

1.0 INTRODUCTION

Pursuant to applicable provisions of the California Environmental Quality Act (CEQA), and its implementing guidelines, known as the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387), this Draft Subsequent Environmental Impact Report (SEIR) evaluates the proposed Del Webb at San Juan Oaks Specific Plan (Project) as provided under Public Resources Code (PRC) Section 21166. The County of San Benito is the lead agency for this Draft SEIR, which analyzes the potential environmental effects that could result from the proposed Project located in the County of San Benito, California, as explained more fully below.

This section describes: (1) the purpose and legal authority of the SEIR; (2) the scope and content of the SEIR; (3) lead, responsible, and trustee agencies; and (4) the environmental review process required under the California Environmental Quality Act (CEQA).

1.1 PURPOSE AND LEGAL AUTHORITY

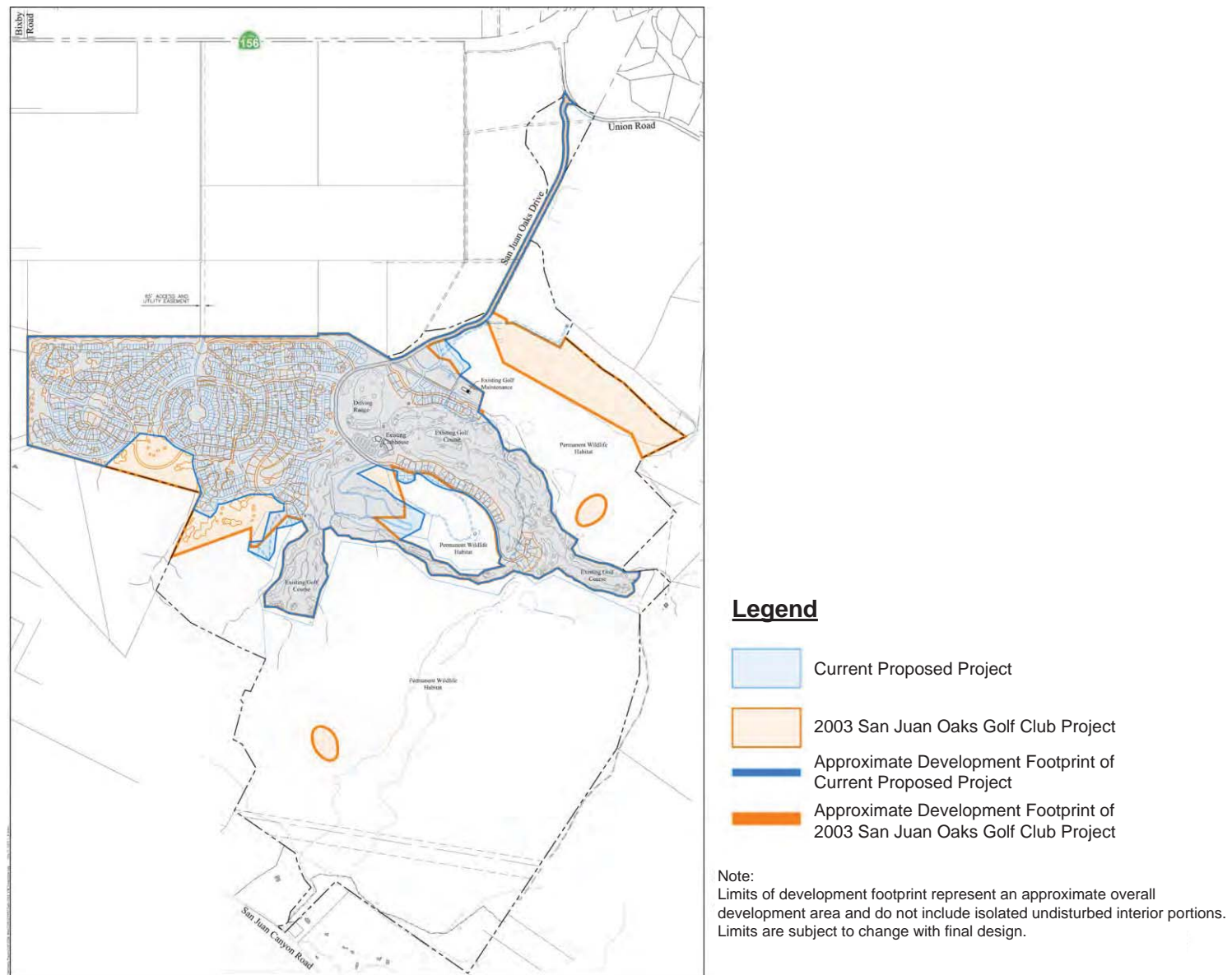
The proposed Project is intended to comprehensively plan and develop the approximately 1,994-acre Project Site analyzed in this SEIR. The proposed Project requires discretionary approvals from the County of San Benito as well as other agencies. Therefore, it is subject to the requirements of CEQA. In accordance with Section 15121 of the *State CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."

