) and maintenance measures, including regular maintenance (e.g., of fencing) and less frequent, longer-term maintenance (e.g.,

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maintenance of ponds and berms to ensure long-term functionality as tiger salamander breeding habitat)

(5) A description of habitat and species monitoring measures on the mitigation site

(6) A description of the process by which remediation of problems with the mitigation site (e.g., presence of non-native predators and competitors) will occur.

(7) An endowment fund shall be established and funded by the project applicant for the monitoring and perpetual management and maintenance of the mitigation site. The principal in the endowment will be calculated so that it will generate sufficient revenue to cover the costs of maintenance, monitoring, and management of the mitigation site as outlined in the Habitat Management Plan. The endowment will be made to the benefit of a third-party management entity approved by the County, the USFWS, and the CDFG.

Additionally, if the accepted mitigation lands are located within the range of the California red-legged frog, western spadefoot, and San Joaquin kit fox and support suitable habitat for those species as well, these same mitigation sites may be utilized to meet the mitigation requirements for those three species, which are also identified as potentially adversely impacted by project development.

Mitigation measure **MM 3.4-1d** on page 3.4-31 of the DEIR has been revised as follows:

**MM 3.4-1d** ~~Prior to any ground disturbance within the project site, a temporary barrier shall be constructed along the limits of the grading and disturbance area, to prevent the movement of California tiger salamanders and California red-legged frogs into the area. Prior to initiation of grading and other ground-disturbing activities at the project site, exclusion fencing with one-way ramps, one-way doors, or similar USFWS-approved exclusion devices shall be installed around the project impact area to passively exclude amphibians (such as California tiger salamander and California red-legged frog) from accessing the project impact area, while still allowing amphibians to leave the project impact area in accordance to the guidance set forth by USFWS and CDFG. The barrier shall consist of three-foot-tall silt fencing with the bottom edge buried to a depth of at least six (6) inches below the soil surface, held in place by rigid stakes or other stable means. Silt fence fabric shall also be installed on any swinging gates or other movable sections of temporary construction fencing. Fence fabric installed on gates and moveable sections of fence shall~~

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drape onto the ground surface to form a continuous barrier to California red-legged frog and California tiger salamander access. Installation of silt fencing and fence fabric shall be supervised by a qualified biologist, who shall be retained by the developer and approved by the County. Said barriers shall remain in place until all development activities within the disturbance area have been completed. Said barriers shall be inspected, maintained and repaired as necessary to ensure continuous functionality.

Mitigation measure **MM 3.4-1e** on page 3.4-31 has been revised as follows:

**MM 3.4-1e** Any netting used for erosion control or other purposes during the construction phase of the project shall be of tightly woven fiber or similar material or products approved by USFWS and CDFG, to ensure that California red-legged frogs and California tiger salamanders do not get trapped within the netting. Plastic monofilament netting (erosion control matting) or similar material shall not be used. This netting specification shall be incorporated within the bid and construction documents for the project.

Mitigation measure **MM 3.4-1g** on page 3.4-32 of the DEIR has been revised as follows:

**MM 3.4-1g** Mitigation lands providing similar or better habitat for California red-legged frogs relative to that being impacted shall be provided at a minimum 1:1 ratio of project site impact area to compensation habitat area, and preserved and managed in perpetuity. Providing aquatic breeding habitat (i.e., ponds) on the mitigation lands could, at the County's discretion, reduce the amount of upland mitigation required by up to 50% of the total upland habitat requirement (so that the upland habitat requirement may be reduced to 0.5:1 (compensation area to impacted area)). The creation of breeding ponds to serve as partial upland impacts mitigation would provide a greater benefit to the local California red-legged frog populations, because the relative lack of breeding habitat in dry San Benito County is the limiting factor for the local California red-legged frog population.

