13.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all of the comments on the Draft EIR that were received by the Gavilan Joint Community College District during the advertised 45-day public review period. The comments are organized under headings containing the source of the letter and its date. The specific comments have been excerpted from the letter and are presented as “Comment” with each response directly following (“Response”). The letters submitted to the Gavilan Joint Community College District are contained in their entirety in Section 15 of this document.

In the case when several comments (and/or commenters) raise similar or related concerns, a “MASTER RESPONSE” has been prepared to address the related concerns or issues in a single comprehensive manner allowing reviewers of the Final EIR, including decisions-makers, to derive a complete understanding within context. Master responses have been prepared to address the following questions and concerns:

1) The Traffic Impact Fee (TIF) Program - does the current TIF program provide adequate mitigation to cover the residential component of the project and does the TIF need to be updated because of the project;
2) Conditions of approval for site access, frontage improvements, and on-site circulation;
3) Cumulative Impacts; and
4) Gavilan San Benito Campus development timing.

**MASTER COMMENTS AND RESPONSES**

**MASTER COMMENT 1 TRAFFIC IMPACT FEE MITIGATION PROGRAM:**
A number of comments raised two key issues/questions relating to the City and County Traffic Fee (TIF) program:

1. Does the traffic impact fee program include adequate traffic mitigation to cover the residential aspect of the proposed project?
2. Does the traffic impact fee program need to be updated because of this proposed project?

These comments were raised by:
- Department of Transportation, Caltrans
- City of Hollister
- Council of San Benito County Governments
- San Benito County Board of Supervisors

**MASTER RESPONSE 1:**
The purpose of the TIF program is to ensure funding to mitigate all traffic impacts attributable to the planned cumulative growth within the City and the County. The TIF program was created specifically as a means for residential development to fund off-site transportation improvements necessary to serve region-wide development. The majority of TIF fees are paid by residential development, with less paid by commercial and no fees paid by institutional (i.e., college campus) uses.86 The TIF program does not equally apply to non-residential development, because the City of Hollister and San Benito County do not want to discourage commercial and other economic development in the area. By encouraging economic development, the prevailing commute patterns of vehicles exiting the area in the AM peak hour and returning in the PM peak hour are reduced,

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86 TIF fees would apply to future retail and residential development on the Gavilan site, in the event they were not directly related to the college campus.
thereby improving region-wide congestion on the two regional highways (Highways 25 and 156). The TIF program requires that impact fees be paid prior to receipt of building permits for individual phases of development; therefore, residential developers pay into a fund to mitigate the impacts, before the traffic is added to the road. A benefit of the TIF program is that it provides the City and County flexibility to implement transportation improvements at the time and location they think are the highest priority.

The current City of Hollister/San Benito County Traffic Impact Fee (TIF) was approved in 2007, based upon an April 2007 study that updated the previous 2001 TIF. The TIF Update was completed to account for primarily two issues:

- New growth projections from the updated Hollister General Plan and San Benito County Growth Management System Ordinance 733; and.

- A slightly revised recommended set of roadway improvements necessary to maintain the City and County Level of service standards.

The TIF is based on City and County growth projections. On December 5, 2005, the City of Hollister adopted an updated General Plan that provides for 5,845 new residential units through the year 2023. The plan specifies a number of specific development areas and prioritizes each of these areas to help in planning future infrastructure needs, including transportation facilities. The east of Fairview development area included approximately 170 residential units. So while the project site is outside of the City limits, their General Plan update allocated residential development on the site, since it was within their Sphere of Influence. Since October 2002, the City of Hollister has been under a building (sewer hookup) moratorium imposed by the Regional Water Quality Control Board that is in effect until the City’s new wastewater treatment plant is operational. The City’s new wastewater treatment plant became operational in March 2008 and the City anticipates the Regional Board will lift the moratorium by December 2008. While some residential development has been approved in Hollister (most notably the Award Homes project with 667 units), virtually none of the 5,845 residential units projected to develop by 2023 have been constructed since the 2005 General Plan update.

San Benito County adopted the Growth Management System, Ordinance 733, Chapter 31 of the County Code, in July of 2002. This ordinance established a one-percent cap on residential growth. The County Planning Department determined that this ordinance limits the number of new residential units to about 68 per year. The County also approved an exception to permit approximately 30 affordable housing units per year. Through the year 2023, up to 1,118 new residential units can be expected within the County. The specific locations of this development was not defined, but the project site is considered to be covered by the County building growth allocation.

Based on these projections, there will be as many as 6,963 new residential units built through the year 2023 within the City of Hollister and San Benito County. The 2007 TIF Update evaluated the transportation improvements that would be needed to maintain the adopted City and County Levels of Service, assuming development of the 6,963 units. Those improvements found to be necessary to maintain Level of Service C (the adopted City and County LOS standard) were recommended for funding using traffic impact fees. A per unit fee was identified to cover the cost of the improvements. Given the little development that has occurred in the City and County since 2007, and the relatively large number of units that were and were the basis of the TIF Update (6,963 through 2023), it is reasonable to assume that development on the project site was considered in the
growth assumptions and there is plenty of development capacity remaining to cover the 284 residential units proposed by the project. For these reasons, the traffic impact fee program does fairly represent and mitigate the traffic impacts potentially attributable to the residential aspects of the proposed development project.

The question of whether the traffic impact fee program needs to be updated may arise from the belief that the 2007 TIF study did not assume the Fairview Corners (residential) project. However, as described above, the residential development assumptions used for the 2007 TIF update study do adequately represent the residential aspects of the Fairview Corners project. There is sufficient residential growth projected to occur in the County and the City through 2023 (6,963 units) to account for the proposed 284 units. Therefore, no further TIF update is required to address the residential development of the proposed project.

The Gavilan College campus was not assumed in either the Hollister General Plan update traffic study or the 2007 TIF update study. Therefore, the concerns expressed about the need to clarify what traffic mitigation measure would be warranted, in the event the proposed college campus was developed prior to the residential development, are valid. Master Response 4 further addresses this issue.

**MASTER COMMENT 2 - CONDITIONS OF APPROVAL FOR SITE ACCESS, FRONTAGE IMPROVEMENTS, AND ON-SITE CIRCULATION:**
A number of comments were received generally concerning issues relating to site access, frontage improvements, and on-site circulation. In some comments, site improvements were identified as necessary mitigation for an impact, rather than desired project features or a possible condition of approval for the project.

These comments were raised by:
- City of Hollister
- Council of San Benito County Governments
- San Benito County Board of Supervisors

**MASTER RESPONSE 2:**
The City requested that the project “integrate” with adjoining properties located to the north, south, and east. The City, the COG, and the County all requested that the proposed project include bicycle lanes and a transit stop, station or transfer hub consistent with City, County, and COG policies.

The text of the EIR has been revised to clarify the frontage improvements proposed as a part of the project. As described in Section 3.2.6.2 Bicycle and Pedestrian Circulation, project-proposed frontage improvements will include sidewalks and pedestrian crossings at Fairview Road-Ridgemark Drive/Airline Highway and Fairview Road/Cielo Vista Drive intersections to connect the planned on-site pedestrian facilities to existing sidewalks. These improvements can also be addressed as “Conditions of Approval” associated with the proposed project’s future pedestrian facilities on Fairview Road and Cielo Vista Drive.

The EIR evaluates a Gavilan campus master plan; therefore, it is not possible to fully address the details of transit improvements or pedestrian and bicycle circulation internal to the campus, in the context of the conceptual campus master plan. However, in the buildout of the college campus, the Gavilan College District intends to provide appropriate facilities to accommodate each of these modes of travel. In addition, the Cielo Vista extension has been sized for Class II bike lanes, sidewalks and a transit /drop-off stop.
The project description has been revised to clarify that the proposed project does include new traffic signals at the intersections of Cielo Vista/Fairview Road and Highway 25/Fairview Road. The new traffic signal at Cielo Vista/Fairview would be installed as an element of the first phase of development, regardless of whether the first phase consists of residential, college campus or a mixture of the two uses.

The traffic signal at Highway 25/Fairview Road is on a State Highway; therefore, the project sponsor shall work(s) with the County and Caltrans to initiate the approval process as an element of the first phase of development. This work may be the subject of a memorandum of understanding or development agreement entered into between Gavilan, Fairview Corners, and County of San Benito for the overall project infrastructure development. Installation of the traffic signal at this location would be needed to support later stages of the proposed development. Actual timing of the need for the signal would depend on the extent of other cumulative development in the area, and ultimately would be a Caltrans decision.

The Hollister Circulation Element, the Regional Transportation Plan, and the traffic impact fee program all specify the need for Fairview Road to be a four-lane roadway along the frontage of this proposed development project site. The project includes dedication of the necessary right-of-way along the site frontage to the appropriate jurisdiction. However, the EIR traffic impact analysis did not determine that this segment of roadway would need to be widened to support the traffic demands associated with either the Fairview Corners residential or the Gavilan College developments.

Fairview Road will need to be widened to support the cumulative development projected in this portion of the City and County. The Fairview Road widening is a project that is clearly specified as eligible for funding through the City/County traffic impact fee program. Therefore, it is recommended that the widening of Fairview Road be deferred until further development occurs and the need for a widened roadway becomes warranted.

None of the comments related to vehicle, pedestrian, bicycle and transit access or frontage improvements indicate that either the Gavilan campus or Fairview Corners residential project would result in a new impact that was not previously addressed in the Draft EIR. The Draft EIR has been revised to clarify the proposed transportation and frontage improvements and that text is included in Section 2.3 of this Final EIR.

MASTER COMMENT 3 – CUMULATIVE IMPACTS:
A number of comments were received that raised concerns about the cumulative impacts of the projects and distinguishing between the impacts of the individual project components, the impacts of the entire project (Gavilan campus and residential development), and the cumulative impacts of the entire project and traffic from other approved and reasonably foreseeable projects.

These comments were raised by:

City of Hollister
Council of San Benito County Governments
San Benito County Board of Supervisors

MASTER RESPONSE 3:
The traffic study included an evaluation of the cumulative impacts of the proposed Fairview Corners/Gavilan College development, along with other approved and reasonably foreseeable development. The future traffic conditions were evaluated using the San Benito County/Hollister...
travel demand model, that converts forecasts of future land uses and distribution of future vehicle trips on the roadway network. The travel projections are based upon the land use and population projections contained within the Hollister General Plan, other state and regional projections of population growth, including those of the Association of Monterey Bay Area Governments (AMBAG). On top of those projections, specific large development proposals, such as the Santana Ranch development, were added. As described in the Draft EIR, seven intersections had significant impacts under cumulative conditions and specific improvements were recommended to maintain the City and county level of service standards. As explained in the traffic report and EIR, these deficiencies are a result of possible future development throughout the City and County. Neither jurisdiction is currently able to predict precisely where and/or when all the cumulative development will occur. The Hollister General Plan provides some limited guidance as to “development priorities,” but neither jurisdiction has regulations in place that dictate exactly where and when future development will be permitted to occur.

The locations where the traffic study determined that the proposed Fairview Corners/Gavilan College development would contribute to significant cumulative traffic impacts included:

- Union Road and Airline Highway
- Enterprise Road and Airline Highway
- Fairview Road/Ridgemark Drive and Airline Highway
- McCray Street and Hillcrest Road
- Memorial Drive and Hillcrest Road
- Union Road/Mitchell Road and Highway 156
- San Benito Street and South Street

The traffic study does identify and recommend improvements for each of the above intersections that would maintain the City and County level of service standards. However, it is important to note that these projected deficiencies and the associated improvement recommendations are not being “triggered” by the proposed Fairview Corners/Gavilan campus development. These deficiencies would be the result of the cumulative actions of numerous possible future developments. Therefore, the City and County traffic impact fee program is the most appropriate way to fund the necessary improvements, and the TIF program offers the City and County the greatest flexibility in deciding when and where the improvements should be implemented. These cumulative impact improvements would be funded through City/County Traffic Impact Fees (TIF), which would be paid by the Fairview Corners residential project, any non-campus housing development on the Gavilan parcel, and future residential and, to a lesser extent, commercial, industrial and office development throughout the City and County (including any non-campus related retail development). Gavilan College’s contribution to the mitigation of cumulative impacts will be borne by the residents (students and employees) that will travel to the college (as well as the commercial, industrial, office, etc.) Under CEQA Section 15130(a)(3), an EIR may find that a project’s contribution to a significant cumulative impact will be rendered less than significant if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact.

MASTER COMMENT 4 – GAVILAN TRAFFIC IMPACTS AND MITIGATION AND OVERALL TIMING AND FUNDING OF MITIGATION:
A number of comments were received regarding the Gavilan college campus traffic and how to ensure that Gavilan College traffic impacts would be mitigated, in the event the campus develops in advance of the proposed Fairview Corners residential development.
These comments were raised by:  
Department of Transportation, Caltrans  
City of Hollister  
Council of San Benito County Governments  
San Benito County Board of Supervisors

MASTER RESPONSE 4:
The EIR traffic analysis prepared by Hexagon Transportation Consultants evaluates the traffic impacts that would be attributable to an alternative development scenario in which Gavilan College developed in advance of the Fairview Corners residential development. The traffic analysis determined that the campus-only development would cause projected level of service to degrade to unacceptable levels (a significant impact) at two intersections. The two affected intersections are:

- Airline Highway and Union Road
- Fairview Road and Hillcrest Road

A preliminary phasing analysis has determined that the impact to Airline/Union will occur with the first phase of any development on the project site, assuming development and occupancy of the adjacent Award Homes development prior to construction of the proposed project. With background trips added to the intersection, the AM peak-hour LOS is pushed right to the threshold between acceptable and unacceptable. So any amount of project traffic (either campus or residential) would push the LOS over the limit and cause an impact under AM peak-hour conditions.87

The impact to Fairview/Hillcrest would not occur until the college built the housing or retail component of the campus. Buildout of the 3,500 FTES college campus could occur before signalization would be warranted for traffic volumes and LOS results.88

The traffic study further determined that implementing the following improvements could mitigate the projected traffic impacts:

**Airline Highway and Union Road** – Acceptable traffic operations could be restored by modifying the existing traffic signal to include protected left-turn phasing for the Union Road approaches, and adding exclusive eastbound and westbound right-turn lanes on Union Road.

**Fairview Road and Hillcrest Road** – Acceptable traffic operations could be restored by signalizing this intersection.

Gavilan College would pay its proportionate share of these traffic improvements, to be funded through an existing City and/or County cost-sharing agreement or benefit area, or through creation of a new one. The specifics of the cost sharing agreement will be negotiated as a part of the future memorandum of understanding or development agreement between the County, the City of Hollister, and Gavilan and/or Fairview Corners.

87 The approved Award Homes development, located north of the site, adds a lot of traffic to the intersection of Airline Highway/Union Road and is responsible for implementing improvements at the intersection with its first phase. Thus, if Award Homes builds first, before the project, then the impact would be mitigated.

88 Similarly, the residential phases 1-3 could be accommodated prior to the LOS results warranting signalization of the intersection. Signalization of the Fairview/Hillcrest intersection may be warranted prior to buildout of the 3,500 FTES campus for operational/safety issues that are not apparent from the LOS results.
MASTER COMMENT 5: TIMING AND FUNDING OF TRAFFIC MITIGATION:

A number of comments were received requesting clarification of the timing and funding of EIR-identified traffic mitigation measures.

These comments were raised by:
- Department of Transportation, Caltrans
- City of Hollister
- Council of San Benito County Governments
- San Benito County Board of Supervisors
- Fairview Corners LLC, et al.

MASTER RESPONSE 5:

The necessary timing of EIR-identified traffic mitigation measures is largely dependent upon construction and occupancy of other pending and recently approved development in the project area. While the EIR traffic analysis assumes all traffic for approved development (i.e., Award Homes) is on the road, the actual construction and occupancy of that development is unknown. Similarly, the proposed Gavilan San Benito campus and Fairview Corners residential projects will be constructed in phases over many years, so all traffic from the proposed projects will not be on the roadway system immediately. Actual buildout of the proposed projects will be dependent upon the housing market, the overall State economy, and other factors. The following table has been prepared to clarify the timing of EIR-identified mitigation measures, as well as how those measures are proposed to be funded. The table divides the traffic improvements into three categories: 1) Project description-specific improvements; 2) Project Impact (near-term) Improvements; and 3) Cumulative Impact (Traffic Impact Fee) Improvements. This table has also been added to Section 3.2.8 Transportation Mitigation Measures of this document.

<table>
<thead>
<tr>
<th>Project Description-Specific Improvements</th>
<th>Timing &amp; Funding of Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview Road / Cielo Vista (Project Entrance) Intersection Construction and Signalization [a]</td>
<td>Construction and signalization of this intersection will be completed prior to final occupancy of Phase I of either the Gavilan campus and/or the Fairview Corners Residential.[c]</td>
</tr>
<tr>
<td>Airline Highway / Fairview Road Signalization [b]</td>
<td>Projects should begin work with Caltrans during Phase 1 to get the signal designed and constructed. The timing of this improvement is dependent upon Cal Trans and may not be tied to any particular phase of the projects.</td>
</tr>
<tr>
<td>Fairview Road Frontage Improvements or ROW Dedication</td>
<td>ROW should be dedicated with Phase I of Fairview Corners and Phase 1 of Gavilan.</td>
</tr>
</tbody>
</table>

Notes:
- [a] The Projects will construct this intersection.
- [b] The Projects will construct and receive reimbursement from other vicinity developments. Reimbursement agreements will need to be set up between Gavilan, Fairview Corners LLC, San Benito County, City of Hollister, and other project applicants contributing to traffic impacts at this intersection.
- [c] The Intersection would be monitored and signalization would occur prior to final occupancy of Phase I of either project component, or sooner, if engineering analysis determines that the intersection is not operating at an acceptable LOS or other factors cause the need for signalization.
### Project Impact (Near-Term) Improvements

<table>
<thead>
<tr>
<th>Improvements</th>
<th>Timing &amp; Funding of Improvements</th>
</tr>
</thead>
</table>
| Airline Highway / Union Road Signal Modification [d][e] | --If Award Homes builds first, this impact would be mitigated.  
--w/o Award Homes, 3,500 student campus or 220 residential units could be built before triggering an impact. |
| Fairview Road / Hillcrest Road Signalization [d][e] | --With College only - improvement would be needed when the housing or retail is built. Buildout of the campus (3,500 students) could be accommodated before triggering the impact.  
--With housing only - first 3 phases could be built (134 homes). Improvement would be needed with 4th phase.  
--If Phase 1 of college is built, Phases 1 and 2 of Fairview Corners (89 homes) could be built before triggering the impact. |
| Memorial Street / Hillcrest Road Signalization [d][e] | --If Phase 1 of college is built, Phases 1 and 2 of Fairview Corners (89 homes) could be built before triggering the impact. |

**Notes:**

[d] The timing and need for these improvements is dependent on overall development and improvements in the vicinity. The timing triggers shown in this table assume Award homes is fully developed prior to initiation of project development. Intersections will be monitored and improvements will be built when engineering analysis determines that an intersection is not operating at an acceptable LOS or is projected to operate at an unacceptable LOS after a proposed project is completed.

