



HOLLISTER PLANNING COMMISSION AGENDA

Regular Meeting
June 22, 2023
6:00 PM

CITY OF HOLLISTER
CITY COUNCIL CHAMBERS, CITY HALL
375 FIFTH STREET
HOLLISTER, CA 95023
(831) 636-4360
www.hollister.ca.gov

NOTICE TO PUBLIC

Persons who wish to address the Planning Commission are asked to complete a Speaker's Card and give it to the Secretary before addressing the Planning Commission. Those who wish to address the Planning Commission on an Agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the Agenda will be heard under the Public Input Section of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. After hearing audience comments, the public portion of the meeting will be closed, and the matter brought to the Planning Commission for discussion.

PUBLIC PARTICIPATION NOTICE

The public may watch the meeting via live stream at:

Community Media Access Partnership (CMAP) at:
<http://cmaptv.com/watch/>

or

City of Hollister YouTube Channel:
https://www.youtube.com/channel/UCu_SKHetqbOiiz5mH6XgpYw/featured

Public Participation: The public may attend meetings.

NOTICE: The Planning Commission will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Hollister utilizes Zoom teleconferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of the public through this means is at their own risk. (Zoom teleconferencing may not be available at all meetings.)

If you wish to make a public comment remotely during the meeting, please use the zoom registration link below:

https://us02web.zoom.us/webinar/register/WN_Klwk9W6fSpems_xtahsEVw

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners: David Huboi, Kevin Henderson, Luke Corona, Steven Belong, Carol Lenoir

VERTIFICATION OF AGENDA POSTING

APPROVAL OF MINUTES

May 25, 2023

PUBLIC INPUT

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the Planning Commission. Speaker cards are available in the lobby, and are to be completed and given to the Secretary before speaking. When the Secretary calls your name, please come to the podium, state your name and city for the record, and speak to the City Planning Commission. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. Each speaker will be limited to three (3) minutes with a maximum of 30 minutes per subject. Please note that state law prohibits the Planning Commission from discussing or taking action on any item not on the agenda.

PUBLIC HEARINGS

1. **Site & Architectural Review 2023-3** – K2 Solutions LLC/Karson Klauer – Site & Architectural Review 2023-3 to develop lots 23 and 24 of Tract No. 293 (currently vacant ground) as a storage facility with office, 34 enclosed storage units, 142 open large RV storage stalls, 19 open small RV storage stalls, parking, trash enclosure, security fencing, and landscaping at 1960 and 1970 Airway Drive within the Industrial Business Park (IBP) Zoning District, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033. CEQA: A Notice of Determination (NOD) pursuant to Section 15075 will be filed. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center.
CONTINUED from May 25, 2023 Planning Commission Meeting.

2. **City of Hollister Draft 2040 General Plan Update, Draft Climate Action Plan, Draft Agricultural Preservation Program, and Draft Environmental Impact Report** - Notice is hereby given that the City of Hollister has prepared a Draft EIR (State Clearinghouse No. 2021040277) for the proposed Hollister 2040 General Plan, Climate Action Plan, and Agricultural Lands Preservation Program (proposed project) and will hold a public meeting to receive comments on the Draft EIR. The notice of availability, the Draft EIR, project information, including relevant documents, information on upcoming meetings, and ways you can provide feedback can be viewed online at **<https://hollister2040.org/>**. Comments may be submitted prior to, during, or after the public meeting on **June 22, 2023 at 6:00 p.m.**, but must be submitted no later than 5:00 p.m. on **Friday June 30, 2023**. Written comments may be addressed to the City of Hollister Planning Division – Attn: Eva Kelly, 375 Fifth St, Hollister, CA 95023 or via email at generalplan@hollister.ca.gov with “Hollister GPU 2040, CAP, and ALPP EIR” as the subject. Public agencies providing comments are asked to include a contact person for the agency.

NEW BUSINESS

OLD BUSINESS

STUDY SESSION ITEMS

PLANNING DEPARTMENT REPORTS

PLANNING COMMISSION REPORTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Hollister’s Planning Division at (831) 636-4360. Notification of 48 hours prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 2.102-35. 104 ADA Title II].

Materials related to an item of this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection at the City Clerk’s office at City Hall, 375 Fifth Street, Hollister, Monday through Friday, 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (closed between 12:00 and 1:00 p.m.). Materials are also available at the Development Services Department office located 339 Fifth Street, Hollister, Monday through Thursday, 8:30 a.m. to noon, 1:00 p.m. to 4:30 p.m. (closed between 12:00 p.m. and 1:00 p.m.).

Notice to anyone attending any public meeting: The meeting may be broadcast live on Cable 17 and/or videotaped or photographed. Recent Planning Commission meetings may also be viewed at www.CMAP.com and periodically on Cable Channel 17.

The next Planning Commission Meetings are scheduled as follows:

Planning Commission Study Session – Thursday, August 10, 2023 at 6:00 p.m.

Regular Planning Commission Meeting – Thursday, August 24, 2023 at 6:00 p.m.

MINUTES

HOLLISTER REGULAR PLANNING COMMISSION MEETING

May 25, 2023

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Chairperson Kevin Henderson on May 25, 2023 at 6:00 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Steven Belong led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
Kevin Henderson	Chairperson / District 1	Present	
David Huboi	District 2	Present	
Steven Belong	District 3	Present	
Luke Corona	District 4	Present	
Carol Lenoir	Mayoral Seat	Present	

STAFF IN ATTENDANCE

Attendee Name	Title	Status	Arrived
Jennifer Thompson	City Attorney	Present	
Christy Hopper	Development Services Director	Remote	
Eva Kelly	Interim Planning Manager	Present	
Ambur Cameron	Senior Planner	Present	
Magda Gonzalez	Senior Planner	Remote	
Erica Fraser	Senior Planner	Present	

VERIFICATION OF AGENDA POSTING

Development Services Director Christy Hopper verified that the agenda for the City of Hollister Planning Commission Regular Meeting of Thursday, May 25, 2023 was posted on the bulletin board at City Hall on Monday, May 22, 2023 at 2:47 PM per Government Code Section 54954.2.

APPROVAL OF MINUTES Commissioner Lenoir moved, and Commissioner Corona seconded, to approve the minutes for the Thursday, April 27, 2023 and Thursday May 11, 2023 Regular Planning Commission meetings.

The April 27, 2023 Minutes were approved, with Commissioner Belong abstaining, 4-0-1-0.

RESULT:	Adopted
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Henderson, Huboi, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	Belong
ABSENT:	

The May 11, 2023 Minutes were approved, with Commissioner Belong and Commissioner Huboi abstaining, 3-0-2-0.

RESULT:	Adopted
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Henderson, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	Huboi, Belong
ABSENT:	

PUBLIC INPUT None.

PUBLIC HEARINGS

1. **Site & Architectural Review 2023-3** – K2 Solutions LLC/Karson Klauer – Site & Architectural Review 2023-3 to develop lots 23 and 24 of Tract No. 293 (currently vacant ground) as a storage facility with office, 34 enclosed storage units, 142 open large RV storage stalls, 19 open small RV storage stalls, parking, trash enclosure, security fencing, and landscaping at 1960 and 1970 Airway Drive within the Industrial Business Park (IBP) Zoning District, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033. CEQA: A Notice of Determination (NOD) pursuant to Section 15075 will be filed. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center.

Interim Planning Manager, Eva Kelly, presented the staff report. Staff requested continuance to a date certain of the June, 22, 2023 Regular Planning Commission meeting, as the project is scheduled to be heard before the Airport Land Use Commission prior to the June 22, 2023

Planning Commission Meeting. This would allow staff to return incorporate any conditions placed by the Airport Land Use Commission on the project prior to Planning Commission hearing.

Chairperson Henderson opened the public hearing at 6:06 PM.

Public Providing Testimony: Karson Klauer

Chairperson Henderson closed the public hearing at 6:07 PM.

Commissioner Lenoir moved, and Commissioner Huboi seconded, to continue the public hearing for Site & Architectural Review 2023-3 to a date certain of June 22, 2023.

Motion adopted unanimously by the Planning Commission. 5-0-0-0.

RESULT:	Adopted [Unanimous]
MOTION:	Carol Lenoir
SECOND:	David Huboi
AYES:	Henderson, Huboi, Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

2. **Site & Architectural Review 2023-1** – Stodola Battery Energy Storage System (BESS) – The applicant is requesting site and architectural approval for the construction of the 10 MW Stodola Battery Energy Storage System (BESS) Project within the General Commercial 9GC) Zoning District. The project site is located at 431 Gateway Drive, further identified as San Benito County Assessor Parcel Number 053-410-006. CEQA: The Project is exempt from the California Environmental Quality Act pursuant to Section 15332 Class 32 (Infill Development Projects).

Senior Planner, Magda Gonzalez, presented the staff report.

Chairperson Henderson opened the public hearing at 6:17 PM.

Public providing testimony: Victor Gomez, Tara Rengifo, Scott Schwartz, Lindsay McDonough

Written Comment received from Tara Rengifo on behalf of Adams, Broadwell, Joseph and Cardozo

Chairperson Henderson closed the public hearing at 6:47 PM.

Commissioner Lenoir moved, and Commissioner Huboi seconded to adopt Resolution 2023-16 to approve S&A 2023-1, subject to the Findings and Conditions of Approval contained in the draft resolution.

Resolution 2023-16 was adopted unanimously by the Planning Commission. 5-0-0-0.

RESULT:	Adopted [Unanimous]
MOTION:	Carol Lenoir
SECOND:	David Huboi

AYES:	Henderson, Huboi, Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

3. **Zoning Ordinance Overhaul 2023-3** – City of Hollister – An amendment to the Zoning Ordinance repealing Section 17.24.240 of the Zoning Ordinance and replacing with a new chapter, Chapter 17.40, Planned Developments. CEQA: This action is exempt from CEQ pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Senior Planner, Erica Fraser, presented the staff report.

Chairperson Henderson opened the public hearing at 7:13 PM

Public providing testimony: Victor Gomez

Chairperson Henderson closed the public hearing at 7:20 PM

Commissioner Lenoir moved, and Commissioner Corona seconded, to adopt Resolution 2023-17, recommending that the City Council approve amendments of the Zoning Ordinance to repeal Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.66, Planned Developments, and recommending that the City Council adopt Application Fees related to modifications to approved planned developments.

Resolution 2023-17 was adopted unanimously by the Planning Commission. 5-0-0-0.

RESULT:	Adopted [Unanimous]
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Henderson, Huboi, Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

NEW BUSINESS

4. **Planning Commission Policy 2023-1** – City of Hollister – A Policy of the Planning Commission establishing findings related to Site and Architectural Review Permits.

Senior Planner, Erica Fraser, presented the staff report.

Commissioner Lenoir moved, and Commissioner Belong seconded, to adopt Resolution 2023-18, adopting Planning Commission Policy (PCP) 2023-1 establishing findings related to Site and Architectural Reviews Permits.

Resolution 2023-18 was adopted unanimously by the Planning Commission. 5-0-0-0.

RESULT:	Adopted [Unanimous]
MOTION:	Carol Lenoir
SECOND:	Luke Corona
AYES:	Henderson, Huboi, Belong, Corona, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

OLD BUSINESS None.

STUDY SESSION ITEMS: None.

PLANNING DEPARTMENT REPORTS

Interim Planning Manager Kelly reported and provided fliers on the Planning Division's Sixth Cycle Housing Element Update. A virtual community workshop will be held Wednesday, May 31st, 2023 at 6:00 PM via Zoom to introduce the Housing Element. The workshop will be available in both English and Spanish with live Spanish translation. Any questions about the Housing Element can be emailed to housingelement@hollister.ca.gov.

Community Development Director Christy Hopper reported that on May 22, 2023 the Planning Division held a public outreach meeting on the Mobile Vending Ordinance. The meeting was well attended by about 36 people representing various stakeholder groups.

Interim Planning Manager Kelly reported that the Planning Division did outreach for the General Plan Update on May 17, 2023 at the Farmers Market and spoke to over 70 people about the General Plan and advertised the May 18, 2023 Virtual General Plan Update Workshop and receive feedback regarding the General Plan Update. Around 15 participants attended the Virtual Workshop.

PLANNING COMMISSION REPORTS

Commissioner Lenoir stated she met with a student taking an AP Government Class at the Veterans Memorial Building to answer some of her questions about the Planning Commission and local government. In response to her question, "how would you recommend young people can get involved" Commissioner Lenoir recommended that all people, young or old, get involved by calling the City Clerk or Planning Division and asking to be put on the mailing list for Planning Commission Agenda to be able to receive links for packets. She would also recommend that for policy decisions, keep track of what the City Council is doing because it all works together.

ADJOURNMENT

Chairperson Henderson moved, and adjourned the meeting at 8:07 PM.

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary



Planning Commission

Staff Report

June 22, 2023

Item 1

SUBJECT: **Site and Architectural Review 2023-3** – Airway Storage – The applicant is requesting a Site & Architectural Review 2023-3 to develop lots 23 & 24 of Tract No. 293 (currently vacant ground) as a storage facility with office, 33 enclosed storage units, 136 open large RV storage stalls, 20 open small RV storage stalls, parking, trash enclosures, security fencing, and landscaping at 1960 and 1970 Airway Drive, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033 in the Industrial Business Park (IBP) Zoning District.

STAFF PLANNER: Magda Gonzalez, Senior Planner (925) 789-7160

ATTACHMENTS: 1. Resolution approving Site and Architectural Review 2023-3 for a storage facility with the project plans included as Exhibit A.

RECOMMENDATION: Approval with Conditions

PROJECT DESCRIPTION:

The Applicant is proposing to construct a storage facility that will include an office, 33 enclosed storage units, 136 open large RV storage stalls, 20 open small RV storage stalls, 10 customer/employee parking, 2 trash enclosures, security fencing, and landscaping at 1960 and 1970 Airway Drive. The vacant parcels are located within the Industrial Business Park (IBP) Zoning District. The project plans are included as Exhibit A.

BACKGROUND:

The proposed project will construct a storage facility on lots 23 and 24 of Tract No. 293, on currently vacant ground. The project is located within the Industrial Business Park (IBP). The parcels are located within an Airport Influence Area, and part of the parcels are within the Airport Safety Zone as such review and consistency determination by the Airport Land Use Commission (ALUC) is required. The project went before the ALUC on June 15, 2023. ALUC reviewed the project and deemed it consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan.

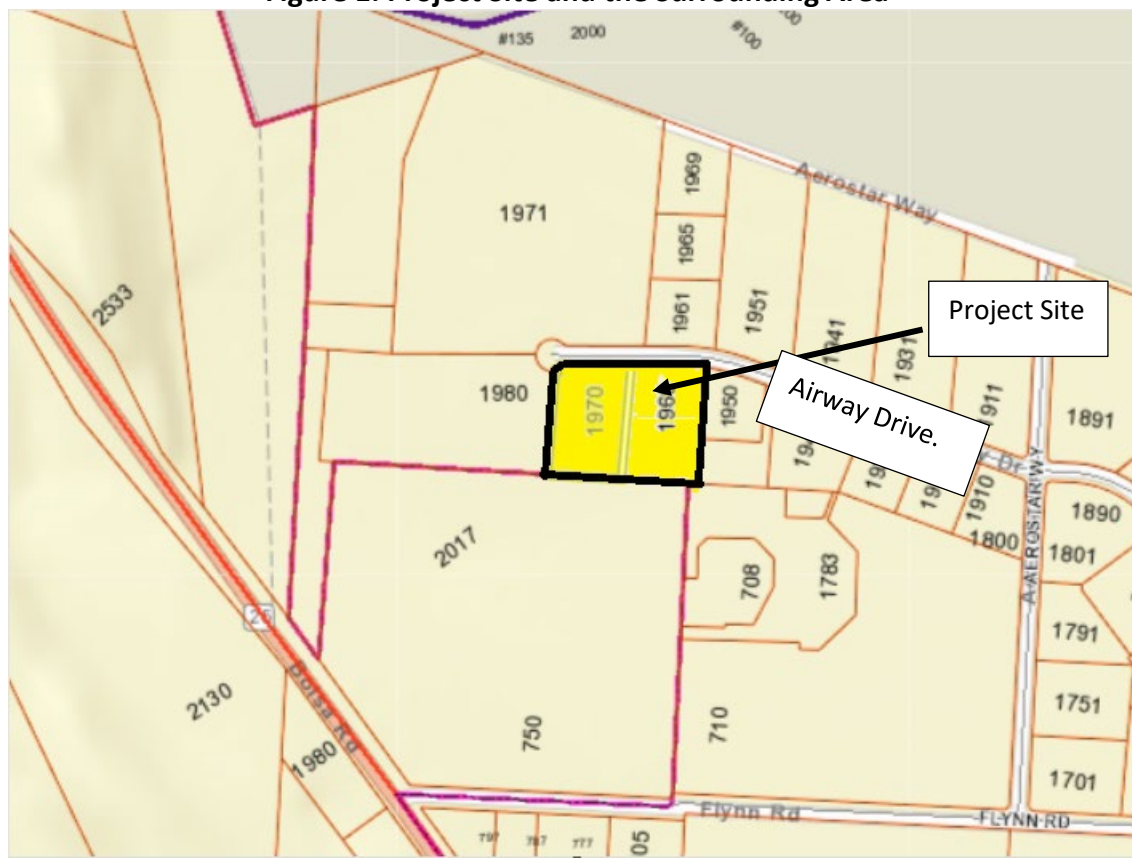
ANALYSIS:

Location

The proposed project is located on lots 23 and 24 of Tract No. 293 of the previously approved Airpark Business Center. Both parcels total 3.90-acres (169,966 square-feet). The parcels are located to the south of Airway Drive; vacant; and surrounded by Airport Support to the north, County corrections facility and vacant industrial to the south, and vacant industrial lots to the east and west.

The location of the project site is shown below:

Figure 1: Project Site and the Surrounding Area



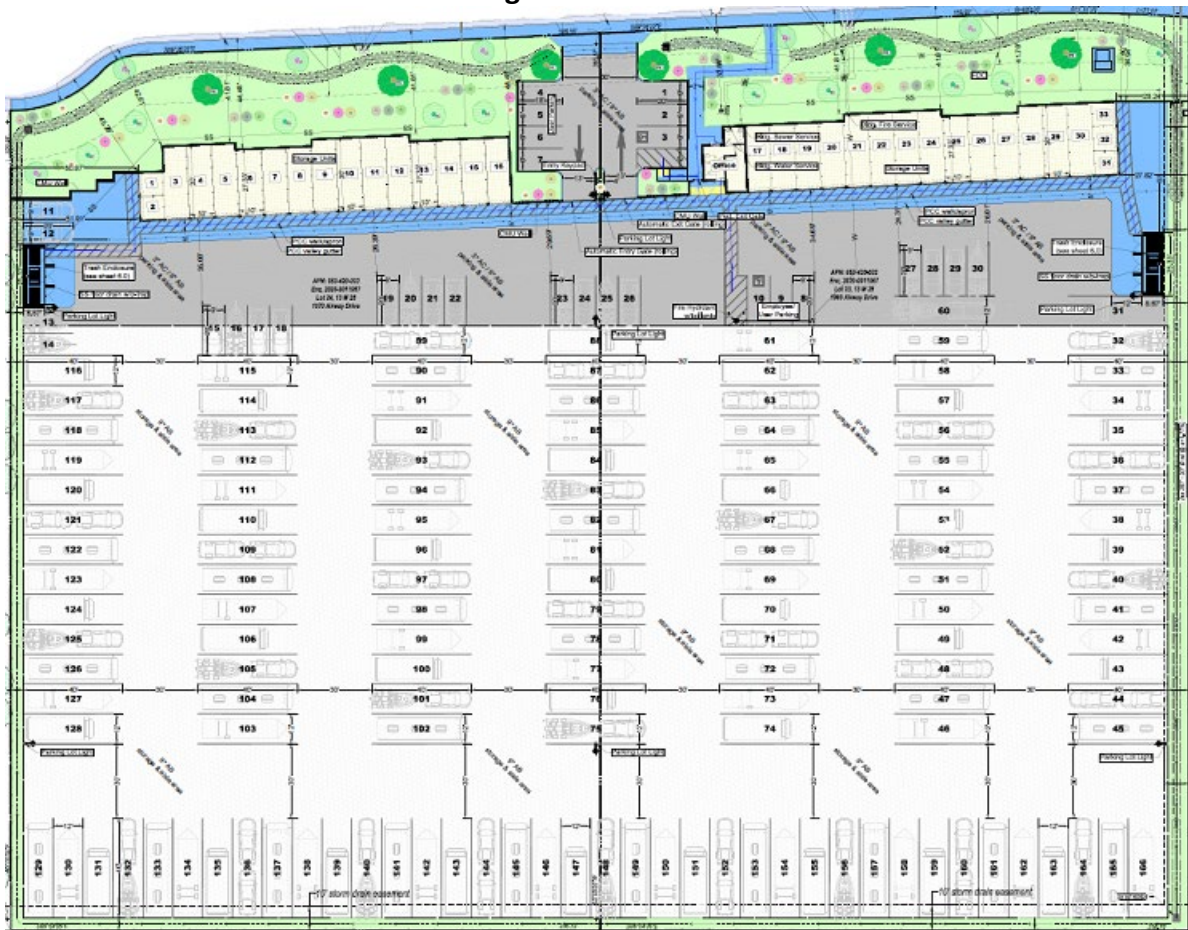
Site Plan (Sheet 2.0):

The applicant is proposing to construct a storage facility. An itemized list of the improvements included within this proposal are listed below:

- 33 enclosed storage units of varying sizes. Of the 33 enclosed storages 5 will be 10'x10',

- 14 will be 10'x25' and 14 will be 10'x30'.
- 136 open large Recreational Vehicle storage stalls, both back-in and pull thru. There will be 70 back-in stalls measuring 12'x40' and 72 pull thru stalls measuring 12'x40'.
- 20 smaller RV storage stalls measuring 9'x20'.
- 10 parking spaces, including 2 ADA compliant spaces.
- CMU wall on Airway Drive; chain link fence with vinyl slats on the side and rear property lines.
- Parking lot lights
- Automatic entry gate (rolling)
- Pedestrian exit gate
- Trash enclosures with three bins each
- 2 employees, one at each shift

Figure 2: Site Plan



Outdoor Storage and Personal Storage Facilities in the Industrial Business Park (IBP) are required to ensure screening from all public view areas in compliance with Section 17.10.040(H) and must be located at least 500 feet from State Highway 25 or San Felipe Road. This proposal meets those

requirements. Chain link fencing with vinyl slats will be installed on the side and rear site perimeter to provide privacy. Additionally, landscape will be installed to screen the chain link fence and provide aesthetic appeal. The following Table summarizes the requirements of the Industrial Zone Districts Land Use and Permit Requirements development standards for the development.

Table1: Development Standards

Development Standard	Industrial Business Park	Proposed Project
Front Setback	0 feet	41 feet
Rear Setback	0 feet	5 feet
Side Yard Setbacks	0 feet	5' on the west 8' on the east
Height	75 feet	14 feet
Landscaping	10 percent	13.23percent

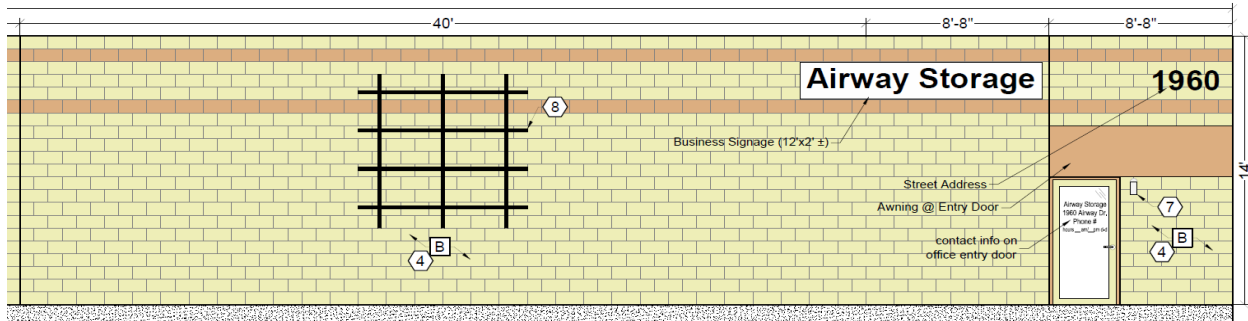
Architecture:

The proposed elevations materials and colors consist of exterior walls made of shadow rib metal panel in a tan color, and split face CMU block in a tan color. The roof is a standing seam roof system in an almond color. The fascia/gutter will be painted metal in a toasty color. The storage unit doors will be roll-up doors in a tan color. The exterior walls will be split face CMU block alternating color band in toasty color. The applicant has provided color elevations with a list of materials and colors, located on Sheet 3.0 of the project plans. The elevations are provided for both parcels, looking from each direction: north, south, west and east.

Both buildings are visible from the street, Airway Drive. The buildings will be set back from the street by approximately 41 feet and will be separated from the street by parking and landscaping. Each building will have a 14-foot height and a length of 167 foot 4 inches.

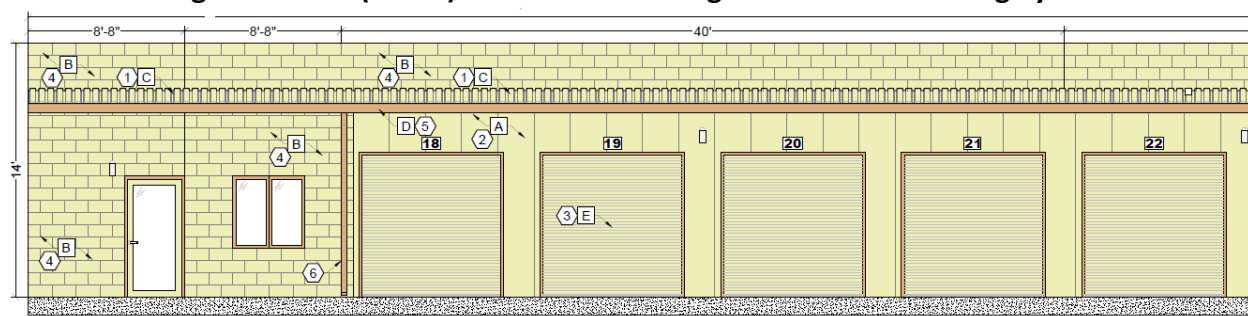
Elevations for building on APN 052-420-032

Figure 3 – Front (North) Elevation - Airway Drive



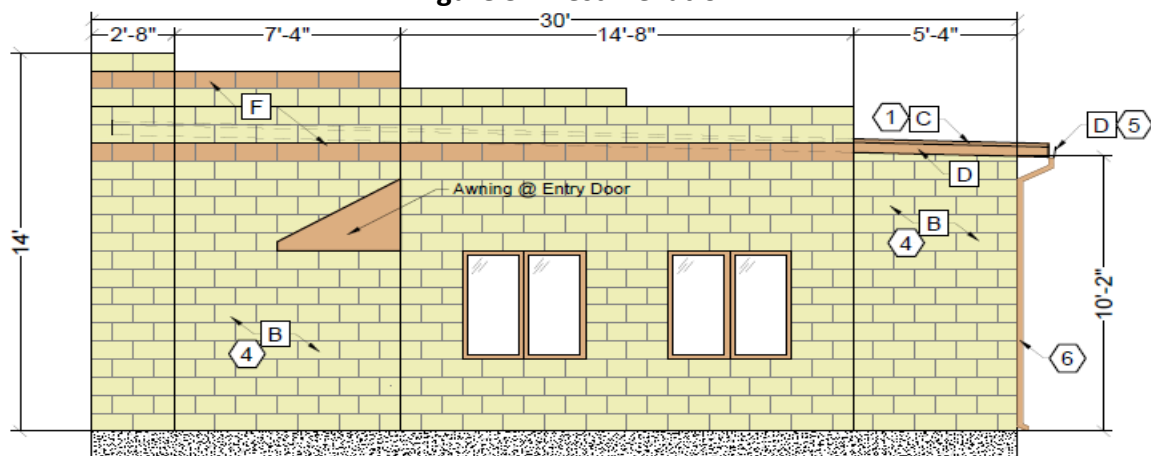
An entry door with awning will be located at this elevation, it will also include the street address and signage which will be reviewed and approved under a separate application.

Figure 4: Rear (South) Elevation – Looking north from RV storage yard



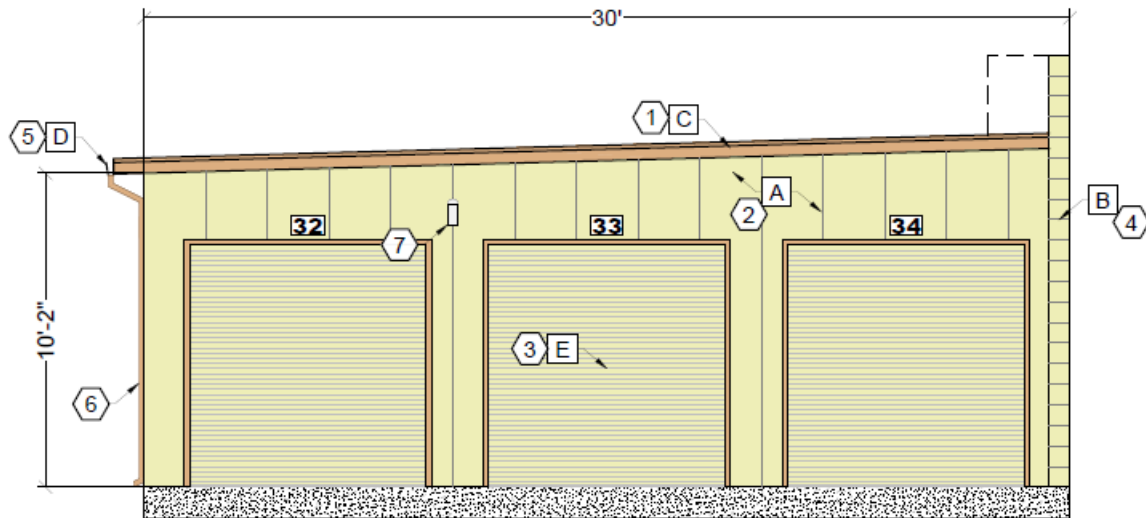
The rear (south) elevations will include a door and window from the office. It will also include 8'x8' metal roll-up doors. Wall mounted lights and wall mounted metal lattice are also included.

Figure 5: West Elevation



Varying rooflines are provided on the west elevation of the building, the building varies in height from 14-foot, at its highest point, down to 10-foot 2-inches. Two more office windows are shown on this elevation.

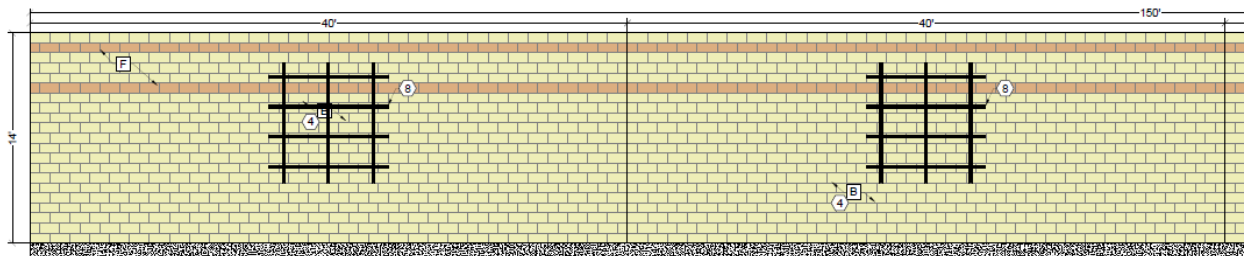
Figure 6: East Elevation



Elevations on the east side also vary in height from 14-foot down to 10-foot 2-inches. 8'x8' metal roll-up doors will be located on this side of the building.

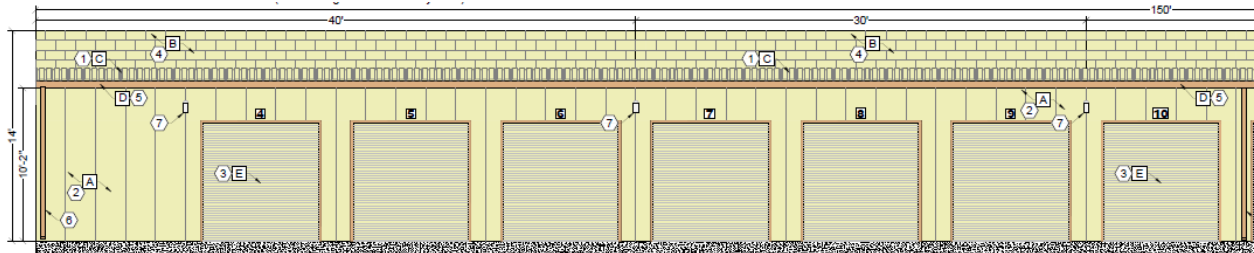
Elevations from Building on APN 052-420-033

Figure 7: North Elevation – Looking south from Airway Drive



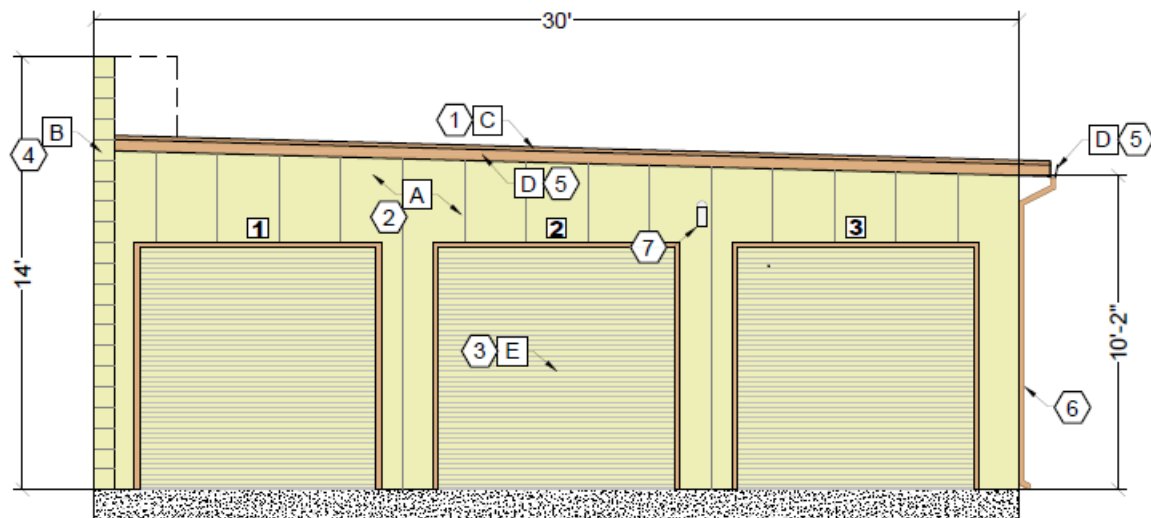
The north elevation will include wall mounted lights and wall mounted metal lattice.

Figure 8: South Elevation – Looking north from RV storage yard



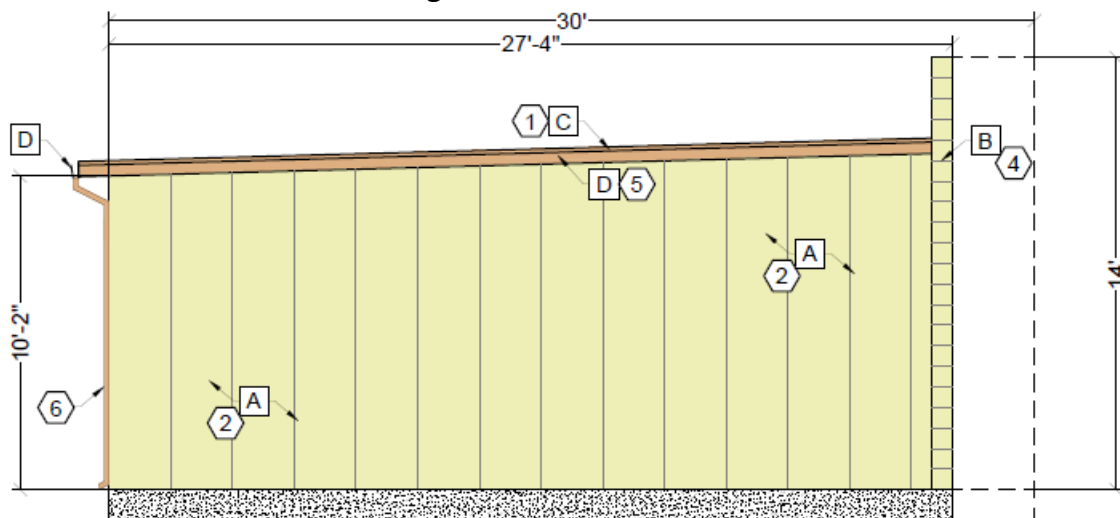
The south elevation will include 8'x8' metal roll-up doors and wall mounted lights.