This mitigation requirement may be satisfied by the purchase of credits in a conservation bank and/or project-specific off-site mitigation. Prior to the issuance of the grading permit(s), the project applicant shall provide the County with either: (a) proof of purchase of the required number of credits in an approved conservation bank, or (b) a Habitat Management Plan to fix the details of the implementation of the proposed habitat mitigation. This Plan, which must be approved by the County, will at a minimum include the following information:

(1) A summary of habitat impacts and mitigation ratios

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- (2) A description of the location and boundaries of the mitigation site and description of existing site conditions, and shall demonstrate that the required mitigation ratios are satisfied
- (3) A description of measures to be undertaken to enhance the property for use by California red-legged frogs and to protect particularly sensitive resources (e.g., breeding ponds or non-breeding aquatic habitat)
- (4) A description of site management (e.g., grazing) and maintenance measures, including regular maintenance (e.g., of fencing) and less frequent, longer-term maintenance (e.g., maintenance of ponds and berms to ensure long-term functionality as red-legged frog breeding habitat)
- (5) A description of habitat and species monitoring measures on the mitigation site
- (6) A description of the process by which remediation of problems with the mitigation site (e.g., presence of non-native predators and competitors) will occur.
- (7) An endowment fund shall be established and funded by the project applicant for the monitoring and perpetual management and maintenance of the mitigation site. The principal in the endowment will be calculated so that it will generate sufficient revenue to cover the costs of maintenance, monitoring, and management of the mitigation site as outlined in the Habitat Management Plan. The endowment will be made to the benefit of a third-party management entity approved by the County, the USFWS, and the CDFG.

Mitigation measure **MM 3.4-1h** on page 3.4-32 of the DEIR has been revised as follows:

**MM 3.4-1h**

A preconstruction survey for California red-legged frogs following the survey methodology outlined in Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005) or as determined during consultation with USFWS shall be undertaken no more than two months 14 days prior to commencement of any construction or mitigation implementation activities. ~~that occur in or adjacent to (i.e., within 50 feet of) wetlands that contain water at the time of construction.~~ Surveys shall be conducted by a qualified biologist retained by the developer and approved by the USFWS. The costs associated with retention of the biologist and completion of the surveys shall be paid for by the project developer. Surveys shall be conducted for two (2) days and two (2) nights within the 14-day

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period. The final nighttime survey shall occur the evening preceding the commencement of construction or mitigation implementation activities. If California red-legged frogs are found during preconstruction surveys, nighttime surveys shall continue, and no construction or mitigation implementation activities shall be commenced, until California red-legged frogs are no longer found during a survey. Alternatively, relocation of any California red-legged frogs from the impact areas may be undertaken, with approval of the USFWS, and under the supervision of the biologist. Immediately after the frogs are relocated, a temporary exclusion barrier shall be constructed around the aquatic habitat to be impacted, under the supervision of a qualified biologist, to prevent frogs that are relocated from moving back onto the area of impact. Nighttime surveys shall then continue inside the barrier until frogs are no longer detected during a survey.

Mitigation measure **MM 3.4-1j** on page 3.4-33 has been revised as follows:

**MM 3.4-1j** During all construction and mitigation implementation ~~in and along streams~~, Best Management Practices (BMPs) shall be used to minimize erosion and impacts to water quality to protect water quality in downstream areas ~~used by the California red-legged frog~~. The erosion control and landscaping specifications shall allow only natural-fiber, biodegradable meshes and coir rolls, or other products as approved by USFWS and CDFG.

Mitigation measure **MM 3.4-1q** has been added to page 3.4-36 of the DEIR as follows:

**MM 3.4-1q** The lead agency for this project is required, in accordance with applicable laws and regulations, to consult with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) concerning effects to listed species. The project applicant shall obtain an Incidental Take Permit for these species before proceeding with any construction activities to the extent required under applicable laws and regulations. Conditions of any Incidental Take Permit which may include additional avoidance measures, shall be adhered to for the length of the permit.

Mitigation measure **MM 3.4-1r** has been added to page 3.4-36 of the DEIR as follows:

**MM 3.4.1r** The developer will compensate for the direct impacts to annual grasslands and agricultural lands that may be used as foraging habitat by San Joaquin kit fox at a 1:1 ratio (one acre of habitat preserved for every acre removed) by either preserving foraging



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habitat offsite, purchasing mitigation credits at a USFWS/CDFG-approved mitigation bank, or paying an in-lieu fee."