[e] Gavilan and Fairview Corners LLC would pay their proportionate share of these traffic improvements, to be funded through an existing City and/or County cost-sharing agreement or benefit area or through creation of a new one. The specifics of the cost sharing agreement will be negotiated as a part of a future memorandum of understanding or development agreement between the City of Hollister, the County and Gavilan and/or Fairview Corners.

### Cumulative Impacts

<table>
<thead>
<tr>
<th>Traffic Impact Fee (TIF) Program Improvements</th>
<th>Timing &amp; Funding of Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairview Road Widening [f][g]</td>
<td>Depends on pace and location of future development growth.</td>
</tr>
<tr>
<td>Enterprise Road / Airline Highway Signalization [f][g]</td>
<td>Depends on pace and location of future development growth.</td>
</tr>
<tr>
<td>McCray Street / Hillcrest Road Signal Modification[f][g]</td>
<td>Depends on pace and location of future development growth.</td>
</tr>
<tr>
<td>Union-Mitchell Road / Highway 156 Signal Modification [f][g]</td>
<td>Depends on pace and location of future development growth.</td>
</tr>
<tr>
<td>San Benito Street / South Street Signal Modification [f][g]</td>
<td>Depends on pace and location of future development growth.</td>
</tr>
</tbody>
</table>

**Notes:**

[f] The timing and need for these improvements is dependent on overall development and improvements in the vicinity. Intersections will be monitored and improvements will be built when engineering analysis determines that an intersection is not operating at an acceptable LOS or is projected to operate at an unacceptable LOS after a proposed project is completed.

[g] These cumulative impact improvements would be funded through City/County Traffic Impact Fees (TIF), which would be paid by the Fairview Corners residential project, any housing developed on the Gavilan parcel that is not directly related to the campus, and future residential development growth through the City and County.
A. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM DEPARTMENT OF TRANSPORTATION.

COMMENT A-1: 1. Caltrans shares concern with the City of Hollister and the San Benito Council of Governments (SBtCOG) that the timing of the Gavilan College campus and housing projects do not coincide with the widening and improvements to Highway 25. Further, we feel the highway project scoped by SBtCOG, specifically the installation of a signal at Fairview and Highway 25, is critical to the safe movement of new campus traffic.

2. In regards to a new driveway access to Highway 25, the following was provided in our June 2008 letter, and is the still the position of Caltrans.

"Caltrans discourages any new access to Highway 25 with this project. Primary and secondary access should be from Fairview Road. If Caltrans were to consider an access to Highway 25, the access would be strictly for emergency purposes and not a gateway to the campus. (Full geometric design standards would also need to be met.)"

RESPONSE A-1: Please refer to Master Response 1 and 4 for information on the timing of the campus and housing transportation improvements. The signalization of Highway 25/Fairview Road is proposed as part of the project. The traffic signal at Highway 25/Fairview Road is on a State Highway; therefore, the Gavilan College District and Fairview Corners LLC will work with the County and Caltrans to initiate the approval process as an element of the first phase of development. Installation of the traffic signal at this location will be needed to support later stages of the proposed development. Actual timing of the need for the signal will depend on the extent of other cumulative development in the area, and ultimately becomes a Caltrans decision.

As shown on the conceptual site plan, new access to Highway 25 is only proposed as an emergency vehicle access roadway. The EVA is planned to be gated to allow only emergency vehicle access.

COMMENT A-2: 3. In order to concur with hydraulic reports, we are requesting complete pre- and post-drainage calculations. Currently, we do not agree with the conclusions discussed in the hydrology report.

RESPONSE A-2: Hydrologic calculations including the continuous simulation models that support the conclusions of the DEIR and subsequent supporting calculations discussed in the EIR analysis have been provided to Caltrans.

COMMENT A-3: 4. Any work within the State right-of-way will require an encroachment permit issued from Caltrans. Detailed information such as complete drawings, biological and cultural resource findings, hydraulic calculations, environmental reports, traffic study, etc., may need to be submitted as part of the encroachment permit process. Further, this discretionary permit could withheld to ensure the issues outlined in this letter are addressed.

RESPONSE A-3: The Gavilan College District and San Benito County will comply with all necessary requirements for an encroachment permit.
B. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM REGIONAL WATER QUALITY CONTROL BOARD.

COMMENT B-1: As you are probably aware, the Water Board is a responsible agency charged with the protection of the Waters of the State of California in the Central Coast Region. Waters of the State include surface waters, groundwaters, and wetlands. The Water Board is responsible for administering regulations established by the Federal Clean Water Act and the California Water Code (Porter-Cologne Water Quality Control Act). These regulations cover discharges to surface water and groundwater, as well as discharges to land that may affect groundwater quality, and may apply to this project. To facilitate the regulatory review process, we offer the following comments for your review.

General Comments
The primary focus of the Water Board is the protection of water resources and beneficial uses of these resources. The proposed project should promote these values as a fundamental priority while allowing landowners to use their properties and protect them from flooding and other harm. However, all land use and protection activities must be conducted in a way which protects the quality and beneficial uses of California's water resources. Mitigation for flooding and erosion impacts must not come at the expense of water quality. It is not clear whether the mitigation practices described in the DEIR will sufficiently protect water resources and beneficial uses.

RESPONSE B-1: It is the intent of the DEIR to describe how the project can promote these values without exacerbating flooding or causing other problems. The mitigation measures included in the DEIR describes the post-construction water quality BMPs intended to protect water resources and beneficial uses to the maximum extent practicable (MEP). Neighborhood- and/or lot-level BMPs to promote infiltration or “green” treatment of storm runoff are emphasized, consistent with Water Board guidance for NPDES Phase 2 permit compliance.  

COMMENT B-2: Runoff from Urban Development
Urban runoff is a leading cause of pollution throughout California. Greater impervious surface coverage decreases the land's natural capacity to absorb water and remove pollutants, and increases the amount of runoff from rainfall. In addition, urban development creates new pollutant sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc., which can be washed through the storm drain system into surface waters. As a result, urban development produces runoff which may be significantly greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area.

Increased runoff volume and velocity can also significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels. In order to protect the quality and hydrologic characteristics of surface waters, development should be designed in a way that mitigates the impact of urban development to achieve the Water Board's desired conditions of healthy watersheds.

Desired Conditions of Healthy Watersheds
The Central Coast Water Board implements the California Water Code, Federal Clean Water Act, and Central Coast Water Quality Control Plan to achieve its goal of healthy watersheds. To this end, the Water Board has defined the following desired conditions of healthy watersheds:

- Minimal pollutant loading,
- Rainfall surface runoff at pre-development levels (including peak discharge, time of concentration, runoff volume, and flow frequency),
- Watershed storage of rainfall runoff at pre-development levels (through infiltration, recharge, baseflow, and interflow),
- Watercourse geomorphic regimes within natural ranges (including stream bank stability and sediment supply and transport),
- Optimal riparian and aquatic habitat.

**RESPONSE B-2:** In general while Low Impact Development techniques and Best Management Practices can help minimize additional pollutants. Projects can be expected to accommodate changed on-site hydrology safely and mitigate any potential adverse impacts to off-site hydrology and watercourse geomorphology. The responses to comments herein and the *Schaaf & Wheeler Hydrology and Water Quality Response Memo* (located in Section 14 of this document) explain impacts to offsite hydrology and geomorphology. As discussed subsequently and in the *Schaaf & Wheeler Response Memo*, significant storage of rainfall runoff on-site poses its own potential health hazards. Existing riparian and aquatic habitats will not be impacted by Gavilan college campus and single-family residential development since watershed hydrology within the San Benito and Santa Ana Creek tributaries will not substantially change.

**COMMENT B-3:** Low Impact Development (LID)
Low Impact Development (LID) is the Water Board's preferred means for mitigating the effects of urban development to achieve healthy watersheds. LID is a land planning and design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, capture and reuse of runoff, and the lengthening of runoff flow paths and flow time. Other related strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands, and highly permeable soils. LID is a preferred site scale control measure because it integrates measures that address all of the desired conditions of a healthy watershed. Common LID practices include the following:

- Site design that reduces and disconnects impervious surfaces,
- Native vegetation preservation,
- Bioretention,
- Tree boxes to capture and/or infiltration street runoff,
- Vegetated swales, buffers, and strips,
- Directing roof runoff into planter boxes and other vegetated areas,
- Permeable pavement,
- Soil amendments to increase absorption and infiltration rates.
We recommend that these and other LID practices be implemented as much as possible in order to match pre-development hydrologic conditions and to protect water quality.

**RESPONSE B-3:** Typical LID techniques, when applied at this site, are not numerically beneficial in terms of “matching” pre-development hydrologic conditions within the downstream tributary. The Water Board recommends eight common LID practices for consideration, which are similar in nature to the post-construction BMPs outlined in MM HYD-1 and 2 in the DEIR. Each practice is described in terms of its potential application at the project site, along with its potential hydrologic impact. Quantitative analyses of potential impacts to various LID techniques follow in response to specific Water Board comments to the DEIR.

1. *Reduced and disconnected impervious surfaces.* A reduction in impervious surface should help mitigate increases in post-development runoff volumes and rates. Disconnecting the impervious surfaces tends to increase basin lag (also time of concentration) and thus decreases the rate at which stormwater runoff leaves the site relative to conventional development techniques. The changed timing of peak flows leaving the site and site runoff hydrograph attenuation may have a downstream impact (positive or negative) when site runoff combines with offsite runoff from adjacent watersheds. Reduced and disconnected impervious surfaces also tend to improve the quality of runoff leaving the site (e.g. pollutant loads) relative to runoff from a more impervious site. Reducing impervious surfaces (as discussed in the seventh LID practice) and disconnecting those surfaces has been considered at the proposed site.

2. *Native vegetation preservation.* At this site “native” vegetation consists of open pasture. The plan to preserve open space and landscape buffers, which may actually improve the condition of site vegetation condition, is consistent with this LID practice.

3. *Bio-retention.* This LID technique dovetails with the first two listed, using soils, and woody and herbaceous plants to remove stormwater pollutants from runoff. This technique can also be considered at the proposed site; but during final design, hydrologic analyses must conclude that the consequent increase in basin lag does not delay peak site runoff so that it adds to the adjacent (and larger) watershed’s later peak flows and results in increased discharges downstream of Airline Highway.

4. *Tree boxes to capture and infiltrate street runoff.* Similar to the first two techniques, tree boxes could help minimize the net increase in impervious area. It should be pointed out that any true infiltration (that is, a decrease in direct runoff from a given precipitation event) is limited by the underlying soil characteristics; which at proposed site, includes low permeability.

5. *Vegetated swales, buffers, and strips.* Vegetated swales and buffers also act to disconnect impervious surfaces, provide bio-retention, and infiltrate
runoff. This technique has the same issues as previously listed, but dispersed vegetated swales have been considered for the residential and campus areas when modeling the LID post-project hydrology.

6. Roof leaders directed to planter boxes and other vegetated areas. This LID technique provides pollutant removal as described previously with disconnected impervious areas and bio-retention techniques, although this is not a type of retention per se. This technique should increase overall site basin lag, and could increase downstream discharges depending upon overall watershed hydrograph timing.

In conclusion, some LID techniques provide water quality benefits but there is no benefit to on-site detention; therefore, as described in the EIR, the project includes recommended LID and stormwater treatment techniques that do not retain water on-site.

COMMENT B-4: Specific Comments: Post-Development Runoff Conditions
The project’s proposed drainage plan is based on hydrologic analysis of the watershed and the San Benito River tributary. As result, the DEIR proposes rapid release of runoff from the site as a means of mitigating the impact of the project on flooding within the tributary. The Water Board agrees that flooding impacts of new development should be mitigated. However, rapid release of runoff causes other hydrologic' and water quality problems (see Small Storm Events and Water Quality comments below). It is also unnecessary. Project design which matches post-development volume and rate to pre-development runoff conditions from the site (not just in the tributary) also mitigates for potential flooding, while also avoiding or mitigating other impacts of urban development. For instance, the project could be designed so the post-construction runoff hydrograph matches the pre-construction runoff hydrograph for a range of events with return periods from one to ten years. Then runoff from larger storm events could be detained and released at a rate equal to that of the pre-development ten-year storm event. Such a design would result in runoff from the project area which is less than the pre-development runoff for a range of storm events up to the 100-year storm. We recommend you revise the drainage plan to match the pre-development runoff hydrograph from the project area for the one-year to the ten-year storm events. To this end, we also recommend you consider measures such as reducing development density, clustering development (to allow more space for runoff volume and treatment controls), reducing impervious area, disconnecting impervious area (through the use of rain gardens and parking lot planting areas), grading for increased retention, and preserving the site's natural drainage patterns as much as possible.

RESPONSE B-4: Using LID techniques, the development will try to disconnect and minimize impervious areas and provide stormwater runoff treatment to enhance water quality. The acreage of land draining to the San Benito Creek tributary will, however, increase and since the existing land use is completely undeveloped, the only way to maintain pre-development runoff from the site is to retain the extra volume of stormwater generated by the newly added impervious surfaces. Water can leave the retention areas only through evaporation and soil infiltration. The rates of evaporation and infiltration are low relative to the amount of retention, so the retained water would remain on-site for a long time; up to two months. Storing stagnant water for such a long time leads to problems with mosquitoes, which carry West Nile Virus and pose other public health threats. Furthermore, there is no room in the retention basin(s)
to accommodate other storms during this two month period. Therefore, the project includes recommend LID and stormwater treatment techniques that do not retain water on-site. Refer to Schaaf & Wheeler’s Response Memo for relevant sections of the Hydrology Report with additional explanatory material for clarity.

COMMENT B-5: Small Storm Events
The DEIR is primarily concerned with preventing increased flooding due to large storm events. However, research has shown that smaller events (particularly the one- and two-year return storms) have the greatest impact on stream channel formation and stability due to their frequency. These small storm events also carry the majority of the pollutants in urban stormwater runoff. The proposed drainage plan may increase these impacts through rapid release of runoff from these storms. In order to achieve the Water Board's desired conditions of healthy watersheds, the project should maintain watercourse geomorphic regimes within natural ranges. Therefore we recommend the project area's post-development hydrograph match the pre-development hydrograph for a range of storm events with return periods from one year to ten years. This can be achieved by reducing impervious area, disconnecting impervious area, maximizing retention and recharge and retaining the pre-development topography and drainage patterns as much as possible.

RESPONSE B-5: Schaaf & Wheeler used the Bay Area Hydrologic Model (BAHM) to address this question of hydromodification; that is, smaller runoff events that could impact stream channel formation and stability. Based upon the model, hydromodification is not considered to be a significant impact (refer to Schaaf & Wheeler’s Response Memo, located in Section 14 of this document for details on the flow-duration hydromodification curves). Modeled hydrographs from a typical small storm event with a peak discharge equivalent to about 25 percent of the 2-year event show the problematic nature of LID and on-site detention at the project site, even for small storm events. Project development with an increase in impervious surfaces and quicker time of concentration results in a more peaked runoff hydrograph relative to the site in its existing condition. When added to the upstream tributary hydrograph, the increase in the combined peak of the hydrograph downstream of the Airline Highway confluence is very small because the tail recession limb of the site hydrograph is coincident with the upstream peak. Detaining runoff on-site attenuates the site’s hydrograph, flattening the peak and lengthening the recession limb. Therefore the rate of site runoff coincident to the upstream peak is higher than without LID or detention, and the combined flow is also higher.

COMMENT B-6: Water Quality
The Water Board agrees with DEIR that the proposed project presents a significant impact to water quality (Impact HYD-1 and Impact HYD-2). In an effort to mitigate this impact, MM HYD-1 and MM HYD-2 propose the use of Vortex separators as a primary means for removing pollutants from stormwater, with the result that the project will have a less than significant impact on receiving water quality (Draft EIR 3.7.4). However, according to the CASQA California Stormwater BMP Handbook for New Development and Redevelopment, Vortex separators are not capable of removing the full range of pollutants from urban runoff. When appropriately designed they can remove coarse sediments, floatables, oil, and grease, but are not able to capture fine sediment, bacteria, or dissolved pollutants (such as nutrients, metals, pesticides, and herbicides). Therefore we believe that MM
HYD-1 and MM HYD-2 fail to provide adequate mitigation for water quality impacts.

Stormwater pollutants must be reduced to the maximum extent practicable (MEP). We request the Final EIR include adequate measures to mitigate the project's impact on receiving water quality. We recommend that you accomplish this through the use of LID practices described above. These practices will delay the release of stormwater runoff from the site (relative to the current drainage plan). However, if the site is designed to match the project area’s pre- and post-development runoff hydrographs for the storm events which have the greatest impact on water quality (the one- and two-year events); there will be no resulting increase in downstream flooding. Water quality cannot be sacrificed in order to mitigate flooding impacts, especially when it is possible to mitigate for both. The Water Board recognizes that site conditions can affect the use of LID practices and does not expect equal use of LID on all sites. Therefore additional treatment measures may be required to reduce stormwater pollutants to the MEP.

RESPONSE B-6: While it is acknowledged that the use of LID techniques such as those described under MM HYD-1 and 2 in the DEIR appears to slightly worsen off-site impacts with respect to the rate of runoff and hydromodification potential, this exacerbation does not appear to be significant and does not warrant discontinuing the use of LID practices. Therefore, LID should be implemented at project site, except significant on-site detention or retention facilities for reasons described previously. If the Water Board does not prefer the use of vortex separators, they can be eliminated from the ultimate project design. However, it is not understood how the addition of vortex separators to other BMPs rendered the proposed mitigation inadequate.

COMMENT B-7: Bacteria and Sediment
As cited in the DEIR, the San Benito River is included on the 303(d) list of impaired waters for sediment and fecal coliform. As a result, stormwater discharges into the San Benito River must meet water quality objectives and total maximum daily loads (TMDL) established by the Water Board for these pollutants. You can obtain more information about these objectives and loading requirements at the following website:
www.waterboards.ca.gov/centralcoast/water_issues/programs/tmd/index.shtml

RESPONSE B-7: This comment is noted. No change to TMDLs in the San Benito River and as noted in the DEIR is anticipated; the site will convert from agricultural use to a developed site with a sanitary sewer system. Hydromodification from site development (which could change erosive potential and sediment transport within receiving waters) is not significant at the San Benito Creek tributary and will be even less significant when added to the much larger San Benito River watershed. Sediment loading from a developed site with impervious areas and established and maintained vegetation is also not expected to be greater than from a site in agricultural use.