Figure 9: East Elevation



Elevations on the east side also vary in height from 14-foot down to 10-foot 2-inches. 8'x8' metal roll-up doors will be located on this side of the building.

Figure 9: West Elevation



Varying rooflines are provided on the west elevation of the building, the building varies in height from 14-foot, at its highest point, down to 10-foot 2-inches.

Landscaping (Sheet 7.00):

The project will exceed the Industrial Business Park requirement of a 35' front yard landscape setback (from curb) by providing a 41' setback. Landscaping shall be designed to create and enhance the visual quality and natural settings for development within the IBP Zoning District. Landscaping shall be used to screen and soften the storage unit buildings and parking areas. Landscaping on the rear and side yard setbacks will help screen the outdoor parking/storage areas and the broad expanses of paving. The proposed landscape will provide an aesthetic appeal to an ordinary land use.

The Applicant is proposing a mixture of evergreen and deciduous trees to be planted along the project frontage. All landscaping will meet the requirements set forth in Chapter 17.16.080 – Landscaping design and standards. As shown on Sheet 7.00, in addition to trees and other plant types along the front perimeter of the site, no-mow drought tolerant landscape swale, and a variety of drought tolerant shrubs and bushes will be planted along the side and rear of the project to provide screening and a visual buffer from the outdoor storage area.

General Plan Compliance:

The proposed project storage facility is comprised of outdoor and indoor storage and is permitted with the approval of a Site & Architectural Review application. The project does not propose any special consideration or deviation from General Plan policies or zoning ordinance in which it is located. The project site is located on the previously approved Airpark Business Park within the Industrial Business Park (IBP) zoning. As designed, the proposed buildings are well articulated and include architectural enhancements to ensure that the development is well designed and an attractive addition to the City as required by LUCD Goal LU11 and Policies LUCD 11.1 and 11.2. Additionally, as conditioned, the project site will have attractive landscaping, an adequate landscape buffer, street trees and a variety of planting in accordance with LUCD Goal LU3 and Policy LU3.2.

California Environmental Quality Act:

The proposed project, a storage facility, will require the filing of a Notice of Determination (NOD) pursuant to Section 15075. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for Airpark Business Center. Additionally, conditions of approval issued for the aforementioned entitlement have been included in this proposal.

CONCLUSION:

The Applicant is proposing to construct a storage facility with an office, 33 enclosed storage units, 136 open large RV storage stalls, 20 open small RV storage stalls, parking, trash enclosures, security fencing, and landscaping. The proposed project meets the Goals and Policies of the General Plan and the Zoning Ordinance. Conditions of Approval have been included to ensure that the project will continue to comply with all Hollister regulations, will not impact the surrounding area, and will maintain an attractive site.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution approving S&A 2023-3, subject to the findings and Conditions of

Approval contained in the draft resolution (Attachment 1);

2. Adopt a Resolution approving S&A 2023-3, with findings or Conditions of Approval modified by the Planning Commission;
3. Deny the Proposed Project; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

GENERAL INFORMATION

APPLICANT: K2 Solutions LLC
1485 Rosebud Court
Hollister, CA 95023

PROPERTY OWNER: Enz Revocable Trust
P.O. Box 1342
Tres Pinos, CA 95075

LOCATION: 1960 and 1970 Airway Drive

**ASSESSOR PARCEL
NUMBER:** APN 053-420-032 and 053-420-033

**GENERAL PLAN
DESIGNATION:** Industrial/Manufacturing Zoning

ZONING DISTRICT: Industrial Business Park (IBP)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	IBP	Industrial/Manufacturing	Vacant
North	AS	Airport Support	Vacant
South	IBP	Industrial	County Corrections Facility
East	IBP	Industrial	Vacant
West	IBP	Industrial	Vacant

PLANNING COMMISSION RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING SITE AND ARCHITECTURAL REVIEW 2023-3 TO CONSTRUCT A STORAGE FACILITY WITH OFFICE, 33 ENCLOSED STORAGE UNITS, 136 OPEN LARGE RV STORAGE STALLS, 20 OPEN SMALL RV STORAGE STALLS, PARKING, TRASH ENCLOSURES, SECURITY FENCING, AND LANDSCAPING LOCATED AT 1960 AND 1970 AIRWAY DRIVE WITHIN THE INDUSTRIAL BUSINESS PARK (IBP) ZONING DISTRICT (APN 053-420-032 AND 053-420-033)

WHEREAS, the Applicant, K2 Solutions, LLC, has submitted an application for Site and Architectural Review (S&A 2023-3) to construct a storage facility with office, 33 enclosed storage units, 136 open large RV storage stalls, 20 open small RV storage stall, parking, trash enclosure, security fencing, and landscaping, located at 1960 and 1970 Airway Drive, further identified as lots 23 and 24, San Benito County Assessor Parcel Number 053-420-032 and 053-420-033; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlements prepared by MH engineering Co. received by the Planning Division on April 18, 2023; and

WHEREAS, under the provisions of Section 17.24.060 of the City of Hollister, the City Planning Division received the Applicant's plans and forwarded the request to the Development Review Committee (DRC) to assess the proposal for compliance with all relevant regulations; and

WHEREAS, under the provisions of Section 17.24.190 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating and taking action on Site and Architectural Review applications; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the Staff Report and the Conditions of Approval for the project; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of a Site and Architectural Review; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 22, 2023 to consider Site and Architectural Review 2023-3, review the City Staff Report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the proposed project qualifies for a Notice of Determination (NOD) pursuant to Section 15075, potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center. Furthermore, the project is consistent with the General Plan Land Use Designation of Industrial/Manufacturing Zones and the Zoning Designation of Industrial Business Park (IBP), the project is located within the City Limits of Hollister on a property with urban services, the project involves the construction of a storage facility; and

NOW THEREFORE IT IS RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed Site and Architectural Review:

- A. The proposed project is consistent with the goals and policies of the General Plan, any applicable Specific Plans and any applicable design guidelines because:
1. The proposed project is consistent with the industrial business park zoning designation which encourages a range of uses, from business and research parks, large individual corporate establishments, professional and administrative offices and industrial complexes.
 2. The proposed project is a storage facility that will address a need for this type of business for the City in accordance with the General Plan Land Use and Community Design (LUCD) Element Policy LU 10.3.
- B. The proposed Project, as conditioned, is consistent with the provisions of Title 17, Industrial Zoning District, of Hollister Municipal Code including the requirements of the Zoning District in which the property is located because:
1. The proposed project is a storage facility with a mix of indoor and outdoor storage, well designed with high standards of architecture, landscaping, consistent with the Industrial Business Park (IBP) zone.
 2. The proposed project includes a landscape buffer between the street and the parking lot which will be planted with plant materials that will achieve a height to screen views of the parking lot as required by the Zoning Ordinance. The Landscape Plan includes a variety of evergreen and deciduous plants to be planted along the frontage of the site as required by the Zoning Ordinance.
 3. The proposed Landscape Plan includes the planting of trees on the frontage property lines of both parcels. In accordance with the Conditions of Approval for this project, the Final Landscape Plans must show that the trees will be selected from the City's Approved Street Tree List. The proposed tree planting, as conditioned, is consistent with Section 17.16.080(D) of the Zoning Ordinance.
- C. The proposed development will not be detrimental to public health, safety or welfare of persons residing in or working in the neighborhood or to the general welfare of the City because:
1. The proposed project is an in-fill project in an existing Industrial Business Park zoning with existing development on the adjacent parcels. The City, as the lead agency, will file a Notice of Determination (NOD) pursuant to Section 15075, potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center. The Project is not expected to create an impact on the environment, and it is surrounded by vacant and developed parcels.
 2. The proposed project will construct two buildings and will primarily consist of outdoor storage space for varied size recreational vehicles and vessels. The project expects to have two employees, only one on-site at a time. Secure Access for registered customers will be provided 7 days a week from 7:00AM through 7:00PM, through an automated gate with

secure entry codes. The office will be open Tuesday through Saturday from 9:00AM through 5:00PM. The office is for registration, operations, and management. Outdoor storage is for recreational vehicles, trailers, boats, etc. while enclosed storage is to store items that fit within that space. The project will provide adequate landscaping to ensure privacy and aesthetic appeal to the site. The project has been routed to the City's DRC, where the project has been reviewed and conditioned accordingly.

- D. Architectural considerations including the character, scale and quality of the design, site layout, screening of unsightly uses, lighting, building materials and colors result in a project that is harmonious with its surroundings, is compatible with other developments in the vicinity, and complies with any applicable design guidelines or standards adopted by the City.
1. The proposed project is attractively designed and created visual interest of the site through the proposed design, attractive quality materials including landscaping providing screening from the view of public roads and adjoining properties. Additionally, the buildings are well oriented and adequately set back from the street, screening of unsightly uses.
 2. The proposed project meets the building design general requirements of the industrial zoning district performance standards because the project does not have unpainted (gray galvanized) metal surfaces visible from the street. Furthermore, it provides articulated entries and other architectural features where building walls are visible from streets.
 3. Additionally, the proposed development is well designed and will be an attractive addition to the City as required by the General Plan LUCD Goal LU11 and Policies LUCD 11.1 and 11.2.
- E. The proposed project is consistent with all applicable requirements of the Municipal Code and applicable Specific Plan related to landscaping and screening, including the location, type, size, water efficiency and coverage of plant materials to ensure visual relief, adequate screening, and an attractive environment for the public.
1. The proposed landscaping for the site will include street trees, landscaping buffers, and evergreen and deciduous materials throughout the project site will provide attractive landscaping, screening, and shading and enhance the site as required by LUCD Goal LU3 and Policy LU3.2.
 2. The project will provide a 41' front yard landscape setback designed to enhance the visual quality of the development.
 3. The proposed project will provide a mixture of evergreen and deciduous trees to be planted along the project frontage, as well as no-mow drought tolerant landscape swale and a variety of drought tolerant shrubs and bushes along the sides and rear property lines.

- F. The site has been adequately designed to ensure adequate parking to serve the project and proper circulation for bicyclists, pedestrians, and automobiles.
1. The proposed project is required to provide 1 parking space for each 10,000 square-foot areas plus two spaces for any resident manager. The project provides a total of 10 parking spaces for use by the employee and/or customers, this includes 2 ADA stalls one provided on the Airway Drive side of the gate and the other within the facility, sufficient for compliance with the required parking. A bicycle rack/storage area is not included on this proposal.

**CONDITIONS OF APPROVAL
S&A 2023-3**

General Conditions

1. **Approval.** This Site and Architectural Review approval is for the K2 Solutions, LLC. (Airway Drive Storage, S&A 2023-3). The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by MH engineering, Co. and dated "Received, June 12, 2023" on file with the Planning Division, and other plans, text and diagrams relating to this Site and Architectural Review, except as modified by the following conditions. The elevations and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by Director of Development Services for changes.
2. **Permit Expiration.** In accordance with Section 17.24.130(E)(1) of the Municipal Code, this Site and Architectural Review approval shall expire two (2) years from the date of approval unless a Building Permit is obtained.
3. **Time Extension.** In accordance with Section 17.24.130(E)(2) of the Municipal Code, the Director of Development Services may extend the time for an approved permit to be exercised upon the Applicant(s) written request for an extension of approval at least 30 (thirty) days prior to expiration of the permit together with the filing fee. If the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director may renew the permit for up to two additional years.
4. **Permit Validity.** This Site and Architectural Review approval shall be valid for the life of the approved structure so long as the operators of the subject property properly comply with the project's conditions of approval.
5. **Appeal Period.** The building permit plan check package will be accepted for submittal after the completion of the 15-day appeal period for the project, unless the Director of Development Services authorizes the project developer to submit a signed statement acknowledging that the plan check fees will be forfeited in the event that the approval is overturned on appeal or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued until the appeal period has expired or a final action is taken on appeal.

6. **Revocation of Permit.** The Site and Architectural Review approval shall be revocable for cause in accordance with Section 17.24.350 of the Hollister Municipal Code. Any violation of the terms or conditions of this permit shall be subject to citation.
7. **Indemnification.** The Applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attack, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development Services or any other department, committee, or agency of the City related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.
8. **Clean-up.** The Applicant/Developer shall be responsible for clean-up and disposal of project related trash to maintain a safe, clean and litter free site.
9. **Modifications.** Modifications or changes to this Site and Architectural Review may be considered by the Director of Development Services if the modifications or changes proposed comply with Section 17.24.130(F) of the Municipal Code.
10. **Clarification of Conditions.** In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Developer without going to a public hearing. The Director of Development Services and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements or mitigations resulting from impacts to this project.
11. **Noise During Construction.** Construction activities on the project site must employ noise suppression devices and techniques and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays and shall be prohibited on Sundays and federally recognized holidays per Ordinance 1137 of the Hollister Municipal Code. No construction, landscape maintenance or grounds maintenances actives shall occur on federal holidays. Construction equipment and activities shall not use noise suppression devices and techniques.
12. **Overtime Inspections.** Arrangements for overtime inspection services and payment of fees for same shall be made at least 48 hours in advance and are subject to inspection availability and approval by the City Engineer. Alternatively, the Applicant may engage a third-party inspector at its own expense, so long as the identity of such inspector and work is approved in advance in writing by the City. Any work performed without inspection is subject to rejection by the City is in City's reasonable determination.
13. **Code Enforcement.** Prior to issuance of a building permit, the applicant shall not be in violation of the City of Hollister Municipal Code involving the project site. More specifically, Section

1.16.100, Refusal to issue permits, license or other entitlements, which states “no department, commission or public employee of the city which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation involving the property upon which there is a pending application for such permit, license or other entitlement.”

Planning Department - Standard Conditions of Approval

14. **Equipment Screening.** All electrical and or mechanical equipment shall be screened from public view through fencing or behind a roof screen. The Building Permit plans shall show the location of all equipment and screening for review and approval by the Director of Development Services. If installed at grade, units shall be permanently installed on non-moveable materials as reasonably approved by the Building Official and Development Services Director.
15. **Colors.** The Applicant may be required to paint a portion of the building the proposed colors for review and approval by the Development Services Director prior to painting the building(s).

Planning Department – Project Specific

16. **Lot Merger/Deed Restriction.** 1) The Applicant shall submit and record a lot merger as required by the City. Prior to issuance of a building permit, the Applicant shall provide a copy of the recorded lot merger to the Development Services Department, Planning Division; or 2) The Applicant shall submit and record a deed restriction that is satisfactory to the City Engineer regarding reciprocal access points.
17. **Future Modifications.** Any future modifications to the exterior of the building or the landscaping shall require review and approval by the City in a manner determined by the Development Services Director.
18. **Notice of Determination.** Within 5 calendar days of the date of this approval, the Applicant shall file a check with the City of Hollister for the filing of the Notice of Determination with the County Recorder’s Office. The check shall be in the amount required by the San Benito County Recorder’s Office for such filing, and may include the fees required by the California Department of Fish and Wildlife.

Landscaping – Standard Conditions of Approval

19. **Final Landscape and Irrigation Plans.** Final Landscape and Irrigation Plans, all written documentation, and an Application Fee as required by Chapter 15.22, Water Efficient Landscape Ordinance, shall be submitted to the Planning Division in conjunction with an application for a building permit. The Plans shall be prepared and stamped by a State licensed landscape architect or registered engineer shall be submitted for review and approval by the Development Services Director. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.
20. **Landscaping.** The Applicant/Development shall construct all landscaping within the site and along the project frontage. The on-site landscaping shall be installed in accordance with the approved

plans. Trees located adjacent to the right-of-way shall be selected from the City's Approved Street Tree list, shall be a minimum of 36" box, and their exact tree locations and varieties shall be approved by the Director of Development Services and the City Engineer. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.

21. **Plant Maintenance.** The Applicant and/or property owner shall continuously maintain all trees, shrubs, and groundcover shown on the approved Landscape Plans including replacing dead or dying species with the same species, pruning and regular watering.
22. **Maintenance of Irrigation.** The property owner shall be responsible for maintenance of all on-site landscaping and irrigation systems, which shall be kept in a neat, clean and healthy manner and in compliance with the approved plans. The property owner will maintain the approved landscaping in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.
23. **Shrubs.** The Final Landscape Plans shall show that 60 percent of shrubs will be 5 gallons in size and 40 percent will be 1 gallon in size.
24. **Groundcover.** Groundcover shall achieve 100% growth within 1 year. If 100% growth is not achieved, the Property Owner shall plant additional plant materials to achieve 100% growth within four months, the satisfaction of the Development Services Director.

Building – Standard Conditions

25. **Building Codes and Ordinances.** All project construction shall conform to all local and State energy and seismic requirements, all applicable Building and Fire Codes and ordinances in effect at the time of building permit.
26. **Building Permits.** Prior to any site improvements or construction, the Applicant shall submit a building permit application and receive a building permit from the City Building Division. The Applicant/Developer will be responsible for obtaining the approvals of all participation non-City agencies prior to the issuance of building permits. All improvements shall strictly adhere to the approved site plan, unless prior approval is granted by the City for changes.
27. **Conditions of Approval.** Each set of plans submitted for a building permit shall have attached an annotated copy of these Conditions of Approval. The notations shall clearly indicate how all Conditions of Approval will or have been complied with. Construction plans will not be accepted without the annotated Conditions of Approval attached to each set of plans.
28. **Code Compliance.** All building permit plans shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
29. **Additional Approvals.** Prior to building permit issuance, the Applicant shall provide the Building Department with verification that all necessary permits and approvals from the Fire Department and San Benito County Environmental Health Department permits have been obtained.

30. **Trash Enclosure.** Grease interceptor/Trap will be required if trash enclosure is provided with a drain.
31. **ADA.** The project shall be designed to meet all applicable ADA design standards, including but not limited to parking, access ramps and building accessibility facilities.

Engineering – Standard Conditions

32. **Improvement Design.** All improvements required shall be designed in accordance with City Design Standards and constructed in accordance with the City of Hollister Standard Plans and Specifications and receive approval by the City of Hollister Engineering Department. All applicable codes and ordinances, along with the recommendations of the City Engineer and any required Geological Investigation, are to be adhered to, and all required fees shall be paid.
33. **Temporary maintenance and operation of utilities.** The developer shall be responsible for all maintenance and operation of all utilities and improvements from the time of installation until acceptance of the improvements.
34. **Site Clearance.** Prior to receiving issuance of a grading permit, the project site shall be property cleared of all fences, wells, septic tanks, irrigation pipes, fuel tanks and other structures. Certificates from the County Environmental Health Department shall be provided to the City Engineer for any well or septic tank abandonment, and from the City Fire Department for abandoned fuel tanks.
35. **Soils Report.** As part of the S&A approval, a geotechnical soils report shall be submitted to comply with the current building code in accordance with the provisions of the City Subdivision Ordinance.
36. **Storm Water Pollution Prevention Plan (SWPPP).** Prior to any site development or grading permit issuance, the applicant shall provide evidence of the State issued permit and add the WDID number to the grading plan.
37. **Post-Construction Stormwater Control Plans (SWCP).** Prior to any site development or grading, the applicant shall submit a SWCP for review and approval by the Engineering Department. The SWCP shall meet the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032 dated July 12, 2013 (PCRs), entitled Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, as applicable and shall address all required post-construction stormwater runoff BMP control measures, as applicable. The applicant shall submit the SWCP as part of the plan, for City review and approval. The applicant is advised that the Engineer of Record shall inspect and provide certification to the City of Hollister that all stormwater post-construction improvements are properly installed and comply with the approved civil design plans.
38. **Drainage Report.** Prior to any site development or grading, a drainage report shall be submitted for review and approval by the City Engineer. The drainage report shall include, but is not limited

to, depiction of all tributary areas on and to the site, and shall provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction storm water management (LID, runoff control and reduction, water quality treatment, etc.), and flood control measures as required for the site. Additionally, the report shall include or incorporate the grading plan, CSCP, SWCP, and landscape plan for the project.

39. **Grading and Drainage Plan.** Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a grading plan that complies with Chapter 15.24 "Grading and Best Management Practice Control" and Section 17.16.140 "Stormwater Management" of the Hollister Municipal Code and all subsequent amendments to those codes. Low Impact Development (LID) strategies shall be considered and incorporated as part of site planning and design as appropriately feasible.
40. **Storm water and grading permit.** Prior to approval of any storm water permit, grading permit or improvement plans, the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to, the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.
41. **Solid Waste Diversion Plan.** Prior to a building or demolition permit, the developer shall prepare and submit a solid waste diversion plan for review and approval by the Building Department. The diversion plan shall comply with Chapter 15.04.045 of the City of Hollister Municipal Code by establishing criteria and procedures to divert a minimum of 50% of all construction or demolition waste from being disposed at a landfill.
42. **Water Line Improvements.** The water system improvements shall be subject to the review and approval of Sunnyslope Water District and shall meet the following requirements:
 - a. All water system improvements shall be installed in accordance with Sunnyslope Water District standards that are in effect at the time of improvement plan approval.
 - b. Any offsite waterlines necessary to be installed under proposed pavements shall be installed at the time of the roadway improvements.
53. **Improvements Prior to Occupancy.** In order to assure adequate access for emergency response vehicles and water supply for fire suppression, the issuance of any building permit shall be subject to the requirements of City Council Resolution 95-08, A Resolution of the City Council of the City of Hollister Establishing a Policy Relating to Home Construction in Incomplete Subdivisions or any subsequent policy. No certificate of occupancy shall be issued for any unit prior to the completion of such improvements.
54. **Final Occupancy Inspection for residential units:** A final occupancy shall not be granted for any residential units unless the Building Inspector can verify the following:
 - a. The water conditioning system that has been installed is a City-approved system that can be regenerated offsite and will not discharge waste or waste products into the City's sewage system.

- b. Prior to final occupancy of the building, the applicant shall install new Radio Read Meters. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
- c. The front yard landscaping has been installed in compliance with Water Efficient Landscape requirements.
- d. Runoff from roof gutters shall be directed to landscape swales, rain gardens, and shall not be piped directly to gutters or non-permeable paving.
- e. The development impact fees shall be based on those in effect at the time of connection. Developer must pay all development impact fees due to the City and/or the County on the date of the final inspection, or the date the certificate of occupancy is issued for each residence, whichever occurs first.

Development impact fees that apply to the project are listed below:

- i. Water (City of Hollister)
- ii. Traffic
- iii. Sewer Treatment
- iv. Sewer Collection
- v. Storm Drainage
- vi. Police
- vii. Fire
- viii. Detention (Jail/Juvenile Hall) Facilities
- ix. City Hall/City Yard

For a complete list of all applicable impact fees, please contact the City of Hollister Engineering Department at 831-636-4340. Such list is also made available on our City website, under Engineering Department.

- 43. **School Impact Fee.** Unless otherwise required by law, all school impact fees shall be paid at the time of building permit issuance.
- 44. **Developer Fees.** The developer shall pay all fees including, but not limited to, fees required by reimbursement agreements, drainage agreements, improvement plan checking and inspection fees, as well as any applicable fees pursuant to the Public Works Master plan.
- 45. **Reduced Pressure Principal (RPP).** When the City of Hollister deems it necessary, the applicant shall be required to install an RPP backflow prevention device at their sites which shall meet the following criteria:
 - a. The RPP shall conform to all AWWA (American Water Works Association) standards and shall be appropriately sized for the specific application on the site.
 - b. The RPP shall be inspected by a certified California-Nevada AWWA Backflow Prevention Assembly General Tester. The Utility Division shall provide a list of acceptable Assembly Testers within the area.
 - c. The Utility Division shall receive a copy of the initial RPP inspection report.

- d. Any and all RPP defects shall be immediately repaired or replaced prior to the City of Hollister reestablishing water service to the sites. The owner/operators shall have the RPP inspected/tested each year thereafter, with all reports forwarded to the City of Hollister.
 - e. Should the RPP fail to pass any inspection or test, the device shall be immediately repaired or replaced, with all repair and/or replacement reports forwarded to the City of Hollister.
 - f. The RPP shall be installed according to AWWA standards, in regards to concrete padding and surrounding landscape/RPP height requirements.
 - g. The RPP shall be installed inside a wire-mesh cage enclosure, preferably green in color, with a hinge on one end and a locking hasp device on the other to prevent vandalism and unauthorized entries.
 - h. The RPP shall be installed at a site between the City of Hollister's water meter and the building inside the property line where the RPP can be readily observed and be easily accessible for future inspections.
56. **Sewer Mains and Laterals.** Prior to burial, the Engineering Department shall inspect all building laterals, the project's main sanitation collection system, the connection to the City's main sanitary collection system, and the interceptor installation. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
57. **Water Mains and Services.** Prior to connection and burial of services and mains, City of Hollister shall inspect all water services, mains, meters, and meter boxes. At the time of the service inspection, a lay length spacer pipe shall be set in place of the meter which shall be drilled with holes that have a minimum diameter of ¼", as approved the City of Hollister inspector. The owner/developer shall contact the City of Hollister at least 24 hours prior to all necessary inspections.
58. **Water Valves.** The applicant shall place a valve on each leg of a water line tee or cross. The maximum distance between valves shall be 800 ft.
59. **Storm Drain Facilities.** Prior to burial or connection of storm drain fallibilities, the Engineering Department shall inspect the installation and connection of such facilities to assure compliance with the City's standards. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
60. **Water Meter Applications.** The City of Hollister shall process applications for new water meters and meter boxes for irrigation and potable water systems. The owner/developer may contact the City of Hollister (831) 636-4377 for information.
61. **Fire Hydrants.** Prior to improvement plan and final map approval, the applicant shall coordinate with the Fire Chief at 831-636-4325 for the placement of fire hydrants and provide an approved plan to the Engineering Department.
62. **Slurry Seal.** Prior to the City's providing final occupancy the vicinity roads shall be in a good state of repair as determined by the City Engineering Department. Roads on the project site and vicinity determined not to be in a good state of repair by the City Engineering Department, or that have utility trench cuts, shall be repaired curb to curb by the applicant using Type II slurry seal or by an

alternate method approved by the City of Hollister. Upon the overlay, all pavement legends and striping shall be placed and/or redone. Thermoplastic material shall be used for the road markings.

63. **On-Site Drainage.** The developer shall be responsible to maintain all on-site drainage facilities, including underground chambers, bio-filtration basins and conduit (pipe).
64. **Post Construction Requirements.** A deed restriction shall be recorded prior to occupancy for all on-site post construction requirements including, but not limited to, bio-filtration basin chambers and pipe. This will guarantee maintenance of drainage features.
65. **Encroachment Permit.** An encroachment permit shall be issued in addition to the grading permit for the work within the City of Hollister right-of-way or public easements within the property. This includes improvements such as: driveway approaches, water line connection for domestic water or fire services, sewer lateral installations and any other improvements on right-of-way. Encroachment Permits are issued at the Engineering Department located at 339 Fifth Street, in Hollister Ca.
66. **Grading and Subdivision Improvement Work.** Prior to issuance of a grading permit, applicant shall provide approved surety in the amount of 100% of the Engineers Estimate for Performance surety and Labor and Material surety, pay all applicable fees, provide a work schedule, as well as insurance certificates as required per City Standards and Municipal Code sections 15.24.120 and 15.24.315.
67. **AutoCAD and GIS.** An electronic copy of the approved design improvements shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to recording of the map, as applicable. An electronic copy of the map shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to the recording of the map, as applicable.
68. **Addresses.** Prior to building permit issuance, address requests shall be submitted to the Engineering Department along with an AutoCAD file with line work showing the property lines, curb, gutter, and sidewalk.
69. **Utility Clearance.** No, trees shall be placed within ten feet (10') of the meters, water lines or sanitary sewer connections and laterals.
70. **Construction Equipment Maintenance & Regulations.** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, 89.112.
71. **Hazardous Materials.** Prior to the issuance of a demolition permit or of a grading permit that involves demolition of existing structures, the developer shall contract with a certified asbestos/lead paint consultant to perform an asbestos and lead paint inspection prior to the

demolition of regulated structures. Should the inspection identify the presence of asbestos and/or lead paint, the developer shall contract for material abatement. Removal or disturbance of asbestos and lead paint requires adherence to the California Division of Occupational Safety and Health and California Department of Public Health regulations. Should the asbestos and lead paint inspection indicate the presence of the significant levels of asbestos, the developer shall contract a California State registered and licensed asbestos abatement contractor to perform the asbestos work. The asbestos and lead paint inspection and evidence of abatement of any identified lead-based paint and regulated asbestos containing materials shall be presented to the city prior to issuance of a grading and/or demolition permit.

72. **Utility or Improvement Damages/Removal.** The property owner/developer shall replace any street or sidewalk improvements or utility services that are removed or damaged during the construction of the project as determined by the City Engineer. This could include, but is not limited to, permeable paving, PCC curbs, gutters, sidewalks; street lighting; signing and striping; all underground utilities including, but not limited to, sanitary sewer, gas, electrical, telephone, and water and fire services lines; and all other improvements to bring the right-of-way into full conformance with applicable City standards. All construction in the right-of-way shall be completed prior to final building approval.
73. **Backflows on Sewer Laterals.** The developer shall install a backflow prevention device on the existing sewer lateral between the building and the City's sanitary sewer main. The device shall be maintained and operated by the owners and shall periodically tested by the owners to insure the device is working properly.
74. **Garbage Enclosures.** The trash enclosure shall be designed by a California licensed architect and a California structural engineer, shall be located on the site served and shown on the engineering plans. The trash enclosure shall include a solid roof to prevent pollutant discharge and runoff during a rain event. The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting. The applicant shall contact Recology to confirm quantity and size of bins/containers in order to properly size the trash enclosure(s). The trash enclosure floor shall be designed to slope to an interior P-trapped area floor drain and connected to a grease, oil and sand interceptor before plumbing to the sanitary sewer system per the city's latest engineering standard specifications and details. The floor shall be designed to contain all interior run off and not allow outside storm runoff from entering the trash enclosure. A sign shall be posted on the front of the trash enclosure prohibiting the dumping of hazardous materials into the sanitary sewer system. The sign shall be 12 inches wide by 18 inches tall, made of rust proof aluminum, and read "No Hazardous Waste Dumping" in red letters with white background. The sign shall be reviewed and approved by the Engineering Department.
 - a. Design Criteria:
 - i. The design of the garbage enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
 - ii. The exterior materials and colors of the enclosure walls shall match the building walls.
 - iii. Chain link fencing with or without wooden/plastic slats is prohibited.

- iv. All garbage enclosures shall have solid metal or wood gates with latches and be secured in the open/closed positions with cane bolts. Latch shall be no higher than five feet.
 - v. Roofs shall be painted with rust-inhibitive paint.
- 75. **Landscape/Irrigation Maintenance.** The property owner shall be responsible for maintenance of all on-site landscaping and irrigation systems, which shall be kept in a neat, clean and healthy manner and in compliance with the approved plans. The applicant will maintain the approved landscaping in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.
- 76. **Utility Meters.** Each dwelling unit shall be metered separately for electricity, gas, and water/sewer services.
- 77. **Parking Stalls.** Every two years or longer if deemed appropriate by the City Code Enforcement Officer, the property owner shall maintain and re-stripe the parking stalls so that they will always be clean and visible to employees and customers.
- 78. **Wheel Stops.** Wheel stops shall be installed in parking areas where needed to maintain proper pedestrian movements or to protect landscaping.
- 79. **As-Built Plans.** Developer must provide the City Engineering Department with an electronic pdf and AutoCAD copy of the final as-built plans as well as one Mylar print and one reproduction copy. The final as-built must be updated with all changes made during construction such as additions and deletions, including changes that were made to reflect actual site conditions.
- 80. **Approved Resolution.** A complete hard copy of the approved signed resolution shall be included with the submittal of the parcel map to the City Engineer.
- 81. **Bicycle Lanes.** Prior to improvement or grading plans approval, required bicycle lanes shall be designed in accordance with the San Benito County Bikeway and Pedestrian Master Plan. The design shall be reviewed and approved by the City Engineer. Pending approval of the bicycle lanes, the developer shall make the bicycle lane improvements on site in a method approved by the City Engineer in accordance to City standards.
- 82. **Construction Dust and Emissions.** To reduce dust emissions from demolition, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:
 - a. Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:
 - b. Use water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
 - c. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;

- d. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
 - e. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
 - f. Maintain at least two feet of free board and cover all trucks hauling dirt, sand, or loose materials;
 - g. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
 - h. Stop grading, and earth moving if winds exceed 15 miles per hour;
 - i. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
 - j. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance);
 - k. Limit the area under construction at any one time; and
 - l. Construction equipment shall use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel whenever possible.
83. **Private Utility Services.** The developer shall make arrangements for P.G.&E., AT&T, or any other utilities authorized to operate in the City of Hollister. All such utility work shall be done in accordance with Joint Utility requirements as well as the City of Hollister Specifications and Details.
84. **Off-Site Improvements.** Improvement plans for the entire project, including any off-site improvements shall be approved to the satisfaction of the Public Works Department, Utilities Department, and Fire Department prior to improvement/grading plan approval. Off-site improvements may include but are not limited to roadways, sewer mains, water mains, recycled water mains, and storm drain improvements. Off-site improvements may include off-site access roadways, transportation improvements, and utility system improvements.
85. **Improvement Plans.** The improvement plans shall clearly show all existing structures, site improvements, utilities, water wells, septic tanks, leach fields, gas and wire services, etc. The plan shall include any pertinent off-site water well and private waste disposal systems that are located within regulated distances to the proposed drainage and utility improvements. The plan shall include the proposed disposition of the improvements and any proposed phasing of their demolition and removal.
86. **Public and Private Easements.** The grading and improvement plans shall show and clarify the extent of all existing public and private easements. The developer shall provide any additional clarification regarding the use and disposition of any water wells. Any private water well service piping that crosses or is proposed to cross an existing or future public right-of-way shall be approved by the City and shall be covered by an Encroachment Agreement to be recorded in a

format approved by the City. The developer shall provide any additional clarifications, amendments, and/or quit-claims on any outstanding private easement agreements, as necessary.

87. **Impacts to Existing Pavements.** A truck circulation plan and construction management and staging plan shall be included with any demolition, stockpile, grading, or improvement plan submittal. General truck routes shall be submitted for review and acceptance by the City. The engineer of record shall provide a summary of the extent of cut and fill with estimates on the yards of import and export material. The summary shall include rough grading, utility trench construction, road construction, AC paving, concrete delivery, and vertical construction loading estimates on the existing City of Hollister roadways. The developer shall either: 1) complete roadway deflection testing before and after construction to the satisfaction of the City Engineer and shall complete repairs to the pre-construction condition, or 2) shall propose a pavement repair/replacement program satisfactory to the City Engineer. The roadway impacts analysis and mitigation strategy shall be approved prior to commencing with grading or construction.
88. **Overhead Utilities.** The public improvement plan shall show all existing and proposed overhead wire utilities. Any existing overhead primary and secondary wiring within the tract boundary shall be undergrounded in conjunction with the project improvements. Unless otherwise specifically approved, pole relocation in lieu of undergrounding is not permitted. Off-site service drops shall be eliminated. The new service feeds for the project shall be completed by underground wiring without a net increase in utility poles. Terminal end utility poles shall be located off-site unless otherwise approved by the City.
89. **Widening of Streets.** Any widening of streets with existing overhead wire utilities shall include the undergrounding of the existing wiring. The City Engineer may require replacement streetlights per City Standards where streetlights exist on wood poles.
90. **Undergrounding Utilities.** The developer shall exhaust all reasonable efforts to eliminate or underground the existing overhead wiring located along the tract boundary. The elimination and/or undergrounding shall consider existing services and/or utilization equipment to remain. The plan to eliminate, reduce, or underground the existing services shall be approved to the satisfaction of the City, Caltrans, PG&E, and billboard easement grantee. Undergrounding service to any existing or proposed water well shall consider standard farming operations and the depth of deep ripping. Any proposal for partial undergrounding, waiver, or deferral shall be subject to the approval of the Community Development Director.
91. **Preliminary Undergrounding Plans.** Preliminary undergrounding plans for the entire project shall be processed through PG&E and any respective wire utility companies in conjunction with public improvement plan submittal. The preliminary PG&E plans/memo shall be provided to the engineer of record and the City for review and approval prior to commencing with the PGE final handout package. The final PGE handout package shall be approved by the engineer of record and City prior to commencing with construction.
92. **Access.** Fire Department access shall be provided for each building construction phase to the satisfaction of the Fire Chief. Phased street construction shall consider and provide suitable Fire

Department hydrant access, circulation routes, passing lanes, and turn-around areas in accordance with current City codes and standards.