The first paragraph on page 3.4-34 under the heading *Impacts to Foraging Habitat* will be amended to read:

#### *Impacts to Foraging Habitat*

The annual grassland onsite provides potential foraging habitat for the kit fox, but at ±25 acres is very small relative to the 1- to 12-square-mile range required for a typical home range for San Joaquin kit foxes (USFWS 1998). Development of the project site would therefore not represent a substantial loss of foraging habitat for individuals or the local population as a whole. The very low densities of this species in the Hollister region and the large expanses of unbroken annual grassland habitat to the east of the project site make it even more unlikely that loss of the grassland habitat onsite would prove to be a detrimental factor in the success of the species in the area. The cultivated hayfield and orchard portions of the project site provide neither potential denning habitat nor high-quality foraging habitat for the San Joaquin kit fox. ~~The developer will pay the kit fox habitat impact fee per County Ordinance 541 (San Benito County Code, Chapter 19.19);~~ therefore, the loss of foraging habitat within the project site is **less than significant**.

The second paragraph of Mitigation Measure **MM 3.4-2b** on page 3.4-38 of the DEIR has been revised as follows:

Based on the burrowing owl survey results, the following actions shall be taken by the developer to avoid impacts during construction in accordance with ~~(as outlined in CDFG guidance)~~.

**MM 3.4-2d** will be amended to include "based on direction from the California Department of Fish and Game," as follows:

... The project may be constructed without the elimination or disturbance of a roosting colony, provided that a wildlife biologist shall identify activity buffer zones and construction timing limits to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1), based on direction from the California Department of Fish and Game. ...

*Impact Discussion 3.4-5 on page 3.4-45 has been amended as follows:*

**Conflict with adopted Habitat Conservation Plan, Natural Community Conservation Plan, or ~~any adopted biological resources recovery or conservation plan of any Federal, State, or local agency~~ other approved local, regional, or state habitat conservation plan.**

**Impact 3.4-5** Implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or ~~any adopted biological resources recovery or conservation plan of any Federal or State agency.~~ Other approved local, regional, or state habitat conservation plan. There would be no impact.

Currently there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, nor ~~any other conservation or recovery plan in effect for the project site~~ approved local, regional, or state habitat conservation plan that includes the project site, in whole or in part. Therefore, no impacts associated with project inconsistency with such plans would occur.

### **Amendments to Section 3.14, Wet and Dry Utilities and Energy**

*The second paragraph on page 3.13-19 of the DEIR erroneously states that the overall maximum (peak) estimated wastewater flow from the project to the City of Hollister Domestic Wastewater Treatment Plant (DWTP) would be 0.38 million gallons per day (MGD). This figure is actually the average daily flow. The maximum peak flow is estimated to be 0.66 MGD. All wastewater flows to the DWTP were projected by the City to gradually increase to 4.5 MGD by 2023, including an assumption of much lower density development on the project site than currently proposed (i.e. five acres per unit.) Based on the maximum daily capacity of the treatment plant of 5 MGD, the plant was estimated to have an excess capacity of 0.5 MGD by 2023. The EIR therefore concluded that even with the higher density of development proposed for the project, the DWTP would still have adequate excess capacity to accommodate the maximum daily wastewater flow of 0.38 MGD.*

*Because the maximum daily flow is actually 0.66 MGD, greater than the 0.5 MGD excess capacity of the DWTP anticipated by 2023, the City of Hollister was contacted to determine whether the plant would still be able to accommodate the maximum estimated wastewater treatment flows by this time. In its review of the issue, the City determined that, because the excess capacity figure was based on a population growth scenario developed prior to the current economic recession (which was much higher than has actually occurred) that the excess capacity by 2023 would be greater than the 0.5 MGD originally estimated, and that the treatment plant would therefore still be able to adequately accommodate estimated peak*

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daily flows from the project (email communication from David Rubcic, Associate City Engineer, June 10, 2010.) This determination by the City is supported by the latest Census and Department of Finance population estimates, which show that the change in population for Hollister between the Years 2005 to 2008 was not dramatic, with an increase of only 203 persons, or about one half of one percent. This is in contrast with the 3.4% annual growth rate assumed for the DWTP in 2005 (Table 1-2, page 1-8, Long-Term Wastewater Management Program for the DWTP and IWTP, City of Hollister, December, 2005).