COMMENT B-8: San Benito River Tributary
The project’s drainage plan proposes releasing project runoff into the San Benito River tributary as rapidly as possible so that the project’s runoff does not increase the peak flow rate in the tributary or downstream flooding in the tributary. However, the DEIR does not examine the impact of this rapid runoff on the tributary itself at the project outfall. Directly connecting impervious areas and shortening storm drain travel times as much as possible will deliver the project’s runoff to the
tributary at higher than pre-development volume and velocity, mobilizing sediment at the outfall. This sediment would then be washed into the San Benito River. Protecting the tributary from erosion at the outfall using rip rap or concrete can lead to further impacts (such as head cutting) upstream and downstream of the project outfall. Please identify and address these impacts in the Final EIR. We also recommend that the Final EIR mitigate for these impacts by matching the project area’s post-construction discharge rate and volume to the project area’s pre-construction rate and volume.

RESPONSE B-8: Stormwater from the project site can be safely discharged into the San Benito Creek tributary by design, including a design that would minimize erosion at the outfall itself. Once in the tributary, it is the combined flow (that is flow from the upstream and flow from the site) that would cause erosion within downstream reaches of the tributary. Schaaf & Wheeler found that runoff due to development does not significantly increase the flow in the tributary downstream of the project outfall, because runoff from the site (while greater than before) does not peak at the same time as runoff in the tributary. In the tributary itself, there is not a significant change in peak discharge due to development on the project site. This holds true for the tributary’s flow-duration curve, which is an indicator of erosion potential.

COMMENT B-9: Section 401 Water Quality Certification
Section 404 of the Clean Water Act involves protection of waters of the State and is within the jurisdiction of the U.S. Army Corps of Engineers. The Water Board must certify that any permit issued by the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act complies with state and federal water quality standards. Section 401 Water Quality certification is necessary for all Section 404 permits, including reporting and non-reporting Nationwide permits. Section 401 applications will be reviewed by this office after the Section 404 permit process has begun. Additionally, any project that involves disturbance of a stream bank or riparian area must also obtain a Streambed Alteration Agreement from California Department of Fish and Game. Certification may be required for the project’s outfall.

Section 401 Water Quality Certification allows the Water Board to condition all aspects of a project. We strongly suggest you revise your project based on the above comments so that we need not condition your project at a later date.

National Pollutant Discharge Elimination System Permit for Non-Traditional MS4s
The National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) requires permit coverage for designated non-traditional MS4s. The Water Board has designated Gavilan College as a non-traditional MS4. The College may apply for coverage by submitting a Notice of Intent and preparing a Stormwater Management Plan (SWMP) for review and adoption by the Water Board. The Water Board has determined that SWMPs must achieve the Board’s desired conditions for healthy watersheds to the MEP, and that SWMPs must include adequate Low Impact Development. Therefore we recommend that the proposed project incorporate these elements as early as possible in the planning process.

National Pollutant Discharge Elimination System Permit for Construction Activities
Stormwater discharges associated with construction activities resulting in land disturbance equal to or greater than one acre, or which are part of a larger plan of common development, are regulated under the Statewide National Pollution Discharge Elimination System General Construction Permit.
Construction activity includes clearing, grading, excavating, and site work such as access roads and staging areas. Coverage under the State General Construction Permit can be obtained for these practices by filing a Notice of Intent to Comply (application) with the State Water Resources Control Board.

The State General Construction Permit also requires the project sponsor to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to mitigate construction impacts. The SWPPP must be consistent with the terms of the State General Construction Permit, with policies and recommendations of the local authority, and with recommendations of the Water Board.

**RESPONSE B-9:** The Gavilan College District and San Benito County will comply with all applicable permits required by the Water Board.

**C. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM CITY OF HOLLISTER**

**COMMENT C-1:** The City of Hollister Development Review Committee (DRC) reviewed the Draft Gavilan San Benito Campus and Fairview Corners Projects EIR at the September 30, 2008 meeting. A study session was held on October 9, 2008 by some members of the Hollister City Council and the Hollister Planning Commission to review the DEIR. The comments contained in this letter reflect input from some City of Hollister City Council members, the Planning Commission and the Development Review Committee.

In the spirit of intergovernmental coordination, the City of Hollister suggests a meeting with staff and consultants to the Gavilan Joint Community College District together with staff from San Benito County, the San Benito County Council of Governments, and Sunnyslope County Water District prior to preparation and release of the Final EIR. The purpose of the meeting would be to discuss a phasing program or milestones for the timing of mitigation measures based on build-out of the college campus, the relationship of the housing project in the DEIR to the college campus and requests for additional information and/or revisions to mitigation measures.

**RESPONSE C-1:** In the spirit of intergovernmental coordination and at the request of the City of Hollister and the San Benito County Council of Governments, a meeting was held on October 26, 2008 between the San Benito County Planning and Public Works staff, City of Hollister Planning and Public Works staff, San Benito County Council of Governments staff, and the Gavilan/Fairview EIR consultants and planners. The purpose of this meeting was to clarify project phasing and mitigation measures, as they relate to traffic impacts. Refer to Master Response 1, 2, and 4 regarding the phasing and timing of the mitigation measures. A coordination meeting with San Benito County Fire Department took place November 6, 2008. Additionally, extensive coordination has occurred between the Gavilan/Fairview EIR consultants and planners, the Sunnyslope County Water District and the City of Hollister regarding water and wastewater treatment.

**COMMENT C-2:** General Comment related to Page 22, 2.3.5 Phasing of Project Components: The DEIR states that the college will be constructed in two phases with an Education Center in Phase I. The DEIR states that the retail and housing uses will be constructed five to ten years after the start of Phase 2 construction with athletic and recreation facilities on an independent indefinite timeline based on availability of funding. Core campus is expected to be constructed at a rate of 50,000 gross
square feet every five years with full build-out by 2035.

- Revise the project description to explain the following: 1) estimated capacity and geographic location and extent of the Phase I Education Center; 2) estimated employment for 1,000 or less students
- Revise the evaluation of environmental impacts with the following scenarios: 1) Phase 1; 2) Phase 1 plus recreation and athletic fields; 3) Phase 2 campus expansions without recreation and athletic fields, on-site retail and housing; and 4) Campus build-out.
- The DEIR properly states that the project site is in Hollister's General Plan Planning Area. It is conceivable that the property could be annexed into the city by 2035.

RESPONSE C-2: Additional text was added to the project description in this document to clarify the capacity and location of the Phase I Education Center. The Phase I campus would be located along the extension of Cielo Vista Drive, adjacent to Fairview Road. Gavilan estimates that there would be approximately five full time equivalent employees associated with the Phase 1 Education Center.

The evaluation of impacts for the college campus in the EIR is based upon worse-case (full-buildout of the campus). All other phases would result in reduced impacts, compared to the full-buildout impact analyses. The timing of the college campus development described in the EIR is based upon an assumption that state funding would be available to implement full-buildout of the campus in an expedited manner, once enrollment reaches 1,000 FTES. It is unlikely that the recreation and athletic fields would be developed prior to full campus buildout; however, it is unknown when and how the campus retail and housing may develop. For this reason, intermediate scenarios would be speculative and the worst-case impacts of full buildout were analyzed. In order to be able to distinguish between the impacts of the Gavilan Campus and the residential development, the EIR does evaluate three scenarios throughout the EIR: 1) the college campus only; 2) single-family residential only; and 3) combined project buildout scenarios.

It is acknowledged that the property could be annexed into the City of Hollister by 2035.

COMMENT C-3: Page 17, paragraph 4: The DEIR should be corrected to state that the allowed density in the Rural/Urban land use designation is 20, not 8 units per acre. The Rural/Urban land use designation was amended with the 2004 Housing Element revision to allow up to 20 units per acre by San Benito County Board of Supervisors Resolution 2004-26.

RESPONSE C-3: This has been corrected in the EIR text.

COMMENT C-4: Page 25, Section 2.5 Uses of the EIR: Please add that the DEIR would be used by the City of Hollister and the Local Agency Formation Commission of San Benito County for outside jurisdiction sewer service and possible future amendment to the Sphere of Influence and annexation.

RESPONSE C-4: In response to the comment, text has been added to the Uses of the EIR section.
COMMENT C-5: Pages 27 - 36, Section 2.6 Consistency with Adopted Plans and Policies: The property is in Hollister's General Plan planning area but the DEIR does not include an analysis of the consistency of the project with Hollister’s General Plan. It is not clear whether San Benito County reviewed and accepted that the consistency analysis for the Four Corner project in the DEIR prior to release of the document. The 220 unit residential development would preclude the development of housing affordable to low and very low income households. The District will not have land use authority in the area. Final EIR should be revised to consider the comments submitted by the City of Hollister in response to the Notice of Preparation related to the provision of a range of housing types to fulfill regional housing needs.

RESPONSE C-5: The City of Hollister’s General Plan consistency analysis has been expanded to address the commenter’s concerns. San Benito County did review and make recommendations on the consistency analysis included in the Draft EIR prior to public review. The Fairview Corners Residential project is required to meet the minimum requirement of the San Benito County’s Inclusionary Housing Ordinance that requires 30 percent affordable housing for development projects that exceed 21 lots. The Fairview Corners Residential project does include a range of housing types as shown on Figure 7.

COMMENT C-6: Pages 43 - 70, Transportation: The traffic analysis needs to be revised as explained in the following comments.

RESPONSE C-6: At Union Road/Valley View Road, the project would only add traffic to the through movements on Union Road (20 to 24 trips in each direction). These movements currently are not subject to stop control; therefore, the additional traffic added by the project would not significantly affect traffic operations at that location.

At Highway 156/San Juan Road intersection, it is expected that the project would add very little traffic to that intersection. This would not be the most direct route for traffic bound for either direction of Highway 156. For project traffic to reach this intersection, it would have to travel through the central part of Hollister. It is expected that project traffic bound for northbound Highway 156 would access the highway via Fairview Road to the north of via Highway 25. To access Highway 156 heading south, project traffic is expected to use Union Road.

With respect to the intersections on San Felipe Road at McCloskey Road, Fallon Road, and Highway 156, the project would add only a small amount of traffic to these intersections. A review of the trip distribution pattern and trip assignment under project buildout conditions indicates that the project would add a maximum of 5 peak-hour trips to the San Felipe/Fallon and San...
Felipe/Highway 156 intersections and a maximum of 15 peak-hour trips to the San Felipe/McCloskey intersection. Therefore, the project impact at these locations would be negligible.

At Memorial Street and Meridian Drive, it is not expected that the project would add a noticeable amount of traffic. In order to reach this intersection, project traffic would have to travel in a rather circuitous route; since direct access from Fairview Road is not available (Meridian does not connect through to Fairview from central Hollister). The trip assignment used in the traffic study reflects this in that most of traffic bound for central Hollister and the Highway 25 Bypass is assigned to Hillcrest Road, Sunnyslope Road, or Airline Highway.

Based upon the above discussion, the specified intersections were not included because the traffic at these locations would be negligible. The project traffic impact analysis did follow the County guideline of evaluating all critical intersections that have more than 50 peak hour trips added by the project. For these reasons, the traffic analysis is considered adequate.

COMMENT C-7: Road capacity: The City of Hollister response to the Notice of Preparation requested that the traffic analysis evaluate the impacts of the project on the capacity of collectors and arterials in and near the City of Hollister. The DEIR does not assess the impact of the estimated net increase of 7,433 vehicle trips per day to the capacity of the following roads: Fairview Road (State Highway 25 to State Highway 156), Union Road (Fairview Road - Highway 156), Union Road and San Juan Hollister bridges, State Highway 25 (Tres Pinos to State Highway 101), State Highway 156 (State Highway 101 to Fairview Road), Sunnyslope Road-Westside Boulevard, Hillcrest Road and South Street to Westside Boulevard, Meridian Street/Fourth Street/San Juan Hollister Road, Santa Ana Road (Fairview to San Felipe Road), McCloskey Road, San Benito Street, McCray Street/Prospect Avenue, Memorial Drive.

RESPONSE C-7: The traffic analysis evaluates intersection levels of service at all critical locations in the study area. Operating conditions on roadway corridors in urban and suburban areas is dictated by the operations of the intersections in the corridor. Thus a review of the intersection levels of service in a corridor provides an indication of how the corridor operates.

COMMENT C-8: Background conditions: Page 22, Table 7 of the traffic engineering report list of ‘background conditions’ includes only approved project in the City of Hollister. The background analysis omits approved development in the area such as the San Juan Oaks residential development and hotel and the Guerra 320,000 square foot commercial Legacy Village commercial development.

These projects will add traffic to the local road network. The traffic report needs to be revised to include all background projects from both San Benito County and the City of Hollister.

Cumulative conditions: The traffic engineering report limits the cumulative analysis projects to the proposed project and the Santana Ranch Specific Plan (page 6, paragraph 6 Hexagon Transportation Consultants Fairview Corner/Gavilan College Master Plan and page 149). The traffic report needs to be revised to include the list of cumulative projects on Table 4.0-1 of the DEIR. It is unclear whether the list on Table 4.0-1 was provided by San Benito County because the list omits San Benito County
planning applications located in the city of Hollister General Plan Planning Area that were submitted prior to the release of the Notice of Preparation for the Gavilan San Benito Campus/Fairview Corners DEIR. These projects include a 2007 General Plan amendment and CDR 63-07 for the Lantis-Ward water park, GPA 2007-29 and ZC 07-154 for a mini-mart and a 2008 General Plan Amendment and CDR 65-08 for a commercial office.

**RESPONSE C-8:** When the traffic analysis was initiated and scoped with the County, lists of approved development projects were requested and obtained from both the City of Hollister and San Benito County. The traffic volumes in the background conditions chapter of the traffic analysis are based on the information provided by both agencies. As stated on Page 22 of the traffic study, the projects on the list provided by the County would not generate a significant amount of additional traffic at the study intersections, such that the project plus background conditions would result in a substantially worse LOS.

**COMMENT C-9:** Road Network: The road network design does not integrate with adjoining properties to the north and east. The internal road design is inconsistent with policy in the City of Hollister General Plan that requires connection between property and loop or grid street systems instead of cul-de-sac. Include in the Final EIR a mitigation measure that requires the residential street system be redesigned to connect to an area wide plan for circulation or including at least two through street connections to the north and at least one through connection to property to the east.

**RESPONSE C-9:** As shown on Figure 6, the residential roadway network, does allow for two future connections to the north. These areas on the plan designated currently as open space/park areas. If and when development to the north occurs, the roadway will allow for an extension through the two open spaces areas. No connection to the east was proposed, because the residential community to the east has stated their opposition to any connection, as documented in Comment O of this report.

**COMMENT C-10:** The site access and on-site circulation discussion of page 68 does not mention multi-modal access facilities for the development area such as bike routes or on-site transit facilities. Add mitigation requiring a Class II bike lane on the main entrance road and transit stop or station.

**RESPONSE C-10:** As mentioned in Section 3.2.6.2 Bicycle and Pedestrian Circulation, project proposed frontage improvements will provide sidewalks and pedestrian crossings at Fairview Road-Ridgemark Drive/Airline Highway and Fairview Road/Cielo Vista Drive intersections to connect with the planned on-site pedestrian facilities.

It is not possible to fully address the details of transit improvements or pedestrian and bicycle circulation in the context of the conceptual campus master plan. However, in the buildout of the college campus Gavilan College District intends to provide appropriate facilities to accommodate each of these modes of travel. In addition, the Cielo Vista extension has been sized for Class II bike lanes, sidewalks and a transit /drop-off stop.
COMMENT C-11: Mitigation Measures: The DEIR relies on Traffic Impact Fees to fund traffic improvements to intersections in the area but the current traffic impact fee study does not include the estimated increase of 7,433 vehicle trips to the road network in the area from the college campus and 220 units residential development covered in the DEIR. A mitigation measure needs to be added that requires each project covered by the DEIR to update the traffic fee study in order to calculate the prorata impact fee for each project. As recommended in the General Comments section of this letter, the mitigation measures should also be revised based on the various phases of build-out of the project.

The DEIR incorrectly presumes that all intersection improvements in the project area of influence will be funded by Traffic Impact Fees. The City of Hollister has required other projects to either establish or contribute to benefit areas at the following intersections: Fairview/Airline Highway, Fairview/Union, Enterprise/Airline Highway, Valley View/Union and Gateway Drive/San Felipe Road. Please revise the mitigation measures to require an update and/or establishment of a benefit area fees at these intersections.

The City of Hollister recommends a joint meeting with City staff, San Benito County, the San Benito County Council of Governments and Gavilan Joint Community College District staff and representatives to clarify the scope of a revised traffic analysis and review the timing and funding of traffic mitigation measures.

Please add to the discussion of traffic impacts and mitigation measures a description of the funding source, phasing program and the timing for transportation improvements in the mitigation measures and mitigation monitoring and reporting program for each major use in the master plan area (e.g. junior college, residential) for existing plus project phases and cumulative project impacts. This was requested in the City of Hollister response to the Notice of Preparation.

Please verify with the San Benito County Council of Governments the intersection and road improvements that can be mitigated with traffic impact fees. The San Benito County Regional Transportation Plan (RTP) lists funded and unfunded transportation improvements. The EIR should clearly identify the timing for funded improvements in relation to the timing and phasing of development areas in the master plan and the method to finance mitigation measures for unfunded projects in the San Benito County Regional Transportation Plan.

RESPONSE C-11: Refer to Master Response 1 and 4.

COMMENT C-12: Include in the Final EIR an evaluation of the design of the proposed master plan in relation to the local road network, the San Benito County Bike Plan and the City of Hollister General Plan in particular policies LU1.9, LU4.1, LU4.2, LU4.4, LU4.5, LU4.6, LU4.8; C2.3, C4.2, and C4.3.

RESPONSE C-12: It is not possible to fully address the details of transit improvements or pedestrian and bicycle circulation in the context of the conceptual campus master plan. However, in the build out of the college campus Gavilan College District intends to provide appropriate facilities to accommodate each of these modes of travel. In addition, the Cielo Vista extension has been sized for Class II bike lanes, sidewalks and a transit /drop-off stop.