Engineering – Project Specific

93. **Kit Fox.** As prescribed in the original approval of this business park “As identified in the project Biological Resources and by State Fish and Game comments, San Joaquin kit fox, a special status species, could forage on the site to a limited degree. To minimize any potential impacts to kit fox that development of the site may permit issuance shall pay to the City of Hollister a kit fox habitat mitigation fee in the amount of not less than \$875.00 per acre, or alternative mitigation that may be negotiated with State Fish and Game and/or the City.”

Fire Department – Standard Conditions

94. **Construction and Design Provisions.** The construction and design provisions of the fire code shall apply as follows:
- a. Structures, facilities and conditions arising after the adoption of this code.
 - b. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
 - c. Existing structures, facilities and conditions when identified in specific sections of this code.
 - d. Existing structures, facilities and conditions, which, in the opinion of the Fire Code Official, constitutes a distinct hazard to life and property.
 - e. Existing Structures, alterations and repairs:
 - i. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - ii. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combinations thereof, within a five-year period, the entire building shall be made to conform to the current provisions of this Chapter.
 - iii. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans. The determination under this section of the requirements for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.
95. **Change of Use or Occupancy.** A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

Exception: Where approved by the fire code official, a change of occupancy shall be permitted

without complying with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

96. **Occupancy Prohibited Before Approval.** The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.
97. **Construction Document Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.
98. **Information on Construction Documents.** Construction documents shall be drawn to scale on suitable material. Electronic media documents are allowed to be submitted where approved by the Fire Code Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances rules and regulations as determined by the Fire Code Official.
99. **Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards found in Chapter 9 of the California Fire Code.
100. **Vegetation.** Weeds, grass, vines, or other growth that is capable of being ignited and endangering property shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49 of the California Fire Code.
101. **California Code of Regulations, Title 19, Division 1, §3.07(b) Clearances.** The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- a. Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- b. Maintain around and adjacent to any such building or structure additional fire protection

or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

102. **Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
103. **Additional access.** The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
104. **High-piled storage.** Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.
105. **Fire Department Access and Egress. (Roads)** Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
106. **Paving.** All fire apparatus access roads over eight percent (8%) shall be paved with a minimum of .17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.
107. **Marking.** Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
108. **Address Identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall construct with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers

shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where required by the [fire code official](#), address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

109. **KNOX BOX.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official. Where a key box is used, it shall be listed in accordance with UL 1037. This jurisdiction utilizes the **KNOX Box and Security Systems**.
110. **Fire Flow.** Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.
111. **Hydrant for Standpipe Systems.** Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.
112. **Hydrant Obstruction.** Unobstructed access to fire hydrants shall be maintained around the circumference of the fire hydrant at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
113. **Clear Space Around Hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or [approved](#).
114. **Hydrant Protection.** Where fire hydrants are subject to impact by a motor, vehicle guard posts or other approved means shall comply with [Section 312 of the International Fire Code](#).
115. **Identification.** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.
116. **Utility Identification.** Where required by the [fire code official](#), gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit of space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.
117. **Occupancy.** It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved.

118. **Approved Automatic Sprinkler Systems.** App shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. Exceptions:
- (1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
 - (2) Detached agricultural buildings, as defined by this code, located at least one hundred feet (100) from any other structure or the property line, whichever is closer.
 - (3) Accessory structures associated with existing non-sprinklered R-3 occupancies (one- and two- family dwellings) and less than one thousand five hundred (1500) square feet in total fire area.
 - (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.
119. **Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.
- Exceptions:**
1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
 2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.
120. **A Fire Alarm System.** A fire alarm system shall be installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with this code. Fire alarm box shall be installed at a locations approved by the enforcing agency.
121. **Monitoring.** Fire alarm systems, whether required by this chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this section.
122. **Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.
123. **Locking Fire Department Connection Caps.** The fire code requires locking caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal. This jurisdiction utilizes the **KNOX Box and Security Systems**.
124. **Clear Space Around Connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained

in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire code official.

125. **Physical Protection.** Where fire department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312 of the International Fire Code.
126. **Signs.** A metal sign with raised letters not less than 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.
127. **Backflow Protection.** The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the Health and Safety Code Section 13114.7.
128. **Access for Firefighting.** Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided capable of supporting vehicle loading under all weather conditions. Hollister Fire Department requires all weather hard paved roadway.
129. **Maintenance of Egress.** Required means of egress and required accessible means of egress shall be maintained during construction and demolition, remodeling or alterations and additions to any building.

Exception: Approved temporary means of egress and accessible means of egress systems and facilities.
130. **Water Supply for Fire Protection.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
131. **Portable Fire Extinguishers.** Structures under construction, alteration, or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 of the International Fire Code and sized for not less than ordinary hazard as follows:
 - a. At each stairway on all floor levels where combustible materials have accumulated.
 - b. In every storage and construction shed.
 - c. Additional portable fire extinguishers shall be provided where special hazards exist, including, but not limited to, the storage and use of flammable and combustible liquids.
132. **Access road width with a Hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.

133. **Gates.** All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least two (2) feet wider than the width of the traffic lane but in no case be less than fourteen (14) feet wide unobstructed and unobstructed vertical clearance of fifteen (15) feet. Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used. Where gates are to be locked, the installation of a key box, lock or Knox key switch is required.
134. **Proximity to Building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
135. **Addresses for Buildings.** All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers, and symbols for addresses shall be a minimum of 12-18-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. Address signs shall be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Permanent address numbers shall be posted prior to requesting final clearance. Address numbers shall be placed on the upper Left/Right of address side of building per AHJ.
136. **Water Systems.** Water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards to meet the local Jurisdiction per NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.
137. **Fire Hydrants and Valves.** A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and by road from the building it is to serve. **More restrictive hydrant requirements may be applied by the Reviewing Authority.** Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. UPDATE NEW FIRE HYDRANT ON SHELTON DRIVE.
138. **Standard Defensible Space Requirements.** Combustible vegetation shall be removed from within a minimum of 100 feet or to the property line from structures, whichever is closer.
139. **Final Fire Inspection.** To schedule a final fire life safety inspection and pay associated fees please call (831) 636-4325.

Police Department – Standard Conditions

140. **Lighting.** Prior to occupancy, the Applicant shall provide evening lighting, which is unobtrusive for neighboring parcels, on the project site. All light sources should be fully shielded from off-site view. All lights are to be downcast except where it can be proven to not adversely affect other parcels.
141. **Security Plan.** The applicant shall provide submit a security plan showing how clients will be allowed in and out, the hours of operation and a 24/7 responsible contact. The security plan should include a surveillance camera plan. At a minimum, all entrances should have good quality recordings 24/7; clear enough to capture license plates. The entire area where motorhomes will be stored should be covered by cameras as well as the rear fence area where most burglars might cut through or jump the fence.
142. **Graffiti.** The Applicant shall maintain a clean facility and keep walls, fencing, signage, etc. free from graffiti. All graffiti must be removed or painted over within 48 hours of it appearing.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 22nd day of June 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, Secretary

Please Note

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



Planning Commission

Memorandum

June 22, 2023

Public Hearing Item 1

SUBJECT:

Site & Architectural Review 2023-3 – Airway Storage – The applicant is requesting a Site & Architectural Review 2023-3 to develop lots 23 & 24 of Tract No. 293 (currently vacant ground) as a storage facility with office, 33 enclosed storage units, 136 open large RV storage stalls, 20 open small RV storage stalls, trash enclosures, security fencing, and landscaping at 1960 and 1970 Airway Drive, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033 in the Industrial Business Park (IBP) Zoning District.

The plan sets for Site & Architectural Review 2023-3 are available for public viewing at the City of Hollister Development Services Department office located at 361 Fifth Street during regular business hours. The Development Services Department is open to the public Monday-Thursday from 8:30 AM – 12:00 PM, and 1:00 PM – 4:30 PM, closed Fridays. Plans will also be available for viewing at the regular meeting of the Planning Commission at City Hall on June 22, 2023 starting at 6:00 PM.

MEMORANDUM

DATE June 15, 2023
TO City of Hollister Planning Commission
FROM David Early and Carey Stone, PlaceWorks
SUBJECT Overview of Draft General Plan, Draft Climate Action Plan, Draft Agricultural Preservation Program, and Draft Environmental Impact Report

The purpose of this memorandum is to provide an overview of the Draft General Plan, Draft Climate Action Plan (CAP), Draft Agricultural Preservation Program, and Draft Environmental Impact Report (DEIR) for consideration at the June 22, 2023 Planning Commission meeting. The draft documents are available for review at: <https://hollister2040.org/>

This memorandum includes the following components:

- » Overview of the process to create the draft plans.
- » Summary of the Draft General Plan.
- » Summary of the Draft CAP.
- » Summary of the Draft Agricultural Preservation Program.
- » Overview of community engagement process.
- » Summary of community input on the Draft Plans.
- » Overview of the Draft Environmental Impact Report.
- » Next Steps.

UPDATE ON DRAFT GENERAL PLAN PROCESS

As a brief reminder, the process to update the General Plan included the phases discussed below.

- » **Existing Conditions:** Researching and documenting baseline environmental conditions in Hollister and preparing a series of reports available on <https://hollister2040.org/documents-past-meeting-materials/>.
- » **Vision and Guiding Principles:** Establishing a communitywide vision and supporting guiding principles. The General Plan Vision describes the future of Hollister as the community would like it to be in 2040. The Vision and Guiding Principles guided the development of the goals, policies, and actions and land use changes.
- » **Policy Development:** Developing policy options for key issues identified through input given at the General Plan visioning workshops held in Summer 2020 and the three GPAC meetings held in Fall 2020. On June 22, 2021, the City Council provided final policy direction for the following topics:

- Parks
 - New School Funding
 - Farmland Mitigation
 - Sensitive Habitats
 - Heritage Trees
 - Economic Development
 - Retail Leakage
 - Job Creation
 - Industrial Uses
 - Tourism
 - Airport
 - Complete Streets and Safe Routes to School
 - Level of Service
 - Roundabouts
 - Growth Management
 - Special Planning Areas
 - Residential Land Use Designations
 - Inclusionary Housing
 - Historic and Cultural Resources
 - Coordination with Local Tribes
 - Environmental Justice
 - Arts and Culture
 - Climate Change, Sustainability, and Natural Hazards
- » **Draft General Plan:** On April 4, 2023, the City published the Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program for public review and comment. The Draft General Plan carries forward the majority of the existing General Plan goals, policies and actions along with the policy direction developed through the prior phases and City staff recommended updates all informed by feedback collected during community participation processes.
- » **Public Review and Adoption:** Public review and Council consideration of final documents, including the General Plan, and the certification of the Environmental Impact Report are the remaining tasks of the General Plan update. This phase includes approximately six months of public review of the Draft General Plan and a 45-day public review period of the Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program Draft Environmental Impact Report (EIR). In addition, a series of City Council and Planning Commission hearings will be held to consider certification and adoption of the Final EIR and Draft Plans. See “Next Steps” below for more detail.

SUMMARY OF THE DRAFT GENERAL PLAN

The Draft General Plan includes an introductory chapter and vision chapter, as well as an individual chapter for each of the 10 General Plan elements that establish goals, policies, and actions for implementing the General Plan. The 10 elements include the eight-mandated topics required by California Government Code Section 65302 as well as two additional topics of particular interest to Hollister. New goals, policies, and actions are noted with “(new)” at the end of each goal, policy or action in each element. The Draft General Plan includes the following elements:

- **Land Use and Community Design Element.** This element establishes the type, location, density and intensity of development activity in Hollister. It describes the goals and policies that will guide Hollister’s future growth patterns and development standards.
- **Circulation Element.** This element describes the services, facilities, and capital improvements needed to facilitate vehicle, pedestrian, transit, bicycle, and emergency circulation.
- **Community Services and Facilities Element.** This element describes the community facilities that are necessary in the provision of Hollister’s essential public services.
- **Economic Development Element.** This is a new element as part of this update to the General Plan and establishes policy guidance to support and maintain an economically viable community.
- **Natural Resources and Conservation Element.** This element outlines City policy for the preservation of natural resources and provision of outdoor recreation opportunities.
- **Health and Safety Element.** This element covers two of the 8 State-mandated elements: safety and noise. The safety section of this element identifies and assesses hazards in the community and establishes the goals, policies, and actions necessary to ensure community safety and protection from noise.
- **Open Space and Agriculture Element.** This element outlines City policy for the preservation of open space and agricultural areas.
- **Housing Element.** This element identifies the housing needs of the city for all income levels and strategies and policies for providing housing to meet those needs. Since the Housing Element is updated more frequently than the other elements, as required by State law, it exists as its own document outside of the proposed 2040 General Plan and is therefore not part of the proposed project. The current Housing Element addresses housing needs in Hollister for the 2015 to 2023 housing cycle and is currently being updated by the City through a separate process.
- **Arts and Culture Element.** This is a new element as part of this update to the General Plan and outlines City policy for creating a lively arts scene that encourages self-expression and ensures the representation of Hollister’s arts and cultural communities.
- **Environmental Justice Element.** This is a new element as part of this update to the General Plan and identifies impacted communities and sets policy direction to minimize effects of environmental

hazards on these communities, with an emphasis on pollution exposure, food access, and safe and sanitary homes.

Proposed Sphere of Influence Change

The Hollister Sphere of Influence (SOI) is defined and determined by San Benito County Local Agency Formation Commission (LAFCO), although the City can propose the area that it would like its SOI to include. Per the direction of the City Council, the City is proposing changes to the currently approved SOI near Union Road as shown on Figure 1.

The current SOI is roughly 1,817 acres or about 2.8 square miles. The proposed SOI expansion would add about 289 acres (about 0.5 square miles) to increase to approximately 2,106 acres and 3.2 square miles. The proposed SOI would extend further south of the existing SOI, but would remain contiguous with the existing SOI border to the east and west. The proposed SOI would expand to Union Road between San Benito Street and Southside Road and to Enterprise Road between Southside Road and State Route (SR) 25. As described in the Draft General Plan policy guidance for the Union Road Special Planning Area, development in this expansion area would be subject to specific guidelines for development, including the creation of a Specific Plan for proposed projects within the Union Road Special Planning Area.

Proposed Land Use Changes

The Draft General Plan land use map, as shown in Figure 2, carries forward the majority of existing designations. However, the land use map does propose targeted changes. Figure 3 shows the parcels that have a new General Plan land use designation compared to the existing General Plan land use map. A summary of the major land use changes as directed by the City Council include:

- Designate sufficient land as High Density Residential to utilize the Government Code section 65583.2, subdivision (c)(3)(B) default density standard provision which allows jurisdictions to identify Housing Element sites for lower income households without additional analysis such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower-income households. The California Department of Housing and Community Development, also referred to as HCD classifies Hollister as Metropolitan jurisdiction which requires a default density standard of a minimum of 30 dwelling units/acre.¹ Note that the City of Hollister is not required to use the 30 du/ac default density standard. However, using the default density standard does make the process to identify the Housing Element sites inventory easier and less cumbersome.

Also, subsequent to the June 22, 2021 Council direction, HCD released a memorandum on March 21, 2022 that changed Hollister's classification from a Suburban jurisdiction to a

¹ <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/defaultdensity2020censusupdate.pdf>

Metropolitan jurisdiction. When Hollister was classified as a Suburban jurisdiction, the default density standard was 20 du/ac. As a Metropolitan jurisdiction, Hollister's default density standard is 30 du/ac. Since Council direction was to apply the default density standard, City staff suggests the High Density Residential minimum density be 30 du/ac.

- Apply the Medium Density Residential and Mixed Use designations in the Union Road Special Planning Area is to create a mix of residential units and new job generating uses.
- Apply Residential Estate to align with the surrounding uses in the Meridian Street Extension Special Planning Area. Also apply the General Commercial designation in this area to improve access to commercial services on the east side of the city.
- For areas outside the SOI, the City Council directed staff to apply the Agricultural designation. For already urbanized areas outside the SOI, the City Council directed staff to apply the land use designation that matched the existing use.

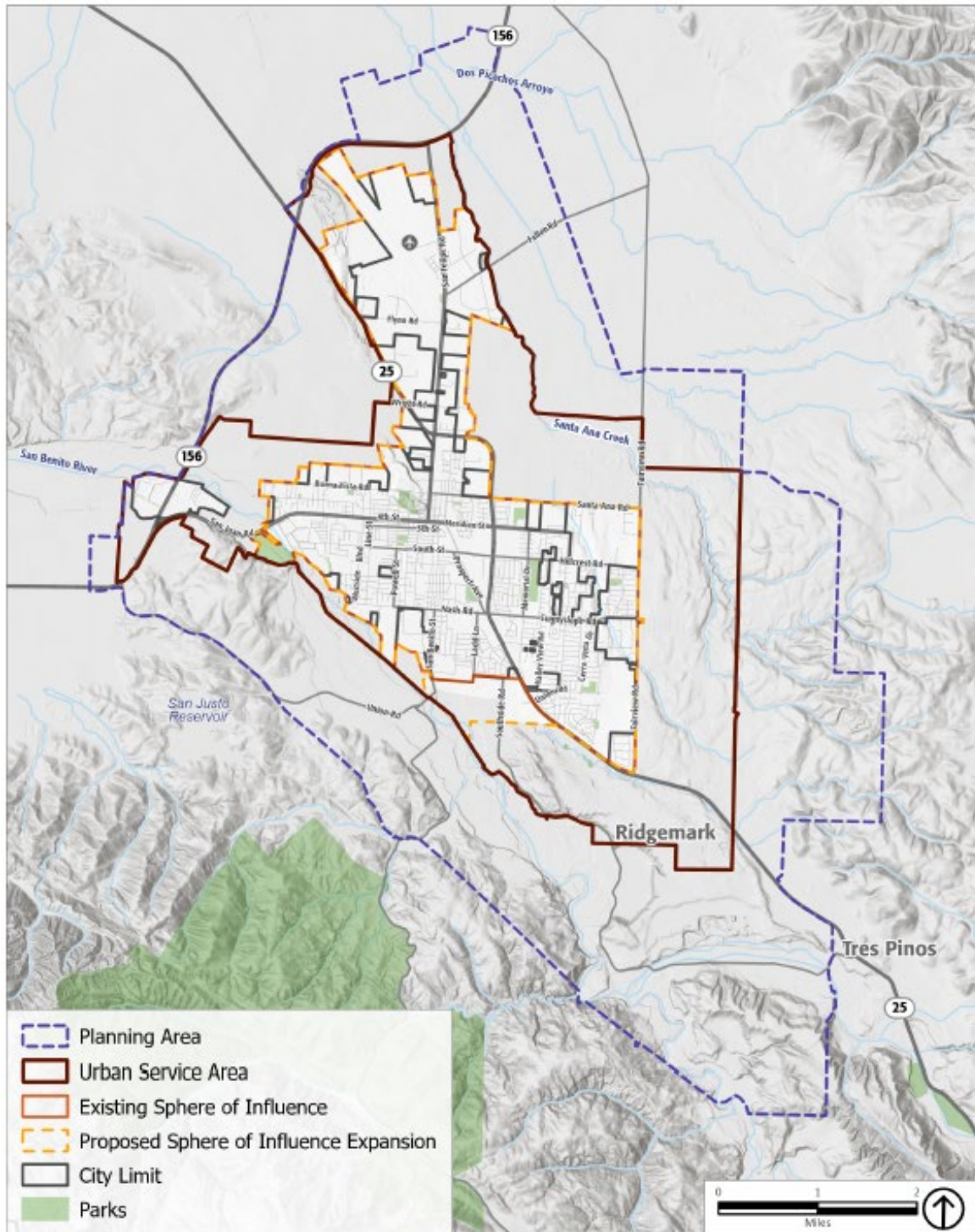
In addition, the Draft General Plan proposes residential density changes as summarized in Table 1. A summary of these changes includes:

- As discussed, the Draft General Plan increases the High Density Residential designation minimum density as directed by the City Council to meet the HCD default density standard. City staff also suggests this same minimum density be applied to the Mixed-Use, Downtown Mixed Use, and West Gateway Commercial and Mixed Use designations for the same reason.
- As directed by the City Council, the Draft General Plan increases the upper range of the Downtown Mixed Use density to 125 du/ac because the small parcels in the Downtown limit what can actually be built. Raising the maximum residential density to 125 du/ac per acre could potentially encourage developers to add residential components to their mixed-use projects.
- To better align with the High Density Residential density range, the Draft General Plan changes to the Low Density Residential and Medium Density Residential designation density ranges as shown in Table 1.
- The Draft General Plan also modifies the Medium Density Residential designation to preclude single family residential uses as an allowed use to increase the diversity of housing options in Hollister.
- As directed by the City Council, the Draft General Plan measures all densities based on gross acres instead of net acres.

TABLE 1 **SUMMARY OF GENERAL PLAN LAND USE DESIGNATION UPDATES**

Land Use Designation	Existing GPLU Density	Draft GPLU Density
Residential Estate	1 du/5 ac	0.2 to 1 du /ac
Low Density Residential	1 to 8 du/ac	6 to 10 du/ac
Medium Density Residential	8 to 12 du/ac	11 to 29 du/ac
High Density Residential	12 to 35 du/ac	30 to 65 du/ac
Mixed-Use	25 to 40 du/ac	30 to 65 du/ac
Downtown Mixed Use	25 to 45 du/ac	30 to 125 du/ac
West Gateway Commercial and Mixed Use	20 to 35 du/ac	30 to 65 du/ac
Home Office	8 to 12 du/ac	11 to 29 du/ac

FIGURE 1 EXISTING AND PROPOSED SPHERE OF INFLUENCE



Source: ESRI, 2020; PlaceWorks, 2023; San Benito County, 2020; USGS, 2019

FIGURE 2 DRAFT GENERAL PLAN LAND USE MAP

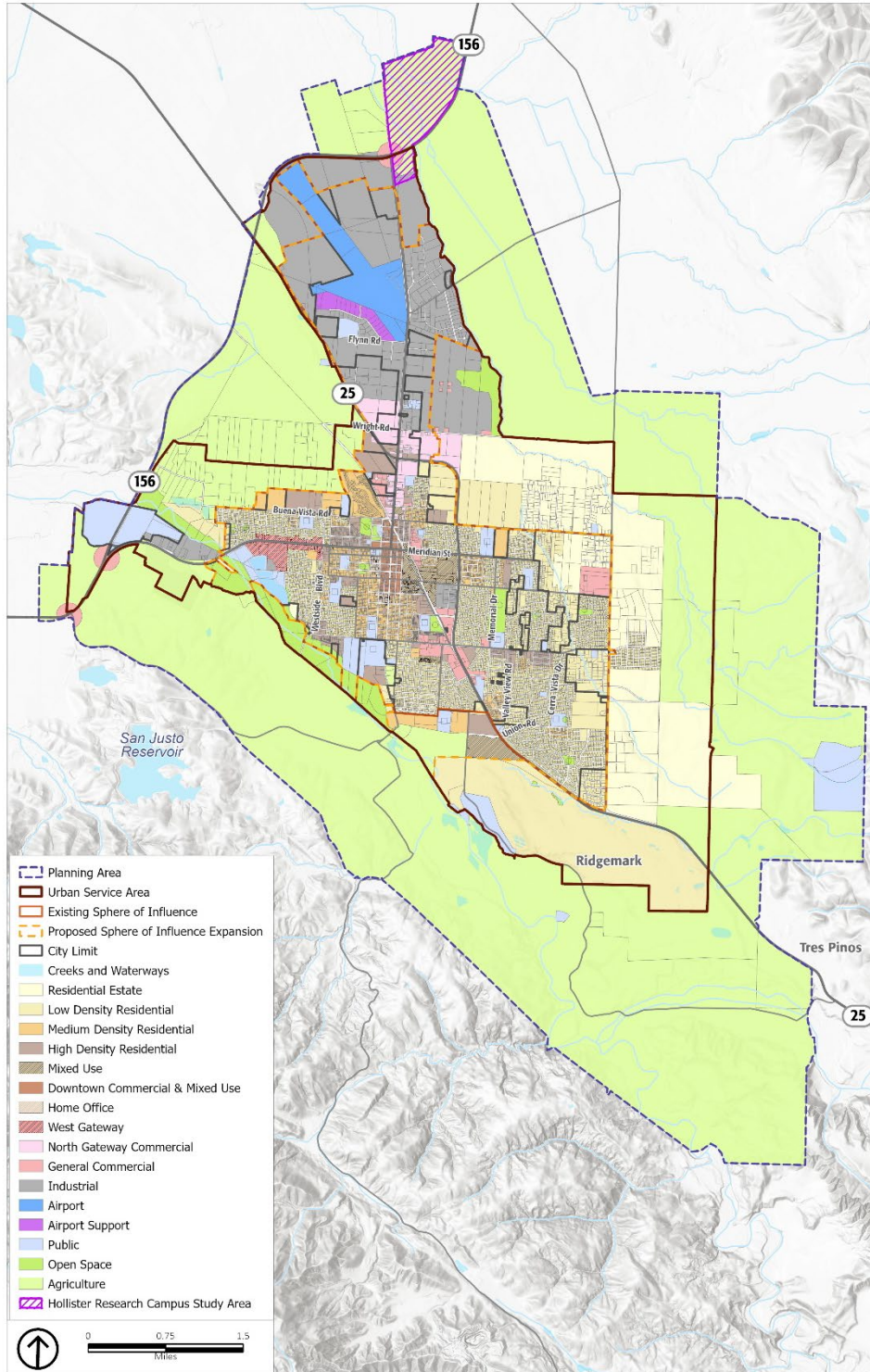
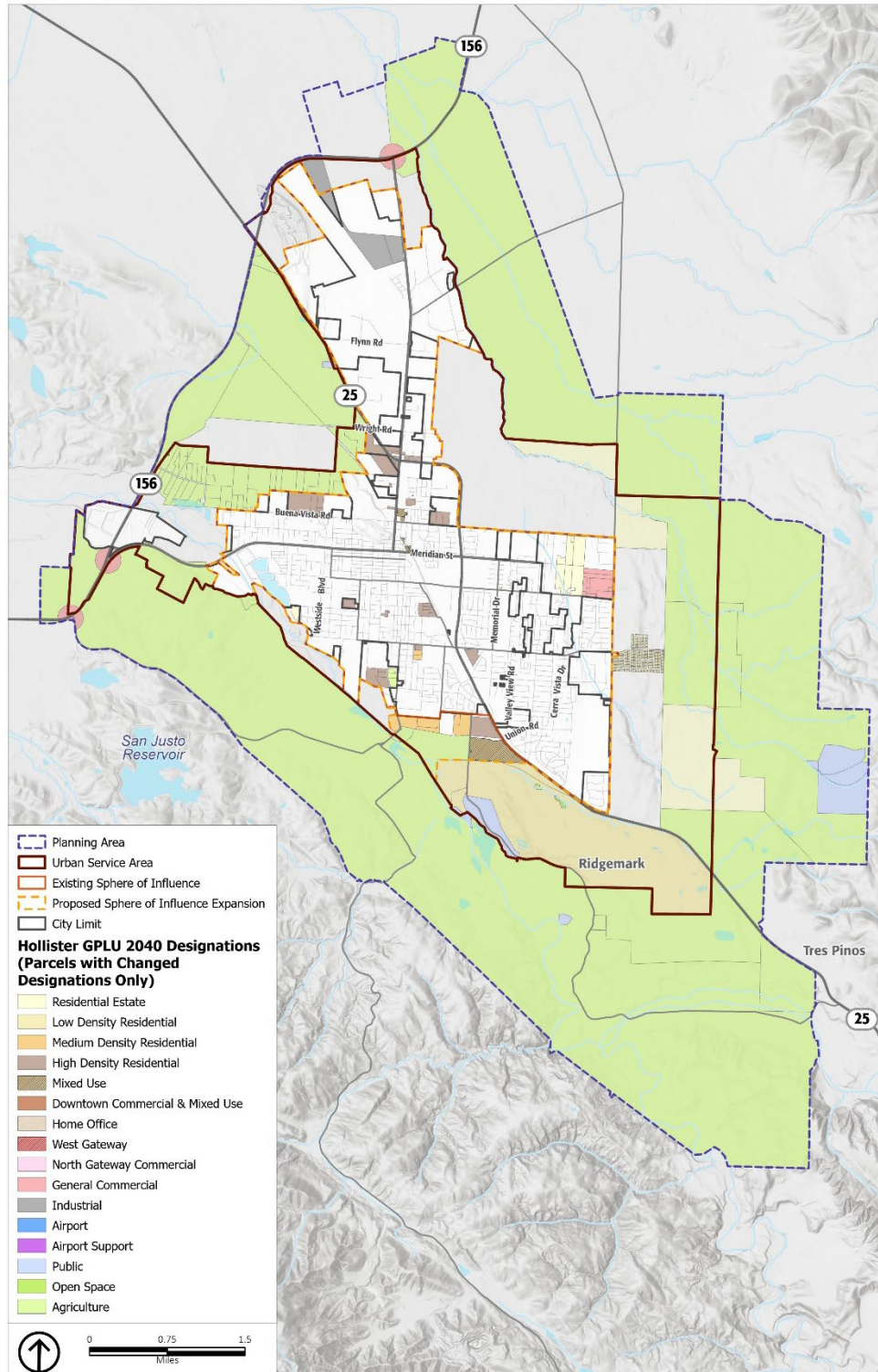


FIGURE 3 DRAFT GENERAL PLAN LAND USE MAP CHANGES



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.

SUMMARY OF THE DRAFT CLIMATE ACTION PLAN

The Draft Climate Action Plan (CAP) proposes a strategic plan to assess and reduce Hollister's greenhouse gas (GHG) emissions, consistent with State targets and directions. It identifies Hollister's current and projected future sources of GHG emissions, including electricity and natural gas use, vehicle travel, solid waste generation, and other activities. The CAP also includes a discussion of how climate change may affect Hollister by increasing the frequency and severity of flooding, drought, extreme heat, regional wildfires, and other natural hazards.

The CAP contains a comprehensive set of strategies that reduces these emissions 88 percent below 1990 levels by the year 2045. Key strategies in the CAP include:

- Encouraging community members to replace natural gas appliances with electric models.
- Reducing vehicle travel through improved access to local and regional transit systems.
- Increasing Hollister's electric vehicle adoption rate.
- Transitioning away from diesel-powered construction and landscaping equipment.
- Decreasing the amount of waste sent to landfills.

SUMMARY OF THE DRAFT AGRICULTURAL PRESERVATION PROGRAM

The Draft Agricultural Preservation Program proposes a new addition to the HMC Title 17, *Zoning*. The proposed addition would be adopted and codified as new HMC Chapter 17.13, *Agricultural Lands Preservation Program*. The purpose of the proposed Agricultural Lands Preservation Program is to ensure the benefits of agricultural activities are maintained by requiring that activities that convert existing agricultural lands to non-agricultural uses (i.e., urban uses) directly address that loss through a program that funds agricultural conservation easements. As directed by the City Council through the policy options phase of this project, the Draft Agricultural Preservation Program would require the permanent preservation of two acres of agricultural land for every one acre of land that is converted to a non-agricultural use within the City Limits. The land that would be permanently preserved must occur within the Hollister Planning Area.

The Draft Program applies to agricultural land within the City Limits that is proposed for conversion to a non-agricultural use and has one or more of the following qualities:

- Classified as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance per the State of California.
- Class I or Class II soils (US Department of Agriculture Natural Resources Conservation Service classification).
- Rangelands that support at least one animal per acre (US Department of Agriculture classification).

- Orchards or vegetable farms which produce a minimum annual return of \$200/acre.

OVERVIEW OF COMMUNITY ENGAGEMENT PROCESS

The Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program were developed through a public process, consisting of issue exploration, visioning, and policy development as described above. A General Plan Advisory Committee provided overall direction, with the assistance of citizen representatives who worked closely with the consultant team and City staff to guide the public process for updating the plan.

Table 2 summarizes the outreach events and Table 3 summarizes the meetings undertaken through May 2023. Due to the COVID-19 pandemic, which began in early 2020, the City collected community input primarily through virtual workshops and online activities. Although most of the workshops were virtual, they still allowed for dialogue and small group participation so community members could share ideas and hear feedback from their neighbors. Note that the original scope of work included a total of 22 meetings and events (excluding the adoption hearings) and the project team will have completed 29 meetings once the Council reviews the Draft Plans in August 2023.

The public input received from the workshops, online activities, survey, and General Plan Advisory Committee meetings helped inform the development of the Draft Plans. The Draft General Plan Update will be reviewed in public discussion and subsequently refined before adoption based on Council direction which will be provided in August 2023.

The City is also collecting public comments via email and in writing. Attachment 1 includes the public comments received through June 15, 2023.

TABLE 2 **SUMMARY OF OUTREACH EVENTS**

#	Meeting Date	Topic	# of Participants
Workshops			
1	Saturday, June 27, 2020	Visioning Workshop	12
2	Tuesday, June 30, 2020	Visioning Workshop	18
3	Wednesday, July 8, 2020	Visioning Workshop	15
4	Thursday, July 9, 2020	Visioning Workshop	20
5	Tuesday, March 9, 2021	Policy Options Workshop	16
6	Wednesday, March 10, 2021	Policy Options Workshop	20
7	Thursday, May 6, 2021	Spanish Language Workshop	45
8	Wednesday, May 17, 2023	Draft General Plan, Draft CAP , and Draft Agricultural Preservation Program- Farmers Market Pop-up	71
9	Thursday, May 18, 2023	Draft General Plan and CAP - Virtual Workshop	15
Online Activities			
1	Summer 2020	Visioning Online Engagement	47
2	Spring 2021	Policy Options Online Engagement	8

Source: PlaceWorks, 2023.

TABLE 3 SUMMARY OF MEETINGS

#	Meeting Date	Topic
GPAC Meetings		
1	Thursday, June 4, 2020	General Plan Kick-off
2	Tuesday, October 6, 2020	Visioning
3	Tuesday, November 17, 2020	Existing Conditions
4	Tuesday, March 23, 2021	Policy Options
5	Tuesday, March 30, 2021	Policy Options
6	Tuesday, April 6, 2021	Policy Options
7	Tuesday, April 13, 2021	Policy Options
8	Tuesday, April 27, 2021	Policy Options
Planning Commission Meetings		
1	Thursday, April 22, 2021	EIR Scoping Meeting
2	Monday, May 24, 2021	Draft Vision Statement and Policy Options
3	Thursday, June 22, 2023	Draft General Plan, Draft CAP, Draft Agricultural Preservation Program, and Draft EIR
City Council Meetings		
1	Monday, April 6, 2020	GPAC Formation
2	Monday, March 1, 2021	Project Update
3	Tuesday, June 22, 2021	Draft Vision Statement and Policy Options
4	Tuesday, January 18, 2022	Project Update

Source: PlaceWorks, 2023.

COMMUNITY INPUT ON THE DRAFT PLANS

This section includes a summary of the community feedback collected on the Draft Plans from April 2023 through May 2023 via the May 17, 2023 Farmers' Market Pop-up Event, May 18, 2023 Virtual Workshop, and emails sent to City staff:

- » Request for Low Density Residential designation instead of High Density Residential for the approximately 8 acre parcel at the western terminus of Glenmore Drive. Surrounding neighbors have also expressed concerns about the proposed density increase.
- » Request for Low Density Residential instead of Residential Estate for the 43 acres in the Meridian Street Extension Special Planning Area.
- » Request for Medium Density Residential instead of High Density Residential for a 4.65 acre property in Downtown Hollister where Republic Urban Properties is proposing a mixed-use development project. The developer indicates the High Density Residential designation makes the project financially infeasible.
- » Concern that a proposed senior housing project, located at East North Street and North Monterey Street, zoning designation of Performance Overlay could be jeopardized. The Draft General Plan maintains the existing designation of High Density Residential, but proposes an increased density from 12 to 35 du/ac to 30 to 65 du/ac.
- » Request for parcels along Buena Vista Road and outside the Sphere of Influence maintain existing General Plan designation of Low Density Residential instead of proposed change to Agriculture. Commenter concerned that changing these parcels to Agriculture could affect property values and ability to secure loans for future agricultural operations.
- » Do not prohibit single family homes in Medium Density Residential designation.
- » Include a mechanism in the General Plan to extend sewer service to unincorporated county land.
- » Include a link to the Multijurisdictional Hazard Mitigation Plan in the Safety Element as requested by the California Governor's Office of Emergency Services.
- » Increase protected bike lanes and walking trails throughout the city.
- » Increase public transit ridership.
- » Reduce traffic; increase routes to/from the city.
- » Improve sidewalk and street maintenance.
- » Increase affordable housing.
- » Slow the amount of development in Hollister.
- » Provide housing for the unhoused.
- » Consider the availability of future water supply and impacts to groundwater when planning for future growth.
- » Increase parks and recreation activities and facilities.
- » Increase local businesses.
- » Limited broadband capacity is an economic development issue.

OVERVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

As required by the California Environmental Quality Act (CEQA), the City has prepared an Environmental Impact Report (EIR) to address the environmental effects associated with adoption and implementation of the Draft General Plan. Because of the long-term planning horizon of the proposed project and the

permitting, planning, and development actions that are related both geographically and as logical parts in the chain of contemplated actions for implementation, the EIR was prepared as a program EIR, pursuant to Section 15168 of the CEQA Guidelines.

The CEQA environmental review process started on April 9, 2021, with issuance of a Notice of Preparation (“NOP”) of an EIR. A 30-day public comment period for the NOP ended on May 10, 2021. A virtual public scoping meeting was held on April 22, 2021, to accept public input on environmental topics to be analyzed in the EIR and approaches to the impact analyses. During this time, the City received comment letters from the California Department of Fish and Wildlife, Native American Heritage Commission, and San Benito High School District. Issues of particular concern to agencies during the environmental review process included:

- Potential impacts to biological resources.
- Tribal consultation and compliance with Assembly Bill 52 and Senate Bill 18.
- Cumulative impact on the capacity to serve future students at San Benito High School.

A Notice of Availability was issued on May 17, 2023. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. The Draft EIR was made available for review to interested parties on the project website at: www.hollister2040.org. The City will hold a virtual public hearing to receive comments on the Draft EIR at the June 22, 2023 Planning Commission meeting.

The EIR evaluation included a detailed analysis of impacts in eighteen (18) environmental topics, analyzing the Draft General Plan 2040, and alternatives to the General Plan 2040, including a No Project Alternative. The EIR discloses the environmental impacts expected to result from implementation of the General Plan 2040 including the effects of potential future buildout during both construction and operational phases. Impacts under the following environmental topics were determined to be less than significant with implementation of the General Plan goals, policies, and actions.

- | | |
|--|----------------------------------|
| • Aesthetics | • Hydrology and Water Quality |
| • Biological Resources | • Land Use and Planning |
| • Cultural and Tribal Cultural Resources | • Mineral Resources |
| • Energy | • Population and Housing |
| • Geology and Soils | • Public Services and Recreation |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |
| • Hazards and Hazardous Materials | • Wildfire |

The Draft EIR identified the following impacts, which can be mitigated somewhat by General Plan policies and actions, but which would not be able to be mitigated to a less-than-significant level and would therefore remain significant and unavoidable.

- **Impact AG-1:** Implementation of the proposed project would result in the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland land to non-agricultural land uses.
- **Impact AG-2:** Implementation of the proposed project would result in the loss of agricultural land under the Williamson Act.
- **Impact AG-4:** The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to the conversion of farmland of concern under CEQA and Williamson Act properties to non-agricultural uses.
- **Impact AIR-1:** Implementation of the proposed project would result in the generation of substantial operational (long-term) criteria air pollutant emissions that would exceed the Monterey Bay Air Resources District's (MBARD's) regional significance threshold for Volatile Organic Compounds (VOC) and would; therefore, not be considered consistent with the existing Air Quality Management Plan.
- **Impact AIR-2a:** Operation of development projects that could occur from implementation of the project would generate emissions that would exceed Monterey Bay Air Resources District's (MBARD's) regional significance thresholds for Volatile Organic Compounds (VOC), nitrogen oxides (NO_x), and Carbon Monoxide (CO).
- **Impact AIR-2b:** Construction activities that could occur over the buildout horizon of the proposed 2040 General Plan would generate substantial short-term criteria air pollutant emissions that would exceed Monterey Bay Air Resources District's (MBARD's) regional significance thresholds and cumulatively contribute to the nonattainment designations of the North Central Coast Air Basin (NCCAB).
- **Impact AIR-3a:** Implementation of the proposed project could expose air quality sensitive receptors to substantial toxic air contaminant concentrations from non-permitted sources during operation.
- **Impact AIR-3b:** Construction activities associated with potential future development could expose nearby air quality sensitive receptors to substantial concentrations of toxic air contaminants during construction.
- **Impact AIR-5:** The emissions that could occur over the buildout horizon of the proposed 2040 General Plan could generate a substantial increase in emissions that exceeds the Monterey Bay Air Resources District's (MBARD's) significance thresholds and cumulatively contribute to the nonattainment designations and health risk in the North Central Coast Air Basin (NCCAB).
- **Impact NOI-1.1:** Construction activities associated with potential future development could expose sensitive receptors in close proximity to a construction site to excessive noise from construction equipment.

- **Impact NOI-1.2:** Operational vehicle traffic noise increases would exceed the City's significance threshold with implementation of the proposed project.
- **Impact TRANS-2:** Implementation of the proposed project would result in a significant vehicle miles traveled (VMT) impact for VMT per Capita (Residential), VMT per Employee (Office), VMT per Employee (Other), and Retail VMT over 50,000 square feet, due to forecasted land use growth through 2040, based on a comparison of the VMT rate increment for VMT to the corresponding average baseline rates for the San Benito County region.
- **Impact TRANS-5:** Implementation of the proposed project would cumulatively contribute to regional vehicle miles traveled (VMT).

Where possible, General Plan 2040 policies and actions, and mitigation measures were identified to avoid or minimize each of these significant environmental effects. In addition, the City committed to implementing measures in order to reduce the direct and indirect impacts that will result from Draft General Plan 2040 activities.

The Draft EIR will be made available for public review for a 45-day public review period through Friday, June 30, 2023.

NEXT STEPS

Publishing the Draft Plans and Draft EIR was an important milestone for the Hollister General Plan Update project. The remaining key milestones of the General Plan Update include:

- » June 30, 2023 – DEIR public comment period closes.
- » August 2023 – City Council study session on Draft General Plan, Draft CAP, and Draft Agricultural Preservation Program.
- » August 2023 – Publish Final EIR.
- » September to October 2023 – City Council and Planning Commission considers Final General Plan, CAP, Agricultural Preservation Program and EIR for adoption.

From: [Eva Kelly](#)
To: [Carey Stone](#)
Cc: [David Early](#); [Ambur Cameron](#); [Christine Hopper](#)
Subject: FW: City of Hollister Draft General Plan Safety Element - Available for Review
Date: Friday, April 14, 2023 4:17:40 PM
Attachments: [image002.png](#)

Good afternoon Carey,

We received the comment below from CALOES regarding the safety plan.

The City has a direct link to the MJHMP on our website here: https://hollister.ca.gov/wp-content/uploads/2023/02/San_Benito_County_MJHMP_9.2022_FINAL.pdf

But, if you think it would be better to put a non-direct link and directions as was provided as an option by CALOES, the plan can be found on the City's Planning Division Page at: <https://hollister.ca.gov/government/city-departments/development-services/planning/>

Thank you,
Eva



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General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Phan, Tina@CalOES [<mailto:Tina.Phan@CalOES.ca.gov>]
Sent: Friday, April 14, 2023 11:15 AM
To: CalOES Mitigation Planning <mitigationplanning@caloes.ca.gov>; Eva Kelly <eva.kelly@hollister.ca.gov>
Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>; Newton, Jody (Contractor)@CalOES.ca.gov <ContractorJody.Newton@CalOES.ca.gov>
Subject: RE: City of Hollister Draft General Plan Safety Element - Available for Review

Goodmorning Eva,
Cal OES has reviewed your submission and at this time, the City of Hollister is

not AB2140 complaint.

The Safety Element of the General Plan should direct the reader to where they can find the most current LHMP. This can be done by 1.) including a web link to the LHMP, 2.) inserting the LHMP itself into the safety element of the general plan, or 3.) including directions such as where it may be found at a local library. The benefit of using a link in which the year of the plan isn't mentioned is that the Safety Element will not need to be modified to accommodate the next update of the LHMP.

Please reach out to us again once you have included this requirement.

Have a wonderful weekend.

Kind Regards,

Tina Phan, Emergency Services Coordinator
Local Mitigation Planning | Recovery Directorate
California Governor's Office of Emergency Services



Office: (916) 845-8238
Cell: (916) 539-1625
www.caloes.ca.gov/HMGP

From: CalOES Mitigation Planning
Sent: Friday, April 7, 2023 11:34 AM
To: Eva Kelly <eva.kelly@hollister.ca.gov>; CalOES Mitigation Planning <mitigationplanning@caloes.ca.gov>
Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>
Subject: RE: City of Hollister Draft General Plan Safety Element - Available for Review

Hello,
We have received and will begin reviewing shortly.

Thank you

Kind Regards,

Tina Phan, Emergency Services Coordinator

Local Mitigation Planning | Recovery Directorate
California Governor's Office of Emergency Services



Office: (916) 845-8238
Cell: (916) 539-1625
www.caloes.ca.gov/HMGP

From: Eva Kelly <eva.kelly@hollister.ca.gov>
Sent: Friday, April 7, 2023 9:47 AM
To: CalOES Mitigation Planning <mitigationplanning@caloes.ca.gov>
Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>
Subject: City of Hollister Draft General Plan Safety Element - Available for Review

This Message is From an External Sender
This message came from outside your organization.

Good morning,

On behalf of the City of Hollister, I wanted to let you know that the draft Hollister General Plan Health and Safety Element is available for review at https://hollister2040.org/wp-content/uploads/2023/04/Hollister_Draft_GeneralPlan_web.pdf. The Health and Safety Element incorporates by reference the 2022 San Benito County Multi-Jurisdictional Hazard Mitigation Plan, as authorized by AB 2140. It includes a discussion of the HMP and specific language related to the incorporation. This language is found on pages HS-2 to HS-3 of the Health and Safety Element. The General Plan is set to go to public hearings starting September 2023.

If you have any questions related to Hollister's AB 2140 status, please let me know.

Thank you,
Eva Kelly
Interim Planning Manager



Eva Kelly, Interim Planning Manager
City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023
P (831) 636-4360
E eva.kelly@hollister.ca.gov
W Hollister.ca.gov

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General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

-

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Friday - Sunday CLOSED

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WARNING: Do not click links or attachments unless you recognize the sender and know the email is safe.

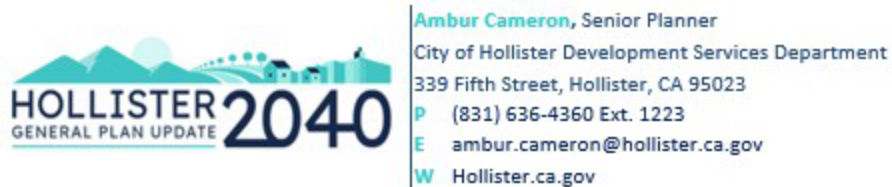
From: [Ambur Cameron](#)
To: [Tammy Seale](#); [Carey Stone](#)
Cc: [Eli Krispi](#); [David Early](#); [Eva Kelly](#)
Subject: FW: City of Hollister Climate Action Plan Comment
Date: Wednesday, April 12, 2023 8:05:22 AM

Good morning Tammy,

Please see the email below from Sustainability Program Manager, Amaury Berteaud, of the Association of Monterey Bay Area Governments (AMBAG) regarding the City of Hollister's Draft Climate Action Plan.

Thank you,

Ambur



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General Plan Update [Hollister2040.org](https://hollister2040.org) | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Amaury Berteaud [mailto:aberteaud@ambag.org]
Sent: Tuesday, April 11, 2023 1:50 PM
To: GeneralPlan <generalplan@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>
Subject: City of Hollister Climate Action Plan Comment

Hi Ambur,

I had a chance to leaf through your draft climate action plan, and it was quite the interesting read!

I have one small comment: AMBAG is no longer running an Energy Watch program. We still do have a number of sustainability and energy offerings, so where appropriate I would suggest replacing language around “AMBAG Energy Watch”, with “AMBAG”.

Thank you!

Best,

Amaury Berteaud (he/him)
Sustainability Program Manager
Association of Monterey Bay Area Governments
aberteaud@ambag.org
Cell: (281)881-5290
Office: (831)264-5089



June 9, 2023

Eva Kelly
Interim Planning Manager.
Development Service Department -Planning Division
City of Hollister
339 Fifth Street
Hollister, California 95023

RE: Comments on City of Hollister's GP 2040, CAP, and ALPP Draft Environmental Impact Report (State Clearinghouse # 2021040277)

Dear Ms. Kelly:

Thank you for the opportunity to review Draft Environmental Impact Report (DEIR) for the City of Hollister's General Plan 2040, Climate Action Plan, and Agricultural Lands Preservation Program. The following comments are offered for your consideration.

In Chapter 4 (Environmental Analysis), Chapter 4.8 (Greenhouse Gas Emissions), Chapter 4.11 (Land Use Planning), and Chapter 4.14 (Population and Housing), Chapter 4.16 (Transportation), and Chapter 6 (CEQA Required Assessment), AMBAG requests the following revisions:

Chapter 4. (Environmental Analysis)

- On page 4-8, the DIER states: “**Land Use and Planning:** The geographic context for the cumulative land use and planning effects considers impacts from projected growth in the rest of San Benito County and the surrounding region, as forecast in the 2045 AMBAG MTP/SCS” and “**Public Services and Recreation:** Cumulative impacts are considered in the context of projected growth in the rest of San Benito County and the surrounding region, as forecast by the 2045 AMBAG MTP/SCS, and contiguous with the service area boundaries of the service providers evaluated in this section.”

Revise the sentences to state “...the AMBAG 2045 MTP/SCS.”

Chapter 4.8 (Greenhouse Gas Emissions)

- On page 4.8-25, revise the sentence regarding the AMBAG Energy Watch Program. The AMBAG Energy Watch Program does not exist anymore and instead AMBAG has a Sustainability Program.

Furthermore, the proposed 2023 CAP also supports partnering with CCCE and ~~AMBAG Energy~~ AMBAG's Sustainability Program by publicizing energy-efficiency programs (Strategies 3, 4, and 7). Thus, implementation of the proposed 2023 CAP would result in beneficial impacts to GHG emissions. Implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and impacts would be *less than significant*.

- On page 4.8-26, the DIER states: "The 2045 AMBAG RTP/SCS focuses on achieving GHG reduction goals by focusing housing and employment growth in urbanized areas; protecting sensitive habitat and open space; and investing in a more accessible transportation system."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

- On page 4.8-26, revise the citation regarding the adoption date of the 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy. The 2045 MTP/SCS was adopted in June 2022, not June 2020.

Association of Monterey Bay Area Governments (AMBAG), ~~2022-2020~~, June. Monterey Bay 2045 Moving Forward: 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). https://www.ambag.org/sites/default/files/2022-07/AMBAG_MTP-SCS_Final_EntireDocument_PDFA_Updated071422.pdf, accessed August 11, 2022.

- On page 4.8-27, the DEIR states: "As described in Chapter 4.16, *Transportation*, the proposed 2040 General Plan outlines specific goals, policies, and actions that will help reduce VMT and therefore reduce GHG emissions from automobiles. Please see Impact Discussion TRANS-2 for a complete list of these goals, policies, and actions. Furthermore, implementation of the 2040 General Plan is projected to result in a decrease in GHG emissions on a per-capita basis. Thus, the proposed project would be consistent with the overall goals of AMBAG's 2045 RTP/SCS in concentrating new development in locations where there is existing infrastructure and transit (see Chapter 4.11, *Land Use and Planning*). Therefore, the proposed project would not conflict with the land use concept plan in AMBAG's 2045 RTP/SCS and impacts would be *less than significant*."

Revise the sentences to state "...the AMBAG 2045 MTP/SCS."

- On page 4.8-27, the DEIR states: “The proposed 2023 CAP is a strategic plan focused on GHG emissions reduction through recommended community-wide GHG reduction strategies and an implementation plan and does not involve any land use changes that would result in indirect growth or change in building density and intensity. Furthermore, as discussed under Impact Discussion GHG-1, implementation of the 2023 CAP would result in beneficial GHG emissions impacts by contributing to reducing VMT, increasing energy and water use efficiency, and increasing renewable energy use. Therefore, the 2023 CAP would be complementary to statewide and regional plans to reduce GHG and would not interfere with or obstruct the implementation of the CARB Scoping Plan or the 2045 AMBAG RTP/SCS. Implementation of the proposed CAP would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions and impacts would be *less than significant*.”

Revise the sentences to state “...the AMBAG 2045 MTP/SCS.”

Chapter 4.11 (Land Use Planning)

- On pages 4.11-2, the DEIR states “By considering the regional forecasts, and goals and policies of the AMBAG MTS/SCS, the City of Hollister General Plan can support these regional planning efforts. AMBAG is currently developing the 2050 MTP/SCS, which is scheduled for adoption in 2026.”

Revise the sentences to state “...the AMBAG 2045 MTP/SCS.”

Chapter 4.14 (Population and Housing)

- On page 4.14-1, the DEIR states “The Association of Monterey Bay Area Governments (AMBAG) is the official comprehensive planning agency for Monterey County, San Benito County, and Santa Cruz County. AMBAG is responsible for taking the overall regional housing needs allocation (RHNA) provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction. AMBAG produces growth projections on four-year cycles so that other regional agencies, including the San Benito County Council of Governments, can use the forecast to make project funding and regulatory decisions. AMBAG projections have practical consequences that shape growth and environmental quality, and the general plans, zoning regulations, and growth management programs of local jurisdictions inform the AMBAG projections. The AMBAG projections are also developed to reflect the impact of “smart growth” policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater

development and redevelopment in urban core and transit-accessible areas throughout the AMBAG region.

AMBAG is the Metropolitan Planning Organization for the tri-county region of Monterey, San Benito, and Santa Cruz Counties and prepares regional growth forecasts for the tri-county region. AMBAG is the Council of Governments for Monterey and Santa Cruz Counties. AMBAG develops RHNA for Monterey and Santa Cruz Counties only. The Council of San Benito County Governments is the Council of Governments for San Benito County and prepares RHNA for the Cities of Hollister and San Juan Bautista and the County of San Benito. Please revise this section to correctly state that the Council of San Benito County Governments allocates RHNA in San Benito County.

- On page 4.14-7, the DEIR states “The regional projections for Hollister anticipate a 17 percent increase in population and a 26 percent increase in housing units, as shown in Table 4.14-6, *Buildout Comparison of the Proposed 2040 General Plan to Regional Growth Projections*. However, the table also shows that the regional forecasts do not accommodate the City’s fair share of 4,163 housing units for the 2023–2031 Housing Element. Though the RHNA methodology considered the AMBAG 2022 Regional Growth Forecast, the forecast data were accepted for planning purposes by AMBAG Board of Directors in November 2020 and did not consider the 2023-2031 RHNA allocations, which were finalized in 2022.2 Accordingly, this indicates that the City needs to plan for development that exceeds the AMBAG 2040 regional growth forecasts, and the City is appropriately planning in order to provide its fair share of regional housing as part of the future Housing Element 2023-2031.”

AMBAG does not develop RHNA for the City of Hollister. Furthermore, the Regional Growth Forecast and RHNA projections are based on different assumptions and serve different purposes. The Regional Growth Forecast projects a realistic future housing demand, while the RHNA numbers include unmet existing housing need AND future housing demand. Finally, the Regional Housing Needs Determination was issued in September 2021 to the County of San Benito County Governments, well after the regional growth forecast was completed.

Chapter 4.16 (Transportation)

- On page 4.16-30, the DEIR states “**Implementation of AMBAG’s SB 375 Measures.** Some of the key strategies identified in the AMBAG RTP/SCS that would apply to the Hollister General Plan include land use strategies, such as improve job-housing balance in the region, focus new growth around transit; and transportation strategies such as improve

transit network, promote and improve active transportation, and promote shared mobility.”

Revise the sentences to state “...the AMBAG 2045 MTP/SCS.”

Chapter 6 (CEQA Required Assessment)

- On page 6.5, the DEIR states “The proposed project is a plan-level document and does not propose any specific development; however, implementation of the proposed project would induce growth by increasing the development potential in the EIR Study Area, as shown in Table 3-3, *Proposed 2040 Buildout Projections in the EIR Study Area*, in Chapter 3, *Project Description*. As shown in Table 3-3, the 2040 forecast for the EIR Study Area is approximately 60,535 total population, 17,640 housing units, 16,985 households, and 20,025 jobs. State law requires the City to promote the production of housing to meet its fair share of the regional housing needs distribution made by AMBAG. While the City provides adequate sites to meet its fair-share housing obligations, the additional housing capacity provided by the project would meet the additional demand generated by new job growth. In addition, the proposed 2040 General Plan would result in regional benefits by promoting growth that encourages less automobile dependence, which could have associated air quality and GHG benefits. Encouraging infill growth in designated areas would help to reduce development pressures on lands outside the City Limits.”

AMBAG does not prepare RHNA for San Benito County. RHNA for Hollister, San Juan Bautista, and San Benito County is developed by Council of San Benito County Governments.

Thank you for the opportunity to review the DEIR for the General Plan 2040. Please feel free to contact me at hadamson@ambag.org or (831) 264-5086 if you have any questions.

Sincerely,



Heather Adamson
Director of Planning



June 15, 2023

City of Hollister
975 Fifth St.
Hollister, CA 95023
TRANSMITTED VIA EMAIL

Re: Comments to Draft 2040 General Plan Update

Dear Sir/Madam,

The Building Industry Association of the Bay Area (BIA) respectfully submits the following comments to the City of Hollister's Draft 2040 General Plan Update. BIA offers these comments in the spirit of collaboration and support for the City adopting a comprehensive and productive General Plan that paves the way for achieving its challenging housing goals. These comments to the Draft 2040 General Plan may also pertain to the Draft EIR as many BIA comments and recommendations would touch on the Environmental Impact Report.

BIA is concerned that political opposition to housing production in the City and San Benito County has been ingrained in the Draft 2040 General Plan. The City has worked hard to bring forward a Draft General Plan that preserves and enhances many wonderful features of the region: a productive farming industry, scenic parks and open spaces, and picturesque towns.

Integrating responsible future growth into the Draft General Plan is the key. The Draft 2040 General Plan is an excellent opportunity to balance and blend the rural, agricultural character of Hollister with future well planned residential communities that support families, business and a thriving economy.

Still, BIA remains concerned that the Draft 2040 General Plan Update has incorporated several concerning new policy proposals, actions and fees that may create major obstacles to housing production by choking off land supply, prescribing intractable new rules and burdening each home with tens of thousands of dollars in new fees.

Housing Element Law requires that the City identify adequate sites to accommodate its regional housing needs allocation (RHNA) at all income levels. BIA encourages the City Council and Staff to take steps to revise policies and actions that may potentially constrain the production of housing during the lifespans of the 2040 General Plan and 6th Cycle Housing Element.

Policies that may require the City to analyze these rules as severe constraints to housing and mitigate accordingly include:

- Constrained Land Supply – Plan for sufficient land to accommodate housing production necessitated by the City’s 6th Cycle RHNA and additional land requirements;
- Inflexible Transportation Policies – Compliance with Vehicle Miles Travelled (VMT) policies in the Plan will present an obstacle to housing under current and future transportation systems and development patterns unless mitigated with policies to offset this significant hindrance;
- Onerous Ag Land Mitigation Policies - Agriculture mitigation at a 2:1 ratio plus Agricultural Buffer Zone requirements would stymie many projects and land deals;
- Impracticable Inclusionary Zoning Policy – A requirement of 20% inclusionary affordable housing on market rate for sale and rental housing would render projects infeasible or require implementation of a massive density bonus program.

Land Use and Community Design Element

The Draft 2040 General Plan Update severely constrains production of housing through limited Development Capacity, and tight Sphere of Influence (SOI). Figure LU-2, the Draft 2040 General Plan Update Land Use Map, when compared to the current General Plan shows that the SOI and Urban Service Area are nearly unchanged.

In order to accommodate more housing growth, BIA urges the City to expand the limited proposed Sphere of Influence in the Draft Plan to coincide with the Urban Service Line especially in the East and South quadrants of the City, incorporating more land for potential development where Prime Farmland is less prevalent.

LU-1.3. Development Capacity. Housing element site inventory requirements state that the purpose of the housing element’s site inventory is to identify and analyze specific land (sites) that is available and suitable for residential development in order to determine the jurisdiction’s capacity to accommodate residential development and reconcile that capacity with the jurisdiction’s Regional Housing Need Allocation (RHNA).

In the 6th Cycle Housing Element that spans the 8 year time period from 2024 to 2032, the City of Hollister must plan the capacity for an unprecedented Regional Housing Needs Assessment (RHNA) of 4,163 housing units. In addition, to comply with the “No Net Loss Requirements Law” (Government Code § 65863), the State Department of Housing and Community Development (HCD) recommend that to reduce the likelihood of having to rezone should an identified housing site develop with less units than assigned, it is a best practice to have 30% more units listed in the inventory than are required to meet a jurisdiction’s RHNA.

Accommodating a 30%+ buffer capacity of Housing Element Site Inventories would add about 1248 units for a total housing need of 5,411 units. The Draft General Plan states capacity for 6,455 units, leaving only 1,292 units in excess capacity through 2040.

Finally, the goal of the Draft 2040 General Plan Update is to create a vision for the City’s next 20 years of growth. BIA strongly encourages the City to assume now that the 7th Cycle Housing Element, spanning the years 2032 to 2040, may require at least another 4,000 units plus a capacity buffer of 1500 units. In other words, the Plan is grossly under capacity by more than

4,000 residential units just for the City of Hollister's future RHNA and other units that the City may need to absorb from the County.

LUD - Land Use Designations. Table LU-2 General Plan Land Use Designations shows several hundred acres identified for Medium Density and High Density Residential. Yet no market study or analysis is provided to substantiate that development of these residential densities can be feasible in Hollister.

LUD 3.3.3. Medium & High Density Residential. This paragraph is confusing as it lumps High Density Residential (30-65 DU/AC) in with Medium Density Residential (12-29 DU/AC). Medium Density may support a viable product in the Hollister market in the future, but any densities above approximately 20 DU/AC (townhouses) will be very difficult to develop. High construction costs and low market demand make the Hollister market a tough sell to nonsubsidized multifamily builders.

Additionally, there is no need for High Density Residential land use and zoning in the Plan. In the Housing Element, HCD allows jurisdictions to use zoned density as a proxy for lower income, as long as certain statutory requirements are met. These include counting sites zoned at 20 units per acre as affordable because Hollister is a "suburban jurisdiction" as opposed to an "urban jurisdiction". This is called the default density. BIA strongly recommends that reliance on Medium and especially High Density Land Use Designation to achieve housing production numbers be reduced.

Policy LU-2.1. Land Supply. This policy claims to ensure that there is adequate land designated to meet the projected future housing needs of the City. However, as noted earlier in this letter, the Draft 2040 General Plan Update fails to plan for enough housing to support this policy. The Draft Plan land supply available for residential capacity must be revised to increase the residential capacity through 2040.

Policy LU-2.6. Medium and High Density Residential. Medium Density and especially High Density housing development in Hollister is generally financially challenged. For sale medium density product above 20 units an acre, such as townhouses, would likely be viable, however 30-60 DU/AC high density will present a very difficult challenge to develop.

While market rate high density housing is unlikely to develop in Hollister, subsidized 100% affordable housing may be feasible. 100% affordable projects require funding from a wide variety of sources including local sources. The City should keep the option open for market rate projects to pay inclusionary fees so as to amass local funding for affordable housing projects.

Action LU-2.1 Inclusionary Housing. No residential density or housing type is financially viable with a 20% inclusionary affordable housing requirement, according to the City's Consultant. To justify the inclusionary percentage, the City would be forced to authorize a massive increase in density in every residential zoning district, along with concessions and waivers of development standards, impact fees and other development requirements.

Open Space and Agricultural Element

Policy OS-2.1. Offsets for Loss of Agricultural Land. Requiring 2:1 offset of any agricultural land used for development is may represent a loss of developable land that could result in a severe constraint to housing, especially if that land is located within the City’s Urban Service Area. Monterey County is now forming their new Agricultural Land Offset policy with a 1:1 mitigation requirement.

Ranking offsets on a sliding scale could be keyed to the soil quality of the mitigation land. For instance, the conversion of Prime Farmland might provide a 1.5:1 offset, but other classifications including Land of Local Importance, Grazing land, etc. to provide a 1:1 offset.

Policy OS-2.2. Agricultural Buffers. 200 foot buffer zones close to the City’s identified growth areas would rule out many developable parcels from proceeding because so much project land would be needed for the buffer zone. This policy could be revised to apply only to annexations outside the Sphere of Influence and allow the developer to provide a buffer zone proposal for projects larger than 40 acres adjacent to productive farmland. Coordinated Ag policies with the County of San Benito is key, especially as the City and County are updating their general plans at the same time.

The policy should incorporate exemptions and variances to allow building in the buffer area. Consider establishing an “Agricultural Policy Advisory Commission” to hear proposals to build within a buffer area.

While the County of Santa Cruz applies a 2:1 agricultural buffer, it has established policies that ease the burden on projects by addressing buffer zone encroachment with some flexible approaches:

In most cases, agricultural buffer reductions can be approved if features are proposed or present that mitigate potential negative impacts to adjacent or surrounding commercial agricultural land. Existing mitigations can include changes in topography, permanent substantial vegetation, or other physical barriers between the agriculture and non-agricultural uses. Proposed mitigations include the establishment of a physical barrier, typically a 6 foot tall solid wood fence with a vegetative buffer and the recordation of a Statement of Acknowledgement on the property title which acknowledges the potential for conflicts between the agricultural and non-agricultural uses.

Circulation Element

4.1.5 Vehicle Miles Traveled. Mitigating VMT on a project by project basis would help pave the way to failure for housing production under the Draft 2040 General Plan Update. BIA encourages the City to complete an overarching EIR evaluating VMT for the entire City and devise cohesive City-wide policies and solutions supported by residential development mitigation fees. Impact fees, restrictive land use regulations, infrastructure costs, and rising labor costs create serious impediments to addressing the housing affordability crisis the region is facing.

It is critical that the City of Hollister continue to produce housing for all incomes. The City high housing costs is a testament to the under production of housing to meet the demands of our robust economy. Unless significantly revised, the Draft 2040 General Plan Update represents a grave threat to the City's obligation under RHNA and will almost certainly result in a constrained housing supply. The Draft 2040 General Plan Update in effect creates a housing moratorium by making it too expensive to build.

Again, BIA offers these comments in the spirit of collaboration and support for the City achieving its housing goals. BIA is committed to working with the City of Hollister to find creative and community based solutions that benefit current and future residents and support a healthy economy and lifestyle.

Please feel free to contact me with any questions or comments.

Very truly yours,

Dennis Martin
BIA Government Affairs

cc: Mayor Mia Casey
Kevin Henderson, Chair, Planning Commission
David Mirrione, City Manager
Christy Hopper, Community Development Director
Eva Kelly, Interim Planning Manager
Jennifer Woodworth, City Clerk

From: [Eva Kelly](#)
To: [Carey Stone](#)
Cc: [David Early](#); [Christine Hopper](#); [Ambur Cameron](#)
Subject: FW: GENERAL PLAN, DEJAVU ALL OVER AGAIN, YOGI. REPEATING MISTAKES NEVER SOLVES THE PROBLEMS
Date: Friday, April 7, 2023 1:39:24 PM
Attachments: [image001.png](#)
[ALBRIGHT030305.LT1.pdf](#)
[AMBAG062404.LT1.pdf](#)
[AMBAGstealsSBC100606.pdf](#)
[AnotherLeech61107.pdf](#)
[CanneryLeaving.pdf](#)
[CogRejectsCaltrain.pdf](#)
[CommunismAsIdeal100105.pdf](#)
[CommyHousingTransit.pdf](#)
[DysfunctionalTransportPolicy.pdf](#)
[FALSEGODSOCIALISM.pdf](#)
[HighestTransportPriority.pdf](#)
[HighestTransPriority.pdf](#)
[IMC-missinglinklocally.pdf](#)
[L51.COGsPOLICYFLAWS.pdf](#)
[L182.COGsPOLICYFLAWSDejaVu-4nd.pdf](#)
[MPOsCOGsWastefulness.pdf](#)
[MTCTransitdata.pdf](#)
[PrivatizeTransit.pdf](#)
[ReformTransPolicySBC.pdf](#)
[RejectCaltrain.pdf](#)
[RTP04BadIdeas.pdf](#)
[SBCGenPlanSolution1.pdf](#)
[StructuralReformCOG.pdf](#)
[TitanicSanBenito.pdf](#)
[TitanicSanBenito-2.pdf](#)
[TwoTransitAgenciesSBC.pdf](#)

Good afternoon Carey,

Please see the comment below and attached we received for the draft General Plan.

Best,
Eva

cid:image001.png@01D90AFD.3D6DCCF0



Get Involved In Community Planning!

General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p
Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Joseph P Thompson [REDACTED]
Sent: Friday, April 7, 2023 12:08 PM

To: GeneralPlan <generalplan@hollister.ca.gov>

Cc: SBC Board of Supervisors <sbcsuper@supervisor.co.san-benito.ca.us>; sbcsuper@cosb.us; supervisorkosmicki@cosb.us; Supervisor Bea Gonzales <supervisorgonzales@cosb.us>; supervisorhoffmann@cosb.us; supervisormedina@cosb.us; supervisorsotelo@cosb.us; Angela Curro <supervisorcurro@cosb.us>; supervisorzanger@cosb.us; Sanbenitocog Info <info@sanbenitocog.org>; COH City Clerk <coh.cityclerk@hollister.ca.gov>; Roxy Montana <roxymontana2@aol.com>

Subject: GENERAL PLAN, DEJAVU ALL OVER AGAIN, YOGI. REPEATING MISTAKES NEVER SOLVES THE PROBLEMS

Dear Sirs,

Thank you for inviting comment to the proposed general plan update, latest version.

IDENTITY. I am a post-doc student of transportation law and policy. I have represented small and very small business owners before State and Federal Courts and agencies for 43 years on the Central California Coast Region. I have been involved in transportation since beginning work for SPRR in 1964, and have practiced transportation law here for 43 years, after 16 years with SPRR and UPRR supporting local ag shippers and receivers in Central California including SBC. I was a charter member of SBCCOG Citizens Rail Advisory Committee and SBCCOG Citizens Transit Task Force. On a pro bono basis I have donated substantially to local government, municipal and County, transportation law and policy. I served on Governor Wilson's Regulatory Reform Roundtable as a representative from Association for Transportation Law, Logistics and Policy for three years in the mid-90's. I was formerly a member of the Executive Committee of the SBC Safe Kids Coalition, and I gave the eulogy for SBCKSKC for it at its late Coalition's Chairwoman's funeral after she was killed in a head-on collision on Hwy 25, in memory and gratitude for her sending me to the Lucille Packard Foundation in Palo Alto to give a speech on the then-newly enacted Federal Motor Carrier Safety Administration of USDOT. I have done post-doc study of transport law & policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies, SJSU; Transportation Research Board, Georgetown U; and Library of Congress. I am a member of Transportation Lawyers Association and a Past-Chair of TLA's Legislation Committee. In 2008 at the invitation of the Gilroy & Morgan Hill Chambers of Commerce I debated the Hon. Rod Diridon on Prop. 1A (\$10B bond proposition for construction of Bullet Train), and in 2010 I testified before the Assembly Transportation Committee in the State Capital in support of proposed legislation to defund the CAHSRA's Bullet Train.

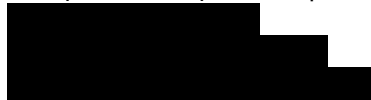
COMMENT. I repeat what I've said before about the unsound, unsustainable, and unfair transport policy both at the City and County levels. Powerful vested interests continue to plunge us down the Road to Serfdom, contrary to the common sense and good judgment shown by a few of the local elected leaders I've witnessed in SBC since moving to Tres Pinos in 1995.

FOR THE RECORD: Please direct your staff to including my letters, some of which are attached, which I've sent since I started attending all of the SBCCOG Regular Meetings, Special Meetings, Public Workshop, and RAC and TTF meetings for ten years, except when I was attending the annual Transportation Law Institute in Washington, D.C.