Secondly, the EIR evaluated the impacts of potentially constructing an on-site wastewater treatment plant (WWTP) to serve the project in the event that connection to the DWTP was not possible. The EIR concluded that all potential impacts of the construction and operation of the WWTP could be mitigated to a less than significant level. Therefore, in the unlikely event that the DWTP does not have adequate capacity to handle peak flows from the project by 2023, an on-site plant could be constructed to treat any excess flows, and the construction and operation of an on-site WWTP has been evaluated in the EIR.

The second paragraph on page 3.13-19 of the DEIR is therefore amended as follows:

#### **City of Hollister Domestic Wastewater Treatment Plant (Option 1)**

As discussed above, the City of Hollister's Domestic Wastewater Treatment Plant (DWTP) is currently capable of treating and disposing of ~~the existing~~ effluent flow of approximately 5 MGD, which is 0.5 MGD greater than the 2023 wastewater flow projection of 4.5 MGD for the Hollister Service Area. The treatment plant was designed to include the additional 0.5 MGD capacity, for a total capacity of 5.0 MGD, in order to accommodate additional anticipated flows from areas served by the Sunnyslope County Water District. Sunnyslope, however, elected to expand its Ridgemark treatment facility rather than utilized the excess capacity of the Hollister plant, thereby leaving 0.5 MGD excess capacity available. The planned service area for the DWTP includes the City of Hollister, as well as a number of contiguous areas outside the City limits, including the Santana Ranch project site. While the wastewater generation estimates from the project site were based on a significantly lower density than is currently being proposed under the project, and the originally-estimated excess capacity of the plant of 0.5 MGD exceeds is less than the overall maximum estimated flows from the Santana Ranch project of ~~0.38~~ 0.66 MGD, the City determined that the plant would still have adequate capacity to accommodate the peak flows of the project by 2023. This is because the excess capacity was estimated based on a population growth scenario developed prior to the current economic recession, and is now estimated to be greater than 0.5 MGD, and able to accommodate the maximum project wastewater flows (email communication from David Rubcic, Associate City Engineer, June 10, 2010.) This determination by the City is supported by the latest Census and Department of Finance population estimates, which show that the change in population for Hollister between the Years 2005 to 2008 was not dramatic, with an increase of only 203 persons, or about one half of one percent. This is in contrast with the 3.4% annual growth rate assumed for the DWTP in 2005 (Table 1-2, page 1-8, Long-Term Wastewater Management Program for the DWTP and IWTP, City of Hollister, December, 2005). Finally, the option for a potential on-site wastewater treatment plant (WWTP) is evaluated below in the event that connection to the DWTP is not possible, or

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otherwise necessary for project wastewater treatment, in the unlikely event that the DWTP does not have adequate capacity to handle peak project flows by 2023.

Therefore, the plant will have adequate capacity to serve the project. To connect to the DWTP, the project would tie into the existing sewer line network at a point of connection (POC) within Hillcrest Road, approximately 1,200 feet from the northwest corner of the project site.

#### **Amendments to Section 3.13, Traffic and Circulation**

*The second paragraph on page 3.13-19 of the DEIR has been revised as follows:*

The San Benito County Council of Governments (San Benito COG) is an association of city and county governments created to address regional transportation issues. Its member agencies include the County of San Benito and the two incorporated cities within the County. As the ~~federally designated Metropolitan Planning Organization and~~ the state-designated Regional Transportation Planning Agency for San Benito County, the San Benito COG is responsible for developing and updating a variety of transportation plans and for allocating the federal and state funds to implement them. Acting in this capacity, San Benito COG is responsible for developing and adopting several transportation planning documents and studies, including the Regional Transportation Plan (RTP). The RTP is a long-term (20-year) general plan for the region's transportation network, and encompasses projects for all types of travel, including aviation and freight movement. The plan assesses environmental impacts of proposed projects and establishes air quality conformity as required by federal regulations. The document also discusses inter-modal and multi-modal transportation activities.

*The first paragraph on page 3.13-23 of the DEIR, has been revised as follows:*

*Highway 25 Bypass.* The Highway 25 bypass has recently been completed east of San Benito Street and McCray Street, and includes new signalized intersections at Santa Ana Road, Meridian Street, Hillcrest Road, and the extension of Park Street. The bypass extends from the current terminus of Highway 25/Bolsa Road at San Felipe Road in northern Hollister to the existing intersection of ~~McCray Street and~~ Sunnyslope Road.