COMMENT C-13: Pages 106 and 136, Hydrology and 3.12.2.4 Storm Water: The DEIR states that storm water detention in any form is discouraged for the site and should be encouraged to leave
the site as soon as possible due to unique conditions on the site including low permeability soils and mostly permeability soils but on-site retention to pre-development levels is still required for new development. The approach to storm water management does not factor requirements of the Regional Water Quality Control Board or the City of Hollister General Plan response to the Notice of Preparation. The City of Hollister requested that the DEIR include mitigation measures that would provide for Best Management Practices including but not limited to drainage gardens, vegetative swales, dual use (recreation/drainage), permeable paving and other strategies to retain storm water runoff from the college and residential development to predevelopment levels and to pre-treat storm water runoff to implement General Plan Policies CSF3.5 and SCF3.7 and CSF.LL. Please revise the mitigation measures in the FEIR to be consistent with the policy documents of the City of Hollister, San Benito County, and the Central Coast Regional Water Quality Control Board and as previously requested.

RESPONSE C-13: Additional hydrologic calculations are provided in Section 14 of this Final EIR, that further support the conclusions made in the DEIR that on-site detention could have significant downstream hydrologic impacts, or at the very least offer no benefit, relative to site development without such detention. Without detention, it is Schaaf and Wheeler’s professional opinion that the increases in off-site runoff (less than one percent for the 100-year frequency with or without LID) are not significant, and additional mitigation is not required. Furthermore, while Low Impact Development (LID) strategies required by the Central Coast Regional Water Quality Control Board (Water Board) are beneficial in terms of storm runoff water quality, the strategies may have other possibly significant and unintended consequences including adversely impacting the downstream tributary. Traditional mitigation in the form of site detention would actually worsen downstream impacts rather than mitigate them.

Mitigation Measure HYD-1 and 2 describes the project’s post-construction water quality BMPs intended to protect water resources and beneficial uses to the maximum extent practicable (MEP). Neighborhood- and/or lot-level BMPs to promote infiltration or “green” treatment of storm runoff are emphasized, consistent with Water Board guidance for NPDES Phase 2 permit compliance.90

COMMENT C-14: Page 136, Section 3.12.2.3 Wastewater: Please add a mitigation measure that requires the use of non-salt based water treatment systems to maintain consistency with the 2005 Memorandum of Understanding between the City of Hollister, San Benito County, and the San Benito County Water District for the Hollister Urban Area Water and Wastewater Master Plan.

RESPONSE C-14: Both projects propose to include non-salt based water treatment systems in the project design. New text has been added to the EIR to address this comment.

COMMENT C-15: Please include in the FEIR an evaluation of the transmission capacity that includes the proposed project, the existing Cielo Vista subdivision, and development of a 53 acre parcel in the West Fairview Road Specific Plan Area. The EIR should include a mitigation measures

that include re-imbursement to prior development that funded an oversize sewer line and any required amendment to existing or new re-imbursement agreement(s). The DEIR explains that the City of Hollister will be the Responsible Agency for wastewater treatment. The City of Hollister requested in the response to the Notice of Preparation that the DEIR evaluate the transmission capacity of existing sewer mains and secondary impacts for construction/expansion of transmission capacity.

Please revise the Wastewater discussion in the Final EIR to include an alternative route for the waste water pipes. The DEIR states that sewer lines will be extended from the site on Airline Highway. Caltrans may not grant an encroachment for infrastructure on Airline Highway (Highway 25) when another alternative is available. The City of Hollister has also required developers to install similar improvements away from high speed roads to avoid safety hazards from repair and maintenance of waste water pipes. Please contact Steve Wittry of the City of Hollister Engineering Department at (831) 636-4340 to review an alternative waste water pipe alignment for the Wastewater analysis in the Final EIR.

Please revise the Wastewater discussion Final EIR to discuss the short-term secondary impacts of the extension of a sewer line from the project site to the existing sewer main. Add mitigation measures that address best management practices for erosion control during construction, traffic safety, and reconstruction of any road surfaces.

RESPONSE C-16: An alternative wastewater route has been designed, in concept, and the two alternate routes are described in text and graphically in Section 2.3.2 of this EIR. Based upon the preliminary design analysis, neither option is anticipated to require a pump station to serve the site. The detailed sewer evaluation recommended by the comment will be completed at the time of initial development of either the college campus or the residential site, whichever is developed first. This analysis will include land, easement, and construction issues as factors influencing the most feasible sewer solution. Upon reviewing the analysis, the City of Hollister can make a completely informed decision on the most economically and technically feasible solution.

Secondary impacts of extending the sewer line under either alternate route would include traffic control needs, erosion control measures, cultural resource measures in the event of an unexpected discovers, and roadway and surface repair and re-installation. These are all standard procedures that would be conditions of approval of either the County and/or Caltrans and would not create a significant impact due to either option. Text has been added to the Utilities Section of the EIR to clarify the secondary impacts.

D. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM COUNCIL OF SAN BENITO COUNTY GOVERNMENTS.

COMMENT D-1: The Council of San Benito County Governments (COG) appreciates the opportunity to submit comments regarding the proposed developments of Gavilan San Benito Campus and Fairview Corners Projects near the northeast intersection of Fairview Road and Highway 25. The Council of Governments has separated its comments between the two projects. Comments on the Gavilan San Benito Campus are included first.
First, the Gavilan College project should include a transit hub for students who will be using future public transit service to the college. The San Benito County Local Transportation Authority is preparing a transit design manual to provide uniform design guidelines and requirements for new developments. Gavilan College should provide, at a minimum, bus stop shelters, benches, a transit information and ticketing kiosk and trash receptacles at a central location for transit riders.

Additionally, the College should make enhancements to the bicycle and pedestrian network with on-site bicycle parking amenities such as bicycle racks and bicycle lockers.

**RESPONSE D-1:** It is not possible to fully address the details of transit improvements or pedestrian and bicycle circulation in the context of the conceptual campus master plan. However, in the buildout of the college campus, Gavilan College District intends to provide appropriate facilities to accommodate each of these modes of travel. In addition, the Cielo Vista extension has been sized for Class II bike lanes, sidewalks and a transit/drop-off stop. When detailed design process for the transit on-site facilities begins, Gavilan will work with the San Benito County Local Transportation Authority to provide transit facilities in compliance with the County’s design guidelines. Shared pedestrian, bicycle, and transit facilities along the project frontage or on-site will be addressed in a memorandum of understanding/development agreement between the residential project and the County, and during subsequent campus planning efforts.

As mentioned in Section 3.2.6.2 Bicycle and Pedestrian Circulation, project-proposed frontage improvements will provide sidewalks and pedestrian crossings at Fairview Road-Ridgemark Drive/Airline Highway and Fairview Road/Cielo Vista Drive intersections to connect the planned on-site pedestrian facilities to existing/future pedestrian facilities on Fairview Road and Cielo Vista Drive.

**COMMENT D-2:** Second, the Fairview Corners housing development relies on mitigating traffic impacts using the fees identified in the July 2007 Traffic Mitigation Impact Fee Study Update prepared by the Council of Governments; however, this development was not assumed as part of the Update. The Council of Governments recommends that the Fairview Corners Project pay for an update of the Study to independently evaluate the traffic impact fee amount needed. The Council of Governments would like to request a meeting between COG, the City of Hollister, and the County to discuss the assumptions made about traffic and approved projects in the report.

Traffic mitigation for the housing development should go further in mitigating its impacts and not be limited to solely paying the required traffic impact fees. Site specific mitigations should be made part of the project construction. Specifically, Fairview Road should be widened to a minimum of 4-lanes with bicycle lanes from Highway 25 to Sunnyslope Road. Airline Highway should also be widened to 4-lanes from Fairview Road to Sunset Road with bicycle lanes.

New traffic signals should be included as part of project construction at Fairview Road and Highway 25, Fairview Road and Cielo Vista, and Fairview Road and Hillcrest Road. Additionally, traffic impacts will be felt along the Fairview Road, Airline Highway, Union Road, Highway 25, Highway 156 and Shore Road corridors.
The housing development should include bicycle lanes for all major streets. Bicycle and pedestrian connections should be made through cul-de-sacs and between green spaces. Bicyclists and pedestrians should be afforded the same access as vehicles.

RESPONSE D-2: Refer to Master Response 1 regarding the assumptions of the Traffic Impact Fee Program and the need to update the TIF program. Refer to Master Response 2 regarding the project-sponsored transportation and internal access improvements that are either proposed by the project or could be considered conditions of approval of the project.

E. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM SAN BENITO COUNTY BOARD OF SUPERVISORS.

COMMENT E-1: Planning 1. Page S-29 & S-30, Impacts and Mitigation Measures 1.6 & 1.7. The impacts do not match the proposed mitigation measures

RESPONSE E-1: The comment is noted and the mitigation measures have revised to align with the corresponding impact in this Final EIR.

COMMENT E-2: 2. 2.3.1.1 Campus Buildings. This section proposes that there will be 70 multi-family housing units available primarily to the college campus staff and students. However, Section 2.3.1.2, states that “it is currently unknown if the housing will be for apartments or condominiums for lease or for sale. At this time it is undetermined if the housing units will be available only to students, faculty, or non-students/faculty or a mixture of all options.” The EIR shall clearly delineate what the proposed 70 multi family housing units will be used for. If it is proposed that the housing be sold to non-students/faculty, then the development is subject to the requirements of the Subdivision Map Act and San Benito County would be the CEQA Lead Agency for the proposed units (as is the case for the proposed Fairview Corners project).

RESPONSE E-2: The subject EIR evaluates a Gavilan Community College San Benito campus master plan. The campus master plan is anticipated to be built out over the next 25 to 30 years. For this reason, many of the details regarding building size, exact location, and specific uses are not known at this time. With regard to the proposed campus housing, it is Gavilan College District’s intent that the on-campus housing would provide an important tool for recruiting faculty, staff, and students and could support specialized campus programs. The current assumption is that the housing would be fully integrated into the campus

Gavilan acknowledges that, in the event the on-campus housing is not directly related to the campus (i.e., student or faculty housing), then development approvals would be required from San Benito County. In terms of the environmental impacts of the on-campus housing, standard apartment trip generation rates were used, to provide a conservative estimate of traffic that could be generated at the site, regardless of its occupancy.

COMMENT E-3: 3. Section 2.3.1.3 Campus Athletic Fields and Open Space. This section discusses the stadium lighting. The County has concerns on the impacts the lighting would have in regards to our Dark Sky Ordinance (Ordinance 748). The purpose of the County’s Lighting Ordinance is to reduce light pollution, glare, light trespass, and to conserve energy and resources.
While Section 2.3.2 describes “sunken” athletic fields to reduce noise and light overflow, Ordinance 748 describes acceptable lighting practices for zone two, which shall be utilized. This would reduce lighting impacts for astronomical observation, other negative impacts and to protect the County’s night time skies.

**RESPONSE E-3:** The Gavilan College District recognizes the unique topographic and atmospheric conditions within San Benito County that allow for astronomical observation, specifically at the Fremont Peak State Park and the Pinnacles National Monument. While the Gavilan District is not subject to applying for a permit from the County, new text has been added to the EIR to ensure the nighttime viewing is not adversely affected by lighted outdoor stadium fields. Gavilan College District intends to comply with San Benito’s County’s Dark Sky Ordinance. The text clarification is included in Section 2.3.1.3 of this Final EIR.

**COMMENT E-4:** 4. Section 2.3.2.1 describes Resolution 89-92 and the Area of Special Study. However, the resolution clearly states that the project site is within an Interim Area of Special Study. This EIR document must ensure that there is continuity of this term used throughout the text.

**RESPONSE E-4:** Text has been inserted into the EIR to improve consistency with the use of ‘Interim’ with regard to the Area of Special Study.

**COMMENT E-5:** 5. Figure 9 (the proposed grading plan) appears to only describe the change in elevation. In addition elevations and details where the grading will be most significant should be shown on the plan.

**RESPONSE E-5:** The grading plan has been revised to address concerns regarding the project site edge conditions. Cross-sections are included to portray the various conditions along all adjacent property perimeters. With the construction of minimal retaining walls (less than five feet of retaining dirt) the edge conditions along the eastern and northern property boundaries do not have significant fill or cut along the property boundaries. Refer to Figure 9 showing the cross-sections of the grading plan.

**COMMENT E-6:** 6. Section 2.4 Project Objectives. The third bullet point states that the college provides a complementary mix of public, commercial/retail and residential uses. The plans should identify in more detail who the commercial/retail portion of the project will serve and what type of commercial uses are proposed (i.e. general public or educational or both).

**RESPONSE E-6:** The subject EIR evaluates a Gavilan Community College San Benito campus master plan. The campus master plan is anticipated to be built out over the next 25 to 30 years. For this reason, many of the details regarding building size, exact location, and specific uses are not known at this time. With regard to the proposed campus retail, it is Gavilan College District’s plan that these uses are anticipated to support the campus. The retail uses (book store, copy center, food service, sundries shop, etc.) would provide convenient goods and services to students, staff, and visitors and reduce the number of traffic trips. As with most campus retail uses, the retail would also be open to the public, so neighbors of the site could use the facilities.
The current assumption is that the retail uses would be fully integrated into the campus, and not be dependent on private financing or ownership. Gavilan acknowledges that in the future it may need to obtain use permits from the County, if private ownership is contemplated for the campus retail uses.

In terms of the EIR evaluation of the campus retail, the distribution of retail traffic was established to provide a worst-case assessment of potential off-site impacts associated with the retail component. If the retail component is truly campus-serving, then a significantly higher percentage of retail trips will be retained on site, thereby reducing the off-site impacts to something less than what is reported in the traffic study.

**COMMENT E-7:** 7. Land Use Policy 32, Open Space & Conservation Policy 37 & Transportation Element Policy 12 all describe in their consistency sections the existence of the Tres Pinos fault running along the eastern side of the property. However, this is inconsistent with policy 12. Roadways shall be minimized in seismic and hazardous areas. In addition, policy 12 describes measures that can be used to mitigate these impacts. However, the geology, soils, and seismicity section in this document does not propose any mitigation measures.

**RESPONSE E-7:** The Tres Pinos fault was located on the project site in the *Combined Geotechnical and Fault Investigation Fairview Road Property* prepared by Terratech, Inc. in 1989. This report was prepared to satisfy the requirements of the Alquist-Priolo Special Studies Zone Act of 1972 and was included in the DEIR as Appendix E. Section 3.6, Geology, Soils and Seismicity of the EIR has been modified to clarify the geologic issues at the project site. See Response E-15 and E-16, presented later in this section.

Policy 12 in the Transportation Element states, “Road development shall minimize the extent of building in hazardous areas (e.g., faults, flood plains, landslide areas, fire hazard areas).” The associated relevant action items are as follows, “a. Before the exact alignment of any road is determined, the hazard maps of the Open Space/Conservation Elements shall be consulted to determine if a hazard is present. b. If a hazard is present within the planned road alignment, the road shall be modified to the extent practicable, to avoid this hazard.”

The 60-foot right-of-way (roadway, including the curbs, gutters, and sidewalks) has been designed to be outside of the 35-foot fault zone. Fifty (50) feet of the right-of-way will be within the building exclusion zone. The remaining 10 feet will be outside and east of the building exclusion zone. Refer to Response E-15 below for a graphic showing the location of the roadway in relation to the fault zone and the building exclusion zone.

Both geotechnical reports prepared for the proposed projects (included in Appendix E of the draft EIR) include specific design measures for pavement (Terrasearch page 22; Terratech page 13) to minimize the impacts to the roadways and other paved areas such as parking lots during seismic events. These specific design measures are self-imposed mitigation measures and are
discussed further in Response E-15 below. Designing the improvements within the road right-of-way outside of the fault zone, coupled with implementation of the geotechnical report recommendations, minimizes the development of the road within the hazardous area and is therefore, consistent with the intent of this general plan policy.

COMMENT E-8: 8. Section 3.0, Page 39, the fourth paragraph states that the proposed project site is currently zoned “Rural” (5 dwelling units per acre). The Rural zoning designation for the County is one dwelling unit per 5 acres and not 5 dwelling units per acre.

RESPONSE E-8: This text has been revised in the EIR.

COMMENT E-9: 9. Page 54, Section 3.2.3.1. The project proposes to signalize the intersection of Airline Highway and Fairview Road. This improvement is not described in the project description. In addition, the signalization of Cielo Vista is also not described in the project description. It is unclear if the proposed project intends to pay impact fees towards these improvements or fully fund them. The County requests that the document clearly address improvements rather than allude to them.

RESPONSE E-9: New text has been added to the project description to clarify the frontage improvements and signalization for the intersection of Cielo Vista and Fairview Road. This text is included in Section 2.3.3 of this Final EIR.

COMMENT E-10: 10. Section 3.2.3.2 Internalization of Trips. Based on this description it is assumed that 75% of the trips for retail would be “off-site.” Therefore, the retail uses on the site would serve those outside of the college more than the college itself; creating a concern of the overall intent of the commercial use. This shall be clarified in the document.

RESPONSE E-10: The distribution of retail traffic was established to provide a worst-case assessment of potential off-site impacts associated with the retail component. If the retail component is truly campus-serving, then a significantly higher percentage of retail trips will be retained on site, thereby reducing the off-site impacts to something less than what is reported in the traffic study.

COMMENT E-11: 11. Based upon information provided to this Department by the Council of San Benito County Governments (SBCCOG) regarding the Regional Traffic Impact Fee (TIF) program, all mitigation measures listed in the transportation section of the Draft Environmental Impact Report (DEIR) for both the College and the residential portion of the project are considered to be inappropriate for mitigation purposes. Please refer to the SBCCOG letter dated October 16, 2008 for further information. Issues regarding the need to go beyond the required traffic impact fees such as, widening Fairview Road to a minimum of 4 lanes with bicycle lanes from Highway 25 to Sunnyslope Road, including new/improved traffic signals as part of project construction at Fairview Road, Hillcrest Road and Union Road, and Highway 25.

RESPONSE E-11: Refer to Master Responses 1, 2, 3, and 4 regarding the adequacy of the Traffic Impact Fee to address the proposed residential impacts and mitigation, the roadway and frontage improvements that are included and/or could be considered conditions of approval for the project, cumulative impacts and mitigation requirements of the project, and mitigation measures that may be
needed in the event the Gavilan campus development precedes the residential development.

COMMENT E-12: In addition, pedestrian and bicycle travel have not been adequately addressed in this document. For example, the project description discusses approximately 3,000 students attending the college; however there is no mention of bicycle lane development along any major streets or roads in the area. The DEIR needs to address the needs of these modes of travel equally. Examples of needs provided include:

a. Bicycle and pedestrian connections should be made through cul-de-sacs and between green spaces.
b. Due to the type of development, bicyclists and pedestrians should be afforded the same access as vehicles.
c. With new requirements for complete streets, the College should be required to make enhancements to the bicycle and pedestrian network.
d. On-site bicycle parking facilities should include bicycle racks and bicycle lockers for students and faculty who bike to school.