CONCLUSION: Until we have local elected leaders with the courage and wisdom to counter the powerful vested interests that dominate our pro-government, pro-transit, anti-free enterprise transport, anti-automobile, unconstitutional, unelected joint power authorities like SBCCOG, VTA, TAMC, SCCRTC, FAX, etc., we will continue down the same failed route taken by the Soviet Union. Where can we find leaders with the backbone to stand up for taxpayers and motorists?

Respectfully,

Joseph P. Thompson, Esq.



JOSEPH P. THOMPSON
Attorney at Law

March 4, 2005

Mr. R. Gregg Albright
District Director
Department of Transportation Dist. #5

Re: Caltrans District 5 District System Management Plan---Public Comment

Dear Mr. Albright,

Referring to Caltrans District #5 Draft District System Management Plan (DSMP), which was presented yesterday to the Technical Advisory Committee of our Council of Governments (COG), this will confirm my conversation with Mr. Dan Herron at the meeting. Thank you for asking members of the public to comment on this draft DSMP. Your comment period closes on March 15th, so please add these remarks to the official record of your proceedings so that history will know that you listened.

Identity of Author. See my letter to AMBAG dated 6/24/04, which was included in AMBAG's Draft Environmental Impact Report for its 2005 Monterey Bay Area Metropolitan Transportation Plan (MTP), for my identity.

Background. See my letter to AMBAG dated 6/24/04, and to my papers cited therein, for background to the policy issues raised by the DSMP.

Summary:

1. Overall Grade.

Although it has well-written segments on the District's geographic and demographic features, I cannot give it a passing grade, and recommend that it be returned to its draftsmen for further revision.

2. Reasons for Failure.

As a 20 year plan for regional transport in our District, the authors' many mistakes negate the draft's positive portions, and therefore I do not believe that its inaccuracies justify its approval by our government. I recommend that its errors be corrected so that future District residents are not condemned to suffer the consequences of our mistakes.

**Caltrans District #5's Error Filled DSMP Ought to be Rejected and Returned for
Corrections for the Future Well-Being of the Residents of the District:
Private-Sector Solutions are Ignored. Why?**

Analysis.

Like all too many policy documents created by government employees, the draft DSMP

- fails to stress the importance of private-sector transport solutions.
- does not distinguish between legitimate functions of government, i.e., infrastructure construction and maintenance, from improper invasion of government into the private-sector industries, i.e., for-hire carriage of passengers.
- fails to mention the adverse social and economic consequences of nationalization of transport industry.
- lumps public-sector transit with road construction as legitimate government activities without revealing the extraordinarily expensive and inefficient practices of nationalized businesses like public-sector transit.
- does not reveal or recognize the crushing tax burdens that socialist transit imposes on taxpayers.
- does not discuss the social inequities caused by socialist transit, e.g., forcing small business and homeowners to pay 99% of fully amortized costs of public-sector transit riders' rides.

For example, the draft extols public-sector passenger rail service, i.e., Amtrak & Caltrain, but never once admits that Amtrak is, in the words of Senator John McCain, "a failed experiment," or that the Amtrak Reform Council has recommended its discontinuance, or that the President's budget calls for an end to Amtrak's taxpayer-paid subsidies (stacked in \$100 bills it would be taller than the World Trade Centers stood). No where in the draft do the authors disclose that it would be cheaper for taxpayers to transport Caltrain riders by limousine.

A glaring mistake by the authors can be found on page 36. As a member of COG's citizens rail advisory committee, and having personally witnessed COG's Directors' unanimous vote (see my letter to the Hollister *Free Lance* enclosed), our County is not "currently studying extension of commuter services via Caltrain." Our COG's Directors rejected extending socialist passenger rail service from Gilroy to Hollister for the obvious reason that it would tax us into bankruptcy. Conversely, I believe that our leaders do recognize that private-sector rail service is crucial to the future economic viability of SBC, and that we must increase rail-oriented economic development on the Hollister Branch Line to preserve it for future generations. My white paper on ISTEA-style user fees funded financing for an intermodal facility explained how SBC could see restoration of passenger service.

The authors of the draft mistakenly believe that sound, sustainable transport can be found in nationalization of transport industries. Like many other public-sector employees, they are wrong in this belief, as can be seen by a review of the history of the last century. If they were right in their belief, then the USSR would have won the Cold War.

The authors of the draft are recommending the wrong answer to Secretary Mineta's crucial question. See my letters to HSRA's chairmen (copies enclosed). The consequences of accepting their wrong answer to the Crucial Question can be seen in the massive State and federal budget deficits, the cutbacks to our schools and law enforcement. Since the private-sector is much more efficient,

Caltrans District #5's Error Filled DSMP Ought to be Rejected and Returned for Corrections for the Future Well-Being of the Residents of the District: Private-Sector Solutions are Ignored. Why?

the authors of the draft are recommending that we choose to worsen our government's fiscal condition. Such wastefulness undermines the financial ability of our government to do its core functions, e.g., road construction and maintenance.

Having defeated the USSR, do the drafters of the DSMP want us to adopt failed Soviet policy?

While he was the Chairman of the Surface Transportation Subcommittee in the House of Representatives, Secretary Mineta said to the annual meeting of the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU when I was there doing post-doctoral study of transportation law and policy: "The crucial question in transportation today is: What should government do? And what should it leave to others.?"

I believe that our government planners must answer Secretary Mineta's Crucial Question with less expensive, more efficient, taxpayer-friendly, business-friendly private sector transport. If we select the nationalized route, we are planning the same trip that the Soviet planners did for the USSR.

The DSMP's authors appear ignorant of the parallel universe of private-sector transport, willing to condemn the automobile, blaming senior citizens "driving their gas guzzlers to Safeway" for causing highway congestion and air pollution, yet our MPO's on the Central California Coast have left Silicon Valley and Salinas Valley as the largest urban area in North America without an intermodal facility. I believe that it is our planners, not the District's residents, young or old, who are responsible for the sad state of affairs we witness on our highways.

The CEO of the Silicon Valley Chamber of Commerce, former Assemblyman Jim Cunneen, described our Legislature as a battle ground between "transit dreamers" and "highway Luddites" during a speech at the Mineta Institute. The policy rupture he described is reflected in the draft DSMP, in the State's transport plans, in regional transport plans, and in counties' transport plans including SBC's draft RTP. Until we repair the rupture, we will condemn our residents to the purgatory (or is it Hell) of disavowing our American heritage of free enterprise, and worshipping the false god Socialism. *Caveat viator!*

Respectfully yours,
JOSEPH P. THOMPSON

cc: Hon. Norman Y. Mineta
cc: Hon. Sam Farr
cc: Hon. Mike Honda
cc: Hon. Jeff Denham
cc: Hon. Abel Maldonado
cc: Hon. Simon Salinas
cc: Hon. Tom Campbell
cc: Hon. Jim Cunneen
cc: Hon. Don Gage
cc: AMBAG
cc: SBC BOS
cc: SBC COG

**Caltrans District #5's Error Filled DSMP Ought to be Rejected and Returned for
Corrections for the Future Well-Being of the Residents of the District:
Private-Sector Solutions are Ignored. Why?**

JOSEPH P. THOMPSON
Attorney at Law

June 24, 2004

Mr. Nicholas Papadakis, Executive Director
Association of Monterey Bay Area Governments

Mr. Thomas Quigley, Executive Director
San Benito County Council of Government

Re: ***AMBAG 2005 MTP Scoping Meeting 6/24/04---Public Comment***

Dear Messrs. Papadakis and Quigley,

Referring to AMBAG's notice of "scoping meeting" soliciting public input on which to focus development of the program level for the Metropolitan Transportation Plan (MTP) Environmental Impact Report (EIR), thank you for asking members of the public to comment on this vital subject. Please add these remarks to the official record of your proceedings so that history will know that you listened.

Identity of Author. I have been in transportation for 42 years, the last 25 of which I have spent representing carriers and their customers before state and federal courts and agencies. Previously, I was graveyard shift supervisor at the intermodal facility in San Jose (1964-1970) and diversion, expediting, tracing and complaint clerk for UP in San Jose (1970-1980). I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. I am founder of Mothers Against Damned Deregulation Transportation Union Against Regulatory Destruction of Society, San Benito County Small Business Incubator, and past-president of Gilroy-Morgan Hill Bar Assn., and Vineyard Estates Mutual Water Co., Inc. I was formerly a member of two local chambers of commerce (Gilroy and Hollister) government review councils. In 1997 I received the Best Research Paper Award from the National Board of Directors of the AST&L. I have been doing post-doctoral research of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU, and at Transportation Research Board at Georgetown University, and at the Library of Congress. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any

organization to which I belong, but are only my own ideas as a student.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of AMBAG's proceedings. I am also enclosing my paper, "ISTEA Reauthorization and the National Transportation Policy," which I presented at the 68th Annual Meeting of the Association for Transportation Law, Logistics & Policy, Santa Fe, New Mexico, on June 25, 1997. It was published at 25 *Transportation Law Journal*, pp. 87-*et seq.* (1997), and in shortened version as "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," *Transportation Lawyer* (Dec. 1997). I am also enclosing a copy of my paper "El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101," which I wrote while serving on Gilroy Chamber of Commerce's GRC in response to an invitation from VTA. Please include them in the official record of your proceedings.

Program Level Recommendations:

1. Abolish Public-Sector Transport.

A Santa Clara County Grand Jury report issued last week not only reveals structural integrity and systemic failures of VTA, it serves as an indictment of the Nation's MPO model. It confirms the conclusion of Harvard professors José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), that public-sector transit is less efficient, more expensive, and yields less transport, than private-sector transport. The indictment should be leveled at all our MPO's, not just VTA, because the VTA model is widely followed, including TAMC, SCCRTC, COG, etc. Notwithstanding subsidy recipients' and public-transit advocates' denials, in cities and counties all over the Nation, more transport for less money is furnished whenever privatization is adopted. The lessons of the last century in Great Britain, Canada, Mexico, Australia, New Zealand, and many other countries, not to mention the Soviet Bloc, reveal how much America could benefit if we joined what the *Wall Street Journal* called the "Privatization Revolution." Tearing down the Iron Curtain in American transport policy, returning to our heritage of freedom and private enterprise in transport, is the real remedy for the ills inherent in publicly-owned industry. MPOs, including those on the Central California Coast Region, err by including the for-hire carriage of passenger business with creation and maintenance of the transport infrastructure. We condemn future generations to unsustainable tax burdens by opting for the Iron Fist of Karl Marx, rather than the Invisible Hand of Adam Smith. Political patronage and public-sector union employees' pensions have, under our MPO model, come to have greater importance than efficient transportation, contrary to the express provisions of the National Transportation Policy in Title 49, United States Code. Until our leaders recognize this fact, we will, as a transportation lawyer once said, be a House Divided against ourselves. As he reminded us, we shall not remain both; we will become all one, or all the other. I recommend that we be free enterprise capitalists, not slaves to public-sector Black Holes. I am enclosing a copy of the Grand Jury Report. They recognized VTA's fundamental unsoundness, but in my opinion, they misdiagnosed the remedy. They remind me of a surgeon who finds an inoperable tumor, but

prescribes a band-aide for it.

2. Deceptive, Misleading Financial Reports.

Our Legislature requires businesses to use generally accepted accounting principles (“GAAP”). Corps. Code §114. However, it made an exception for transit agencies, whose financial reports need not be “in conformity” with GAAP. Consequently, transit agency directors, like those in our Region, cannot accurately assess the full extent of financial losses being sustained by their own agencies. This policy decision by our Legislature enriches urban areas at the expense of rural Californians. Donor rural counties’ residents send vast subsidies to cities’ transit riders, the donees of these subsidies. Although it would be cheaper for rural counties’ agencies to hire limousines for transit patrons, our agencies’ directors cannot find evidence for it in their own financial reports. This is because the Legislature, which is controlled by urban legislators, have a double-standard in place: private sector companies on GAAP financial reporting; public-sector not using GAAP. So, society ends-up paying the wasteful transit practices, which are blindly endorsed by local elected leaders. They can see the empty seats with their own eyes, but their agencies’ financial reports are manipulated to minimize the losses being sustained. Emperor Transit First is stark naked! We should believe our eyes, not our MPO’s financial statements.

3. Intermodal Facilities for Central California Coast Region. Many years ago I asked “senior transportation planners” at AMBAG and VTA why we did not have restoration of intermodal facilities on either Silicon Valley or Salinas Valley long-range congestion management plans. The universal response that I received was, “What is an intermodal facility?” To which I responded, “And you call yourself a transportation planner?” While working for SP’s PMT and for UP those 17 years, we operated the “Salad Bowl Express” via SP-Ogden-UP-Council Bluffs-CNW-Chicago-PC, offering seventh morning service for ag shippers and receivers. However, both Salinas Valley and Silicon Valley shippers and receivers no longer have an intermodal option. The closest ramp for NAFTA partner tonnage is UP’s new intermodal facility at Lathrop. Foreign tonnage must be drayed to the ports at either Oakland or Long Beach. In fact, Silicon Valley is the largest urban area in North America without an intermodal facility. Our MPO’s “senior planners” blame senior citizens driving their gas guzzlers to Safeway for causing smog, air pollution and highway congestion, yet it takes 9,000 subcompact cars to make as much air pollution as that of one fully-loaded big rig at today’s GVW (80,000 lbs.). And axle weight is the single largest factor in road surface and bridge support deterioration. Under proposed TEA-21 reauthorization legislation now in conference committee in Washington, we may soon see NAFTA “harmonized” GVW, either at the Canadian (101,000 lbs.) or Mexican (108,000 lbs.) limit. Furthermore, the power players in the economy are asking that the freeze be lifted on LCVs (long combination vehicles: triple 27-ft., double 53-ft. trailers pulled by one tractor) (they are presently legal in 17 states). And to make matters worse, the Southern California Association of Governments has resolved to build “truck-only” toll roads, even though it takes 4 times as much fuel to move a ton of freight with rubber tires on concrete or asphalt as it does to move that ton with steel wheels rolling on steel rails. At the end of WWII the Nation had more than 2,500 intermodal facilities, but now we have only about 250. Our MPOs give us wasteful public-

sector transit, as the MIT study said about VTA's worst-in-the-Nation transit system, but their "senior planners" do not even know what an intermodal facility is. I concur in AAR CEO's remarks to the Transportation Table in Washington, reported in *Traffic World* (5/24/04, p. 14) that "85 percent of the nation's Metropolitan Planning Organizations have no expertise in freight planning." (see enclosed *Traffic World* article). Salinas Valley and Silicon Valley MPOs prove his point. We are superior wasters of taxpayers money with boondoggles like Lite Rail, Amtrak, Caltrain, Bullet Train, but we ignore our job-creating commerce and business, just as AMBAG ash-canned its own *Freight Study*, which concluded, as I did separately, that we need an intermodal facility on the Central California Coast. Furthermore, I agree with Mr. Jim Nicholas, Chief Highway Programs, Caltrans, Sacramento, who told the CTC meeting at San Jose City Hall on 6/6/01 that California needs more intermodal facilities. At the invitation of the CTC, in December, 2002, I addressed them on the subject of intermodal facility financing, and gave them a copy of the white paper I drafted, together with a copy of the intermodal facility financing white paper from the Nation's newest one in Stark County, Ohio, called "NEOMODAL FACILITY."

4. San Benito County Jurisdiction.

San Benito County has its own MPO, namely, COG. Our COG's Directors have voted unanimously to reject extending Caltrain from Gilroy to Hollister. While recognizing the importance of rail commerce, COG's Directors recognize that to finance it we cannot afford the methods employed by San Francisco, San Mateo and Santa Clara Counties. Being donee counties, they also enjoy population and tax bases absent in our rural County, which is a donor county. Being a donor county, we send 89% of each tax dollar that we send to Sacramento to other counties, e.g., LA, SF, etc., and thus get back only 11 cents for each dollar. We get back even less from our federal taxes sent to Washington. In May of 2003 COG's Directors also unanimously voted to privatize County Transit, but so far have not yet implemented their idea. They will, once implemented, save our County's taxpayers and future residents millions of tax dollars that would otherwise be wasted by the Boondoggles Empty Seat Transporters Association (BESTA), like those in Monterey and Santa Cruz Counties. With such MPO wastefulness, it is no wonder that Monterey and Santa Cruz Counties have the least affordable housing in California. I hope and pray that our COG's Directors will not succumb to the socialist-communist philosophy that dominates our neighboring counties. *Caveat viator!*

Respectfully yours,

cc: COG Directors
cc: SBC County Supervisors
Encl. [Letters; Papers; Grand Jury Report]

JOSEPH P. THOMPSON

JOSEPH P. THOMPSON
Attorney at Law

October 6, 2006

Mr. Dan Fitch, Editor
The *Hollister Free Lance*

Hollister, CA 95023

Re: **AMBAG steals SBC's sovereignty piece by piece, and we let them!**

Dear Editor,

Your report yesterday of AMBAG dictating SBC transit policy is just one more example of the abdication of SBC's sovereignty. It is pure insanity as transport policy because it is both unsound and unsustainable. Just the operating expenses today cost SBC's taxpayers more than \$18 million annually, to move only .004 (.4%) of SBC's annual trips, with buses running 98.6% empty seats. SBC's self-reliant residents take .996 (99.6%) of annual trips in private vehicles. If our leaders are willing to let AMBAG-VTA policy run rampant here, increasing government passenger transit, by the time we reach .14 (14%) of annual trips on County Transit, the annual payment to MV Transportation, Inc., will exceed the SBC annual budget. The taxes required for such a boondoggle will be 9.09 times more since we get only 11 cents/dollar back from Sacramento. This is a recipe for economic and social disaster for us. Relinquishing SBC's sovereignty to AMBAG-VTA policy makers is a sure fire prescription for Ch. 9 bankruptcy for SBC. I pray our leaders will wake-up and smell the coffee before it's too late. ***Caveat Viator!***

Very truly yours,

JOSEPH P. THOMPSON
President, Gilroy-Morgan Hill Bar Assn.
Member, Executive Committee, Debtor-Creditor-Bankruptcy Section
Santa Clara County Bar Assn.
Member, Legislation Committee, Transportation Lawyers Assn.
Member, Association for Transportation Law, Logistics & Policy
Candidate, American Society of Transportation & Logistics

Why do we let AMBAG & VTA dictate our County's transport policy? If they are crazy enough to embrace socialist transit fiascoes like Lite Rail (more expensive than deluxe cruise ship fares), Caltrain (more expensive than limousine service), etc., (*HEAVY SOCIALISM*), should we be guided by their insanity? Where is our leaders' common sense?

Winner, AST&L's Best Research Paper Award 1997

*Why do we let AMBAG & VTA dictate our County's transport policy? If they are crazy enough to embrace socialist transit fiascoes like Lite Rail (more expensive than deluxe cruise ship fares), Caltrain (more expensive than limousine service), etc., (*HEAVY SOCIALISM*), should we be guided by their insanity? Where is our leaders' common sense?*

[REDACTED]

Dear Editor,

The idea that small business owners need another agency on them, confiscating their properties and trampling their constitutional rights, reminds me of the treatment of patients by medieval physicians. They bled their patients by applying leeches, and whenever the patient died they told his bereaved relatives that they just had not been able to apply leeches fast enough and that the family was to blame for not summoning the physicians quicker. By any name you give them, e.g., ASSESSMENT DISTRICT, RDA, COG, JOINT POWERS BOARD, AUTHORITY, AGENCY, COMMISSION, etc., small business is blighted by government, broken by it, busted, and bankrupt. On the 17th anniversary of the bankruptcy petition of Garden Valley Foods, you can stand where the cannery stood for decades, pouring money and taxes into the local economy in Gilroy. Today you'll see a Black Hole socialist transit hub, where private-sector business once stood, and watch it suck the blood from our ever-increasing bankrupt small business owners. And local elected leaders here call that "smart growth" and seek to impose the socialists' utopian ideals on us, too. If we don't get them off their present tax&fee&spend tax dollars into bottomless pits of deficits, our grandchildren will damn our memories. Their hypocrisy kills our businesses while it drives-up the price of housing, food, transport, etc. Are they correct in saying to me: You're crazy and pass us another leech this patient is not improving. *Caveat Viator!*

Member, SBC Council of Governments Citizens Rail Advisory Committee

Post-doctoral student, transport law & policy

JOSEPH P. THOMPSON
Attorney at Law

September 4, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance

Re: Deafening Silence if Cannery Pulls Out

Dear Editor,

If complaints about noise force the cannery to pull out, SBC will hear another noise. It will be the sickening sucking sound of jobs leaving SBC. Jobs we could very well keep will head for business-friendly confines, just as they left Sunnyvale, Santa Clara, San Jose, Gilroy, Watsonville and Monterey when canneries there closed. Do we want to make the same mistakes as they did in those places, or do we want to encourage agribusiness?

If the cannery closes, most of the freight revenue UP earns on servicing the Hollister Branch Line will end, so what reason will they have to keep the Branch Line open? The law of rail line abandonment will allow them to start pulling-up track after publishing a notice of their intention to do so in local newspapers. Then either somebody else will have to buy the line from UP, or we will hear another sound SBC's last rail artery of commerce being yanked-out and shipped to steel smelters in Japan or Korea. Then there will be no rail alternative to local highways in SBC. Is that the silence we want for our children and future generations?

The alternative is to increase rail economic development on the Hollister Branch Line, starting with a team track for ag shippers and receivers. The freight-friendly provisions in the new federal legislation that will replace Transportation Equity Act for the 21st Century next month, H.R. 2088, the Administration's Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA) could provide the means to accomplish this. Will COG's Directors seize the opportunity, or will they opt for silence?

Caveat viator!

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON
Attorney at Law

May 16, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance

Mr. Mark Derry, Editor
Gilroy Dispatch

Re: SBC Rejects Extending Caltrain from Gilroy to Hollister

Dear Bill and Mark,

Madison said in *The Federalist, No. 41*, "A bad cause seldom fails to betray itself." Last night's unanimous (5-0) decision by the SBC Council of Governments to reject "extending Caltrain" from Gilroy to Hollister shows us again the genius of the Father of the Constitution.

As Senator John McCain said about Amtrak, by any rational measuring rod Caltrain is a "failed experiment." Relying on rural common sense to tell socialist transit advocates that their uncommon nonsense is unacceptable, COG's Directors then proceeded to initiate privatization of the government passenger bus monopoly. While recognizing the importance of railroads, they refused enlargement of Black Hole Government. These Directors have courageously marked a new course: Back to the Future, back to America's free-enterprise roots. Could it be that Transportation Secretary Mineta's challenge to government leaders is bearing its first fruit? He said in 1995, "The crucial question in transportation today is: 'What should government do, and what should it leave to others?'" They answered Secretary Mineta's "Crucial Question" with a courage born of necessity: Government does not belong in the transportation business. While private-sector transport is not without its problems, our generation's experiment with socialist transport has produced obvious answers: Emperor Transit First is stark naked. We are witnessing a counter-revolution, but do our leaders in Sacramento and Washington have the common sense of our local government leaders and the Father of our Constitution? *Caveat Viator!*

Very truly yours,
JOSEPH P. THOMPSON

Member, SBC Citizens Rail Advisory Committee
Member, Transportation Lawyers Association
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable and Safe Highways
Member, Conference of Freight Counsel
Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON
Attorney at Law

October 1, 2005

Mr. Conan Knoll, Editor
Hollister Free Lance

Re: Private-Sector vs. Public-Sector: Revisionist History from Ultra-Leftists

Dear Editor,

The woeful piece by Mr. Dante Chinni, "Wall Street Shouldn't Trump the Government in Emergencies," struck me as comedy, were it not at heart a tragedy. When in history did Marxist-Leninist-Stalinist dogma ever produce a better society than Adam Smith's philosophy? Answer: Never. Holding-up communism as an ideal is like portraying malignant cancer as good for your health. I've asked you and your predecessors over and over again to publish my piece, "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," but you never have. Why? Afraid to publish the truth about the failures of radical socialism? I thought you were A Brave Free Lance Knight, not a stooge of the commies.

Your ultra-leftist rant pieces are worthy of the outhouse for use. Why can't you give us some balance in our Town newspaper? Even the Merc & the Chron publish HJTA and Buchanan. But all we get from you is leftist revisionism. It's either time for you to return to Durango, or drift toward the middle of the road a little bit. ***Caveat viator!***

Sincerely yours,
JOSEPH P. THOMPSON

Member, Legislation, Intermodal, Arbitration & Freight Claims Committees, Transportation Lawyers
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable and Safe Highways
Member, COG's Citizens Rail Advisory Committee
Former Member, COG's Citizens Transit Task Force
Candidate, American Society of Transportation & Logistics
Post-Doctoral Student of Transportation Law & Policy, Norman Y. Mineta International Institute
for Surface Transportation Policy Studies, SJSU; Transportation Research Board, Georgetown
University; and Library of Congress

The Radical Socialists are so communist that they make the Robber Barrons seem like altar boys in comparison, raping taxpayers, ruining the American dream, while they try to make Soviet planners dreams work here in America!

JOSEPH P. THOMPSON
Attorney at Law

December 12, 2006

Mr. Mike Schmeltzer, Editor
Hollister Free Lance

Re: ***GUEST EDITORIAL: SBC GENERAL PLAN REVISION DEBATE--ISSUES
FUNDAMENTAL TO PLAN STRATEGY--***

Throwing Gasoline on the Fire: Socialist Mass Transit & Inclusionary Zoning

Dear Editor,

Due to their socialist (communist) policy foundation, neither socialist mass transit nor inclusionary zoning provide sound, sustainable solutions for us, and will backfire as they did on the USSR. Making housing less affordable, inclusionary zoning is a Marxist utopian idea that does just the opposite, proven to do much more harm than the small amount of good its advocates proclaim. Two recent reports from the Reason Foundation unmask the Soviet-style Trojan Horse called "Inclusionary Zoning": (1) "Housing Supply and Affordability: Do Affordable Housing Mandates Work?" (April, 2004), and (2) "Do Affordable Housing Mandates Work? Evidence from Los Angeles County and Orange County," (June, 2004), both by Benjamin Powell, Ph.D, and Edward Stringham, Ph.D. The authors' findings prove that "inclusionary zoning" will hurt many more people than help, and will greatly harm our children, and even more severely damage our grandchildren. The authors conclude about "inclusionary" (ultra-socialist) zoning schemes: (1) produce fewer housing units, (2) have high costs, (3) make market priced homes more expensive, (4) restricts the supply of new homes, (5) decreases tax revenues to local government, (6) does not address the cause of the affordability problem, and (7) will make housing less affordable. It will be worse than what our government did "deregulating" electricity. On behalf of our children and grandchildren, I urge local elected leaders to reject all forms of socialist "affordable housing" and "mass transit" which history has shown cannot work over the long term. ***Caveat Viator!*** Thank you.

Respectfully yours,

JOSEPH P. THOMPSON, ESQ.

Member, SBCCOG Citizens Rail Advisory Committee

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section
Santa Clara County Bar Assn.

Member, Legislation Committee, Transportation Lawyers Assn.

Member, Association for Transportation Law, Logistics & Policy

Candidate, American Society of Transportation & Logistics

Winner, AST&L's Best Research Paper Award 1997

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON
Attorney at Law

September 25, 2002

Mr. Bill Satterlee, Editor
Hollister Free Lance

Re: Reforming Defective, Dysfunctional Transportation Policy

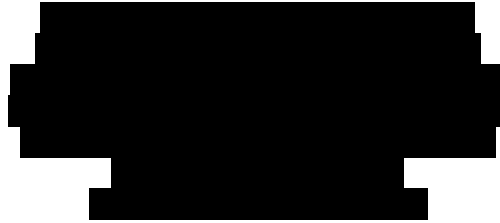
Dear Editor,

Madison said in *The Federalist, No. 41*, "A bad cause seldom fails to betray itself." It comes as no surprise that the recipients of the massive public transit subsidies extracted from taxpayers should rise to defend the current policy. What does surprise me is that rural county government officials in California condone it. Urban transit funding schemes diverting money from rural counties to big cities are fine from the city dwellers viewpoint, but what about rural counties' residents? LA, SF and our other big cities and urban counties enjoy a net gain of transferred money pouring to them from the rural counties. As a result of the present policy, SBC gets only 11 cents back from Sacramento for each dollar we send, and other rural counties suffer similar treatment. We end up paying for our own transportation, while we also pay for urban transit. I do not believe it to be a fair treatment of rural counties' residents. You can pound a square peg into a round hole with a sledge hammer, but you are going to damage the hole. Did we abolish welfare only to revive it as transit welfare? Insolvent carriers, e.g., bus lines, who charge customers unremunerative fares, are bankrupt blights on taxpayers forced to subsidize them, and they are doomed just like the USSR was doomed. The Politico-Transit Alliance theory is sustainable only so long as the taxpayers are willing to sacrifice. Passenger fares must be set at levels high enough to make the carrier self-sufficient, unless you have the power to squeeze money out of the taxpayers. If nationalized transportation industry was preferable, then why do we move our freight with private sector carriers? Rural counties' residents are looking to their leaders for defenders against Sacramento's unjust, defective and dysfunctional transportation policy. If I choose passenger bus transportation, then I should pay for it, not require that my neighbors pay for my rides. Lincoln, a transportation attorney, was right in saying that men should not ask "a just God's assistance in wringing their bread from the sweat of other men's faces." Any contrary theory is un-American. We have been warned. Either we correct our policy, or we are doomed to suffer the consequences. *Caveat Viator!*

Very truly yours,
JOSEPH P. THOMPSON

JOSEPH P. THOMPSON

Attorney at Law



February 20, 1999

The Honorable Rita Bowling, Chairwoman
Council of San Benito County Govts.

[Redacted]
Hollister, CA 95023-9631

Re: Taxpayers and Transportation Policy

Dear Mrs. Bowling,

Thank you for allowing me to address the COG Board of Directors at their meeting on Feb. 18, 1999. Regarding the Report dated 2/18/99 from Mr. Walt Allen, Transportation Planner, to the COG, "Rail Service Study for Hollister/Gilroy Branch Line," I would like to take this opportunity to reply to Mr. Allen's Report.

I. Assumptions. At the threshold, your special duties that the voters entrusted to you require that you question basic assumptions upon which the Report is based, and the authorship source of the Report. If the underlying assumptions are unquestioned, then you are in danger of having your decision premised on faulty, irrational information fed to you by persons and entities with their own self-interest, rather than the best interest of the residents of the County, distorting the truth and misshaping the facts.

1. The False God of Socialism Assumption: Public-Sector Transportation. The authors' first unstated assumption is that government should provide transportation free, or nearly so, to the public. No where in the Report is it revealed that such a philosophy of government has been shown by history to be ruinous for a society. If this assumption was correct, then the USSR would have won the Cold War. Blind acceptance of this assumption will condemn future generations to a sad fate where they will curse our memory. For an accurate description of the state of public-sector transportation erected on this False God of Socialism assumption, I urge you to read Solzhenitsyn, *The Gulag Archipelago* (1973), ch. 2, "The History of our Sewage Disposal System." The true cost of such a public-sector enterprise is not disclosed by the authors of the Report. In fact, so-called "senior transportation planners" at metropolitan planning organizations (MPOs) like MTC, VTA, TAMC, SCCRTC, etc., never include "negative externalities," i.e., adverse consequences, in their cost-benefit analyses, although they do include "positive externalities," e.g., congestion and smog reduction. Since the authors of those reports gain their income from the tax subsidies that all three

Hon. Rita Bowling, Chairwoman
Council of Governments
February 20, 1999
page 2

levels of government disburse, they conceal the adverse consequences to justify their work and their existence. A thinking person with a duty to the electorate must ask, "What about cognitive dissonance? Are these reports distorting the truth to justify their authors gaining money at taxpayers' expense? Is the lunch really as free as these authors are telling us? Is the "Free Light Rail Shuttle" really free? How much money do these authors receive for their "consulting" to us? Could they survive in a free-enterprise environment? If they did not gain their income from tax dollars, would they be here to advise us how to proceed?"

If the authors' first assumption was correct, then why have Canada, Mexico, Great Britain, Australia, New Zealand, and many other countries de-nationalized their public-sector transportation industries during the past two decades? If they were correct in their assumption, then the Internet would have remained a government-owned message center for the Department of Defense. If their assumption was correct, then the railroads would have been built originally by the government. The railroads would have remained nationalized as they were for 18 months during World War I. If their assumption was correct, they would not conceal the fact that the number of employees per mile of rail lines in socialized countries is substantially greater than in the United States.

Thinking persons with a duty to the electorate will recognize immediately that this assumption is false. The public-sector cannot outperform the private sector. Serious studies have examined this assumption and concluded as I have, and as you should, that the public is better served whenever we harness free-enterprise capitalism to do the job. Before you accept the false God of Socialism assumption, I urge you to read the seminal works of three Harvard University Professors, José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash, D.C.: Brookings Institution, 1993), and John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989).

The authors' first assumption is contrary to human experience and common sense. If it was accurate, then public housing projects would be preferable to private home ownership. If they were correct, then Americans would have been emigrating to the USSR to live in concrete tilt-up "Dirodonominiums" along public-sector railroads. In truth, the residents of those Soviet-planners' high-rise concrete towers fled to their country farms (dachas) every chance they got. If the proponents of socialist transportation were correct in their assumption, the Berlin Wall would have been torn down by people trying to get into East Germany. Is that what happened?

Reliance on the public-sector solutions that the authors tout will cause you to violate the mandate of the Government Code that local government officials preserve past generations'

investment in our infrastructure. Worse than the Y2K bug on your computer's hard drive is socialism in your infrastructure. The California Transportation Commission (CTC) has recently recommended that local government base future transportation infrastructure on "user fees" rather than on new taxes. The authors' False God of Socialism assumption conveniently ignores both history and the CTC's instruction to local government. Will we learn from our history, or ignore it?

If the authors' False God of Socialism assumption is correct, John F. Kennedy would have said, "Ask not what you can do for your country. What can your country do for you?" If they were right about this, then the Populist Party platform plank, *viz.*, government ownership of railroads, telegraphs and telephones, would have carried the day during the elections of the 1890s decade, when public outcry to the Robber Barons crested. Williams Jennings Bryan's Plumb Plan would have kept the railroads government-owned after WWI if the authors' premise was correct.

If the authors' False God of Socialism assumption was correct, then Abraham Lincoln would not have said in his Second Inaugural Address that no man should dare to ask a just God's blessing to wring his bread from the sweat of another man's brow.

If the False God of Socialism assumption was correct, then Governor Wilson would never have recommended the "Yellow Pages Test" of government as he did in *California Competes*.

The primary reason that the authors' Report omits mention of this assumption is that consultants and advocates for taxpayer-funded transit do not make any money unless they can convince elected officials, and dupe the public, into believing that there are no alternatives. If the tax dollars stopped, then they would be out of jobs. That is why you see them in the "revolving door" moving between MPOs and consultants' offices, milking the taxpayers by deceiving the elected representatives. As a general rule, they downplay the expense of public-sector transportation by an average of 50%, while at the same time they inflate "ridership" projections and anticipated revenues by an average of 50%. This finding was made after an exhaustive study of the previous 100 years of councils just like yours. Harvey A. Levine, *National Transportation Policy: A Study of Studies* (Lexington: Lexington Books, 1978).

2. The Pork Barrel Assumption: Politicians Know What's Best. This assumption, which I also call "The MTBE Assumption," is not stated by the authors. Like the False God of Socialism Assumption, you must adopt it before you can accept the recommendations in the authors' Report. If this assumption, politicians know best, was true, then the taxpayers would not have had to pay the \$1+ trillion to bail out savings and loans after TEFRA, and the transportation industries would not

have suffered 95% attrition through failures and bankruptcies as it did after Congress enacted deregulation legislation. If this assumption was correct, then MTBE would not be universally condemned as a mistake by our government. Since politicians can brag about bringing home their respective pork barrel projects, and make it seem like they are doing something positive for their constituents, the politico-transit alliance promotes the myth of this Pork Barrel Assumption. Many commentators have, however, recognized the fallacy of this assumption, e.g., Robin Paul Malloy, *Planning for Serfdom: Legal Economic Discourse and Downtown Development* (Philadelphia, Pa.: U. Penn. Press, 1991). Is TEA-21 really Jim Jones Koolaid for your constituents?

3. The Spending Priorities Assumption: You'll Get Median Barriers When We Are Ready to Give Them to You and Not a Second Sooner.

Another assumption that is not stated by the Report's authors is that unelected bureaucrats, who get their paychecks regardless of their performance, will establish spending priorities that are in the best interests of the greatest number of people. However, this assumption has been proven wrong, and is a primary reason why Mexico, Canada, Great Britain, Australia, New Zealand, and many other developed countries, have de-nationalized their industries, including transportation, during the past twenty years.