There was a previously approved project proposed for development on the Project Site, which allowed for the development of 186 market rate residential units, 30 affordable units, a resort hotel, a village commercial site, a park, a permanent wildlife habitat/open space, an additional 18-hole golf course, and an additional nine-hole golf course. None of the previously approved uses have been constructed. The existing Vesting Tentative Map expires on July 27, 2017. The environmental impacts of the previously approved project were analyzed in the 2003 *San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map EIR* (2003 EIR). The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1. However, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of Del Webb at San Juan Oaks Specific Plan Project. Specifically, the Del Webb at San Juan Oaks Specific Plan Project (Project) proposes to:

- Eliminate the previously proposed golf courses,
- Increase the previously approved overall building area from approximately 193 acres to approximately 323 acres,
- Increase the total number of residential dwellings from 186 single-family residential dwellings to 1,084 single-family residential dwellings,
- Increase the neighborhood commercial area from approximately seven acres to approximately 14 acres,





- Increase roadway areas from approximately 44 acres to approximately 88 acres,
- Develop an approximately 10 acre amenity center,
- Increase the permanent wildlife habitat/open space from approximately 1,163 acres to approximately 1,243 acres, and
- Permanently preserve approximately 153 acres of off-site prime agricultural land.

In addition, among other things, because of the time that has elapsed since the prior analysis, other projects have been approved which need to be considered, and certain impacts were not previously analyzed in the 2003 EIR that now warrant consideration.

Public Resources Code (PRC) Section 21166 states that:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*
- b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*
- c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. [emphasis added]*

CEQA Guidelines Section 15162(a) describes when a subsequent EIR is specifically required:

When an EIR has been certified or a Negative Declaration adopted, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;*
- 2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or*
- 3) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:*
 - A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.*
 - B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.*
 - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*



- D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative. [emphasis added]*

Based on the above, a Subsequent EIR is being prepared and is appropriate because it will expand upon the prior analysis of the 2003 EIR for specific potential impacts. This is consistent with Section 15162(a) of the CEQA Guidelines where, as here, the revised Project is part of and consistent with the underlying previously approved entitlements for the Project Site, but one or more of the triggering criteria under PRC Section 21166 is met. Therefore, tiering from the previous 2003 EIR for the Project is appropriate.

Lead agencies may also use the tiering process when an EIR is completed for a proposed action at an early stage and a further EIR will be prepared at a later stage. This allows the agency to focus the first EIR on the issues to be decided at that stage, and to exclude issues that will be decided at a later time (CEQA Guidelines Section 15385(b)). Thus, the tiering procedure allows agencies to reserve detailed evaluation of environmental impacts that are difficult to assess early on to a later environmental review when their severity and the likelihood of occurrence will be more specifically known. Once broad environmental issues have been examined in a first-tier EIR, later development project EIRs may concentrate on the specific environmental issues (CEQA Guidelines §15152(a)). This allows lead agencies to prepare environmental documents that focus on issues at each stage and to exclude issues that have already been decided or that are not ready for a decision (PRC Section 21093(a); CEQA Guidelines Sections 15152(b), 15385). CEQA strongly encourages the tiering of EIRs, which "shall be tiered whenever feasible, as determined by the lead agency" (PRC Section 21093(b); CEQA Guidelines Section 15152(b)).

Here, while the Project Site boundary is nearly identical to the 2003 project boundary, the proposed changes to the Project, as outlined above, constitute substantial changes which necessitate major revisions of the 2003 EIR. Some of these revisions may result in new significant environmental effects or a substantial increase in the severity of a previously identified significant effect. In addition, the changes in environmental setting and the need for analysis of new issues constitute substantial changes with respect to the circumstances under which the Project is being undertaken. However, some environmental topic areas such as cultural resources does not trigger additional analysis under PRC Section 21166 because the criterion for PRC Section 21166 does not apply. However, to provide as much information as possible to the public, an impact analysis is provided for each chapter. Therefore, pursuant to PRC Section 21166 and CEQA Guidelines Section 15162(a), the environmental document for the revised Project is a Subsequent EIR that "tiers" off of the 2003 EIR to the extent permitted under applicable law and regulations.