RESPONSE E-12: It is not possible to fully address the details of transit improvements or pedestrian and bicycle circulation in the context of the conceptual campus master plan. However, the buildout of the college campus Gavilan College District intends to provide appropriate facilities to accommodate each of these modes of travel. In addition, the Cielo Vista extension has been sized for Class II bike lanes, sidewalks and a transit /drop-off stop. When detailed design process for the transit on-site facilities begins, Gavilan will work with the San Benito County Local Transportation Authority to provide transit facilities in compliance with the County’s design guidelines. Shared pedestrian, bicycle, and transit facilities along the project frontage or on-site will be addressed in a memorandum of understanding/development agreement between the residential project and the County, and during subsequent campus planning efforts.

As mentioned in Section 3.2.6.2 Bicycle and Pedestrian Circulation, project-proposed frontage improvements will provide sidewalks and pedestrian crossings at Fairview Road-Ridgemark Drive/Airline Highway and Fairview Road/Cielo Vista Drive intersections to connect the planned on-site pedestrian facilities to existing/future pedestrian facilities on Fairview Road and Cielo Vista Drive.

COMMENT E-13: 12. Section 3.4.1.2, Figure 10, Land Use Compatibility for Community Noise Environments of the Noise Element in the General Plan. This information relates to aircraft noise impacts. The source is from the U.S. Department of Housing and Development Aircraft Noise Impact; Planning Guidelines for Local Agencies. The tables within the Noise Element are informational in nature. The Environmental document must use Ordinance 667, Section 44.3 which is the adopted noise standard for the County when describing noise standards.

RESPONSE E-13: Ordinance 667, Section 44.3 has been added to the text of the EIR in the Noise Section.

COMMENT E-14: 13. Section 3.4.3.2 Noise Impacts to the Campus and Residential Projects.
This section needs to separate the campus project from the residential project due to differing site distances from roadways. This will provide better clarification in understanding the overall noise impacts to each project individually.

RESPONSE E-14: This section of the EIR has been revised to clarify the two projects.

COMMENT E-15: 14. Section 3.6.1.3 Seismicity and Faults. The site is located within a seismic hazard zone and an Alquist Priolo Zone. This site will experience strong ground shaking associated with a large seismic events along the Tres Pinos and Calaveras faults. In addition, Section 3.6.2.1 Thresholds of Significance, describes impacts that are considered significant. Strong seismic ground shaking is an impact that would be considered significant as described in this section. Furthermore, Section 2.2.2 describes safety as a top priority in site evaluation for the proposed campus. Also, Table 2.2-2 gives the maximum points for safety, which are 20 points. The County believes that there are inconsistencies shown in these sections. The fault located on the property poses a safety risk and needs to be evaluated as such.

RESPONSE E-15: The preliminary design of the residential subdivision and the college campus includes self-imposed mitigation measures to avoid or reduce impacts associated with geologic issues. Section 3.6.2.2 Geology, Soils, and Seismicity, as well as revised and new figures, has been added to the text of the EIR for clarification on the following issues: 1) the existing location of the fault and how the location of the fault was a key consideration in the design of the proposed projects, including the roadway and campus parking lot; and 2) what mitigation measures will be implemented to avoid or reduce the impacts.

COMMENT E-16: 15. Section 3.6 identifies thresholds of significance. One of these thresholds is strong seismic ground shaking which is considered as significant impact. However, there are no mitigation measures to address the significant impacts of strong seismic ground shaking. At the very least, this impact needs to be described as significant with mitigation.

RESPONSE E-16: Refer to Response E-15.

COMMENT E-17: 16. Section 3.9.2.2 Cultural Resources Impacts. Sentence number three is not complete and is therefore incomprehensible.

RESPONSE E-17: This sentence has been deleted from the EIR.

COMMENT E-18: 17. Section 3.12.2.3 Wastewater. This section describes that the project does not anticipate the need for an increase in capacity at the waste water treatment plant. Within this section no discussion is made of the wastewater treatment plant’s proposed capacity. Therefore, this project cannot assume that it will not result in the increased need for wastewater capacity.

RESPONSE E-18: According to conversations with Ken Girouard from Sunnyslope County Water District on October 29, 2008 and Steve Wittry from the City of Hollister on October 31, 2008, the City of Hollister has sufficient capacity with the construction of the new treatment plant for the proposed project’s sewer discharge and confirmed that sufficient capacity is available at the
COMMENT E-19: 18. Section 3.7.2.1 Hydrologic Impacts. This section describes the storm water discharges into the Santa Ana Creek tributary. However, the County identifies the Santa Ana Creek Watershed as a benefit area. Therefore, the report shall incorporate a mitigation measure to ensure that the drainage impacts posed by the proposed college shall pay the appropriate benefit area impact fee.

RESPONSE E-19: Approximately 28 acres of the project site which is currently tributary to the Santa Ana Creek watershed will be re-graded to drain into the San Benito Creek watershed. There is no drainage impact to the Santa Ana Creek watershed, and no apparent nexus for a benefit area impact fee. Furthermore, the Santa Ana Creek only has water running through it when it rains and any change to the minimal creek volume with implementation of the proposed project would not result in an adverse impact to the tributary.

COMMENT E-20: 19. Section 3.8.1.3 California Tiger Salamander (CTS). A stock pond is described as being located on the proposed project site. The document states that the stock pond does not retain water and remains dry throughout the year. However, the document does not properly address the winter season and the consistently different levels of rain fall within a given year. Therefore, the assumption that the stock pond does not provide suitable breeding habitat for the salamander is not viable until testing of the stock pond during the rainy season has been completed.

RESPONSE E-20: As stated in Section 2.1.1, Table 1 of Section 2.3, and Section 2.4.1 of the biological evaluation report prepared for the project by Live Oak Associates and Sections 3.8.1.1 and 3.8.1.4 of the DEIR, the remnant stock pond on the site is a relict feature. While it held water in the past, this feature no longer appears to pond due to current land management practices (i.e., regular discing). Evidence of this feature’s inability to pond includes no surface water from October 2007 to February 2008 and only slightly moist (i.e., the soils were damp) soils but no surface water in February 2008 survey within a week following a major storm event in the region. Additionally, a formal wetland delineation was completed for the site in early 2008, and it was determined and verified by the U.S. Army Corps of Engineers that this feature lacked all wetland indicators (i.e., hydrophytic vegetation, wetland hydrology, and hydric soils). Considering that this time period of evaluation experienced moderately high precipitation relative to the region and that the feature exhibited no indicators of being an aquatic feature, this provides substantial evidence that the stock pond no longer functions as such and, therefore, no longer provides suitable breeding habitat for the CTS.

COMMENT E-21: 20. Section 3.8.1.4 Jurisdictional Waters. This section fails to address the tributary of the Santa Anna Creek and the project proposed drainage impacts.

RESPONSE E-21: Neither Santa Ana Creek nor any tributaries to Santa Ana Creek is present on the project site. A tributary to Santa Ana Creek occurs approximately 0.15

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91 Steve Wittry, City of Hollister, personal conversation with Kier & Wright project civil engineer, October 31, 2008. Ken Girouard, Sunnyslope County Water District, personal conversation with Kier & Wright project civil engineer, October 29, 2008
miles north of the project site. Because the tributary does not occur on the site, the proposed project will not result in impacts to biological resources occurring within this drainage. The Santa Ana Creek is dry most of the year and receives water only during storm events. The proposed drainage change would not result in any significant hydrology impacts to the creek.

**COMMENT E-22:** 21. Section 3.8.3.1 Mitigation Measures for CTS. Mitigation measure bio-1.2 states that compensation shall occur at a suitable off site location via the purchase of credits from a near by conservation bank. This mitigation measure shall utilize the Pajaro River mitigation bank, located within San Benito County. Contact Julie Maddox of Wildlands, Inc for more information 916-455-3555.

**RESPONSE E-22:** As stated in Section 3.3.3 of the biological evaluation report and , the project applicants are considering potential mitigation options on ranchlands on the east side of San Benito County hills. Live Oak Associates have identified CTS source populations, including both breeding and aestivation habitat on these ranchlands. Should these options not pan out, then other mitigation banking options, including those provided by Wildlands, will be explored.

**COMMENT E-23:** 22. Section 3.8.3.3 Mitigation Measures for the San Joaquin Kit Fox. Mitigation measure bio-3.1 states: “If no Kit Fox activity is detected, a written report shall be submitted to the USFWS within five (5) days of completion of the survey.” This mitigation measure shall also include CDFG in the Kit fox report submittal.

**RESPONSE E-23:** Comment noted. The written report will also be submitted to the CDFG.

**COMMENT E-24:** 23. Section 3.10 Visual and Aesthetic Resources. This section does not compare the current view shed of the property with the proposed view shed of the property. This comparison would show the impacts the project would have on the Mount Diablo ridgeline view shed.

**RESPONSE E-24:** The discussion of visual impacts, including changes to views of the Mount Diablo range, has been expanded in this Final EIR. Refer to Section 3.10 of this document. As described in the Draft EIR, the overall visual impact of the project, including the change in views, is significant and unavoidable.

**COMMENT E-25:** 24. Section 3.10.2.2 Effects on Scenic Views. This section does not address the building types that exceed thirty (35) feet in height. Ordinance 479, Section 7.4 restricts building height in the Rural zoning district to thirty five feet. This height restriction is in place to ensure the health, safety, well being, and quality of life of San Benito County residents who reside in a County with high seismicity. Buildings that exceed 35 feet in height pose a significant impact; this was not addressed in Section 3.6. In addition the proposed college shall have a significant effect of the existing view shed (Mount Diablo Range).

**RESPONSE E-25:** The discussion of visual impacts, including changes to views of the Mount Diablo range resulting from proposed grading and building heights, has been expanded in this Final EIR. Refer to Section 3.10 of this document. As described in the Draft EIR, the overall visual impact of the project, including the change in views, is significant and unavoidable.
COMMENT E-26: 25. Section 3.13.2.2 Overall Light and Glare. This section does not comply with the San Benito County Dark Sky Ordinance, Zone two regulations (Ordinance 748). There is also no discussion of other events that might be held on the athletic fields that will utilize the lighting and the posed impacts of this. Staff feels this is a significant impact.

RESPONSE E-26: The Gavilan College District recognizes the unique topographic and atmospheric conditions within San Benito County that allow for astronomical observation, specifically at the Fremont Peak State Park and the Pinnacles National Monument. While the Gavilan College District is not subject to permit requirements of the County, the District intends to comply with San Benito’s County’s Dark Sky Ordinance. New text has been added to the EIR to ensure the nighttime viewing is not adversely affected by lighted outdoor stadium fields. The discussion on the sporting events that could occur during the evening hours has been expanded; refer to the revised section in this Final EIR.

COMMENT E-27: 26. Section 3.11.2.2 Police and Fire Protection. The analysis of this section is flawed. Currently there is not enough fire or police staff to serve current County conditions. Stating that this is a less than significant impact is in no way accurate.

RESPONSE E-27: The EIR statement that the project would result in a less than significant impact is based upon the conclusion that no new facilities would be needed to serve the project and, therefore, there would be no physical change to the environment as a result in the increased demand for services. The issue of insufficient staff is an important one to be considered by decision makers in their consideration of the project, but it is a fiscal issue and not a CEQA issue. The text of the EIR has been revised to clarify this issue.

Unlike public utilities, public services are provided to a community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the service, including physical delivery service mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in demand for these services; the amount of the demand will vary widely, depending upon both the nature of development (residential vs. industrial, for instance) and the type of service, as well as the specific characteristics of the development.

The impact of a particular project on public services is generally a fiscal impact. By increasing the demand for a service, a project can cause an increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc). That is a fiscal impact, however, and not an environmental one. CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new facility (such as a new fire station), because the new facility could have a physical impact on the environment.
COMMENT E-28: 27. Section 3.12 Water Supply and Utilities Service Systems. This section does not describe how the infrastructure for wastewater and water will be installed and paid for. Also, there is no discussion on the secondary impacts for pipe installation to service the proposed college. Lastly, there is no analysis on various pipeline installation routes to evaluate the most effective path of pipe installation for wastewater and water services.

RESPONSE E-28: Both the college development and residential development will enter into a shared-cost agreement for design and construction of water and utility service systems that are shared between projects. This will provide for efficient use of new infrastructure as well as sufficient capacity for future connections by the subsequent development to the first. Utility systems will be constructed in phases throughout the lifetime of both projects with careful planning and consideration for future needs.

Secondary impacts due to pipe installation for storm, sewer, or water services would result from both the college and the residential development. However, these impacts would not be considered significant as they would be avoided and reduced through compliance with standard mitigation measures and conditions of approval at the time of construction. These would include things such as traffic control during installation, and other minor items.

Regarding wastewater, due to the substantial distance for connection to an existing wastewater system, an alternative wastewater route has been designed, in concept, and the two alternate routes are described in text and graphically in Section 2.3.2 of this EIR. Based upon the preliminary design analysis, neither option is anticipated to require a pump station to serve the site. The detailed sewer evaluation recommended by the comment will be completed at the time of initial development of either the college campus or the residential site, whichever is developed first. This analysis will include land, easement, and construction issues as factors influencing the most feasible sewer solution. Upon reviewing the analysis, the City of Hollister can make a completely informed decision on the most economically and technically feasible solution.

Secondary impacts of extending the sewer line under either alternate route would include traffic control needs, erosion control measures, cultural resource measures in the event of an unexpected discovers, and roadway and surface repair and re-installation. These are all standard procedures that would be conditions of approval of either the County and/or Caltrans and would not create a significant impact due to either option.

Ken Girouard from Sunnyslope County Water District has indicated that water service to the site is available along both Fairview Road and Airline Highway. Therefore, no alternate routes for water service need to be explored.

COMMENT E-29: 28. County staff has found that throughout the document there are significant grammatical and spelling errors. We request suggests that these corrections be made to ensure the document is free-flowing.
RESPONSE E-29: Comment noted.

COMMENT E-30: Public Works 29. County procedures have identified that traffic studies shall extend to the point were project related trip ends are less than 50.

RESPONSE E-30: The study intersections for this project were selected in accordance with this procedure. All critical locations that have more than 50 peak-hour trips added by the project have been included in the analysis.

COMMENT E-31: 30. Cumulative impacts do not match traffic report due to five intersections being identified in the traffic study and seven intersections being identified in the DEIR cumulative impact section, page 151.

RESPONSE E-31: Both the Transportation Impact Analysis and the DEIR identify seven intersections that would be impacted under cumulative conditions. The discrepancy noted in the comment is not evident.

COMMENT E-32: 31. Fairview Corners/Gavilan College Master Plan Transportation Impact Analysis prepared April 16, 2008 by Hexagon Transportation Consultants describes a LOS of D and F respectively for project related and cumulative impacts at the intersection of Highway 25 and Enterprise Road. However, the revised traffic report prepared August 15, 2008 describes LOS C at the same intersection regarding access option 1 and 2. Given that the same information was used in the preparation of both reports. The County has concerns regarding the methodology of preparation for which the initial report describes intersection out of compliance (LOS D & F) and the secondary report described intersections in compliance (LOS C) with County standards.

RESPONSE E-32: There are four reasons for the change in level of service at this location: 1) The project description was changed after the draft study was completed. When the final report was prepared, the new project description was used, which results in a lesser amount of traffic being generated during the PM peak hour. Specifically, the retail component was reduced from 50,000 square feet to 35,000 square feet and the single-family residential unit total was reduced from 226 to 220.

2) The trip distribution patterns for project traffic had to be refined and expanded to reflect the trip assignment at the additional study intersections that were requested to be studied in the response to the Notice of Preparation letter provided by the City of Hollister. Additionally, the trip distribution patterns for this project were adjusted to be consistent with that of the Santana Ranch Specific Plan traffic study, which was almost finalized when the final traffic study for the Gavilan College/Fairview Corners project was starting to be prepared. The trip distribution patterns for these two projects should be consistent since both projects have a significant housing component, are located in roughly the same area, and evaluate nearly the same set of study intersections.

3) The method for calculating the volume change at the Enterprise Road/Airline Highway intersection due to the opening of the Highway 25...
Bypass was modified in the final traffic analysis to be consistent with the methodology applied at the other study intersections. In the draft study, the actual volume change expected at this location due to the opening of the Bypass was interpolated from the calculated volume change at adjacent intersections. However, the methodology used at the other study intersections is based on a percent change in existing volume calculated using the City travel demand model. When the final traffic study was prepared, this methodology (percent change calculated using the City travel demand model) was applied consistently to all study intersections.

4) When the new cumulative travel demand model runs were being made for the final traffic report it was discovered that a coding error was made in the land-use information included in the model runs made for the draft traffic study. The model runs made for cumulative conditions in the final traffic report included the correction to the land-use information and accurately represent development levels projected in the City and County through 2023.

COMMENT E-33: 32. The DEIR does not describe the existence of bicycle lanes along Highway 25; however, the existing Bicycle and Pedestrian Master Plan indicates proposed class 2 bicycle lanes along the highway.

RESPONSE E-33: New text has been added to EIR Section 3.2.6.2 Bicycle and Pedestrian Circulation to acknowledge these planned bicycle lanes.

COMMENT E-34: 33. Applicant shall clarify the term negative flooding and potential increase of 1% and cumulative future development.

RESPONSE E-34: In context, “negative” flooding and erosion impacts would mean “adverse” flooding and erosion impacts. The potential increase of one percent refers to the potential increase in estimated peak 100-year discharge to the San Benito Creek tributary. The context of cumulative future development is unclear, but generally cumulative future development is past, present, and reasonably foreseeable future projects. Further details on cumulative developments and impacts are addressed in the Section 4.0 of the EIR.

COMMENT E-35: 34. Applicant shall include emergency access to Airline Highway as part of Phase 1 of the proposed project. In addition, Cielo Vista roadway portion of the college campus shall be required as part of phase 1.

RESPONSE E-35: Phase 1 of the proposed project is consolidated entirely and directly adjacent to the frontage of Fairview Road. This includes both the initial college and residential phase. Phase I of both the college campus and residential development would be served by the construction of the Cielo Vista extension up and to the limit of these Phase I developments. Due to the proximity of Phase 1 to Fairview Road and the far distance to the southeast corner of the site (which would provide the future EVA access point), construction of the permanent EVA access point from Airline Highway is not proposed or necessary for Phase 1 of either project. The San Benito County Fire
confirmed that the Airline Highway EVA was not necessary during Phase I.92 The Cielo Vista extension at the intersection of Fairview Road and Cielo Vista Drive would serve as adequate emergency access via its 120-foot right-of-way for Phase 1 of the projects.