Just take the example of the VTA in Santa Clara County. What is the highest priority the VTA has? Let's judge them by what they do, not what they preach. If you guessed safety of the motoring public, you guessed wrong. The first thing on their priority list is their own job preservation. Their actions reveal that nothing is so important as that, no matter what the social cost imposed on society. While the county's transit agency is operated for the best interest of the union employees and agency managers, who have vastly higher pay scales and fringe benefits than you find in private sector transportation companies, the public is forced to wait for highway safety improvements. It matters not that many of us are killed or injured by lack of median barriers on the highways. So long as they can double the annual retainer of their federal lobbyists, so long as they can spend money for aesthetics, pensions, "Free Light Rail Shuttles," and other schemes and self-serving plans, then the public be damned. No sooner had the ink dried on the Supreme Court's decision denying a hearing to the taxpayers' challenge to the Court of Appeals' decision in the \$1.2 billion sales tax (Measure A&B) case, than the VTA's board of directors adopted a resolution doubling the \$620,000 annual retainer that they pay their Washington, D.C., lobbyists, raising it to \$1.2 million annually. This money is spent so that VTA can have more lobbying to get more taxpayers' dollars from Washington. The success of their lobbyists ensure that they get more of our tax dollars. Imagine that cycle repeated by all of the MPOs around the country every time reauthorization of transportation infrastructure is debated by Congress! Where will it end? Ask yourselves, if ISTEA reached

\$186 billion, and TEA-21 rose to \$218 billion, how many people, primarily middle-class taxpayers, will be forced to suffer declining standard of living in the future to support such abusiveness by our government and public servants?!?! Although there have been terrible highway crashes, taking a disgraceful toll of motorists of all ages, unborn, children, teens, adults, and elderly, VTA routinely transfers many millions of our transportation dollars to its employees bloated pension plans (most recently, January 1999, \$52.29 million to PERS). The authors would have us ignore the bureaucrats' spending priorities. Their assumption is that we must close our eyes to the human suffering which those selfish decision-makers at our MPOs like VTA make every day with our money.

Ask yourselves: "Why did Mayor Brown threaten to privatize Muni when it was revealed that they were operating nearly 50% of their bus fleet without meeting CHP's safety standards for passenger buses?" Was Mayor Brown admitting that the private sector could do a better job? Do you believe that he would ever fulfill such a threat when it would mean the loss of vast political patronage in San Francisco for the Mayor? Are you willing to establish that model for our County? Are you willing to accept the priorities revealed by the VTA?

4. The Womb to Tomb Government Assumption: Unelected Bureaucrats Will Address Your Every Need.

A related assumption which the authors fail to mention in their Report is that we can trust bureaucrats, unelected and unresponsive to the electorate, to make wise decisions for everything we need from the womb to the tomb. This fallacy must be rejected for the same reasons that you denounce the False God of Socialism Assumption. Until Christ's Golden Rule becomes part of human nature, this assumption is false.

5. The Black Hole Government Assumption: Each Little Tax Increment Will be Painless for the Taxpayers.

The next unstated assumption, which I call "The Black Hole Government Assumption," is one in which the authors expect that each "little" tax increment imposed on the taxpayers will have no adverse effect. They think it will be painless. Their thinking can be shown for what it is by imagining yourself exposed to the ravages of a blood-sucking leech. One leech, say on your foot, takes a few tablespoons of your blood, is satisfied, and falls off. You survive. Two leeches will take twice as much of your blood. Again you survive. Now, keep adding leeches to this thought experiment (don't try this at home!). If your body was totally covered with leeches, you would be dead. Somewhere between the first leech, and total body coverage, a fatal number of leeches, all sucking their own little sip of your blood, attach themselves to you. That number will depend on many factors. Suffice it to say that each person has such a number, but there are an infinite number of leeches

standing by ready to help themselves to everyone's blood.

A Black Hole Government has infinite gravitational pull that will cause it to grow indefinitely as long as it can suck-in more matter that comes within its grasp, just like its namesake in cosmology. The authors misguided assumption is that the leeches can be restrained, the black hole arrested, before the fatal point arrives for our society. In the interim, they may profit from the experience that society undergoes, until they, too, get a fatal dose of leeches or are bound irrevocably to the attraction of the black hole. But the authors, or their descendants, will suffer the same fate as the rest of us. Their thinking is, therefore, self-serving and short-sighted. We may excuse them as advocates for a theory, a philosophy, and all agree that in a democracy they have the right to express their opinion. But thinking persons with a duty to their constituents must see through their fallacies to the truth, and steer us away from the leeches, and clear of the Black Hole Government.

6. The Malignant Tumor Government Assumption: It Won't Spread. The authors next unspoken assumption that I call "The Malignant Tumor Government Assumption" presumes that we will keep this socialism from spreading to other parts of society. They say nothing about the malignancy spreading, for example, to retailing, food distribution, medical care, farms, etc. Their unstated assumption is that extending nationalized industry into transportation will not cause further spread of nationalization into other industries. The danger of the spread of socialism in our economy is taught to MBA candidates in our universities. It is widely accepted learning that in a global economy like our children are facing only countries which restrict their spending to income producing activities will prevail in the intense competition. Dunning, *Multinational Enterprises and the Global Economy* (Addison-Wesley Pub., 1993), at p. 529. Until we have elected leaders with the wisdom and courage to stop the spread of this malignancy, the authors and others touting their philosophy may facilitate the spread of this evil throughout our society and forcing us to the same fate as befell the USSR.

7. The Graffiti Taggers Assumption: Respect for Private Property. The authors next unstated assumption is that public-sector property will earn the same respect as private property. But like graffiti taggers, who despoil and vandalize others' property, the draftsmen of the Report, like many of their cohorts around the country, fail to state the obvious fact that people have greater respect for something they own, than for what other people own. Just look at a street in your community with renters and owners. Who takes better care of the property? Are graffiti taggers spray-painting their belongings? Or are they lurking around spraying paint on public property, carving their incomprehensible acronyms in the glass doors and windows of our small businesses?

8. The Vacuum Assumption: This Scheme is the Only Thing Happening. The next assumption that the authors fail to reveal in their Report is one wherein they pretend that no other tax-funded government program is already draining dollars from us, and that middle-class incomes have been increasing. As shown in the accompanying Petition, this assumption is false, and must be rejected for the same reasons as stated under the Black Hole Government Assumption. Many people have already reached the fatal number of leeches sucking their blood. Look at the number of bankruptcies and their rate of increase in this District. Look at the small business failure rate. Look at the sky-rocketing price of housing. If you have already been forced to tax the beds in our hospitals and convalescent homes to run the socialized buses, what will you have to tax to run socialized passenger trains?

9. The Grantism Assumption: If the Money is Called a Grant Then it is Not a Tax Subsidy. You will notice that the authors' Report distorts the meaning of words to conceal the truth as much as possible. For example, the use of the word "grant" instead of "taxpayers hard earned dollars," or "taxpayers' subsidy," is commonly used by authors like those of this Report. Whether the dollars from the taxpayers are called taxes, fees, grants, subsidies, or pork-barrel handouts from the Treasury, the effect is the same. And furthermore, the corollary assumption, that tax dollars from the federal government are somehow different from the taxpayers' dollars that are spent by local, regional and state governments is just as fallacious. The California Supreme Court has held that a fee is not a tax, and therefore, the Legislature need not comply with the California Constitution (2/3 supermajority requirement) whenever it enacts "fees" as opposed to enacting taxes. *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal.4th 866, 64 Cal.Rptr.2d 447, 937 P.2d 1350 (1997). This is contrary to the will of the people as shown by Proposition 13 and Proposition 218. So, it is vital that our local elected representatives voice our concern that the Constitution be enforced and that no new taxes be placed on the backs of the taxpayers. The impact of all these taxes by all the multiplicity of taxing authorities, joint powers boards, redevelopment agencies, municipalities, regional authorities, etc., whose malignant growth can be seen in the explosive growth of our Public Utilities Code in California (which has doubled in size during twenty years of "deregulation" of the industries), may be seen if you read the accompanying Petition.

10. The Trojan Horse Assumption: Beware of Greeks (and Transit Advocates) Bearing Gifts. The most insidious assumption that the authors make is that this federal money has no strings attached. Hailed by the politico-transit alliance as "devolution," i.e., returning power to local and state government, all of the ISTEA (Intermodal Surface Transportation Efficiency Act) reauthorization legislation, e.g., BESTEA, NEXTEA, HOTTEA, etc., was laced with poison like Jim Jones' Koolaid. Although bipartisan supporters never once mentioned it, the draftsmen of TEA-21 inserted broad

federal preemption language (“no state or local government shall enact or enforce any law or regulation . . .”). While this was no problem for the politico-transit alliance, who got unprecedented sums for their pet projects out of the deal, the Tenth Amendment in the Bill of Rights was further decimated. Using the Commerce Clause as justification, the Supreme Court has approved this federal incursion of the States’ rights in a wide spectrum of the Nation’s economy, e.g., *Kelley v. United States*, 116 S.Ct. 1566 (1996)[state regulation of intrastate trucking preempted by ICC Termination Act, Pub.L. No. 104-88], so TEA-21's draftsmen traded away the people’s constitutional rights in exchange for the “demonstration projects” (pork barrel) that the politico-transit alliance sought. How does this work? For example, federal preemption of local government power by means of this language was recently approved by the Ninth Circuit Court of Appeals in the Stampede Pass Case (*City of Auburn v. Surface Transportation Board*), where the Court upheld Congressional prohibition of enforcement of environmental, zoning, and construction permit laws by the City of Auburn, Washington when the Burlington Northern Santa Fe Railroad decided to reopen its previously abandoned transcontinental route through the Stampede Pass without complying with their state laws. The federal formula also applies to airlines, 49 U.S.C. §41713(b)(4). Courts throughout the Nation have handed down similar decisions based on the broad federal preemption language. 18 *Harvard Journal of Law & Public Policy* 903, "Federal Preemption of State Consumer Fraud Regulations: *American Airlines, Inc. v. Wolens*," 115 S.Ct. 817 (1995).

The authors’ Report never mentions this erosion of fundamental rights reserved to the people by the Bill of Rights. While temporary gifts are doled-out by campaign-fund, vote-hungry members of the politico-transit alliance, they are depriving future generations of the Founders’ Constitution that we inherited from our fathers. I consider this to be the most egregious harm that is left unspoken by the Report. Acceptance of the Report by the COG Board will be a ratification of this violation of our constitutional rights. Since those rights have infinite value to America’s unborn generations, whatever inducements are offered us in exchange are nothing more than an insult to democracy. Who has the courage to tell the Emperor that he is stark naked? What is more important, another glass of Kool Aid, or your grandchildren’s constitutional rights? A statesmen would rather fall on his sword; a politico-transit alliance comrade will lunge for the chum like sharks in a feeding frenzy.

II. Recommendations. I request that you give serious consideration to the accompanying Petition on behalf of the taxpayers, homeowners and small business owners of this County. I urge you to “do your homework” and read my paper for the background and evolution of this crucial issue facing us today, “ISTEA Reauthorization and the National Transportation Policy,” 25 *Transportation Law J.*, pp. 87-*et seq.* (1997). I have already given you copies of this paper, but to aid your decision making, I am enclosing a copy of a shorter version entitled “ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities,”

which was published in the *Transportation Lawyer* (1997). Your special duties to the electorate and residents of the County, and, equally important, your duties to future generations of County residents, require that you adopt strategic transportation planning that is in the best interests of the greatest number of people, not the best interest of consultants and others who feast off the taxpayers. In honor of the self-reliant pioneers from the Donner Party, ranchers and farmers who originally settled this County, you must be guided by the American virtues of independence, self-reliance, and respect for private property which they bequeathed to us, and for which our fathers fought to preserve for us. Rejecting all forms of socialist planning for our transportation infrastructure, I believe that you should adopt the following recommendations to guide us into the next century.

1. The COG Board must refuse to become a partner with another government because partners are responsible for each other's debts.

2. The COG Board must reject the philosophy of public-sector transportation advocates like the transit planners at VTA, TAMC, and other MPOs.

3. The COG Board must obey the mandate of the Government Code to preserve previous generations investment in our infrastructure, chief of which is capitalism.

4. The COG Board must reject invitations to spread socialism into this County, which are extended by self-serving promoters of taxpayer-funded programs that impose unacceptable burdens on the middle-class, homeowners, small business owners, and cause housing to become more unaffordable. COG must denounce the politico-transit alliance and Soviet-style planners.

5. The COG Board must obey the instructions of the CTC to plan infrastructure on "user fees" and not on new taxes. COG must place the taxpayers' well-being as its highest priority.

6. The COG Board must instruct the staff of the County transportation agency to include all negative externalities in their cost-benefit analyses, including small business failures and personal bankruptcies, and their human suffering, resulting from excessive taxation by all levels of government.

7. The COG Board must demand truth in transportation from the staff of the County transportation agency, and any other proponent of public-sector transportation in any mode, i.e., highway, railroad, etc., so that our elected representatives have an accurate factual basis upon which to make decisions for strategic transportation planning.

Hon. Rita Bowling, Chairwoman
Council of Governments
February 20, 1999
page 10

8. The COG Board must discount the reports of consultants and proponents of public-sector transportation because their viewpoint is influenced by their desire to profit at the expense of the taxpayers. COG must not emulate Soviet-style models from wealthy, urban counties.

9. Before proceeding with any plan, the COG Board must find that it would be in the best interests of the taxpayers of this County to adopt the public-sector model of passenger train transportation and reject the free-enterprise model of the private sector.

10. The COG Board must consider the private-sector solution adopted in Stark County Ohio and the benefits for the commerce and business and tax base of this County that could be achieved if we followed their example and had a shortline railroad from the private sector build and operate an intermodal facility on the Hollister Branch Line near Highway 101, which is a NAFTA approved route under TEA-21. Tapping the substantial flow of intermodal traffic, Eastbound from the Salinas Valley, and Westbound into the Silicon Valley, will add tax revenues for the County, attract additional transportation business, reduce highway congestion, road maintenance expense, and improve air quality because of the traffic that is diverted off the highways to TOFC/COFC rail service. This intermodal traffic far exceeds any other available freight revenue that the Hollister Branch Line could offer a shortline railroad/intermodal facility operator.

11. The COG Board must adopt a policy of preferring free-enterprise transportation as the only long-term, sustainable transportation as history has shown, and reject public-sector, taxpayer funded transportation schemes promoted by people who delight in spending OPM ("other peoples' money) with no risk to themselves.

III. Action Request. Will you please include this reply to the Report, and the accompanying Petition, on your agenda for your meeting on March 18, 1999, at 1PM in Hollister, and consider it on behalf of the taxpayers, homeowners and small business owners of our County. Thank you for considering this request.

Respectfully yours,

JOSEPH P. THOMPSON

Encl.

JOSEPH P. THOMPSON
Attorney at Law

[REDACTED]
[REDACTED]
[REDACTED]
October 2, 2003

[REDACTED]
Mr. Mike Fitzgerald, Editor
Hollister Free Lance
[REDACTED]
Hollister, CA 95023

Re: *Government Transport Priorities—Theory vs. Practice*

Dear Editor,

Should residents accept our elected leaders' contention that they place safety as our highest transportation priority? If they did as they say they do, then why do we have no median barriers on local highways while we have empty County Transit buses? Why do they have money to pay public sector union employees' pension plans, but none to construct median barriers? Why are there millions of taxpayer dollars to study endangered species of fish, newts, salamanders, etc., possibly laying in the path of highway improvements, but no regard to the endangered small business owners killed-off by ever-increasing fees and taxes exacted to pay for the infrastructure? Wasteful spending by our elected leaders has been, and is, the hallmark of our transport policy. For example, VTA had \$1 billion to build what MIT calls the Nation's worst transit sinkhole, lite rail (*HEAVY SOCIALISM*), and they have \$900 million set aside to extend it, and hundreds of millions annually to operate it, but we will wait years for the \$35 million safety improvements at the 152 156 intersection. Politician transportation has given us shiny empty buses, and concurrently, shameful body counts; sleek trains, but dead motorists' roadside memorials.

COG, VTA, AMBAG, MTC, TAMC, SCCRTC, and all the other metropolitan planning organizations, created and maintained under ISTEA and TEA-21, foster waste in transport, pork barrel pet projects rather than efficiency, all the while their boards of directors and executive directors proclaim safety as their highest priority. Who do they think they are fooling? On Tuesday when President Bush signed the five-month, \$14 billion extension (patch?) for TEA-21, it was a signal to us to demand a change in transport priorities before Congress can enact the proposed six-year, \$385 billion transport bill governing transport infrastructure spending at all three levels of government. I say enough empty buses, too many boondoggles like lite rail (*HEAVY SOCIALISM*), Amtrak, Caltrain, Bullet Train. It is high time to tear down the Iron Curtain in American transport policy. Let's tell our leaders we want highway safety as our highest transport priority in deed as well as in words. *Caveat Viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON
Attorney at Law

January 12, 2006

Mr. Conan Knoll, Editor
Hollister Free Lance
Hollister, CA 95023

Re: Elected Leaders' Highest Transport Priority? If you think "safety," better think again!

Dear Editor,

With COG's "Unmet Transit Needs" Hearings scheduled for Jan. 19th, I think it's time we examined our leaders' transport priorities. With all the deaths and injuries from highway accidents, and all that has been said about improving highway safety for motorists, we should expect that their claims that "highway safety" is their #1 transport priority is true. Well, is it?

Under our transport law from our radical socialist Legislature, highway safety is not our #1 priority. That distinction goes to "unmet transit needs." In fact, the County is prohibited from spending a penny on road repairs or highway safety improvements unless our COG Directors make a formal finding, based upon testimony submitted at the annual "unmet transit needs" hearing, that there are no unmet transit needs that are reasonable to meet that are not being furnished by COG to any and every transit recipient. In other words, it makes no difference how many of us are killed or injured on our highways. No money can be spent on the highways, for any reason whatsoever, so long as there is an "unmet transit need" that COG Directors deem reasonable to meet. So decrees our Legislature; so they treat motorists, worse than they treat smokers. If anyone cares to read the law for themselves, you can find it in Section 99401.5 of the California Public Utilities Code, which can be found on the Internet at Find California Codes. In SBC only about .004 (4/1000) of our annual trips are on County Transit, so therefore, 99.6% of our trips are in private vehicles. Regardless, our Legislature deems transit system riders "unmet needs" of greater importance than the safety of our County's motorists. This mandate from Sacramento is imposed on COG's Directors, cutting off their legs, punishing self-sufficient motorists who pay 100% of their transport costs, and 99% of the costs of transit system riders' rides. When the law is not logical, people lose respect for it. When that happens, we're all in trouble. ***Caveat Viator!***

Sincerely yours,
JOSEPH P. THOMPSON, ESQ.

Member, Transportation Lawyers Association
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable & Safe Highways
Member, COG's Citizens Rail Advisory Committee
Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON
Attorney at Law

February 5, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance
Hollister, CA 95023

Re: Central California Regional Transportation Infrastructure Improvements and
Reauthorization of Transportation Equity Act for the 21st Century

Dear Editor,

I think that SBC's local leaders ought to focus their attention on the missing link in the region's transportation infrastructure. Instead of more wasteful, empty transit buses, more son-of-Amtrak passenger rail operations, our elected representatives should join forces to regain intermodal facilities for the Central California Coast. Of all our "unmet needs," this should be our #1 priority.

The 108th Congress is presently soliciting TEA-21 reauthorization legislation recommendations from local government. According to *Traffic World* and other industry publications, Congress will propose enactment of "one-quarter of a trillion dollars" TEA-21 reauthorization legislation by this coming September. Yet our local leaders have not responded. Rather, they are preparing another round of "unmet needs" hearings next month for more wasteful public transit for SBC. Since the reauthorization process only occurs once each six years, our leaders' myopia will only worsen the region's dysfunctional transportation. More transit riders, who pay fares that cover only 1% of fully amortized costs, will only worsen local government budget deficits. Most of all, we need structural reform of our policies, not additional transport waste.

Agriculture alone is hardly more than subsistence farming. Combined with efficient, economical transport, ag can be a profitable business. But California spends more money on bike paths than it does on intermodal transport facilities. I have repeatedly urged SBC's leaders to correct this mistake, but we continue to blunder, repeating the mistakes of the past without learning from them. Why?

Consider:

- You must travel from the Port of Long Beach to the Port of Oakland before you find intermodal facilities.
- Silicon Valley is the largest urban area in North America without one.
- Intermodal facilities in Silicon Valley and Salinas Valley were abandoned by SP.
- Salinas Valley shippers have no viable alternative to trucks, so when truck "shortages" (real or imagined by truck brokers) occur, our produce cannot compete in transcontinental markets,

or is gouged by the brokers' "deregulated" freight rates.

- Intermodal rates average 40% less than truckload rates.
- Transcontinental intermodal service is truck-competitive (i.e., UPS is UP's biggest intermodal customer tells you something about the service).

- Tonnage being drayed to and from the intermodal facilities at Lathrop (UP) and Stockton (ATSF-BN) from and to Silicon Valley and Salinas Valley over Altamont and Pacheco Passes makes a significant contribution to highway congestion and air pollution. The occurrence of big rig accidents is increasing.

- Axle weight is the single largest factor in road surface destruction and bridge support deterioration.

- TEA-21 reauthorization legislation is likely to include increasing gross vehicle weight (GVW) to "harmonize" with our NAFTA partners' GVW (Mexico 108,000 lbs.; Canada 101,000)

- TEA-21 reauthorization is likely to lift the freeze on LCVs (Long Combination Vehicles: triple short (27 ft.) trailers and "freeway doubles" (twin 53 ft. trailers)) which are presently legal in 17 states, at least on the NHS (National Highway System routes).

- Restoration of intermodal facilities would alleviate some of the highway and bridge maintenance expenses that these federally-mandated (and pre-empted by the Supremacy Clause and the Commerce Clause) TEA-21 reauthorization developments will bring with them.

- At the high water mark following WWII, the Nation had more than 2,500 intermodal facilities, but now we have fewer than 250 in the U.S.

- Mexican long-haul truck competition will undercut California truckers' rates, thus diverting the freight revenue and local and State taxes to Mexican domiciled carriers.

- Local drayage of tonnage to and from the ramps would be captured by local truckers, not Canadian or Mexican long-haul truckers admitted to California by NAFTA preemption.

- It takes four times the amount of fuel to move a ton of freight with rubber tires over concrete or asphalt as it does moving it with steel wheels on steel rails, so air pollution in the San Joaquin Valley is directly affected by our lack of intermodal facilities on the Coast.

- It takes 9,000 subcompact cars to produce as much road surface damage (at today's GVW, 80,000 lbs.) as that produced by one fully loaded big rig. Increasing GVW to Canadian limits will be the equivalent of striking California concrete with sledge hammers 20% heavier. Increasing to Mexican GVW will be like 25% heavier sledge hammers. Foreign carriers don't pay for highway repairs.

- Accidents, injuries and deaths involving big rigs are increasing, while motor vehicle accident injury and death rates have been decreasing (measured by million miles of travel). Mexican drivers get commercial drivers licenses without comparable training as American CDL holders; Mexico has no hours of service rules for commercial drivers. Drivers paid on a "per trip" basis will be even more dangerous on our highways than our own desperadoes.

- When Altamont Pass is backed-up with traffic congestion, the UP's parallel tracks are 100% empty (17 hours between trains).

- Our MPO's (e.g., MTC, VTA, SCCRTC, etc.) blame "senior citizens driving their gas guzzlers" for everything from ozone holes, dirty air and traffic, but when I asked the Senior Transportation Planners at VTA and AMBAG why they don't include intermodal facilities in their long-range congestion management plans, they both said, "What is an intermodal facility?"

- Our Nation has abandoned more track than most countries around the world ever laid.

- AMBAG's Freight Study (1995) concluded that the Salinas Valley needed intermodal

facilities then, but instead, they focused on public-sector passenger transit.

- Years ago ag shippers in the Salinas Valley enjoyed expedited rail service, including TOFC service, on the “Salad Bowl Express,” which we operated via SP-Ogden-UP-Council Bluffs-CNW-Chicago-PC. No such service exists for shippers here today.

- As a former truck dispatcher, I can tell you that truck drivers would rather be home at night with their wives and children than traveling across the country trying to beat impossible demands made on them by the shippers (and cheating the hours of service rules much of the time).

- As a former customer service clerk (10 years for UP), I can tell you that the shippers want reliable delivery schedules more than speedy trucks (air freight handles critical freight).

- Caltrans Chief of Highway Programs, Mr. Jim Nicholas, promulgated Caltrans’ transport strategies (“themes”) and announced them to the California Transportation Commission on June 6, 2001, including (theme six) increased Statewide reliance on intermodal transportation.

- Before 9/11/01, Transportation Secretary Mineta, and T&I vice-chair, ranking Democrat James Oberstar (D-Minn.) both recommended that the Nation have increased reliance on intermodal transportation (since 9/11 their focus has been on security).

- Caltrans Chief of Freight Planning, Mr. Tom Messer, met with Gilroy’s Economic Development Corporation Executive Director Mr. Bill Lindsteadt, and Congressman Mike Honda’s transportation staff man and others on Thursday in Gilroy at my suggestion, and we all urged him to tell the Congressman that we desperately need restoration of intermodal facilities for this Region.

- On Tuesday 1/21/03 Mr. Al Martinez, Executive Director, EDC of San Benito County had me make a joint presentation to EDC’s Board of Directors with Mr. Paul MacDonald, Regional Manager, Industrial Development Dept., UP regarding increased rail economic development.

- On 10/21/02 at Pleasanton UP’s Industrial Development Department presented an economic development forum to local government and private-sector businessmen regarding increasing Northern California rail commerce and promoting rail service to more communities.

- UP’s CEO Dick Davidson has been quoted widely in the trade press saying that UP wants a bigger share of the “I-5 Freight Corridor Pie.” This makes a hell of a lot more sense to me than the resolution adopted by the Southern California Association of Governments to build “truck only” freeway lanes!

- After deregulating the utilities, California’s Legislature was more than a little embarrassed by the failure to build more power generation capability. We are now paying dearly for their lack of foresight! How will it look when Congress raises GVW to harmonize with NAFTA partners, lifts the freeze on LCVs, and we see Mexican trucks Statewide moving California tonnage on our highways? A little foresight by our Legislature would be a refreshing change.

- Eastern Washington State shippers and receivers are seeing restoration of intermodal facilities, with the assistance of WASHDOT and Strategic Rail Finance Corporation. Washington State ag enjoys a competitive advantage that Central California Coast ag lacks, and our commerce, and our communities, suffer the adverse consequences.

- Stark County, Ohio’s new NEO-MODAL facility’s White Paper is available for our blue print to follow. I’ve recommended it to local government and EDC’s.

- FRA’s person in charge told me after the Transportation Law Institute in Arlington last November that most of the \$3.5 billion Railroad Rehabilitation & Improvement Finance (RRIF) program loan money (created by TEA-21) was sitting intact and unused at FRA waiting for applicants. RRIF projects include intermodal facilities.

- RRIF projects with State government support are given priority under the RRIF regulations

published in the ***Federal Register*** on 7/6/00, and now found at 49 CFR §§260-*et seq.*, which include a \$1.0 billion “set aside” for shortline railroad projects.

- Some benefits that you would see if we restore intermodal facilities in the Region:
 1. Facilitate Commerce and Trade
 2. Improve Transportation (Passenger and Freight)
 3. Stimulate Local Economy
 4. Create Local Jobs
 5. Increase Local Capital Spending and Investment
 6. Reduce Highway Maintenance Expenses
 7. Reduce Air Pollution and Improve Air Quality
 8. Reduce Highway Congestion (Divert Trailers & Containers to Rail Routes)
 9. Improve Highway Safety and Reduce Accidents
 10. Increase Local Government Tax Base
 11. Create Transport Options for Growers, Packers & Shippers & Receivers
 12. Improve Product Profitability During Truck Shortages
 13. Reduce Border Crossing Delays for NAFTA Products Trade
 14. Retain Affordable Housing by Reducing Traffic Impact Fees
 15. Maintain Character and Environment of County
 16. Preserve Agricultural Land and Small Farms
 17. Reduce Fuel Consumption
 18. Reduce Driver Fatigue-Related Accidents
 19. More Responsive Management to Competitive Marketplace
 20. Less Government, Less Taxes, and Therefore, Greater Competitive Success Rate and Fewer Business Failures and Bankruptcies

Therefore, I am recommending that voters tell our leaders that motorists are no longer willing to pay 100% of their own transportation costs, plus 99% of the transportation costs of the transit systems’ riders’ costs. Instead, we must change our transportation policy, and we can start by demanding our California Congressional delegation to include restoration of intermodal facilities in California as part of TEA-21 reauthorization legislation. I believe that this should be our highest transportation priority, and would produce the most benefits for the region’s residents.

Caveat viator!

Very truly yours,

JOSEPH P. THOMPSON

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.
Member, Legislation Committee, Transportation Lawyers Assn.
Member, Association for Transportation Law, Logistics & Policy
Member, SBC Citizens Rail Advisory Committee
Candidate, American Society of Transportation & Logistics
Winner, AST&L’s Best Research Paper Award 1997

Past-President, Gilroy-Morgan Hill Bar Assn.

TWENTY YEARS COG'S FAILURES REPEATED-WHY?
WORSE TODAY THAN WHEN I WROTE THIS IN 2002
JOSEPH P. THOMPSON

Attorney at Law

January 17, 2002

Honorable Rita Bowling, Chairwoman
San Benito County Council of Government

Mr. George Lewis, Executive Director
San Benito County Council of Government

Re: Public Comment on EIR for SBC 2001 RTP

Dear Mrs. Bowling and Mr. Lewis,

Thank you for inviting public comment on the Environmental Impact Report (EIR) for the San Benito County (SBC) 2001 Regional Transportation Plan.

Please add this letter to the responses to the EIR that form the public record of your proceedings, and instruct your staff to include copies of the 50 letters regarding SBC's transportation policy that I sent to COG's Directors between Jan. 21, 1999 and Dec. 29, 2001, together with the documents that I presented to you and the COG Directors and staff at the hearing.

1. Author: I am a member of the Association for Transportation Law, Logistics & Policy (formerly Interstate Commerce Commission Practitioners Association), Citizens for Reliable and Safe Highways (CRASH), Transportation Lawyers Association, Citizens Rail Advisory Committee, Safe Kids Coalition, SBC Citizens Transit Task Force, Conference of Freight Counsel, and other professional organizations. These remarks are personal and not made on behalf of a client or any professional or governmental organization to which I belong or for which I serve my community. I have done post-doctoral study of transportation law and policy at the Norman Y. Mineta International Institute for Surface Transportation Policy Studies.

2. Background Materials Supplementing These Remarks: The background for these remarks may be found in my paper "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal* pp. 87-*et seq.* (1997). Additional background for these remarks is found in my paper that I wrote while serving on the Government Review Council of two local chambers of commerce in response to Valley Transportation Authority's invitation for public response to the widening of U.S. 101

between San Jose and Morgan Hill, entitled, “**El Camino Real 2000: A Transportation Business and Logistics Perspective on the Proposed Widening of U.S. Highway 101.**” I previously gave copies of these two papers to each Director of COG, and will you please direct your staff to add them to these remarks for the formal record of these proceedings. Additionally, as you know I wrote an extensive paper while serving on the SBC Citizens Rail Advisory Committee, entitled, “**INTERMODAL FACILITY for HOLLISTER BRANCH LINE: A Private Sector, Sustainable, User-Fees Funded Transportation Solution for the 21st Century.**”

I respectfully request that you direct your staff to add that paper, too, to the formal record of these proceedings.

3. Major Flaws to EIR for SBC’s 2001 RTP: I have identified 22 major flaws in the EIR which justify your rejecting it, sending it back to TAC for revision, or else subjecting the County to substantial litigation expenses by a likely challenge to it for violation of the applicable law, e.g., California Environmental Quality Act (CEQA). Rather than approve a defective EIR and RTP, I urge you to see that these flaws are eliminated by further revision of the EIR and RTP.

1. The EIR is premised, like the RTP, on unstated assumptions, which are similar to those I pointed out to COG’s Directors in my second reply to the COG’s consultants’ Caltrain extension working paper and my letter to you dated Feb. 20, 1999 (see copies in materials I handed to you at the public hearing).

2. The EIR and RTP do not mention private sector transportation alternatives based on presently-existing technology.

3. The EIR and RTP would impose an urban transit model on a rural, ag-based economy.

4. The EIR and RTP presume tax and population bases which do not exist here to support urban mass transit solutions based on taxpayer-funded public transit that history has shown do not work in the long run.

5. The EIR and RTP make no mention of international law, i.e., North American Free Trade Agreement (NAFTA) and its adverse consequences for SBC’s residents.

6. The EIR and RTP make no mention of the High Speed Rail Authority’s Bullet Train, which is proposed to run through this County (either over Panoche Pass or Pacheco Pass) and the tax burdens that it will impose on our residents.

7. The EIR and RTP make no mention of passenger stage corporations (PSC’s) or transportation charter parties (TCP’s), which are authorized by the California Public Utilities Code to perform for-hire carriage of people, nor does it mention private-sector shuttles.

8. The EIR and RTP make inadequate mention of the adverse effects that public-sector transportation has on local small businesses, and the adverse effect it has on affordable housing by imposition of additional “traffic impact fees” on house prices to support public-sector transit.

9. The EIR and RTP fail to distinguish between transportation infrastructure and transportation business operating on the infrastructure, i.e., for-hire carriage of property and people.

10. The EIR and RTP fail to mention restoration of intermodal facilities for this Region has recommended by Transportation Secretary Mineta, the Director of Caltrans Highway Programs, as I recommended to the California Transportation Commission (with positive response by the CTC’s Chairman) at the CTC’s meeting in December 2001 at the PUC in San Francisco.

11. The EIR and RTP propose an unfeasible transportation alternative in high-density apartments and condominiums (4,000 units in ten years) built around two railroad stations on the Hollister Branch Line north of Hollister, and fails to mention the cost of \$20-\$40 million that the taxpayers would be forced to absorb to refurbish the track to passenger-carrying condition, nor does it mention the massive annual operating subsidies required to operate the passenger service.

12. The EIR and RTP make no mention of viable alternatives available by reliance upon members of the American Shortline Railroad Association.

13. The EIR and RTP make no mention of the decision of the Amtrak Review Council to liquidate Amtrak, and the remarks of Senator John McCain of Arizona who said that Amtrak is a failed experiment, and that Caltrain is equally flawed as Amtrak, and doomed as is all socialist transportation in the long-run.

14. The EIR and RTP make no mention of the massive financial losses sustained each year by SBC’s County Transit, and fails to disclose that in Year 1999-2000 County Express provided heavily-subsidized passenger service for only 101.6 people/day, nor does it reveal the fully-amortized cost of such public-sector transit, or that it would be cheaper to buy ever rider their own automobile, and that the government monopoly is anti-competitive, discriminatory, and prone to massive waste, especially if the operation is unionized (like BART, VTA, etc.). It does not disclose that the riders enjoy nearly free (99% fully-amortized costs paid by taxpayers, not fares) rides while forcing motorists to pay for all of their own transportation expenses, too.

15. The EIR and RTP make no mention of the \$24 billion losses sustained by Amtrak, nor reveals the losses sustained by Caltrain (*Mercury News*’ Mr. Roadshow Gary Richards reported that only 11% of operating costs for Caltrain are paid for by fares--the percentage would be much lower of capital costs were included), yet it irrationally contains an alternative transportation plan to extend Caltrain to this relatively poor agricultural

County.

16. There is no mention of the \$20-\$40 million estimated cost to refurbish the UP's Hollister Branch Line being imposed on taxpayers and given to the 154th largest corporation in America, which would be a disgraceful form of corporate welfare that would bankrupt every homeowner and small business owner in the County.

17. There is inadequate discussion of freight movement in SBC and on the Central California Coast Region, which is unacceptable to the public because axle weight is the single largest factor in road maintenance expenses.

18. There is no mention of the adverse effects from the federal government's decision to allow entry of Mexican trucks onto our highways, and US101 is a "NAFTA route" under TEA-21. Those big rigs from Mexico will use Highways 25 and 156 to travel between the Salinas and San Joaquin Valleys, right through our County.

19. There is no mention of the U.S. Supreme Court's decisions supporting the federal governments preemption of commerce on our highways, e.g., (1) NAFTA-harmonized gross vehicle weights (GVW), and (2) long combination vehicles (LCVs), three 27-ft. trailers, or two 53-ft. trailers, pulled by one tractor.