The Project evaluated in this SEIR includes both a Specific Plan and Vesting Tentative Map amendments, among other entitlements. Therefore, the environmental analysis is a "project" level analysis pursuant to Section 15161 of the State CEQA Guidelines since a fairly high degree of detail regarding the Project design is available for review. A project EIR is appropriate for a specific development project. Development of the proposed Project is anticipated to occur in five phases, with anticipated build-out occurring over a period of approximately ten years. The development phases are intended to occur sequentially, although portions of phases may occur



concurrently. Development of the Project would occur in response to market demands and other factors, pursuant to the terms of the Development Agreement and other Project-related approvals and entitlements.

This SEIR is to serve as an informational document for the public and County of San Benito decision makers as well as any responsible or trustee agencies utilizing this document. The process will culminate with Planning Commission and Board of Supervisors hearings to consider certification of a Final SEIR and approval of the Project and related entitlements.

1.2 EIR SCOPE AND CONTENT

In accordance with the State CEQA Guidelines, a Notice of Preparation (NOP) was distributed to affected agencies and the public for the required 30-day comment period from October 2, 2013 to November 1, 2013. Consultations with selected agencies, including various County departments, the Air Pollution Control District, the San Benito County Water District, the California Department of Fish and Wildlife, and the Cities of Hollister and San Juan Bautista were conducted during the scoping period to discuss agency concerns and potential Project impacts. In addition, a public scoping meeting was held in the City of Hollister in San Benito County on October 23, 2013, to receive comments on the scope of the EIR for the proposed Project. The intent of the scoping meeting was to provide interested individuals, groups, public agencies and others a forum to provide input to the County verbally in an effort to assist in further refining the intended scope and focus of the EIR.

Table 1-1 summarizes the issues relevant to the EIR that were identified in the NOP comments received (two letters, in addition to oral comments at the scoping meeting) and the EIR sections where the issues are addressed. The NOP and NOP comment letters received are included in the EIR in Appendix A.

**Table 1-1
 NOP Comment Issues**

Issue	EIR Section
A commenter expressed concern regarding the number of proposed units.	Land use compatibility is addressed in Section 4.10, <i>Land Use</i> . A reduced project alternative is analyzed in Section 6.0, <i>Alternatives</i> .
Commenters expressed concerns regarding water supply; stormwater runoff; and the sanitary sewer system and treatment.	Impacts related to water supply, stormwater runoff, and wastewater and solid waste are included in Section 4.14, <i>Utilities</i> . Impacts and mitigation relating to hydrology, including increases in impervious surfaces, increased runoff, and erosion, are discussed in Section 4.8, <i>Hydrology and Water Quality</i> .
A commenter expressed concern regarding the availability of recreational opportunities other than golf for future residents.	Increased demand for public services, including parks, is addressed in Section 4.10, <i>Public Services</i> . Recreational opportunities proposed in the Project are discussed in Section 2.0, <i>Project Description</i> .



**Table 1-1
 NOP Comment Issues**

Issue	EIR Section
A request was made to keep restrictions for senior-housing firm as the Project moves forward.	The number of units and restrictions for senior-housing are discussed in Section 2.0, <i>Project Description</i> and in the <i>Specific Plan</i>
Concerns regarding increased traffic and circulation issues were expressed. A request for a full traffic impact study and a request for cooperation with Caltrans were also received.	Impacts related to traffic and to circulation are included in Section 4.12, <i>Transportation and Circulation</i> . A traffic study was completed by Fehr and Peers following the guidelines of San Benito County and the California Department of Transportation (Caltrans). The results of this analysis are discussed in Section 4.12, <i>Transportation and Circulation</i> ; a complete traffic study is attached as Appendix I to the SEIR.
A commenter stated that the proposed Project would have equal impacts on the Cities of Hollister and San Juan Bautista and should be considered as such.	Impacts on both Hollister and San Juan Bautista are discussed, as appropriate, throughout the relevant portions of the SEIR.
Commenters expressed concern regarding emergency access.	Impacts related to emergency services are addressed in Section 4.10, <i>Public Services</i> . Impacts related to traffic circulation are addressed in Section 4.12, <i>Transportation and Circulation</i> .
A commenter expressed a desire for greater design emphasis for pedestrian, bicycle, and electric vehicle circulation.	Proposed bicycle and pedestrian facilities are described in Section 2.0, <i>Project Description</i> . Impacts related to transportation, including traffic circulation, pedestrians, and bicyclists are addressed in Section 4.12, <i>Transportation and Circulation</i> . Impacts related to parks and recreation facilities, including bicycle and pedestrian facilities, are described in Section 4.12, <i>Public Services</i> .
A commenter made a request for greater emphasis on positioning housing and streets away from the prime agriculture lands to the north.	Impacts related to agricultural lands are discussed in Section 4.2, <i>Agricultural Resources</i> . Land use compatibility is discussed in Section 4.9, <i>Land Use</i> .
A commenter expressed concern over the lack of diversity in the type of proposed residences and regarding inclusionary housing and affordable housing.	Issues relating to housing are discussed in Section 4.15, <i>Effects Found Not to Be Significant</i> . However, the relative affordability of the proposed units is not a CEQA topic.