COMMENT E-36: Environmental Health 35. Section 2.3.4.1 Water Service. The Division of Environmental Health has indicated that will serve letters must be obtained from the City of Hollister and the Sunnyslope County Water District to serve the wastewater and water needs required for this project. In addition, Section 2.3.4.2 includes “future plans” that the City of Hollister would provide wastewater treatment service to the project site. It is unclear whose future plans are being described (i.e. the City of Hollister or the project proponents). Staff recommends that these sections clearly delineate that will serve letters shall be obtained for this project prior to wastewater and water usage.

RESPONSE E-36: Ken Girouard of the Sunnyslope County Water District has indicated that the Water Supply Assessment (WSA) prepared for the project and adopted by the Sunnyslope County Water District Board serves as the will-serve for the proposed projects. According to conversations between the Projects’ Civil Engineer and Steve Wittry from the City of Hollister on October 31, 2008, the City of Hollister has sufficient capacity with the construction of the new treatment plant for the proposed project’s sewer discharge and confirmed that sufficient capacity is available at the treatment plant to serve the projects.

COMMENT E-37: County Fire; Comments 36 – 49 were made by the County Fire Marshall. Comments 50 - 55 were made by the County Fire Chief. 36. The San Benito County Fire Department has primary response jurisdiction for this proposed project. All code references in response to the submitted DEIR will be from the 2007 California Fire Code (comments 37 – 49 provide more detail).

37. Section 2.3.1.1 Campus Buildings. Approximately 35,000 square feet of supporting retail use will be located on the ground floor of the on-campus housing buildings. One story buildings will be approximately 16-feet in height and two-story buildings will be approximately 34-feet in height. The library and gymnasium will be approximately 40-feet in height. The proposed project shall comply with the following:

a. San Benito County Fire Response- Campus site
   Chapter 5 – Fire Service Features -2007 CFC
      Section 503 Fire apparatus access roads
      Section 504 Access to buildings openings and roofs
      Section 505 Premises identification
      Section 506 Knox key boxes
   Chapter 14 - Fire Safety during Construction
      Section 1410 Access for firefighting. Approved vehicle access
      Section 1412 addresses required water supply for fire protection as soon as combustible materials arrive on site.

38. Open Space and Conservation Element Policies, page 31. OSC-Policy 40-All new development shall be required to conform to the standards and recommendations…Consistency: Project complies with standard mitigation….Fire Marshal will be provided plans...

92 Mike Marlow, Battalion Chief, San Benito County Fire, personal communication, November 6, 2008
a. San Benito County Fire Response: How will normal plan fees be applied?
   i. A CD version of the college campus plan for producing pre-fire plan response records shall be provided.
   ii. Open space areas shall have written maintenance mandates to meet fire hazard abatement.


40. Section 3.12 Water Supplies Draft EIR Page 135 & Section 3.12.2.2 Water Supplies System Impacts. a. San Benito County Fire Response: Compliance to Section 508 Water Supplies entire chapter (2007 CFC) is required.

41. Appendix B - Fire Flow Requirements for Buildings. (Used the following data: 35,000 square foot retail, two story buildings). The following shall be required: For type V – NR (two floors with 70,000 square feet) 7,250 gallons per minute are required with a four hour flow equal to 435,000.

42. Appendix C - Fire Hydrant Locations and Distribution. Jones hydrant style 3775 with two 4” outlets and one 2 ½ inch outlet as standard hydrants in the system shall be utilized. No fire mains shall be less than 8” in size (REQUIRED).

43. Chapter 9 – Fire Protection Systems-
   a. Section 903 Fire sprinklers will be required in all buildings on college campus will use the NFPA 13 system. Residential/dorms will use the NFPA 13D system.
   b. Section 904 Fire protection systems
   c. Section 904.1.1 Commercial cooking systems
   d. Section 905 Standpipe systems
   e. Section 905.3 Required installations
   f. Section 907 Fire alarm and detection systems
   g. Section 907.2 Required in new buildings and structures. The fire alarm shall include a maintenance agreement to handle all system problems.
   h. Section 906 Portable fire extinguishers

44. Chapter 10-Means of Egress
   a. Section 1004 Occupant load posted

45. Chapter 30 Elevators 2007 California Building Code
   a. Section 3002.4 Elevator car will accommodate an ambulance stretcher.

46. Section 3.5.2.2 Hazardous Materials. a. San Benito County Fire Response: CFC Chapter 27 Hazardous Materials; Section 2701.5.2 Hazardous Materials Inventory Statement will reference material safety data sheets.

47. Section 3.1.1 Public Services & Section 3.11.1.1 Fire Protection
   a. San Benito County Fire Response - The auto aid agreement will be re-addressed by all concerned parties.

48. 70 proposed residences. This is in regards to the 70 on campus residences.
a. All homes to be designated as dorms shall have a fire alarm system that is transmitted as well as the sprinkler system.

RESPONSE E-37: Both projects will comply will all applicable code requirements.

COMMENT E-38: 49. Section 2.3.1.4 Campus Access and Parking. This section proposes the location of the emergency vehicle access to serve the proposed college. The proposed EVA location will not be allowed under any circumstances. An alternative route (Attachment A) shall be use as the access route for EVA.

RESPONSE E-38: The plans have been revised to match the recommended route by the commenter. Refer to the revised Figure 6 of the EIR.

COMMENT E-39: 50. Section 2.3.1.2 On-Campus Housing and Supporting Retail. Any variance to the Fairview Corners LLC project that may become student dorm housing will need to comply with California Fire Code, 2007 Edition (CFC) life safety systems pertaining to the new usage.

RESPONSE E-39: Comment Noted.

COMMENT E-40: 51. Section 2.6.1.2 OSC-Policy 40 Consistency. The insurance of adequate fire protection for the project needs to be addressed by direct mitigation. Current impact fees will not be sufficient and possibly not applicable to the campus portion of the project.

RESPONSE E-40: The EIR statement that the project would result in a less than significant impact is based upon the conclusion that no new facilities would be needed to serve the project and, therefore, there would be no physical change to the environment as a result in the increased demand for services. The issue of insufficient staff is a very important one to be considered by decision makers in their consideration of the project, but it is a fiscal issue and not a CEQA issue. The text of the EIR has been revised to clarify this issue.

Unlike public utilities, public services are provided to a community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the service, including physical delivery service mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in demand for these services; the amount of the demand will vary widely, depending upon both the nature of development (residential vs. industrial, for instance) and the type of service, as well as the specific characteristics of the development.

The impact of a particular project on public services is generally a fiscal impact. By increasing the demand for a service, a project can cause an increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc). That is a fiscal impact, however, and not an environmental one. CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the
increased demand is of sufficient size to trigger the need for a new facility (such as a new fire station), because the new facility could have a physical impact on the environment.

**COMMENT E-41:** 52. Section 3.11.1.1 Fire Protection. The auto-aid agreement between the San Benito County Fire Department (County Fire) and Hollister City Fire currently encompasses the geographical area of the project site. This agreement was not intended for a project of this magnitude and will need to be revisited by the respective fire chiefs.

53. The Hollister City Fire response time goals do not apply to this project as they are established for responses within the City limits only.

**RESPONSE E-41:** Based upon a meeting on November 6, 2008 with San Benito County Fire Department, it is understood that there are significant operation issues associated with the fiscal impact of staffing and equipping stations within the County Service Area (CSA) 26. San Benito County Fire Department and Hollister City Fire need to reevaluate the auto-aid agreement based upon the pending developments within the auto-aide agreement area which include the proposed project site.

The information regarding the Hollister City Fire response times has been removed from the EIR text.

**COMMENT E-42:** 54. Section 3.11.2.2 Police and Fire Protection. Footnote 33 references two personal communications used to make the conclusion of the project not having a significant impact. One was with a CAL FIRE employee who has no recollection of the conversation, and the other with the City of Hollister Fire Chief who has no jurisdiction in this matter.

The conclusion that there is “no or (less than significant) impact” is worthy of a more complete review of the current level of service being provided by County Fire.

Recent fire services studies show that County Fire has inadequate engine staffing and facilities. County Fire currently relies on one, two person staffed engine housed at the Cal Fire station on Fairview Road to provide services countywide, supported by paid-call firefighters. CAL FIRE personnel and resources, when available, augment the County response. In addition to the one staffed engine there are four additional fire apparatus that utilize volunteers when available or are held in reserve. Three of these are at the CAL FIRE Fairview Road location and one is housed in the City of San Juan Bautista, 11 miles to the west of the project site. County Fire funds a Fire Marshal position with vehicle and 5 firefighting personnel to achieve 2 firefighters on one engine each day. Management for County Fire is via a contractual agreement with CAL FIRE with the department head being an unfunded CAL FIRE Battalion Chief with a County vehicle. The County paid-call firefighter support can be unreliable at times due to work commitments and the voluntary nature of the program.

The one staffed engine at the Fairview Road station does not meet Occupational Safety & Health Administration (OSHA) regulations and National Fire Protection Association (NFPA) standards for safe emergency operations due to insufficient number of personnel. OSHA regulations require that a minimum of four fully trained firefighters must be on scene of a building fire before an interior attack on a structure or entry into any hazardous atmosphere can occur. The nationally accepted standard...
for a single engine company is four firefighters. NFPA 1710 & 1720 call for a response of 4 firefighters to arrive at the scene of a structure fire within 5 minutes and a total of 14 personnel within 9 minutes. The auto-aid agreement for resources with the City of Hollister would help to meet the OSHA regulations, but fall short with NFPA and recognized standards of response.

In 2007 County Fire responded to 1350 calls for service with the resources described. Approximately 995 parking spaces on the college campus and 220 residential structures in Fairview Corners could equate to approximately 1215 additional vehicles on the roadways; twice a day. Of the emergency responses in 2007, 212 were vehicle accidents plus 21 vehicle fires. 2,430 more vehicles on the roadways will increase the volume of traffic related emergencies and negatively impact already strained emergency services.

The project has the capacity of over 7,500 persons at one time.
Campus students and staff 3,800
Fairview Corners 220 dwellings x 3.2 = 704
Stadium capacity 3000
Total 7,504

The population of San Benito County, as estimated by the 2005 U.S. Census Bureau, was 55,842 including the City of Hollister at approximately 37,000. A rough estimate of the County population would therefore be approximately 18,842. The possible addition of approximately 7,500 persons (transient or not) will create a significant impact on existing strained fire protection services. (Above figure includes Fire Chief’s estimates)

**RESPONSE E-42:** The estimation of additional persons that will potentially require emergency services was recalculated based upon the actual capacity of the proposed developments and taking in to account the concept of “full time equivalent” (FTES) enrollment and staffing. The typical peak period (weekday) occupancy for the college campus is estimated at 30 percent of the full time equivalent student enrollment, and 70 percent of the full time equivalent employees. Campus occupancy (assuming full buildout of the campus) during a typical weekday; therefore, is estimated at 1,260, or 1,050 students (30 percent of 3,500 FTES) plus 210 employees (70 percent of 300).

The 70 on-campus housing units could house approximately 200 residents to the site. The single-family residential project proposes 214 units, housing approximately 685 persons. Adding the residential development to the campus staff and students, there would be a total addition of approximately 2,145 persons at any one time on the project site.

Major athletic events are infrequent and would typically occur during off-peak periods (i.e., evenings and weekends) when there would be negligible occupancy elsewhere on campus. Athletic stadium attendance ranges widely. Typical stadium occupancy during football events varies, but on average is estimated at 500 to 2,000 based on attendance averages at the Gilroy campus. Soccer has, on average, 12 home games per year, with typical attendance under 100 people. Track and field hosts possibly one tri-meet per year and one conference championship once every five years. Tri-meets include three to four schools and have approximately 200 people total in attendance,
including athletes and spectators. Conference championships include eight schools, with approximately 700 total in attendance. Depending on the ability to host a post-season football bowl game, attendance could exceed 2,000, but these events would be a very special occasion and would rarely occur even once per year. At home football games, Gavilan College District does require an ambulance and off duty police officers in attendance, as required by football bylaws. With other events of that scale, Gavilan College District would utilize additional campus security.

Based on these numbers provided by Gavilan College and using typical residential occupancy rates, the typical maximum occupancy of the site on any given day would be 2,145, including both full capacity of the campus and all residences fully occupied. If a stadium-capacity event took place at the same time, the maximum capacity of the site would be 5,145 persons. It is more likely that during a high capacity evening or Saturday sporting event, up to 2,000 people would be at the stadium and up to 885 people would occupy the residences, for a maximum site occupancy of 2,885.

COMMENT E-43: 55. Section 6.0 Growth Inducing Impacts. References Section 3.11 findings. See comment 58. There is an inaccurate statement that fire protection services to the site will be provided by the State California Department of Forestry (CDF) with its current facilities. This State department has jurisdiction in State Responsibility Areas (SRA), in which the project site is located, for the suppression of wild fires and enforcement of the Public Resources Code (PRC). The SRA designation is determined by a variety of factors and through the altered use of the land or future incorporation into a city this designation may change to Local Responsibility Area (LRA). County Fire is administered via a contractual agreement with CAL FIRE for personnel services and operations as described in comment 58.

RESPONSE E-43: This statement has been revised in the text of the EIR.

COMMENT E-44: Other 56. Concerns were raised during the October 7, 2008 Board of Supervisors meeting in regards to the adequacy of the traffic study utilized for the preparation of the Gavilan College DEIR. The sphere of the traffic study should be done at a more regional level. It is anticipated that the proposed college would impact intersections outside the immediate cumulative impacts.

RESPONSE E-44: The scope of work for the traffic study was prepared in consultation with San Benito County staff. The study intersections were selected in conformance with the County’s 50-trip rule (see Response E-30). Beyond the geographic limit of the study intersections, highway segment levels of service were evaluated for the section of SR 25 between US 101 and SR 156, and the section of SR 156 between Union Road and the Alameda. Lastly, the scope of the traffic study was expanded considerably in response to City of Hollister comment on the Notice of Preparation for the project. For these reasons, the traffic study was prepared according to the prevailing guidelines and methodology and is considered to adequately address both local and regional traffic impacts.
COMMENT E-45: 57. Section 3.12.1.1 Water Service. This section describes the Sunnyslope County Water District’s (SSCWD) Sphere of Influence and how a LAFCO service area adjustment is not required for project development. This summary shall also include the following: In order to serve the property, the college will need to coordinate with the SSCWD to apply to LAFCO for a service annexation application.

RESPONSE E-45: As stated in the EIR, LAFCO (per conversations with Judi Johnson, Executive Director, April 9, 2008, and October 31, 2008) has determined that the project site is within the Sunnyslope County Water District; therefore, a service annexation would not be required.

F. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM JESSICA ABLAMSKY.

COMMENT F-1: 1. How will adding turn lanes and signalizing the Fairview Road and Hillcrest Road intersection reduce the traffic impact of 7,433 additional trips to a less than significant impact?

RESPONSE F-1: The 7,433 trips mentioned in the comment represent total daily trips generated by the residential and college campus project. These trips would occur throughout the day and night and would be distributed out onto the surrounding roadway system. All of these trips would not pass through the intersection of Fairview Road and Hillcrest Road. As shown on Figure 10 of EIR Appendix A, the combined project would send a total of 203 vehicles through the intersection of Fairview Road and Hillcrest Road (all four turning movements) during the AM peak hour. The EIR (Section 3.2) project traffic analysis does conclude that the total project or buildout of either the campus or the residential component of the project, would result in a significant impact to the intersection during the AM peak hour. That is why mitigation is proposed to increase the traffic moving capacity of the intersection. The addition of turns lanes provide additional capacity and signalization moves vehicles more efficiently and reduces the delay moving through intersections.

COMMENT F-2: 2. According to one local resident, the loggerhead shrike occurs on the site, but it is not listed in the EIR. How would you respond? Would their presence change the project or necessary mitigation measures?

RESPONSE F-2: Loggerhead Shrikes are discussed in the following Biological Resources sections 3.8.1.1, 3.8.2.2, and 3.8.2.3 of the DEIR. As described in the DEIR, Loggerhead Shrikes might rarely or occasionally occur on the site as transients, occasional foragers, or winter migrants. The site does not provide regionally important foraging habitat for these species and suitable breeding habitat is absent from the project site.

COMMENT F-3: 3. According to the EIR on page 113, the kit fox habitat on the site is marginal and this species would not reasonably be expected to occur on the site. However, they do exist on the site, according to one local resident. How would you respond? How would their presence on the site change the project or necessary mitigation measures?
RESPONSE F-3: As stated in Section 3.8.1.3 of the DEIR, and in Table 1 of Section 2.3 and Section 2.4.3 of the biological evaluation report prepared by Live Oak Associates, available records of known kit fox sightings indicate that kit foxes have not been documented with frequency in the region in over thirty years and were last documented in the vicinity of the site in 1992. As stated in Section 3.8.2.2 of the DEIR, while the likelihood of kit foxes occurring on the site is low, it is still possible that they may wander on to the site incidentally prior to construction. Mitigation measures are included to protect kit foxes should they occur on the site. Therefore, their presence would not change the current mitigation. As stated in Section 3.8.3.1 of the DEIR, the project proponents are considering mitigation options on ranchlands in the hills on the east side of San Benito County that have identified California Tiger Salamander (CTS) source populations, including both breeding and aestivation habitat. Aestivation habitat (i.e., grasslands with burrows) for CTS also serves as potential habitat for kit foxes. Therefore, even though loss of habitat for the kit fox is considered less than significant, lands set aside for CTS will accommodate the kit fox as well.

COMMENT F-4: 4. According to the EIR on page 112, the stock pond no longer retains water and as a result the project site no longer provides suitable breeding habitat for the tiger salamander. However, the EIR says that the site is dry farmed. Under natural circumstances, wouldn't the stock pond retain water and provide suitable habitat for the tiger salamander? Why or why not?

RESPONSE F-4: The remnant stock pond on the site is a relict feature. While it held water in the past, this feature no longer appears to pond due to current land management practices (i.e., regular discing impacted the pond’s means to hold water). Evidence of this feature’s inability to pond includes no surface water from October 2007 to February 2008 and only slightly moist (i.e., the soils were damp) soils but no surface water in February 2008 survey within a week following a major storm event in the region. Additionally, a formal wetland delineation was completed for the site in early 2008, and it was determined and verified by the U.S. Army Corps of Engineers that this feature lacked all wetland indicators (i.e., hydrophytic vegetation, wetland hydrology, and hydric soils). Considering that this time period of evaluation experienced moderately high precipitation relative to the region and that the feature exhibited no indicators of being an aquatic feature, this provides substantial evidence that the stock pond no longer functions as such and, therefore, no longer provides suitable breeding habitat for the CTS.