20. There is no mention of the increase of GVW to Canadian or Mexican GVW, which is likely when TEA-21 is reauthorized (*Traffic World* is already reporting on "TEA-3"), effective in three years from now, and which will pulverize the inadequate new concrete being poured on the new lanes of US 101 north of Morgan Hill.

21. There is no mention of the adverse effects on ag-related business in the County or Region and what introduction of Mexican trucks with NAFTA-harmonized GVW and LCVs will have on local truckers, who will be driven into bankruptcy.

22. There is more attention given to endangered species of flora and fauna than to the adverse consequences for the human beings, e.g., SBC's gets only 11 cents back from Sacramento, similar to all rural counties, whose money is diverted to LA, SF, San Jose, Oakland, and other urban areas where their transit riders get about \$500,000 annual subsidies courtesy of the rural counties' taxpayers.

When I get a chance I will send you the additional minor flaws that I see in the EIR and RTP, e.g., "without bankrupting the family" should read "without bankrupting all the families in the County" (page 4 of RTP).

Very truly yours,

JOSEPH P. THOMPSON

cc: COG Board of Directors

Response to EIR for SBC's 2001 RTP

cc: Citizens Rail Advisory Committee
cc: SBC Board of Supervisors

JOSEPH P. THOMPSON
Attorney at Law

August 23, 2009

Honorable Anthony Botelho, Chairman
San Benito County Council of Government
Hollister, CA 95023

Re: **SBCCOG Meeting Agenda 8/20/09: SBC Highway Route Selection Jurisdiction:**
Public Comment: COG Illegal Usurpation of Lawful Authority of SBCBOS

Dear Mr. Botelho,

Referring to the SBCCOG meeting agenda 8/20/09 Item No. 7, please include this for the formal record of the proceedings for public comment. Also, please include this for public comment on Item No. 5 when you restore it to your agenda (please not on consent because it's about taking more of our taxes to waste on your boondoggle wastefulness).

1. Identity: See previous letters.

2. Background: Read the County Code, which you swore an oath to protect and defend. Read the Brown Act, which you violate with COG and with the "Mobility Partnership" with VTA. Read your own deceptive financial reports, which show how badly you're raping the taxpayers every month, over and over again.

3. Comment: Thank you for placing this item on the agenda because it proves, once again, that COG is violating the constitutional rights of three County Districts' citizens. You violate your oath of office each time you preside at COG. Your questions from chair of COG prove the point I've made to you numerous times, your denials notwithstanding. Who has the lawful authority to make decisions about highway construction in our County? Not COG. Only the BOS have a mandate from all five County Districts' citizens. COG lacks representation from three Districts, but COG purports to act on behalf of all five Districts' citizens. Since no voters ever voted to grant COG this power, COG's imposition of tax burdens, i.e., highway construction taxes, mass transit tax subsidies, COG acts illegally by denying the franchise rights of three County Districts' citizens. By doing so it violates the due process and equal protection rights of those citizens. Bluntly, COG taxes without representation by increasing our tax burdens on all SBC's taxpayers but denying lawful representatives to taxpayers of three Districts.

Concealing tax increase proposals by failing to disclose the subject of tax increases when the COG "agenda" (non-disclosure, no transparency "agenda") contains a topic of debate for the purpose

Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan—A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.

of deciding whether or not to increase tax burdens on the County's taxpayers is despicable, and illegal. The Brown Act requires COG to make a full disclosure of the items to be discussed on the agendas, but COG's practice has been, and still is on your watch, to conceal the truth about the content of agenda items. For example, item #5 (consent) contained a tax increase of more than \$31,000 to be imposed on SBC's taxpayers, but the description of the item on your agenda, over which you preside as Chairman, did not disclose this. Concealment of the truth is the opposite of transparency in government, and shows you to be condoning and tolerating and encouraging the unelected COG staff to deprive the taxpayers of knowledge that the law requires be given.

Moreover, Item #5, which you pulled even after having given notice, such as it was, that it would be considered, and even after I had submitted a "public comment" request, shows you what hypocrites you are. While claiming to be prudent with our tax dollars, you would have the taxpayers' money subsidies to County Transit boondoggle increased by more than \$31,000 even though you loose millions of our tax dollars operating your bus boondoggle at the present level of operating. Since you don't have remunerative fares (fares that cover your costs), each time you increase "ridership" you increase losses for taxpayers, who are paying about 99% of the total costs of County Transit and JDA riders' rides.

You are living in a fools paradise of deception, trying to deceive the taxpayers, but failing in that too.

You don't even know basics things about transportation, and yet you rely on untrained, unprofessional staff advice. For example, while the Court of Appeal in this Sixth District has held that property owners are responsible for sidewalk maintenance, not municipalities, you discuss spending tax dollars to make sidewalk repairs. Your ignorance hurts us every time you preside at COG. Worse, your arrogance proves that you are unworthy to govern us. The federal "stimulus" money that has been wasted on more transit buses is like you pouring salt in taxpayers' wounds. Those buses sit idle in the yard off Southside Road, or are out polluting the air moving a few passengers per hour while racking-up huge operating costs. But you refuse to do anything about it. COG Directors voted to privatize transit, but you refuse to do it. COG Directors voted to reduce waste of tax money on County Transit, but you refuse to do it. Instead, you kow-tow to COG staff recommendations, which are merely turf protection at the expense of taxpayers.

We cannot tolerate your conduct you must be removed from office, and COG terminated ASAP to stem the hemorrhaging of our tax dollars on your boondoggle, unconstitutional, illegal COG. Until you are removed from office, may God have mercy on your soul for the suffering that you have, and are causing us. *Caveat Viator!*

Very truly yours,
JOSEPH P. THOMPSON

cc: COG Board of Directors
cc: SBC Board of Supervisors
cc: SBC GPU Citizens Advisory Committee

Response to COG's Proposed 2009 Revision to County's Regional Transportation Plan—A Sick Plan being made worse by the Radical Socialists that our Leaders Tolerate. Another Plea for Reform, or ouster of COG's Directors.

COG's Lies and Deceit to the People Just Like the Soviet Union's Planners
[Here's an Example You Can Find Many Others When You Ignore the Lies]

This goes double for COG's 20-year RTP

2005 San Benito County Regional Transportation Plan Baloney & B.S. from COG
Big Brother DoubleSpeak: You Don't Have Economic Vitality with Socialism Catastrophic
Disaster is What You get from COG's Socialism-Communism

Proposed Changes from 2001 RTP

General Goals and Policies

Goal 1 To support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency. San Benito County jurisdictions:

Policy 1.1 Shall promote improvements in all modes of transportation to respond to growing demand for commuter and commodity travel. They shall give funding priority to major road improvements that address critical safety concerns and provide increased capacity for commuter and commodity travel. They shall also give funding priority to commuter ~~rail~~transit improvements that facilitate movement between Hollister and the San Francisco Bay Area.

Goal 2 To increase the safety and security of the transportation system for motorized and non-motorized users. San Benito County jurisdictions:

Policy 2.1 (In conjunction with the safety improvements specified in Policy ~~H.A.1.1~~**A.1.1** above) shall give next funding priority to minor road improvements that affect the safety of the greatest number of users ~~and projects that increase safety for school children or the elderly.~~

Policy 2.2 Shall ensure that the integrity of inter-regional transportation facilities, including road, rail, and aviation facilities, can be maintained during and after major natural disasters.

Goal 3 To increase the accessibility and mobility options available to people and freight. San Benito County jurisdictions:

Policy 3.1 Shall promote alternative modes of transportation, including rail and bus transit, rail freight, and pedestrian and bicyclist travel.

Policy 3.2 Shall ensure that pedestrian and public transit facilities are accessible to all persons, regardless of physical capabilities.

Goal 4 To protect and enhance the environment, promote energy conservation, and improve quality of life. San Benito County jurisdictions:

- Policy 4.1 Shall develop a street and highway system that promotes compact urban development and preserves prime agricultural land.
- Policy 4.2 Shall design transportation improvements to conserve protected habitats and species.
- Policy 4.3 Shall operate transportation facilities in a way that provides a high level of air quality and energy efficiency.
- Policy 4.4 Shall design urban streets and public transit systems to protect residential and business districts from degradation due to large traffic volumes and or speeding vehicles.

Goal 5 To enhance the integration and connectivity of the transportation system, across and between modes, for people and freight. San Benito County jurisdictions:

- Policy 5.1 Shall construct an intermodal station facility connecting the future commuter rail system to bus transit systems, pedestrian and bicycle facilities, and park-and-ride lots.
- Policy 5.2 Shall accommodate connections between truck and/or rail freight as demand presents itself.
- Policy 5.3 Shall promote park-and-ride lots and bicycle parking facilities at key locations to facilitate ridesharing and public transit use.

Goal 6 To promote efficient system management and operation. San Benito County jurisdictions:

- Policy 6.1 Shall promote and incorporate intelligent transportation system (ITS) technology into the regional transportation improvement program as new systems become available.
- Policy 6.2 Shall actively promote ridesharing and public transit to increase the average persons per vehicle during peak hour periods.

Goal 7 To emphasize the preservation **Maintenance** of the existing transportation system **shall be a priority**. San Benito County jurisdictions:

- Policy 7.1 Shall conduct regular maintenance of all transportation facilities to forestall ~~premature degradation of such~~ facilities.
- Policy 7.2 Shall work to secure the Hollister Branch Rail Line for use as a commuter rail and/or freight rail facility.

Streets and Highways

Goal 8 To construct and maintain a street and highway system that is safe, accommodates well-managed demand from existing and future development, and is well maintained. San Benito County jurisdictions:

- Policy 8.1 Shall give priority, among all street and highway projects, to the improvement of roadways and intersections that experience the worst safety records. The next highest priority shall be given to projects that reduce weekday congestion and that serve to maintain the existing roadway system.
- Policy 8.2 Shall give priority, among all street and highway maintenance projects, to maintenance projects that improve safety for the greatest number of persons and to maintenance projects required for fire and police equipment to respond quickly and safely to emergencies throughout the county.

Goal 9 To design, construct, and maintain the integrity of streets and highways to serve their designated purpose and be compatible with the land use to which they are adjacent. San Benito County jurisdictions:

- Policy 9.1 Shall construct (or cause to be constructed if private), roads, highways, and selected urban arterial streets for regional or interregional travel. Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall emphasize safe and efficient *automobile, motorcycle, truck, and transit* operation. Where appropriate, the jurisdiction shall accommodate the safe movement of agricultural equipment on the facility.
- Policy 9.2 Shall construct (or cause to be constructed if private), urban collector and local streets primarily for intra-city travel. ~~Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall~~ accommodate vehicular travel but shall emphasize safe and efficient *pedestrian and bicycle* travel.
- Policy 9.3 Shall construct (or cause to be constructed, if private), streets in downtown areas primarily to serve business activity. ~~Such facilities shall be designed to the minimum standard of the local jurisdiction within which they are located. Such standards shall~~ include wide sidewalks and encourage diagonal parking where feasible to increase the number of parking spaces close to businesses and to facilitate the calming of traffic on major downtown streets.

Goal 10 ~~To~~ **New transportation facilities shall be planned to** promote compact urban development, prevent urban sprawl, and prevent the premature conversion of prime farmland ~~caused by new transportation facilities~~. San Benito County jurisdictions:

- Policy 10.1 Shall provide **transportation** incentives to developers of compact, infill development in existing urbanized areas to minimize the premature construction of new streets and highways.

Policy 10.2 Shall locate and design new transportation facilities to minimize the conversion of prime agricultural land outside existing urban/rural boundaries.

Goal 11 To promote the development of "livable" streets in urbanized areas that accommodates multiple modes of transportation. San Benito County jurisdictions:

Policy 11.1 Shall include bike lanes on arterial and collector streets where feasible, and sidewalks on all streets in developed areas. They should also require street trees designed to form canopies over streets and green strips between sidewalks and streets in new development.

Policy 11.2 Shall protect urban streets from through traffic by constructing bypass routes around Hollister and San Juan Bautista.

Policy 11.3 Shall designate appropriate routes for large trucks and establish ordinances that prohibit large trucks from traveling on non-designated streets.

Policy 11.4 Shall adopt alternative street standards, consistent with standards for fire protection that accommodate traffic-calming measures for existing urban streets. Where appropriate, jurisdictions should install traffic-calming devices to protect local residential streets from speeding traffic.

Rail and Bus Transit

Goal 12 To provide an alternative mode of transportation to commuters traveling from San Benito County to Santa Clara County. San Benito County jurisdictions:

Policy 12.1 Shall give priority, among all transit operations, to intercity commuter rail service and/or improved express bus service connecting Hollister with Gilroy. The next priority shall be the provision of intra-city bus service in Hollister.

Goal 13 To provide a transportation system that is responsive to the needs of the elderly, disabled, and transit dependent. San Benito County jurisdictions:

Policy 13.1 Shall continue to provide on-demand general public and paratransit services in Northern San Benito County (~~Dial-A-Ride Service Areas A and B~~).

Policy 13.2 Shall manage the demand for, and cost of, transit services by accommodating the development of housing for the elderly and disabled in existing urban areas close to stores and health services.

Goal 14 To promote transit-oriented development and encourage the use of public transportation to reduce energy consumption and congestion. San Benito County jurisdictions:

Policy 14.1 Shall ~~provide incentives to developers who~~ give priority to development projects that construct residential and commercial projects in proximity to existing and planned rail and bus transit stations. Jurisdictions shall review these projects and

possibly require the provision of transit facilities in conjunction with and financed by the developer.

- Policy 14.2 Shall encourage automobile and bicycle parking facilities at major rail and bus transit stations.

Non-Motorized (Pedestrian and Bicycle) Travel

Goal 15 To encourage pedestrian and bicycle travel within urbanized areas. San Benito County jurisdictions:

- Policy 15.1 Shall require bicycle-parking facilities at major rail and bus transit stations and in downtown business districts.
- Policy 15.2 Shall ensure that urban streets are safe for bicyclists through regular cleaning and maintenance.
- Policy 15.3 Shall ensure that existing sidewalks are safe, free of obstruction, and accessible to all persons.
- Policy 15.4 Shall plan, design, and construct bicycle facilities in conformance with state standards, as outlined in “Planning and Design Criteria for Bikeways in California” (Caltrans).
- Policy 15.5 Shall construct pedestrian walkways in high-density areas that currently lack adequate pedestrian facilities.

Goal 16 To facilitate pedestrian and bicycle travel within new development and between new development and existing urban areas. San Benito County jurisdictions:

- Policy 16.1 Shall require sidewalk facilities in all new development in or adjacent to urban areas. ~~Such facilities shall include sidewalks on both sides of the street that are a minimum five (5) feet wide, if separated from the street by a planter strip, or six (6) feet wide if located next to the curb.~~
- Policy 16.2 Shall require all new multi-family residential and large commercial development to provide easily identified pedestrian facilities connecting all parts of the development and providing access through parking areas and across driveways.
- Policy 16.3 Shall design and construct all new bridge structures with sufficient width to accommodate pedestrians and bicyclists.

Goal 17 To create a new pedestrian and bicyclist facility connecting urban areas with major recreational areas. San Benito County jurisdictions:

- Policy 17.1 Shall plan and construct a combined pedestrian and bicycle path along the San Benito River ~~from San Juan Bautista to the Pinnacles National Monument.~~

Goal 18 To promote pedestrian and bicycle safety. San Benito County jurisdictions:

~~Policy 18.1 Shall encourage bicycle rider training programs for school children in San Benito County.~~

Policy 18.2 Shall work with school districts to identify and make improvements as necessary to provide safe routes to school.

Aviation

Goal 19 To promote a safe and efficient air transportation system that serves general aviation and air commerce needs. San Benito County jurisdictions:

Policy 19.1 (City of Hollister and County of San Benito) shall protect airport operations at Hollister Municipal Airport and Frazier Lake Airpark from incompatible land uses and maintain the facilities for general aviation and airfreight purposes.

Policy 19.2 (City of Hollister and County of San Benito) shall plan for facility expansions at Hollister Municipal Airport, including additional hangar space as demand presents itself, a runway expansion to 7,000 feet, and Instrument Landing System (ILS).

Policy 19.3 (City of Hollister and County of San Benito) shall plan for new industrial uses in designated areas of the airport property as demand for space presents itself.

Policy 19.4 Shall support the continued operation of a general aviation airport at ~~Frazer Lake Air Park~~ Frazier Lake Airpark.

Commodity Movement

Goal 20 To facilitate the safe and efficient movement of commodities in ways that are compatible with existing and planned land uses. San Benito County jurisdictions:

Policy 20.1 Shall accommodate large truck traffic on designated routes throughout San Benito County.

Policy 20.2 Shall, where viable alternatives exist, direct large truck traffic away from narrow rural roads, residential districts, and pedestrian-oriented streets in downtown business districts.

Policy 20.3 Shall accommodate the development of connections between truck and rail transportation facilities as demand for such intermodal facilities presents itself.

Special Events

~~**Goal 21** To plan for efficient and safe movement of visitors and residents during special events. San Benito County jurisdictions:~~

~~Shall work with special event sponsors to ensure that adequate provisions are made for heavy traffic and parking demand during special events.~~

OBJECTIVES AND PERFORMANCE MEASURES

The Council of San Benito County Governments has adopted short- and long-term objectives that are designed to guide the agency's work program until the next update of the Regional Transportation Plan. Also, in accordance with the new Regional Transportation Guidelines, the Council of San Benito County Governments has also adopted performance measures by which the Regional Transportation Improvement Plan will be judged during adoption of that document.

Short-Term Objectives (by 2010)

- Objective S.1 To increase the capacity of the street and highway system to accommodate projected short-term growth.
- Objective S.2 To serve 350 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy.
- Objective S.3 To reduce the rate of fatal vehicular accidents throughout San Benito County
- Objective S.4 To develop a recreational trail for pedestrians and bicyclists along the San Benito River from San Juan Bautista to Hollister.
- Objective S.5 To develop a transportation emergency preparedness and response plan that identifies emergency transportation systems, including emergency corridors and reliever routes.
- Objective S.6 To convert the old Highway 25 corridor in Hollister from use as a state highway to use as a business-oriented main street that includes increased parking, pedestrian, and bicyclist opportunities.
- Objective S.7 To develop a plan for commodities transportation that designates appropriate routes for large trucks throughout San Benito County and protects rural roads and residential and downtown business districts from degradation caused by large trucks.
- Objective S.8 To increase rideshare and intra-county transit operations by 10 percent over current (2000) levels.
- Objective S.9 To develop and initiate implementation of a comprehensive bike and pedestrian plan.
- Objective S.10 To improve Hollister Municipal Airport operations by lengthening the main runway, installing an Instrument Landing System, and constructing additional hangars for general aviation use.

Long-Term Objectives (by 2020)

- Objective L.1 To increase the capacity of the street and highway system to accommodate projected long-term growth.
- Objective L.2 To serve 1,000 commuter round trips per weekday of service with commuter rail and express bus service connecting Hollister to Gilroy; also, to begin plans to electrify the commuter rail corridor between Hollister and Gilroy.
- Objective L.3 To reduce the rate of fatal vehicular accidents throughout San Benito County.
- Objective L.4 To extend the recreational trail for pedestrians and bicyclists along the San Benito River from Hollister to the Pinnacles National Monument.
- Objective L.5 To increase rideshare and intra-county transit operations by 10 percent over (2010) levels.

Performance Measures

Is the proposed Regional Transportation Improvement Plan superior to alternative plans in the following ways?

Performance Measure No.	Performance Measure Criteria	Measurement
Measure 1	Does the RTIP improve mobility and accessibility for persons traveling in San Benito County by investing in improvements that allow travelers to reach their destination with relative ease and within a reasonable time?	Travel time for commuters on Routes 25 and 156
Measure 2	Does the RTIP improve safety and security by investing in street and highway facilities with the highest rates of mortality?	Rate of fatal accidents on Routes 25 and 156
Measure 3	Does the RTIP improve transportation system choices by investing in improvements to non-automobile modes of travel?	Transit level of service, including commuter rail; number of bike lane miles

JOSEPH P. THOMPSON
Attorney at Law

October 2, 2003

Mr. Mike Fitzgerald, Editor
Hollister Free Lance
Hollister, CA 95023

Re: *Government Transport Priorities—Theory vs. Practice*

Dear Editor,

Should residents accept our elected leaders' contention that they place safety as our highest transportation priority? If they did as they say they do, then why do we have no median barriers on local highways while we have empty County Transit buses? Why do they have money to pay public sector union employees' pension plans, but none to construct median barriers? Why are there millions of taxpayer dollars to study endangered species of fish, newts, salamanders, etc., possibly laying in the path of highway improvements, but no regard to the endangered small business owners killed-off by ever-increasing fees and taxes exacted to pay for the infrastructure? Wasteful spending by our elected leaders has been, and is, the hallmark of our transport policy. For example, VTA had \$1 billion to build what MIT calls the Nation's worst transit sinkhole, lite rail (*HEAVY SOCIALISM*), and they have \$900 million set aside to extend it, and hundreds of millions annually to operate it, but we will wait years for the \$35 million safety improvements at the 152 156 intersection. Politician transportation has given us shiny empty buses, and concurrently, shameful body counts; sleek trains, but dead motorists' roadside memorials.

COG, VTA, AMBAG, MTC, TAMC, SCCRTC, and all the other metropolitan planning organizations, created and maintained under ISTEA and TEA-21, foster waste in transport, pork barrel pet projects rather than efficiency, all the while their boards of directors and executive directors proclaim safety as their highest priority. Who do they think they are fooling? On Tuesday when President Bush signed the five-month, \$14 billion extension (patch?) for TEA-21, it was a signal to us to demand a change in transport priorities before Congress can enact the proposed six-year, \$385 billion transport bill governing transport infrastructure spending at all three levels of government. I say enough empty buses, too many boondoggles like lite rail (*HEAVY SOCIALISM*), Amtrak, Caltrain, Bullet Train. It is high time to tear down the Iron Curtain in American transport policy. Let's tell our leaders we want highway safety as our highest transport priority in deed as well as in words. *Caveat Viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON
Attorney at Law

December 9, 1998

Mr. Adam Breen, Editor
Hollister Free Lance
[REDACTED]
Hollister, CA 95023

{NEW ADDED 4-4-2023: Editor, why don't you publish current losses sustained by the so-called transit "success" stories? Just how stupid do you think we are? Explains how the Legislature and local government have increased, and are increasing, the price of gasoline for motorists. } JPT April 7, 2023

Re: Taxpayers and Transportation Policy

Dear Mr. Breen,

What do our elected leaders do with all the transportation taxes? Why don't we have enough money for highways? If safety of motorists is COG's highest priority, then why are our taxes being used for their other schemes? An examination of how transportation taxes are diverted from highways to other uses may answer our questions. In the San Francisco Bay Area, here is the Metropolitan Transportation Commission data for Fiscal Year 1993-94 for the 17 largest public transit districts (amounts are in millions of dollars):

<u>Transit District</u>	<u>User Fares</u>	<u>Tax Subsidies</u>	<u>Operating Expenses</u>	<u>O/R</u>
AC Transit	\$33.0	\$102.3	\$135.3	24
BART	\$101.4	\$116.0	\$217.4	46
Caltrain	\$12.8	\$26.8	\$39.6	31
Contra Costa T.A.	\$2.5	\$14.1	\$16.6	15
E. Contra Costa T.A.	\$.4	\$1.8	\$2.2	18
Fairfield/Suisun	\$.4	\$1.1	\$1.5	24
Golden Gate T.A.	\$16.1	\$35.8	\$51.9	25
Livermore T.A.	\$.5	\$3.9	\$4.4	11
Napa	\$.4	\$1.7	\$2.1	19
S.F. Muni	\$95.7	\$189.8	\$285.5	34
SamTrans	\$11.4	\$38.7	\$50.1	22
Santa Clara T.A.	\$18.8	\$133.8	\$152.6	12
Santa Rosa	\$.9	\$3.1	\$4.0	22
Sonoma	\$1.0	\$3.5	\$4.5	22

Union City	\$.2	\$1.1	\$1.3	15
Vallejo	\$2.8	\$3.4	\$6.2	45
W. Contra Costa	\$.2	\$1.3	\$1.5	13
TOTAL	\$298.5	\$678.5	\$977	30

Source: Metropolitan Transportation Commission, *Transactions*, Feb. 1995, p. 4.

Mr. Adam Breen, Editor
The Freelance
December 9, 1998
page 2

The governments' own numbers reveal that the taxpayers are paying an average of 70% of the cost of transit riders' rides. Actually, if you used generally accepted accounting principles ("GAAP"), the fully-amortized costs (including capital, etc.), would be substantially greater. Thus, the operating ratios would be correspondingly less. These public sector fiascoes are so embarrassing, however, that our elected leaders are ashamed to reveal the true losses, so they have their accountants prepare their reports to the public without applying GAAP. These data explain where our leaders are diverting our tax dollars that could be used to improve our highways. In other words, highway deaths and injuries are attributable, at least in part, to the conscious decisions of our leaders to use the transportation taxes for non-highway purposes.

So, "self-help" counties are, in reality, a misnomer, or possibly, a subterfuge by the transit advocates who do not want the homeowners and small business owners and senior citizens to know that self-reliance is not what they practice, although they preach it to others. By unrestrained spending of O.P.M. ("Other Peoples' Money"), transportation taxes are diverted to insolvent, Soviet-style public transit, while the taxpayers are blamed for causing unsafe, deteriorating highways.

If COG disclosed to the voters their fiscal results of operating their public-sector operations, then the homeowners would have a better understanding of why house prices are pushed to unaffordable levels by "traffic impact fees." Small business owners would better understand why the small business failure rate is so high. Senior citizens would have a deeper understanding of why personal bankruptcies are sky-rocketing. Taxpayers would know why Tax Freedom Day comes later each year. Will COG tell us how much we lose each time a government-operated bus goes out? What percentage of the public is served by such operations? Why do the homeowners and small business owners and senior citizens have to pay for their own transportation, and most of the cost of the riders of public transit? What ever happened to "self-help"?

Very truly yours,

JOSEPH P. THOMPSON

JOSEPH P. THOMPSON
Attorney at Law

August 25, 2003

Hon. George Rowe, Chairman
San Benito County Council of Government
San Juan Bautista, CA 95045

Executive Director
San Benito County Council of Government
Hollister, CA 95023

Re: *COG Meeting Sept. 18, 2003–Recommended Agenda Items*

Dear Mr. Rowe and COG Executive Director,

Thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's Agenda for September and the ad that COG ran on 8-21-03 about new commuter coaches, I ask that the following be included for thorough consideration.

Identity of Author. I am a member of COG's Rail Advisory Committee, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a post-doctoral student of transportation law and policy.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to my past letters to you regarding COG's Directors' decision to privatize the County's public-sector bus system.

Agenda Topics:

(1) Road Map to Transport Policy Sanity–Privatization of Public-Sector Transit.

No method of transport is without its pitfalls, no means without negative consequences. Moving people and goods has always, and will always, present problems. Energy, gravity, and human nature are but three of the eternal stumbling blocks one faces with transport. However, in

**Cast Off Dysfunctional Transport Policy and
Return to America's Free-Enterprise Roots**

light of the disastrous failure of public-sector transit, both Nationally, and here in California, we must learn from the lessons of the previous century, and return to America's free-enterprise roots. The COG Directors must establish principles, priorities, and guidelines to enable the transition, and to ultimately achieve the goal.

To this end I recommend that the COG Directors adopt a policy resolution placing free-enterprise transport solutions at the highest priority for the good of all the present and future residents of our County. An example of such a resolution is the one that I offered to RAC's members (see copy enclosed). Opponents, subsidy recipients, trough feeders, etc., will raise countless objections, but COG's Directors will doom their own effort to failure unless they establish sound, sustainable policy decisions to guide SBC to the accomplishment of COG's Directors' goal.

Additionally, the initial starting point, public vs. private, must be kept uppermost in the mind of COG's Directors, their agents, servants, employees, and the public. Instead of misleading ads proclaiming falsehoods like COG's past press releases, e.g., County Transit is "cost-efficient," I believe that COG should promote truth in transportation. An example of the fundamental distinction in the private-public dichotomy is my ALLFREE Lesson #1.

If COG's Directors are serious about sound, sustainable transport for our County, then they must establish clearly defined policy so that everyone will realize where they are leading us. Anything less than clear, decisive leadership is bound to play into the hands of the budget-deficit causing socialists, who if unchecked will ruin our County for future generations. Thank you and *caveat viator!*

Respectfully yours,

cc: COG Directors
cc: SBC County Supervisors
cc: Hollister City Council members
Encl.

JOSEPH P. THOMPSON

JOSEPH P. THOMPSON
Attorney at Law

August 23, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance

Hollister, CA 95023

Re: *SBC Transportation Policy–Real Structural Reform*

Dear Editor,

Motorists paying high prices for gasoline ought to keep in mind that they not only pay 100% of their own transport costs, they are also paying 99% of the total costs of transit riders' rides, too. Under generally accepted accounting principles, 99% of fully amortized costs, i.e., includes capital costs, of public-sector transit are paid for by taxpayers. Although SBC's transit agency reports a "farebox recovery rate" of a little over 14%, the Legislature allows our public-sector transit agencies to omit their capital costs in their financial reports. So, our government's transport policy punishes self-sufficiency, and rewards waste. No wonder we have government budget deficits. Until we get structural reform in transport policy, those deficits will only get worse. As we tax motorists out of their cars, the downward spiral of government waste will accelerate. Unless we privatize our transit, the multi-million dollar deficits will grow from \$9 million last year (2/1000 of SBC annual trips) to \$18 million (if we double transit "Ridership" to 4/1000), then \$36 million for another doubling of Ridership on County Transit (8/1000). Keep up that trend and SBC will soon have no money left for other basic governmental functions like fire fighters and sheriffs. Privatization of public-sector transit is the only real solution for future generations. So, let's spare the air, spare the taxpayers, and spare us the B.S. about "economical" County Transit. *Caveat viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON
Attorney at Law

May 16, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance

Hollister, CA 95023

Mr. Mark Derry, Editor
Gilroy Dispatch

Gilroy, CA 95020

Re: SBC Rejects Extending Caltrain from Gilroy to Hollister

Dear Bill and Mark,

Madison said in *The Federalist, No. 41*, "A bad cause seldom fails to betray itself." Last night's unanimous (5-0) decision by the SBC Council of Governments to reject "extending Caltrain" from Gilroy to Hollister shows us again the genius of the Father of the Constitution.

As Senator John McCain said about Amtrak, by any rational measuring rod Caltrain is a "failed experiment." Relying on rural common sense to tell socialist transit advocates that their uncommon nonsense is unacceptable, COG's Directors then proceeded to initiate privatization of the government passenger bus monopoly. While recognizing the importance of railroads, they refused enlargement of Black Hole Government. These Directors have courageously marked a new course: Back to the Future, back to America's free-enterprise roots. Could it be that Transportation Secretary Mineta's challenge to government leaders is bearing its first fruit? He said in 1995, "The crucial question in transportation today is: 'What should government do, and what should it leave to others?'" They answered Secretary Mineta's "Crucial Question" with a courage born of necessity: Government does not belong in the transportation business. While private-sector transport is not without its problems, our generation's experiment with socialist transport has produced obvious answers: Emperor Transit First is stark naked. We are witnessing a counter-revolution, but do our leaders in Sacramento and Washington have the common sense of our local government leaders and the Father of our Constitution? *Caveat Viator!*

Very truly yours,
JOSEPH P. THOMPSON

Member, SBC Citizens Rail Advisory Committee
Member, Transportation Lawyers Association
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable and Safe Highways
Member, Conference of Freight Counsel
Candidate, American Society of Transportation & Logistics

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON
Attorney at Law

April 23, 2004

Hon. Richard Scagliotti, Chairman
San Benito County Council of Government
Hollister, CA 95023

Mr. Thomas Quigley, Executive Director
San Benito County Council of Government
Hollister, CA 95023

Re: *COG & TAC Agendas April 2004–COG Policy Errors Compounding*

Dear Mr. Scagliotti and Mr. Quigley,

Confirming my statements to you last night at the COG meeting, thank you for allowing members of the public to make comments on matters of vital concern to our community. Referring to the COG's and TAC's agendas for April, 2004, please refer to my previous letters to you (copies enclosed). I certainly do appreciate the patience that you have shown to me while we engage in the debate about COG's transport policy for SBC, and especially the lesson in tolerance that the COG's Directors send to the educators in COG's audience. Our friends and neighbors engaged in educating our children will undoubtedly have valuable lessons in civic duty and fighting apathy to teach to their students, just as I have as the bar's representative to the high school in Gilroy for many years now.

Identity of Author. I am a former member of COG's Transit Task Force. I am a member of COG's Rail Advisory Committee, SBC Safe Kids Coalition, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a student of transportation law and policy.

Background. I have written and submitted many letters and papers to COG's Directors on the subject of COG's dysfunctional transport policies, including the several papers that I submitted to COG when it was deliberating on the Regional Transportation Plan and amendments thereto. I ask that those letters and papers be included in the official record of COG's proceedings on the subject of RTP for 2005. Please refer to Resolution No. 04-06 (copy enclosed) about COG's Directors' RTP

COG Resolution No. 04–06: Compounding COG's Policy Errors: Wasteful COG Public-Transit Undermining Transport Safety & Efficiency; Anti-Business Ramifications for SBC

project list and planning goals.

Recommendations:

1. Resolution Objections:

As I have said before, there are both procedural and substantive errors in COG's RTP, and they become obvious, and compounded, by COG's Directors' adoption of Resolution No. 04-06. Procedurally, formulation of these RTP project goals was done in violation of the due process and equal protection guarantees of the State and federal constitutions. COG's Directors furnished and invited "free" County Transit rides to COG's special meetings, thereby stuffing the chambers where COG's Directors conducted their hearings with subsidy recipients. At no time did COG's Directors fulfill their obligation to the subsidy payers to give equal treatment. Favoring one class of citizens above other classes of citizens is contrary to American democracy, and violates fundamental tenets of our State and federal constitutions. Additionally, Resolution No. 04-06 contains a mistake where it states that AMBAG is the metropolitan planning organization for SBC. AMBAG is regional metropolitan planning organization for the Monterey Bay Area, just as MTC is the regional metropolitan planning organization for the nine Bay Area Counties. As you know, COG is the metropolitan planning organization for SBC.

Substantively, COG's RTP project list and planning goals reflects COG's dysfunctional transport policy. For example, it states as a goal increased County Transit, which is detrimental to SBC and undermines private-sector, free enterprise transport in SBC. The RTP project list shows that SBC is going to waste money on bike paths nobody uses, while our #1 industry and #1 employer, ag, is afforded no benefits. Not a single mention of restoration of intermodal facilities, nor construction of a rail team track where ag can load and unload rail cars is mentioned. For the reasons that I have repeatedly stated to you, both in person during your meetings, and in numerous letters, this is a policy mistake that inflicts much suffering, far more suffering than the few benefits that public-sector transit brings to our County. For these reasons I hereby object to your formal action last night adopting Resolution No. 04-06. *Caveat viator!*

Respectfully yours,

cc: COG Directors
cc: SBC County Supervisors
Encl. [Letters]

JOSEPH P. THOMPSON

COG Resolution No. 04-06: Compounding COG's Policy Errors: Wasteful COG Public-Transit Undermining Transport Safety & Efficiency; Anti-Business Ramifications for SBC

Is there a solution to the environment vs. econ dev battle that SBC can utilize in its General Plan Revision?

- Yes, just follow the guidance given us by the California Court of Appeals:

_____ The decision is entitled ***Sierra Club v. County of Napa (Berringer Wine Estates, real party in interest)***.

_____ I have given you a copy, and also all the SBCBOS.

The key ingredient I read in the Court's decision is that Napa County utilizes rail-oriented economic development, i.e., California Northern Railroad, for movement of tonnage into and out of the Napa Valley, thereby diverting that tonnage from highways to rail. Thus, Napa business can show that they are environmentally sensitive, and smart, by utilizing the environmentally-friendly rail option to move their freight.

So, if we lose the Hollister Branch Line, we lose the keystone of resolving the struggle between environmental faction and econ dev faction in SBC.

Thus, what can we do to preserve the Hollister Branch Line for future generations? Call UPRR now.

Caveat Viator.

Joseph P. Thompson, Esq.