This SEIR addresses the issues determined to be potentially significant by responses to the NOP and scoping meetings with the public and public agency staff, and as otherwise required under CEQA. Specifically, environmental topic areas that are addressed in this EIR include:



- *Aesthetics*
- *Agricultural Resources*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology and Soils*
- *Greenhouse Gases*
- *Hazards and Hazardous Materials*
- *Hydrology and Water Quality*
- *Land Use and Planning*
- *Noise*
- *Public Services*
- *Transportation/Circulation*
- *Utilities*

This SEIR addresses the environmental topic areas referenced above and identifies potentially significant environmental impacts, including both individual Project-specific and cumulative impacts. In addition, the SEIR recommends feasible mitigation measures that would reduce impacts to a level below thresholds of significance or eliminate adverse environmental effects when applicable.

The impact analyses contained in Section 4.0, *Environmental Impact Analysis*, of the SEIR include a description of the physical and regulatory setting within each environmental topic area, the methodologies used, followed by an analysis of the Project's impacts as evaluated against the applicable significance threshold(s). Each specific impact is called out separately and numbered, followed by an explanation of how the level of impact was determined. When appropriate, feasible mitigation measures to reduce significant impacts are included following the impact discussion. Measures are numbered to correspond to the impact that they mitigate. Finally, following the mitigation measures is a discussion of the residual impact that remains, if any, following implementation of recommended measures, and a discussion of potential cumulative impacts.

The *Alternatives* section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the State CEQA Guidelines and focuses on alternatives that are potentially capable of eliminating or reducing significant adverse effects associated with the Project, while feasibly attaining most of the Project's basic objectives. Alternatives evaluated include the "No Project-No Build" scenario and three alternative development scenarios for the Project Site. The SEIR also identifies the "environmentally superior" alternative among the alternatives studied.

The level of detail contained throughout this SEIR is consistent with the requirements of CEQA and applicable court decisions. The State CEQA Guidelines provide the standard of adequacy on which this document is based. The State CEQA Guidelines (Section 15151) state:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."



1.3 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The State CEQA Guidelines require the identification of “lead,” “responsible,” and “trustee” agencies. The County of San Benito is the “lead agency” for the Project because it has the principal responsibility for approving the Project.

A “responsible agency” is a public agency other than the “lead agency” that has discretionary approval authority over certain components of a Project (the State CEQA Guidelines define a public agency as a state or local agency, but specifically exclude federal agencies from the definition). A “trustee agency” refers to a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California (for example, the California Department of Fish and Wildlife).

The proposed Project will require review and approval from a number of agencies. Provided below is a list of the anticipated discretionary permits requiring approval by the County of San Benito.

- *Certification of a Subsequent EIR*
- *General Plan Amendment*
- *Adoption of the proposed Specific Plan (including site & architectural, landscape and sign approval)*
- *County Code, Zoning Text and Zoning Map Amendments*
- *Approval of a Development Agreement*
- *Approval of Amended Vesting Tentative Map(s)*
- *Approval of Conditional Use Permit(s)*
- *Approval of a Tree Removal Permit*
- *Approval of a Water Supply Assessment*
- *Approval of a Grading Permit(s)*
- *Approval of Well Construction*

The following includes a list of other government agencies that would or may have some level of approval for one or more components of the proposed Project, as required by *State CEQA Guidelines* Section 15124(d):

- *City of Hollister*
- *San Benito County Local Agency Formation Commission*
- *California Bureau of Real Estate*
- *California Department of Fish & Wildlife*
- *California Department of Transportation*
- *California Department of Water Resources*
- *California Public Utilities Commission*
- *Regional Water Quality Control Board*
- *U.S. Fish & Wildlife Service*



1.4 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below and illustrated on Figure 1-2. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other interested agencies, and parties previously requesting notice in writing (State CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). Typically, the NOP must be posted in the County Clerk's office for 30 days. Often, the lead agency holds a scoping meeting during the 30-day NOP review period.
2. **Draft SEIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (i.e., direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the NOC/NOA in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the NOC/NOA to anyone requesting it (State CEQA Guidelines Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253).
4. **Public Review Period.** The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless a shorter period is approved by the Clearinghouse (Public Resources Code Section 21091).
5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) a list of persons and entities commenting; and d) responses to comments.
6. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (State CEQA Guidelines Section 15090).
7. **County of San Benito Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite any significant