COMMENT F-5: 5. According to the EIR on page 136, Sunnyslope determined that they will be able to meet the immediate demands of the proposed project in the year 2010 through the planned well improvements and new well construction. What does the term "immediate demands" mean? Has Sunnyslope's ability to provide water for the project at full buildout- after the houses are fully occupied, and after the college campus is fully constructed and at maximum student capacity? If so, where and what was the determination?

RESPONSE F-5: As stated in the in the Water Supply Assessment, that was provided in Appendix H of the Draft EIR, the existing and planned water supply facilities are adequate to serve full-buildout of both the college campus project and the
single-family residential development. The Sunnyslope County Water District has planned improvements through their service area to meet the demands of their current and future customers. The improvements completed in 2010 include the anticipated construction of well #11 which will add 1,300 gpm to the existing capacity of 3,450 gpm. The additional construction of well #12, with a capacity of approximately 2,100 gpm, subsequent to the construction of well #11, will insure that Sunnyslope has sufficient well capacity sufficiently to reliably meet the additional capacity requirements needed during an extended drought.

COMMENT F-6: 6. The EIR concludes on page 143 that the operation of proposed projects will not use fuel or energy in a wasteful manner and will reduce some travel distances for students. a) Wouldn't a downtown location further reduce travel distances for students? Why or why not? b) On page 180, the EIR says that the location will likely indirectly induce growth in the immediate vicinity of the project. Due to its location, isn't the project inherently sprawl inducing? Why or why not? 7. Is this location preferable to a location downtown? Why or why not? 8. Why is this site the best location possible?

RESPONSE F-6: The future students are anticipated to be from within the Gavilan College southern district boundary area. Downtown campus locations were evaluated but the college could not acquire 80 acres of available land that could be used for a college campus. The Gavilan College Board of Trustees committed to establishing a full college campus for the benefit of the residents of San Benito County. The Board of Trustees has not changed its commitment to establish a full college with all of the services that are provided by a comprehensive college. The growth-inducing effects of the project are documented in the EIR. The college would have the potential to induce growth in a downtown location as well. In addition, the proposed location is currently planned for development under the San Benito County General Plan.

The Gavilan College District already has a small facility in downtown Hollister. Through a detailed site location analysis (as described in the EIR project description) there is no available site that will meet the 80 acre requirement. Selecting a smaller acre location would require that the Gavilan College District to compromise on its intent to establish a full college campus in San Benito County. The proposed project location is 80 acres, is near transportation corridors, and has infrastructure nearby. The proposed location meets the selection criteria to a greater degree than any of the other sites studied, including downtown locations. The site is viable and can be used as a college campus.

COMMENT F-7: 9. In 2004, San Benito County was promised $12.7 million for land acquisition. However, today you said that Gavilan will spend about $8 million on land acquisition and about $4 million on construction. According to an article in the San Jose Mercury on 10-2-08, you wrote, "Measure E provides only for the purchase of land." Please explain the contradiction.

RESPONSE F-7: Gavilan College District was spending $4 million on infrastructure and had no funds to spend on construction. Infrastructure includes the utilities and
other services related to site preparation that will allow the college to construct on the site in the future.

Measure E states the funds will be used to provide for permanent facilities in Hollister and greater Morgan Hill area. The Gavilan College District has always known there was only enough funds in the bond to buy the land and that has always been the statement communicated from the Gavilan College District. Purchasing the land is the first step in the process to provide permanent and expanded facilities.

**COMMENT F-8:**  10. In 2004, San Benito County was promised $12.7 million for land acquisition. In 2006, according to an article in the Freelance, Gavilan board members voted on land acquisition in Coyote Valley for $18 million on the same day they voted on the $4 million site in Hollister near the Airport. Please explain.

**RESPONSE F-8:** There is a considerable difference in the cost of land in Coyote Valley compared to the cost of land in San Benito County. The Gavilan College District could only acquire 55 acres of property in Coyote Valley for $19 million. San Benito land values are much lower so the Gavilan College District does not need to spend as much in San Benito County to acquire an equal or greater amount of land. The initial allocation of Measure E money for San Benito County was $12.7 million. There have been numerous comments by members of San Benito County about getting its fair share. The Gavilan College District will be spending at least $12.7 million of Measure E money for development of a new college campus. If the land cost is less and infrastructure cost is equivalent, then there would be more money available to construct permanent buildings. The Gavilan College District initially considered an 80-acre property that could be purchased for $4 million leaving $8.7 million for construction on the site. This could have been enough for at least one facility that could have been used to offer instructional services. At the proposed project site, the land acquisition cost is $8 million leaving $4.7 million for infrastructure and site development costs. The Gavilan College District has consistently stated it would rely on state funding to complete the build out of sites in Coyote Valley and San Benito County.

**G. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM FAIRVIEW CORNERS LLC.**

**COMMENT G-1:**  1. Page 26. This section indicates that a “Specific Plan” for Fairview Corners (proposed single-family residential project) is an anticipated discretionary action by San Benito County. Also, on page 17, reference is made to the Fairview Corners Specific Plan area. There is nothing in the County’s general plan or County code that indicates a specific plan is required for this project. Additionally, throughout our pre-application and application process, County staff has never indicated that a specific plan would be required. Please remove all references to a specific plan as it relates to the proposed single-family residential project.

**RESPONSE G-1:** Although some County staff have suggested that a specific plan may be needed for the Fairview Corners development project. There is no specific written policy direction stating that a specific plan is required. The Uses of
the EIR section has been revised in response to this comment, but this EIR can still be used for consideration of a Specific Plan for Fairview Corners, in the event one is required.

**COMMENT G-2:** 2. Page 68-69, Transportation “Mitigation Measures for Combined College Campus Project and Single-family Residential Project Intersection Impacts”, MM TRAN-2 through MM TRAN-5. Mitigation Measures TRAN-1 through TRAN-5 require the college district to pay into the City of Hollister/San Benito County Traffic Impact Fee program. We believe that the college district is not required to pay this impact fee. The impact fee is charged on residential, commercial, industrial, office, second senior units, and temporary mobile homes. The impact fee is not charged on school/educational facilities. The residential portion, and possibly the retail portion, of the college district project are the only components of the college project that should be required to mitigate for the identified traffic impacts. Charging the college district for the development of educational facilities would amount to “double-charging” as the students attending the school live in “residential units” that, in theory, have paid the impact fee.

The mitigation measures should be revised in the final EIR to clarify that the college district is only required to pay the City of Hollister/San Benito County Regional Traffic Impact Fee on the residential and retail portions of their project. The mitigation measures should also identify when the impact fee is required to be paid.

This same comment applies to Mitigation Measures MM C-TRAN 1.1 through 1.7 on pages 151 through 153 regarding cumulative project traffic impacts.

**RESPONSE G-2:** City of Hollister/San Benito County Traffic Impact Fee will be only required for the on-campus housing portion of the Gavilan College Campus Project. This is stated in the individual college campus impacts and mitigation measures. Refer also to Master Response 4.

**COMMENT G-3:** 3. Page 82 and 143, Impacts from Soil Export to Coyote Valley. While we don’t disagree that the air quality and energy impacts associated with soil export to the District’s Coyote Valley facility, we do believe that the significant and unavoidable impacts associated with this activity is the direct result of the District’s decision to export soil for the development of the Coyote Valley project, and not the single-family residential project. The residential component of the project could be developed without substantial export, and the District could substantially avoid the impacts associated with the dirt export by raising onsite pad levels and/or disposing of the dirt closer to the project site. Further, assuming our residential project requires soil to be exported from the site, we could dispose of it at a relatively close location, thereby mitigating the significant air quality and energy impacts. Please correct the final EIR to conclude that the significant air quality and energy impacts are only associated with the District's export of soil from the San Benito campus for the Coyote Valley campus project, but not the residential project.

**RESPONSE G-3:** This impact has been revised to only be associated with the Gavilan College Campus Project, refer to Revisions to the Text of the Draft EIR section of this document.

**COMMENT G-4:** 4. Page 89, Exterior Noise Levels. Impact NOI-1 states, “Noise levels in proposed common and private outdoor areas associated with both the college campus on-campus housing project and the single-family residential project near Fairview Road would exceed 65 dBA
Ldn. (Significant Impact).”

The current on-campus housing plans are not detailed enough to identify where the outdoor common and private areas would be. Therefore, there is no foundation for making the determination that these areas within the on-campus area “would exceed 65 dBA Ldn”. We recommend that the impact statement in the final EIR be revised to state,

> Noise levels in the backyards of the single-family residential project along Fairview Road would exceed 65 dBA Ldn. (Significant Impact). Noise levels in active common and private outdoor use areas that may be proposed associated with the on-campus housing project may exceed 65 dBA Ldn if they are located within 250 feet of the centerline of Fairview Road. (Potentially Significant Impact).

It should be clarified in the final EIR that 65 dBA Ldn is not required for common open space areas that are just for landscaping purposes along Fairview Road.

We recommend that the associated mitigation measure for this potential impact be revised in the final EIR as follows:

> MM NOI-1: Once the college campus residential project is designed, if active private or common open space is proposed for the college campus residential within 250 feet of Fairview Road, the following mitigation measure will be implemented to reduce impacts to a less than significant level.

> Retain a qualified Acoustical Specialist to conduct an acoustical noise analysis on the proposed on-campus housing to determine if noise levels in active private or common open space would exceed 65 dBA Ldn. If this level would be exceeded, a noise barrier will be designed to provide acoustical shielding to limit exterior noise levels to 65 dBA Ldn or less. (Less Than Significant With Mitigation)

In the final EIR, we request that you eliminate the sentence, “Preliminary calculations indicate that noise barriers ranging from six to eight feet in height would be required” as it does not make sense because there is no project design for the on-site residential component to evaluate at this time.

RESPONSE G-4: These requested clarifications have been incorporated into the revisions of the Draft EIR in this document.

COMMENT G-5: 5. Page 93, MM NOI-4. It’s not clear what impact this measure is mitigating. The intro indicates the measure is reducing impact from project-related traffic noise (3.4.4.1 for the on-campus housing project only) and states, “when more specific site plans are developed for the on-campus housing consider the design and construction of noise barriers to provide acoustical shielding at private or common exterior use areas…” A review of the noise report prepared by Illingworth and Rodkin in Appendix C of the draft EIR indicates that the first part of this mitigation is for the on-campus housing (Impact NOI-1, which is actually mitigated by MM NOI-1) and the second part of the mitigation measure is for both projects’ impacts on the existing adjacent residences west of Fairview (Impact NOI 4). If MM NOI-4 is to mitigate for Impact NOI -4, then we recommend the following changes in the final EIR:
a. Move MM NOI-4 out from under the heading “Mitigation Measures for Impacts to College On-
Campus Housing Project”;

b. Create a new heading “Mitigation Measures for Impacts to Existing Adjacent Residences” and
both projects would be responsible for this mitigation measure;

c. Revise the mitigation measure to 1) take out the mitigation language associated with NOI Impact
1 (impacts to the on-campus housing); 2) clearly present the appropriate mitigation measure
options in the noise report in Appendix C; 3) include all of the appropriate discussion located in
noise report in Appendix C, rather than referring to it as a critical issue without appropriate
context; and 4) the conclusion should state that if the college district, Fairview applicants, and the
County, in consultation with the affected property owners west of Fairview, determines that the
mitigation is feasible, then with implementation of the mitigation measures, the impact would be
less than significant. However, if the college district, Fairview applicants, and the County, in
consultation with the affected property owners west of Fairview, determine that the mitigation is
not feasible, the impact would be considered significant and unavoidable. Note: if the college
district, Fairview applicants, County, and existing property owners along Fairview Road
determines that the mitigation is not feasible, they should provide clear and detailed
documentation in the record.

This comment is also applicable to MM C-NOI-2 on page 165.

**RESPONSE G-5:** The mitigation for NOI-4 and MM C-NOI-2 has been clarified and revised as
shown in Revised Draft EIR section of this document.

**COMMENT G-6:** 6. Page 95, MM NOI-6, Mitigation Measures for Single-Family Residential
Project. This states that MM NOI-1 would reduce impacts to the single-family residential project’s
proposed common and private outdoor use areas…to a less than significant level. This cannot be so,
as MM NOI-1 is specifically for the impacts to the college on-campus housing project. A new
mitigation measure should be provided to mitigate for the Fairview Road traffic noise on the single-
family project. Maybe the statement in the mitigation measure for the on-campus housing project,
“Preliminary calculations indicate that noise barriers ranging from six to eight feet in height would be
required” is actually for the single-family housing project? This should be clarified in the final EIR.

**RESPONSE G-6:** The text of MM NOI-6 has been revised in this Final EIR to clarify the
mitigation measure needed to reduce noise impacts to the single family
houses private outdoor space within 250 feet Fairview Road.

**COMMENT G-7:** 7. Page 95, MM NOI-8, Mitigation Measures for Single Family Residential
Project. First, it’s not clear what impact this measure is mitigating. It could be Impact NOI -4,
which is the proposed projects’ noise impact on the existing residences along Fairview Road.

This mitigation measure states, “The following mitigation measures would help reduce impacts from
project-generated traffic noise but would not- lower the impact to a less than significant level…”
This is not a correct statement. See also comment 5 C above. The mitigation measures presented in
the noise report WOULD reduce the impact to a less than significant level, if the measures are
determined to be feasible after consultation between the college district, the County, the Fairview
Corners applicants, and the existing homeowners along Fairview.
The mitigation should be clarified to identify what impact is being mitigated, what the actual mitigation options are, and that the mitigations would reduce the impact to a less than significant level, unless the college district, Fairview applicants, County, and existing property owners along Fairview Road determine the impact to be infeasible.

**RESPONSE G-7:** The mitigation for NOI-8 has been clarified and revised as shown in Revised Draft EIR section of this document.

**COMMENT G-8:**

8. Page 127-128, Visual Impact. The analysis does not provide any justification to conclude that either the college campus or the proposed single-family residential project would result in a significant and unavoidable visual impact. The draft EIR concludes that the proposed projects’ “would change the visual character of the site from open space to an urbanized environment. This development described above will significantly change the visual character of the site from open space to an urbanized environment.” However, the thresholds of significance on page 123 states, “A visual resources impact is considered significant if the project would substantially degrade the existing visual character or quality of the site and its surroundings.” Simply changing the visual character of a site from open space to an urbanized environment does not rise to the level of substantially degrading the existing visual character or quality of the site. If this were true, any development of open space would be considered a significant and unavoidable environmental impact and EIRs would be required on any project proposed on an undeveloped site. The draft EIR provides no analysis such as pictures of what the property looks like from either Fairview Road or Airline Highway, or any simulations showing what the projects would look like from these public roads, and in fact on page 123 states that the project site is surrounded by suburban development on all sides. Finally, the draft EIR concludes on page 148 that the loss of open space on the project site is not a significant impact.

We believe that although the proposed projects’ do indeed change the existing visual character of the project site, the impact does not rise to a level of significance given the substantial amount of open space, landscaping, and buffers provided in both projects. We would like to see this impact determination corrected in the final EIR.

This comment also applies to the cumulative visual and aesthetic impacts discussion on pages 167 and 168.

**RESPONSE G-8:** This visual impacts discussion has been expanded and clarified, in response to the above Comment G-8 and comments received from the San Benito County staff. Refer to the revised Final EIR text. This impact remains significant and unavoidable.

**COMMENT G-9:**

9. Page 176 -177. The discussion at the bottom of page 176 and the top of page 177 states that there are “high-voltage power lines” at both Alternative Site #10 and at the proposed project site. Please define what is meant by “high-voltage power lines”, i.e., are they distribution lines or transmission lines? The California Department of Education’s site selection criteria associated with high-voltage power transmission lines states, “the Department has established the following limits for locating any part of a school site property line near the edge of easements for high-voltage power transmission lines:

- 100 feet from the edge of an easement for a 50-133kV (kilo volts) line
- 150 feet from the edge of an easement for a 220-230kV line
• 350 feet from the edge of an easement for a 500-550kV line

These figures represent kV strengths of transmission lines used by utility companies in January 1993. Utility companies report that strengths for distribution lines are below 50kV.”

Please clarify in the final EIR.

RESPONSE G-9: The existing power lines running parallel to the Fairview Road property boundary and running east-west along the mid-section of the site are not high-voltage lines. These are standard 21 kv distribution lines, as shown on record drawings provided by PG&E. Therefore, there are no setback requirements needed between the campus and/or residential development and the power lines. The text of the EIR has been revised to clarify this issue.

COMMENT G-10: 10. Page 180, Growth Inducing Impacts. We agree that the proposed projects would have the potential to induce growth in the immediate vicinity and within the region. However, we disagree that the impacts would be significant and unavoidable (page 181). It would be speculative to make this type of conclusion without knowing where and what type of growth could be induced. CEQA Guidelines section 15126.2(d) on growth inducing impacts does not require a significance determination on the growth inducing impacts of a project. The lead agency is only required to discuss activities that could significantly affect the environment. This section of the Guidelines also states, “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

RESPONSE G-10: The growth-inducing impact of a proposed project is described under CEQA Section 15126, which is entitled Consideration and Discussion of Significant Environmental Impacts. As such, the evaluation and conclusion of whether a project will result in a significant impact, in this case a growth-inducing impact, is needed. An EIR must consider all phases of a project and both direct and indirect impacts of the project. Growth-inducing effects are one type of indirect impact. While San Benito County does not have an adopted threshold of significance for growth-inducing effects, CEQA Guidelines Appendix G (Environmental Checklist) does include inducement of substantial growth, either directly or indirectly, as one threshold of significance. Based upon the potential for the college campus to induce economic and population growth in the project area, as identified in the economic impact study prepared for the project, the EIR concluded that this impact was significant. An EIR is not required to forecast and mitigate development described as induced growth. “Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a particular project on growth in other areas.” [Napa Citizens for Honest Gov’t v Napa County Bd. of Supervisors (2001)] Such issues are best left at the time that the resulting development is proposed.

COMMENT G-11: 11. Page 181, Significant Unavoidable Impacts. Per our previous comments, we disagree that the proposed projects would result in project specific or cumulatively considerable significant noise and visual impacts. The significant unavoidable impacts should be listed as energy and air quality impacts only, as they are associated with the transport of fill from the project site to the District’s site in Coyote Valley. Finally, we believe that this impact is associated with the
District’s facility projects only, not with the proposed single-family residential project.

RESPONSE G-11: The commenter’s opinion on the impacts is noted. The impact to air quality was inadvertently left off the bullet list and the impacts solely due to the college campus project have been noted in the text revisions.