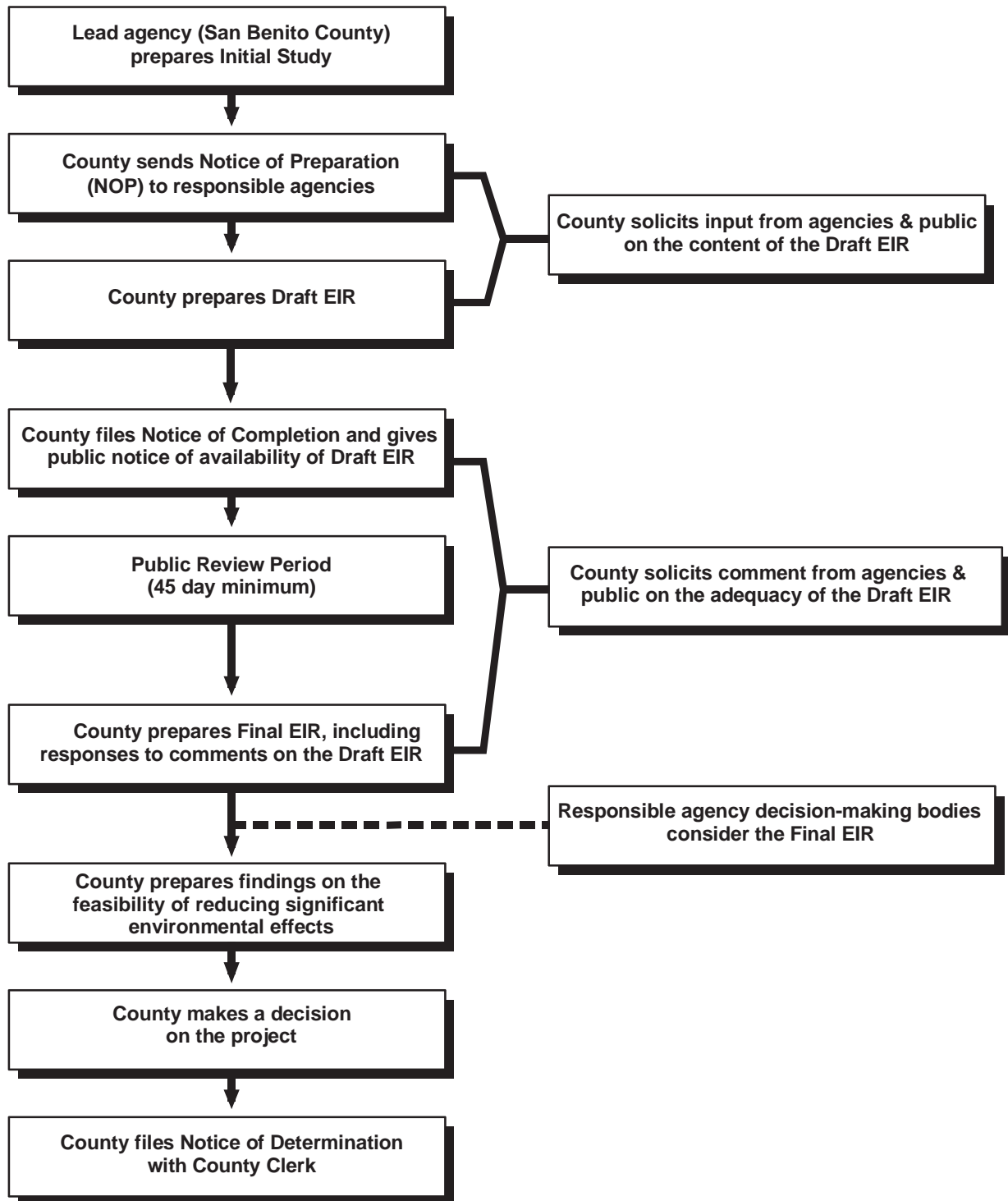


and unavoidable environmental effects, if the proper findings and statement of overriding considerations are adopted (State CEQA Guidelines Sections 15042 and 15043).

8. **Findings/Statement of Overriding Considerations.** For each significant impact identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed or mitigated to avoid or substantially reduce the magnitude of the impact to a less than significant level; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (State CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant adverse environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (State CEQA Guidelines Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges [Public Resources Code Section 21167(c)].



THE EIR PROCESS



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