COMMENT G-12: 12. Page 177. The conclusion that the Reduced Residential Alternative is the environmentally superior alternative because it would reduce the traffic and air pollution impact of the project and would meet most of the project’s objectives is misleading. First, the proposed residential project’s impacts on traffic and air pollution are mitigated to a less than significant level with the implementation of the mitigation measures presented in the draft EIR. Second, reducing the density of the project would be counter productive as it is the goal of the County of San Benito to increase residential density within the project area in an effort to provide reasonably priced housing and reduce urban sprawl. Reducing the density at the project site would increase the on-site building costs and thus overall housing costs, and force the balance of the residential development to another location, resulting in possibly greater impacts associated with affordable housing shortages and urban sprawl. Therefore, although reducing the density at the project site would reduce the direct impacts of developing the project site, it would result in indirect impacts associated with forcing the development to other undeveloped areas, increasing on-site housing costs while reducing the availability of more affordable housing.

13. Please make the appropriate related changes in the Summary of the draft EIR.

RESPONSE G-12: The comment is hereby noted and will be considered by the County Board of Supervisors in their deliberations on the residential component of the project.

H. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM ROBERT HUENEMANN.

COMMENT H-1: EIR p. 40 There are many existing residential subdivisions in the project vicinity. The addition of the proposed college campus and single-family residential development on the site will not substantially affect residential uses in the immediate surrounding area.

EIR p. 42 The proposed development of the 57-acre site with residential and open space uses would be compatible with the existing surrounding uses, which are residential and open space uses. To maintain compatibility with the single-family residences that are located along the eastern and northern boundaries of the site, the project proposes single-family residences with lot sizes ranging from 10,000 to 16,000 square foot in those portions of the property.

These EIR statements are factually incorrect. The proposed quarter acre development on Fairview Corners is immediately adjacent to five acre agricultural subdivisions on Harbern Way and Old Ranch Road. Commercial crops on Harbern Way include apricots, cactus (nopales) and certified organic herbs. The certified organic status of the herb farm is threatened by this project. Livestock on Harbern Way includes horses, cattle, llamas, goats, and sheep for pleasure use and commercial sale.

These residential and agricultural uses are incompatible. The EIR consultants have proposed no mitigations for this incompatibility except to make the lots along the north and east boundaries slightly larger in size. With 220 homes, our neighbors will have us outvoted and will try to shut
down our agricultural uses. The EIR MUST protect existing agricultural uses. The lots along our boundary should be at least one acre in size, and there should be deed restrictions protecting our uses.

Should the parcels on the northern boundary of the project be larger than one quarter of an acre? Perhaps not, since the property to the north of the project is included in the Hollister Planning Area and is therefore slated for rezoning to urban density.

**RESPONSE H-1:** While the lots to the east are larger in size compared to the project’s proposed lots and some include agricultural production adjacent to their houses, these lots are not exclusively agricultural areas and all include detached single-family houses. The area to the north is along the Old Ranch Road currently has six (6) residential allocations approved. The proposed projects are compatible with the surrounding land uses. There is nothing proposed by the project that would impede the neighboring properties’ permitted right to have livestock. To ensure protection of existing and future organic farming Gavilan College and San Benito County plan to work with existing adjacent land uses to be a compatible neighbor. In the event the application of pesticides and/or herbicides are a possible management approach for the property, a drift management program will be implemented in accordance with the San Benito Agriculture Department. Gavilan College understands that the applicator is ultimately responsible for managing drift; therefore, as part of the management program the applicators must assess the vulnerability of neighboring properties and those areas downwind of the application site. They will also evaluate weather conditions for temperature inversions, wind direction, and wind speed before making any decision about whether to spray and the type of equipment to avoid spray drift.

The project site is designated as an Interim Area of Special Study and is intended by the County General Plan to be developed at a higher density than the property to the east. The opinions stated in the comment regarding proposed lot sizes and the need for deed restrictions on the property are noted and will be considered by the Board of Supervisors in their deliberations on the residential development.

**COMMENT H-2:** EIR Figure 7 (page 18) shows a strip of “open space” next to Harbern Way. This “open space” is an open invitation for noise, trash, vandalism, and trespass. This “open space” must be removed or moved to the interior of the subdivision. The proposed “Walk Path” could easily be incorporated into the “Landscape Buffer” in the fault zone near the east edge of the residential development.

**RESPONSE H-2:** As shown in revised Figure 8, the landscape area adjacent to Harbern Way has been removed and has been incorporated into the Landscape buffer area of the subdivision.

**COMMENT H-3:** EIR Figure 9 (page 21) shows the grading plan for the proposed development. There is no reason to build steep embankments in the residential project. Retaining the existing slopes would make for a less intrusive boundary with existing agricultural parcels and would reduce the amount of grading required.
The prevailing wind in the afternoon is from the west, which will blow dust and noise onto Harbern Way. The only adequate way to deal with these impacts would be to stop grading when the wind comes up in the afternoon. A reasonable maximum wind speed must be established at which grading activity will cease.

**RESPONSE H-3:** Both projects have prepared construction dust mitigation plan and will limit grading to 2.5 acres per day. Active construction areas will be watered at least twice daily and more often during windy periods. In addition, excavation and grading activity will be suspended when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site. Further details on requirements for these plans can be reviewed in Section 3.3 of the Draft EIR.

**I. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM WILLIAM AND MICHELE LEE.**

**COMMENT I-1:** Please receive into the record this letter with comments regarding the proposed development of a Hollister Gavilan College facility and Fairview Comers, LLC housing development. We are very much pleased with the overall concept presented, however, we would like the following considered for review.

The housing development as drawn appears to not consider the East Fairview Specific Plan formulated by San Benito County in 1990. There should be some type of road that connects into the adjacent parcel, which we own. The County has planned R3 and R4 development in this area. The additional circulation is necessary to allow the County's goals to be achieved.

Furthermore, the housing density is much lower than the East Fairview Specific Plan calls for (R3 and R4). It is our view that the housing development should be re-considered to be more dense, and should not be limited by a single access point coming on and off of Fairview Road. Future development of adjacent parcels should be taken into consideration at the time this housing is developed. Access should be left so that one day, there might be greater, more efficient circulation, as well as better emergency access. To develop this style, would cause each and every development to be bound by a single point of entry. In an emergency, a single point of ingress and egress could potentially be of danger to residents as well as emergency response personnel.

Overall, however, the concept is excellent. The sports facilities have been proposed along Airline Highway, thereby causing minimal disruption to adjacent residences during events. The grading proposed will make this parcel more efficiently utilized. The land is being used extremely efficiently to provide green belt areas, parking, classrooms, housing, and so forth.

We wish this project much success and welcome Gavilan College to the San Benito County community. Please consider the comments noted above on access and density when making a revision to this plan. If you have further questions, or if we may some how cooperate with you, please feel free to contact us via U.S. Mail or fax as listed above.

**RESPONSE I-1:** The East of Fairview Specific Plan referenced above was not adopted by the Board of Supervisors. The County is currently processing a specific plan for the northern part of the area referred to in the East of Fairview Specific Plan which is currently called the Santana Ranch Specific Plan. According to
County Planning staff, the Old Ranch Road property currently has six (6) allocations approved, but there is no application for subdivision at this time.

The current project design has been prepared to allow for future connection and access to the north. As shown on Figure 6, the residential roadway network, does allow for two future connections to the north. These are areas on the plan designated currently as landscape areas. If and when development to the north occurs, the roadway will allow for an extension through the two landscape areas. Additionally, Figure 6 shows that emergency vehicle access (EVA) is provided to the south, out to Airline Highway. Additional vehicle access points from the site onto Airline Highway are restricted by Caltrans and additional access onto Fairview Road was not encouraged by San Benito County. The remainder of the comments reflect the opinions of its author and do not raise any questions regarding the adequacy of the EIR.

J. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM JACKIE AND REY MENDIZABAL.

COMMENT J-1: Some concerns we have that were not addressed in the EIR as adjacent property owners to the proposed project.

1. There was no mention of how the project was going to protect the organic status of our property. With the proposed College Campus and 220 home subdivisions, how will the anticipated use of pesticides, herbicides, and chemical fertilizers be controlled by all of the parties involved? We have for the past 13 years as well as doing a prior history of property use before we moved in, painstakingly maintained our agricultural fields in organic ways to grow the plants that are used in our business. We will also have issues of "DRIFT" with the use of these chemical pesticides, herbicides and fertilizers as there is a prevailing west wind that would blow these chemicals onto our fields, thus nullifying our organic status and our business. It is anticipated that that these chemical supplements as used on ball fields, landscaping and residential homes, would contaminate our fields, that again we have taken great pains as keeping organic and clean. This would also hold true for other neighbors that have agricultural and livestock concerns with the west prevailing wind.

Recommend - Contacting the San Benito County Agriculture Department as to how best to protect our property and our Organic Status, as well as neighboring properties.

RESPONSE J-1: Gavilan College and San Benito County plan to work with existing adjacent land uses to be a compatible neighbor. The EIR evaluates a campus master plan concept. The details of the proposed campus have not yet been finalized. Since the proposed athletic fields and landscaping plans not been designed at this time, the specific types of fields (turf or synthetic turf) and landscaping, as well as the program for maintenance has not yet been determined. In the event the application of pesticides and/or herbicides are a possible management approach for the property, a drift management program will be implemented in accordance with the San Benito Agriculture Department. Gavilan College understands that the applicator is ultimately responsible for managing drift; therefore, as part of the management program the applicators must assess the vulnerability of neighboring properties and...
those areas downwind of the application site. The Gavilan College District will also evaluate weather conditions for temperature inversions, wind direction, and wind speed before making any decision about whether to spray and the type of equipment to avoid spray drift.

COMMENT J-2: Water Use - The EIR does not mention contact with the CCAWQC – Central Coast Agricultural Water Quality Coalition as to how sediment runoff and water use, that will eventually flow to the Santa Ana Watershed and later downstream to the San Benito and Pajaro Rivers watersheds, are to be controlled per the CCAWOCs standards. All of this run off from the proposed College Campus and Subdivision, no matter how it's graded, will end up in the Monterey Bay Marine Sanctuary, which is of a great concern to the stated organization. Our small farm has had to adhere to these standards with the use of drip lines, buffer vegetation and organic ground cover to control erosion and water run off that will again end up in Monterey Bay.

Recommend - Contacting the CCAWQC, the Santa Clara/San Bento County Farm Bureaus (Water Ag. Coordinators), UCCE (University of California Cooperative Extension) and the Monterey Bay National Marine Sanctuary (MBNMS) (to name a few) to see how a project of this size can control chemical landscape supplements, and water and soil erosion that will containment our watersheds as well as down stream in Monterey Bay.

RESPONSE J-2: As described in Section 3.7 Hydrology, Drainage, and Water Quality, both projects include mitigation measures to reduce construction and post-construction water quality impacts to a less than significant level. These measures include preparation of a stormwater pollution prevention plan (SWPPP) and a stormwater management plan (SWMP). Refer to the EIR for a detailed description of measures to reduce water quality and erosion impacts.

Hydromodification from project development could cause additional erosion and sediment runoff within the watersheds. As discussed in the DEIR, project flow-duration curves indicate that negligible hydromodification will occur on the San Benito Creek tributary. No hydromodification will occur within the Santa Ana Creek watershed since the tributary area will be slightly reduced.

Post-construction Best Management Practices and Low Impact Development methods as described herein are intended to control the quality of site runoff into the San Benito Creek watershed. The CCAWQC references Central Coast Regional Water Quality Control Board requirements, to which the project must comply.

COMMENT J-3: 3. Wildlife - The EIR still has not fully addressed what is to be done with the local Kit Foxes which have been seen wondering down our streets, looking for their dens that were turned over with the sudden disking/tractor work on the proposed property in late spring and early summer of this year, to dry farm hay. There has not been this activity of tractor work on the property in the last 13 years that we have lived here on the adjacent property until the information was given about the Kit Foxes and Salamanders on the proposed property. We'll just call it coincidental. We do have pictures of the Kit Foxes on a cell phone and do know of their location. We have in fact left our burn piles on our property do give the Kit Foxes an occasional refuge. These Kit Fox's are in fact...
the name stay of our business due to the fact that many of them have been seen on the proposed College property over the years. There is also the issue of a seasonal pond that is on the property that has not been fully addressed. This pond has given refuge to migratory waterfowl every winter.

Recommend - Fish and Game be more involved in the EIR of the property to better protect the indigenous and migratory animals and how this is to come about.

RESPONSE J-3: As stated in Section 3.8.1.3 of the DEIR, and in Table 1 of Section 2.3 and Section 2.4.3 of the biological evaluation report prepared by Live Oak Associates, available records of known kit fox sightings indicate that kit foxes have not been documented with frequency in the region in over thirty years and were last documented in the vicinity of the site in 1992. The commenter has been contacted by Live Oak Associates with a request to view the pictures to confirm that the species photographed are San Joaquin kit foxes. At the time this response the commenter was not willing to provide the photos. Based upon the last documented sightings, it is more likely that the canids seen on or near the project site are either red foxes or coyotes; however this can not be confirmed until the photos are provided.

As stated in Section 3.8.1.3 of the DEIR, and in Section 3.3.7 of the biological evaluation report, while the likelihood of kit foxes occurring on the site is low, it is still possible that they may wander onto the site incidentally prior to construction. Mitigation measures are included to protect kit foxes should they occur on the site. Therefore, their presence would not change the current mitigation. As stated in Section 3.8.3.1 of the DEIR, the project proponents are considering mitigation options on ranchlands in the hills on the east side of San Benito County that have identified California Tiger Salamander (CTS) source populations, including both breeding and aestivation habitat. Aestivation habitat (i.e., grasslands with burrows) for CTS also serves as potential habitat for kit foxes. Therefore, even though loss of habitat for the kit fox is considered less than significant, lands set aside for CTS will accommodate the kit fox as well. Regarding the seasonal pond, please refer to the response to E-20.

COMMENT J-4: In a final word, we do realize that this is not the forum to discuss planning and property layout designs, but would suggest a non public accessible Wildlife Sanctuary along the border of the Harbern Neighborhood that can be used to provide the following:

a. A buffer zone of vegetation and property to protect our Organic Farm and other neighboring agricultural businesses from Chemical Drifting, contaminated soil and water runoff.
b. To help filter out such contaminates on its way to the Monterey Bay Marine Sanctuary.
c. To give the local indigenous animals such as the Kit Foxes, Salamanders and migratory waterfowl a piece of their natural habitat that has been with them for generations.
d. To possibly provide an Educational Area, in a controlled setting, that would provide school aged youth access to the Wildlife Sanctuary to learn more about our Counties Natural Habitat and the animals that live there.

Having such an area on the proposed College Campus not only would be good for the Counties Wildlife but also for the youth in our County, to have such a refuge near the College Campus.
RESPONSE J-4:  Thank you for your comment. Your comments regarding the protection of wildlife and the environmental have been noted and will be taken under consideration by the decision-makers.

K. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE RESIDENTS OF VENTURE ESTATES REGARDING OPEN SPACE.

COMMENT K-1:  Open Space Petition from residents of Venture Estates (Harbern Way). The Gavilan College/Fairview Corners draft EIR proposes an “open space” around the perimeter of the development. This “open space” would be an avenue for noise, litter, vandalism, and trespass. The residents of Venture Estates (Harbern Way) ask that you remove this “open space” from the boundary of our subdivision.

RESPONSE K-1:  As shown in revised Figure 8, the landscape area adjacent to Harbern Way has been removed and has been incorporated into the Landscape buffer area of the subdivision.

L. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE RESIDENTS OF VENTURE ESTATES REGARDING GRADING.

COMMENT L-1:  Grading Petition from the residents of Venture Estates (Harbern Way). The Gavilan College/Fairview Corners EIR includes a grading plan that would result in steep “cliffs” adjacent to our subdivision. The residents of Venture Estates (Harbern Way) request that the grading plan be modified to follow the existing contours near the boundary of our subdivision.

RESPONSE K-1:  The grading plan has been revised to address concerns regarding the project site edge conditions. Cross-sections are included to portray the various conditions along all adjacent property perimeters. With the construction of minimal retaining walls (less than five feet of retaining dirt) the edge conditions along the eastern and northern property boundaries do not have significant fill or cut along the property boundaries. Refer to Figure 9 showing the cross-sections of the grading plan.

M. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE RESIDENTS OF VENTURE ESTATES REGARDING AGRICULTURAL USE.

COMMENT M-1:  Petition for Continued Agricultural Use on Harbern Way. The draft EIR for the Gavilan College/Fairview Corners development states that:
p. 40 There are many existing residential subdivisions in the project vicinity. The addition of the proposed college campus and single-family residential development on the site will not substantially affect residential uses in the immediate surrounding area.
p. 42 The proposed development of the 57-acre site with residential and open space uses would be compatible with the existing surrounding uses, which are residential and open space uses.

These statements are factually incorrect. There are 18 five acre parcels on Harbern Way. 14 of them are currently used for agricultural purposes. Every parcel has been used for agricultural at various times in the past. One of the parcels immediately adjacent to the proposed development is a certified organic herb farm which is threatened by this development.
We ask that the EIR be corrected to show that uses in the vicinity are agricultural, and that reasonable mitigations be proposed to protect our right to continue such agricultural use.

**RESPONSE M-1:** Refer to Response H-1.

**N. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE RESIDENTS OF VENTURE ESTATES REQUESTING ONE ACRE LOTS.**

**COMMENT N-1:** Petition for One Acre Lots adjacent to Venture Estates (Harbern Way). The draft EIR for the Gavilan College/Fairview Corners development shows lots of 10000 to 15000 square feet (0.23 to 0.34 acres) next to our five acre subdivision on Harbern Way. These lot sizes are incompatible with our agricultural uses. We request that the lot size adjacent to Harbern Way be increased to one acre minimum.

**RESPONSE N-1:** The comment is hereby noted and will be considered by the County Board of Supervisors in their deliberations on the residential component of the project.

**O. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE RESIDENTS OF VENTURE ESTATES REGARDING AGRICULTURAL USE.**

**COMMENT O-1:** Petition regarding Harbern Way Connection to Fairview Corners. There are 18 homes on Harbern Way adjacent to the Gavilan College/Dividend Homes project on Fairview Corners. Connecting Harbern Way to Fairview Corners would increase traffic and change the character of our subdivision. We ask that Harbern Way remain closed to Fairview Corners as long as we are zoned for five acre parcels.

**RESPONSE O-1:** As shown on Figure 6, no connection to the east was proposed, because the residential community to the east has stated their opposition to any connection. The comment will be considered by the County Board of Supervisors in their deliberations on the residential component of the project.