(408) 848-5506

Member, COG's Citizens Rail Advisory Committee

Former member, COG's Transit Task Force

Founder, SBC Small Business Incubator

Past-President, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOMPSON
Attorney at Law

August 23, 2003

Mr. Bill Satterlee, Editor
Hollister Free Lance

Hollister, CA 95023

Re: *SBC Transportation Policy–Real Structural Reform*

Dear Editor,

Motorists paying high prices for gasoline ought to keep in mind that they not only pay 100% of their own transport costs, they are also paying 99% of the total costs of transit riders' rides, too. Under generally accepted accounting principles, 99% of fully amortized costs, i.e., includes capital costs, of public-sector transit are paid for by taxpayers. Although SBC's transit agency reports a "farebox recovery rate" of a little over 14%, the Legislature allows our public-sector transit agencies to omit their capital costs in their financial reports. So, our government's transport policy punishes self-sufficiency, and rewards waste. No wonder we have government budget deficits. Until we get structural reform in transport policy, those deficits will only get worse. As we tax motorists out of their cars, the downward spiral of government waste will accelerate. Unless we privatize our transit, the multi-million dollar deficits will grow from \$9 million last year (2/1000 of SBC annual trips) to \$18 million (if we double transit "Ridership" to 4/1000), then \$36 million for another doubling of Ridership on County Transit (8/1000). Keep up that trend and SBC will soon have no money left for other basic governmental functions like fire fighters and sheriffs. Privatization of public-sector transit is the only real solution for future generations. So, let's spare the air, spare the taxpayers, and spare us the B.S. about "economical" County Transit. *Caveat viator!*

Sincerely yours,

JOSEPH P. THOMPSON, ESQ.

JOSEPH P. THOMPSON
Attorney at Law

January 22, 2006

Mr. Conan Knoll, Editor
Hollister Free Lance
Hollister, CA 95023

Re: **GUEST EDITORIAL:???** [You could say at the bottom: *“The author has a degree in history, and a doctorate in law, and has been doing post-doctoral study of transport law and policy at Transportation Research Board, Georgetown University, Library of Congress, and Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU. He’s a member of COG’s Citizens Rail Advisory Committee, and a charter member of COG’s Citizens Transit Task Force. He has 43 years of transport industry experience including 26 years representing carriers and their customers before State and federal courts and agencies.”*]

Planning for Serfdom? Vs. Planning to Avoid Local Governments’ Bankruptcy?

Dear Editor,

With ridership on COG’s County Transit doubling, with fares that cover only 1% of fully amortized costs, requiring taxpayer subsidies of 99% of all transit expenses, the ***S.S. San Benito-Titanic*** is on an inevitable collision course with Iceberg Bankruptcy. COG’s Directors’ band-aide approach, just as effective as re-arranging the deck chairs on a doomed oceanliner, won’t solve the insolvency. Having discovered the “lump,” COG’s Directors prescribe a snake-oil salesman to drum-up more “ridership.” Throwing gasoline on a fire is bad leadership; each additional rider costs taxpayers 99% of the cost of the extra ride.

Why not apply an effective remedy instead? The Legislature enacted a bill drafted by the Law Revision Commission, which our former State Senator, now Secretary of State, Bruce McPherson sponsored, conforming California State law with the Bankruptcy Code Congress enacted in 1979. While about 20 years late, this reform enables local governments to pull the plug on self-destructing agencies like County Transit. By putting the agency into Ch. 9 of the Bankruptcy Code, COG could remove the malignant tumor before it causes SBC and its two cities to petition for relief themselves in the Bankruptcy Court. The Ch. 9 plan of reorganization, like those the airlines and railroads and trucking companies have filed during the era of “deregulation,” could nullify “burdensome” contracts, e.g., public-sector union agreements, unremunerative fare structures crammed down rural counties’ throats by the Legislature, and other destroying aspects of urban public-sector transit that are impossible in rural counties. Then privatization could be utilized to guarantee future transport service for SBC’s future residents, including elderly, disabled and disadvantaged who will not have transit in the future if we don’t remedy our fatally-flawed transport policy. Otherwise, full steam ahead; the iceberg awaits us. We’ll teach our children the same thing that the Soviet planners taught

theirs. *Caveat Viator!*

Sincerely yours,
JOSEPH P. THOMPSON, ESQ.

Member, Transportation Lawyers Association
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable & Safe Highways
Member, COG's Citizens Rail Advisory Committee
Candidate, American Society of Transportation & Logistics
Past-President, Gilroy-Morgan Hill Bar Assn.

[REDACTED]

Re: ***GUEST EDITORIAL:***
Planning for Serfdom? Vs. Planning to Avoid Local Governments' Bankruptcy?

Dear Editor,

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Why not apply an effective remedy instead? The Legislature enacted a bill drafted by the Law Revision Commission, which our former State Senator, now Secretary of State, Bruce McPherson sponsored, conforming California State law with the Bankruptcy Code Congress enacted in 1979. While about 20 years late, this reform enables local governments to pull the plug on self-destructing agencies like County Transit. By putting the agency into Ch. 9 of the Bankruptcy Code, COG could remove the malignant tumor before it causes SBC and its two cities to petition for relief themselves in the Bankruptcy Court. The Ch. 9 plan of reorganization, like those the airlines and railroads and trucking companies have filed during the era of “deregulation,” could nullify “burdensome” contracts, e.g., public-sector union agreements, unremunerative fare structures crammed down rural counties’ throats by the Legislature, and other destroying aspects of urban public-sector transit that are impossible in rural counties. Then privatization could be utilized to guarantee future transport service for SBC’s future residents, including elderly, disabled and disadvantaged who will not have transit in the future if we don’t remedy our fatally-flawed transport policy. Otherwise, full steam ahead; the iceberg awaits us. We’ll teach our children the same thing that the Soviet planners taught theirs. *Caveat Viator!*

Sincerely yours,
JOSEPH P. THOMPSON, ESQ.

cc: SBCBOS

Member, Transportation Lawyers Association
Member, Association for Transportation Law, Logistics & Policy
Member, Citizens for Reliable & Safe Highways
Member, COG's Citizens Rail Advisory Committee
Candidate, American Society of Transportation & Logistics
President, Gilroy-Morgan Hill Bar Assn.

???

[You could say at the bottom:

“The author has a degree in history, and a doctorate in law, and has been doing post-doctoral study of transport law and policy at Transportation Research Board, Georgetown University, Library of Congress, and Norman Y. Mineta International Institute for Surface Transportation Policy Studies at SJSU. He’s a member of COG’s Citizens Rail Advisory Committee, and a charter member of COG’s Citizens Transit Task Force. He has 44 years of transport industry experience including 27 years representing carriers and their customers before State and federal courts and agencies.”]

JOSEPH P. THOMPSON
Attorney at Law

November 19, 2002

Mr. Bill Satterlee, Editor
Hollister Free Lance
Hollister, CA 95023

Re: SBC Transportation Policy: Wasteful Duplication During Budget Crisis?

Dear Editor,

Why does SBC have two public-sector bus systems? County Administrative Officer Lee Collins said (*Free Lance* 4/19/00) that SBC's goal is to "run like a small business." If so, then SBC ought to merge the two systems into one to save money for SBC's taxpayers, who pay 99% of the fully amortized cost as presently funded. What justification can our leaders give us?

Or do we have a dysfunctional transportation policy that needs to be changed? Is the issue facing us transit or roads? Is it something greater? Transportation Secretary Mineta said the "crucial question in transportation today is: 'What should government do and what should it leave to others.'" I think he is right. The real issue that we face is socialism or capitalism. Do we want to throw-over our Constitution, and try to make the Marx-Engels-Lenin-Trotsky-Stalin publicly-owned everything theory work today here in America, or do we cling to the quaint notion that privately-owned property is America's keystone to success. The Politico-Transit Alliance and its supporters favor the big socialist (communist) government model regardless of the price we pay for it, and ask voters to ignore the history of the 20th Century. Underlying this struggle lies Mr. Mineta's Crucial Question and the internal inconsistencies in our National Transportation Policy. The "Divided House" of transportation policy continues to worsen as ever larger taxpayer subsidies (ISTEA and TEA-21 (next year TEA-3)--type "investments") are required to fund what would otherwise be bankrupt businesses. It seems as if an "Iron Curtain" has been erected by those advocates of taxpayer funded transportation, creating an artificial barrier between nationalized transportation and free enterprise transportation. While a privatization revolution is occurring around the world, private sector transportation in the United States is being consumed by politically fueled notions of public ownership which history has shown are not sustainable over the long haul. Voters who peel the onion to its core will see the question facing us: Accept Sovietization of America with nationalized, public-sector transport, or retain the Nation's character carefully crafted by the Founders. We are a House Divided now. Will we become all slaves to publicly-owned transit, or do we cling to the liberty guaranteed us under our present Constitution? *Caveat Viator!*

Very truly yours,

JOSEPH P. THOMPSON

Member, Executive Committee, Debtor-Creditor-Bankruptcy Section Santa Clara County Bar Assn.
Member, Legislation Committee, Transportation Lawyers Assn.
Member, Association for Transportation Law, Logistics & Policy
Candidate, American Society of Transportation & Logistics
Winner, AST&L's Best Research Paper Award 1997

Past-President, Gilroy-Morgan Hill Bar Assn.

From: [Eva Kelly](#)
To: [Carey Stone](#)
Cc: [David Early](#); [Ambur Cameron](#); [Christine Hopper](#)
Subject: FW: Draft GP questions
Date: Tuesday, April 18, 2023 8:46:36 AM
Attachments: [image001.png](#)
[image001.png](#)

Good morning Carey,

Please see the comment below and our response regarding the General Plan.

Best,
Eva



Get Involved In Community Planning!

General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak [REDACTED]
Sent: Monday, April 17, 2023 4:11 PM
To: Planning Dept <planning@hollister.ca.gov>
Cc: GeneralPlan <generalplan@hollister.ca.gov>; Christine Hopper <christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>; Ingrid Sywak [REDACTED]
Subject: Re: Draft GP questions

Thx. Appreciate the quick response.

On Mon, Apr 17, 2023 at 4:06 PM Planning Dept <planning@hollister.ca.gov> wrote:

Good afternoon Mr. Sywak,

Please see the answers to your questions below in **blue**. Thank you for your participation in reviewing the City of Hollister's Draft 2040 General Plan Update. We look forward to receiving your additional comments.

Kind regards,

Ambur Cameron, Senior Planner



City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023
P (831) 636-4360
E planning@hollister.ca.gov
W Hollister.ca.gov

Get Involved In Community Planning!

General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak [REDACTED]

Sent: Monday, April 17, 2023 11:09 AM

To: GeneralPlan <generalplan@hollister.ca.gov>

Cc: Planning Dept <planning@hollister.ca.gov>; Christine Hopper <christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>; Ingrid Sywak [REDACTED]

Subject: Draft GP questions

Dear Planning Personnel,

After reading the Hollister GP 2040 Public Review Draft, we want to make sure we are correctly interpreting the color coding of densities depicted in Figure LU-2 Land Use Map.

In the Meridian Extension area, there are 3 designations:

1) Are the parcels colored as Arrow #1 = RESIDENTIAL ESTATE (0.2 TO 1 UNIT/GROSS ACRE)?

Correct. Residential Estate (Maximum Permitted Intensity: 0.2 to 1 du/ac).

2) Are the parcels colored as Arrow #2 = GENERAL COMMERCIAL?

Correct. General Commercial (Maximum Permitted Intensity: 2.0 FAR).

3) Are the parcels colored as Arrow #3 (along Barnes Lane) = LOW DENSITY RESIDENTIAL (6 TO 10 UNITS/GROSS ACRE)?

Correct. Low Density Residential (Maximum Permitted Intensity: 6 to 10 du/ac).

For parcels in the Glenmore Drive/Powell Street area, are the parcels colored by Arrow #4 = MEDIUM DENSITY RESIDENTIAL (11 TO 29 UNITS/GROSS ACRE) **or** HIGH DENSITY RESIDENTIAL (30 TO 65 UNITS/GROSS ACRE)?

High Density Residential (Maximum Permitted Intensity: 30 to 65 du/ac).

Once the above densities are confirmed, we have additional comments that we intend to forward.

Looking forward to your response.

Regards,

Ingrid and Alex Sywak

From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#); [Christine Hopper](#)
Subject: FW: Comments re 2040 GP
Date: Monday, April 24, 2023 2:37:01 PM
Attachments: [image002.jpg](#)
[1 Ordinance 1129 20160418 .pdf](#)
[2 COH Zoning Map 2018.pdf](#)
[5 Ordinance 761 Prezone 10 01 1990.pdf](#)
[4 General Plan 2005 Map 5 Infill Priority.pdf](#)
[3 General Plan 2005 Map 2 Land Use.pdf](#)
[10 20180309 Sewer Study to City Gmail.pdf](#)
[8 GP 2020 Update Hollister Land-Use-and-Planning Vacant Underutilized.pdf](#)
[9 GP 2023 Figure LU-2 Land Use Map.pdf](#)
[7 Dedications Hillcrest & Meridian 1990.pdf](#)
[11 Hollister Property Sewer Study Memo stamped.pdf](#)
[6 Deferred Improvement Agreement Recorded 19901001 #9008426.pdf](#)

Good afternoon Carey and David,

Please see the email from Ingrid and Alex Sywak below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur

Ambur Email Signature 5



Get Involved In Community Planning!

General Plan Update [Hollister2040.org](https://hollister2040.org/) | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a – 12:00p, 1:00p – 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Alexander Sywak [REDACTED]

Sent: Monday, April 24, 2023 10:41 AM

To: Planning Dept <planning@hollister.ca.gov>; Ambur Cameron <ambur.cameron@hollister.ca.gov>;
GeneralPlan <generalplan@hollister.ca.gov>

Cc: Christine Hopper <christine.hopper@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>;
Ingrid Sywak [REDACTED]

Subject: Comments re 2040 GP

Dear Planning Personnel,

Thank you for confirming the proposed 2040 GP densities we requested last week.

In regards to the area at the western terminus of Glenmore Drive, this ~ 8 acre parcel is surrounded by existing homes on 6,000 sqft lots. It is pre-zoned to the City for low density residential ^[1], ^[2], is in the SOI ^[3], is surrounded by the City, lies within the City's Priority Infill Area ^[4], and last year submitted a vesting tentative map for 80 single detached dwellings using the DBL, providing 4 very-low-income homes and a childcare facility.

The 2040 GP calls for a density of 30 to 65 units/gross acre. Per the incoming BMR ordinance, the density may have to be increased by 80% for any project to attain financial feasibility. A density of up to 108 units/gross acre would require buildings well over 3 stories in height.

We do not believe the neighborhood has been informed that the GP proposes such a huge density increase in their back yards. We are owners of the parcel and were not informed of the proposed change. We request you forward the deliberations that resulted in finding that this parcel should be so drastically increased in density.

We request all owners within 500' of the intended density change be notified. Please confirm you will do so.

We own ~ 43 acres in the Meridian Street Extension Area (MSEA). Our parcels have been pre-zoned to the City for low-density residential ^[5], a Deferred Improvement Agreement with the City has been recorded ^[6], and Hillcrest Road and Meridian Street dedications to the City were completed rendering the parcels as contiguous islands surrounded by the City ^[7]. The parcels lie within the SOI and the City's Priority Infill Area (see above maps). They are identified as being underutilized. ^[8] Last year a vesting tentative map for 429 single detached dwellings using the DBL, including 18 very-low-income homes and a childcare facility was submitted.

We have concerns with the proposed density changes in the MSEA. Currently most parcels are designated as 8 units/gross acre, but are proposed to downsize to Residential Estate, 0.2 to 1 units/gross acre ^[9]. The mixed use parcel at the NW corner of Hillcrest/Fairview is to be changed to commercial, and will be expanded in area. For the commercial portion to develop, City sewer services will have to be extended. Those would be best provided via the proposed gravity line to existing manholes in Santa Ana Road that our 2018 study requested by the City showed is feasible ^[10], ^[11], to service our parcels as well as other parcels in the MSEA.

With installation of the sewer extension to the commercial area, it makes sense to maintain the current residential density, rather than downsizing it. Why install a sewer line to service the commercial area, but on its way service homes on 5 acre parcels instead of 8 homes per acre? The cost of the sewer line and road improvements would be more easily borne by permitting denser residential density. The 2040 Plan states that Residential Estate *only occurs in long-range phased areas outside of Hollister's city limits and Sphere of Influence (but is within the Planning Area). Residential Estate land uses are intended to provide sites for larger, distinctive residences in areas that the City does not provide public infrastructure.* The MSEA is within the SOI and once a sewer extension is installed, it will have public infrastructure. With development of the commercial area, the intervening residential areas will become an infill area over land that is not agriculturally productive. The 2040 Plan proposes to expand

the SOI but at the same time downsizes parcels in the MSEA by a factor of 40.

The City is required to provide 6,455 dwellings within the next 20 years. Is it good planning to downsize the residential area of the MSEA by a factor of 40 while at the same time expanding the SOI into agriculturally productive lands which lie further from the heart of the City? Infill develop is repeatedly emphasized by the legislature.

We request both density revisions be reconsidered and to continue as designated in the 2005 GP.

We look forward to discussing this further.

Regards,

Ingrid and Alex Sywak.

[1] Glenmore pre-zoning #1129.

[2] Pre-zoning City map.

[3] SOI map.

[4] Priority Infill Area map.

[5] Hillcrest pre-zoning, #761.

[6] Deferred Improvement Agreement.

[7] Hillcrest Road and Meridian Street Dedications to the City.

[8] Underutilized Map.

[9] 2040 GP Map.

[10] Email to City providing Sewer Study.

[11] 2018 Sewer Study.

ORDINANCE NO. 1129

**AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE
CHAPTER 17.24.250 PREZONING OF SPECIFICALLY DESCRIBED REAL
PROPERTIES TO LOW DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE
(APN'S 020-080-022, 020-080-005, 020-080-021, 020-080-013, AND
020-080-007)**

WHEREAS, following duly noticed public hearing on February 25, 2016, the Planning Commission recommended adoption of a Mitigated Negative Declaration for Pre-zone Application No. 2014-6 and approval of the request to Pre-zone 7.25 acres to Low Density Residential Performance Overlay Zone; and

WHEREAS, the planning commission further recommended the addition of four (4) contiguous unincorporated parcels to the prezoning request in the Low Density Residential Performance Overlay zoning district identified San Benito County Assessor Parcel Numbers 020-080-005, 020-080-021, 020-080-013, and 020-080-007, to avoid the creation of an unincorporated island and avoid conflict with San Benito County LAFCO Policy 2.2.18; and,

WHEREAS, on April 4, 2016, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of a Mitigated Negative Declaration and the prezoning application;

NOW, THEREFORE, the City Council of the City of Hollister ordains as follows:

THE CITY COUNCIL OF THE CITY OF HOLLISTER ORDAINS AS FOLLOWS:

Section 1: Zoning Map Amended. The Official Zoning Map of the City of Hollister is hereby amended by prezoning to R1-L/PZ (Low Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R-1-L/PZ (Low Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

Section 2: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-005 comprising of 0.25 acres situated in the County of San Benito, State of California, particularly described in Exhibit "B" attached hereto and made a part by reference.

Section 3: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by rezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-021 comprising of 0.24 acres situated in the County of San Benito, State of California, particularly described in Exhibit "C" attached hereto and made a part by reference.

Section 4: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by rezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-013 comprising of 0.14 acres situated in the County of San Benito, State of California, particularly described in Exhibit "D" attached hereto and made a part by reference.

Section 5: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by rezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Number 020-080-007 comprising of 0.33 acres situated in the County of San Benito, State of California, particularly described in Exhibit "E" attached hereto and made a part by reference.

Section 6: Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7: Effective Date. This ordinance shall take effect and be in force thirty days from and after its final passage.

Section 8: Publication. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

INTRODUCED following a public hearing held at a regular meeting on the 4th day of April, 2016.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hollister held on the 18th day of April 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

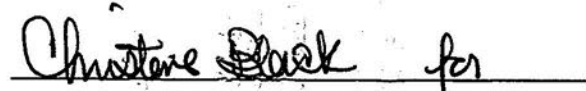
NOES: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR ANNEXATION BOUNDARY FOR APN 020-080-022:

BEING A PORTION of Homestead Lot 32 of the San Justo Rancho according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, Page 64, San Benito County Records, being also a portion of Parcels 2 and 3 according to the Map thereof filed October 18, 1972 in Book 1 of Parcel Maps, at Page 34, San Benito County Records, and being also a portion of that certain parcel of land conveyed to the Hollister School District, recorded October 25, 1995 as Recorder's File No. 9509248, San Benito County Records, and being bounded by a line more particularly described as follows;

BEGINNING at the point of intersection of the center line of Glenmore Drive and the existing city limit line of the City of Hollister, said point being approximately 195.01 feet westerly from the center line of Powell Street, thence along the following courses:

- [1] South $1^{\circ} 26' 00''$ West 298.67 feet along the westerly lines of APNs 055-220-038, 020-080-005, and 020-080-021; thence
- [2] South $87^{\circ} 10' 20''$ East 22.60 feet along the southerly line of APN 020-080-021; thence
- [3] South $1^{\circ} 26' 00''$ West 100.00 feet along the westerly line of APN 020-080-007; thence
- [4] North $87^{\circ} 10' 34''$ West 678.37 feet along the northerly lines of APNs 055-120-030 through 055-120-039 to the center line of Homestead Ave.; thence
- [5] North $2^{\circ} 55' 00''$ East 483.02 feet along said center line of Homestead Ave. and the easterly line of Hardin Elementary School to an angle point in the city limit line of the City of Hollister; thence
- [6] South $87^{\circ} 12' 20''$ East 643.25 feet along said city limit line of the City of Hollister; thence
- [7] South $1^{\circ} 26' 00''$ West 84.82 feet along the westerly line of APN 055-220-036 and its southerly prolongation to the POINT OF BEGINNING

Containing 7.26± Acres.

End of legal description.



EXHIBIT B

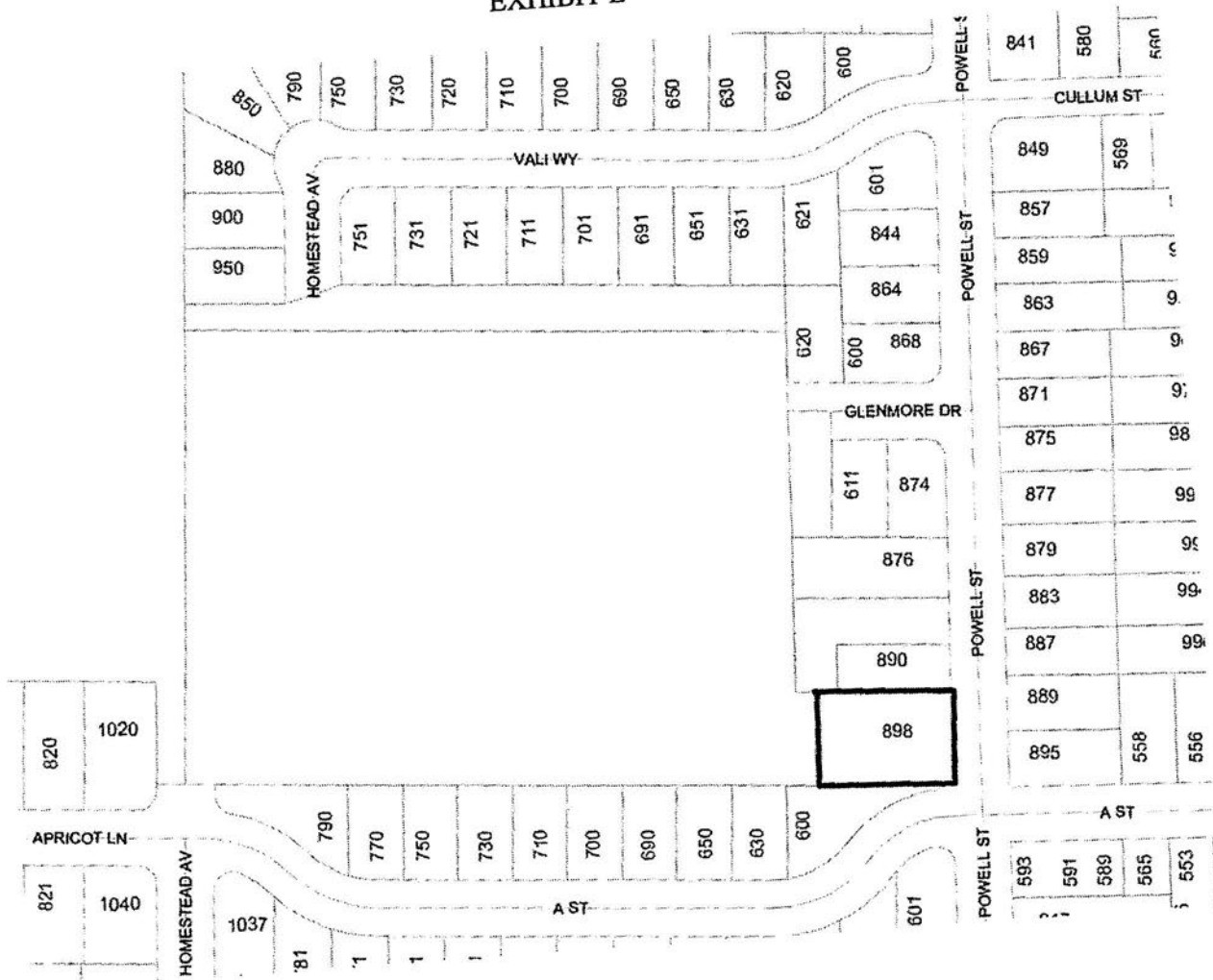


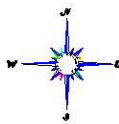
EXHIBIT C





EXHIBIT E



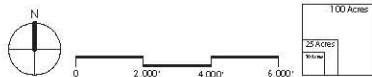
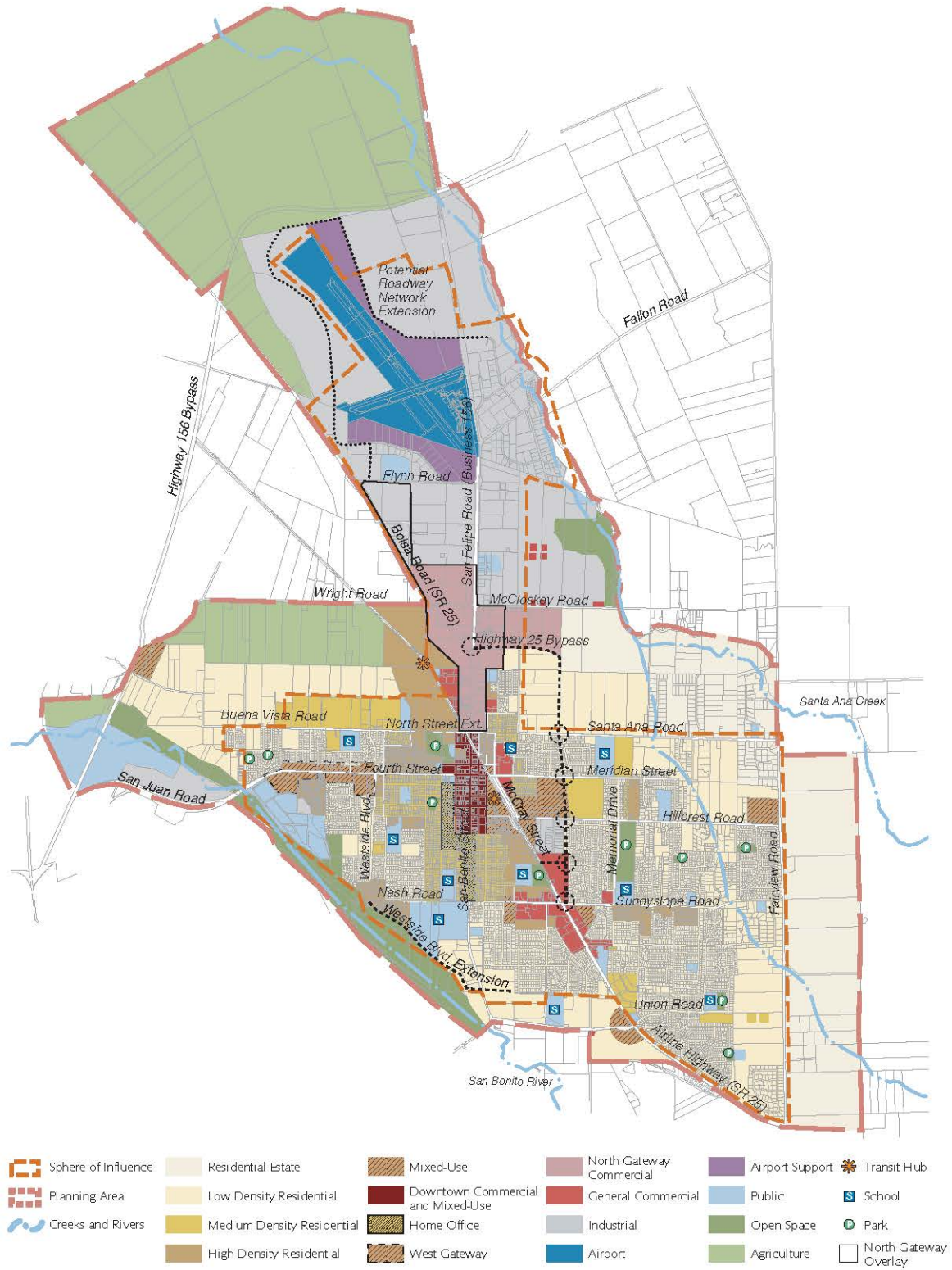


AMENDED ORDINANCE

LEGEND

01	CITY LIMITS	01	GENERAL ZONES
02	ZONE A-1	02	UNIMPL. SAFETY ZONE
03	ZONE B-1	03	GENERAL ZONE
04	ZONE C-1	04	INDUST. ZONE
05	ZONE D-1	05	INDUST. ZONE
06	ZONE E-1	06	INDUST. ZONE
07	ZONE F-1	07	INDUST. ZONE
08	ZONE G-1	08	INDUST. ZONE
09	ZONE H-1	09	INDUST. ZONE
10	ZONE I-1	10	INDUST. ZONE
11	ZONE J-1	11	INDUST. ZONE
12	ZONE K-1	12	INDUST. ZONE
13	ZONE L-1	13	INDUST. ZONE
14	ZONE M-1	14	INDUST. ZONE
15	ZONE N-1	15	INDUST. ZONE
16	ZONE O-1	16	INDUST. ZONE
17	ZONE P-1	17	INDUST. ZONE
18	ZONE Q-1	18	INDUST. ZONE
19	ZONE R-1	19	INDUST. ZONE
20	ZONE S-1	20	INDUST. ZONE
21	ZONE T-1	21	INDUST. ZONE
22	ZONE U-1	22	INDUST. ZONE
23	ZONE V-1	23	INDUST. ZONE
24	ZONE W-1	24	INDUST. ZONE
25	ZONE X-1	25	INDUST. ZONE
26	ZONE Y-1	26	INDUST. ZONE
27	ZONE Z-1	27	INDUST. ZONE
28	ZONE AA-1	28	INDUST. ZONE
29	ZONE AB-1	29	INDUST. ZONE
30	ZONE AC-1	30	INDUST. ZONE
31	ZONE AD-1	31	INDUST. ZONE
32	ZONE AE-1	32	INDUST. ZONE
33	ZONE AF-1	33	INDUST. ZONE
34	ZONE AG-1	34	INDUST. ZONE
35	ZONE AH-1	35	INDUST. ZONE
36	ZONE AI-1	36	INDUST. ZONE
37	ZONE AJ-1	37	INDUST. ZONE
38	ZONE AK-1	38	INDUST. ZONE
39	ZONE AL-1	39	INDUST. ZONE
40	ZONE AM-1	40	INDUST. ZONE
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95	ZONE CP-1	95	INDUST. ZONE
96	ZONE CQ-1	96	INDUST. ZONE
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100	ZONE CU-1	100	

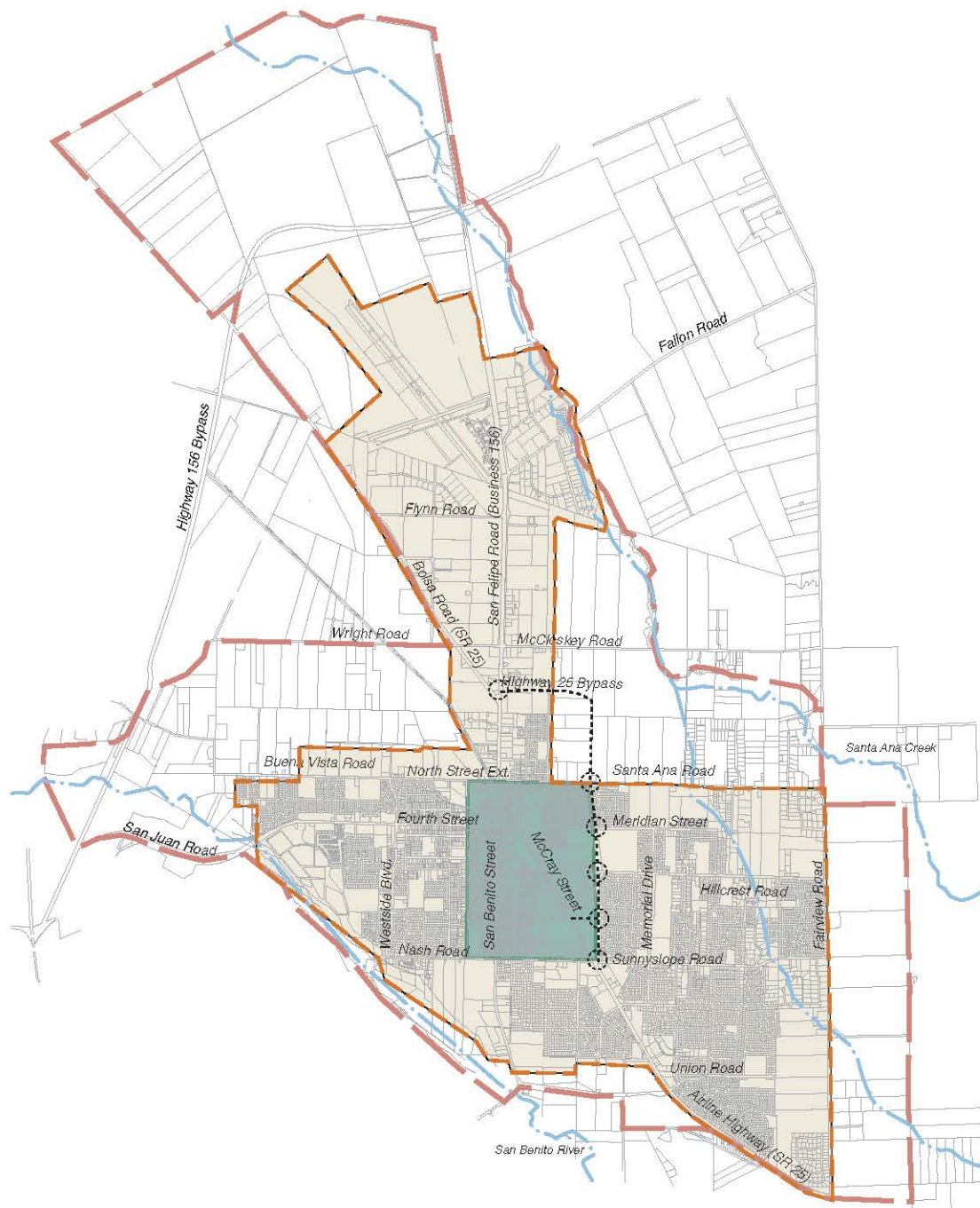
NAME	ORDINANCE NO.	DATE
DASSEL-MACKIE	1081	4/22/2012
DE LA PENA	1102	8/4/2006
FREZONE 2009-1 CITY PROPERTIES	1091	10/9/2009
FREZONE 2011-21 SULLIVAN	1074	10/9/2014
FREZONE 2013-1 APRICOT LANE	1059	6/12/2014
FREZONE 2013-2 GONZALES	1113	4/6/2015
FREZONE CITY-RIVER PARK SPRAYFIELD	1112	3/2/2015
FREZONE SOUTH OF HILLCREST	1117	6/1/2015
FREZONE CHISPA	1125	3/2/2016
FREZONE 2014-6 SYWAK	1121	4/18/2016
FREZONE 2014-5 NORTHERN SYWAK	1095	10/20/2014
FREZONE 2014-2 JAMES MATTHEWS	1099	6/12/2014
FREZONE 2010-2 ORCHARD PARK	1116	6/1/2015
FREZONE CHAFFELL RD. HUGH BICKLE	1123	9/8/2015



Map prepared by MIG, Inc. - December 2005

Map 2 Land Use Plan

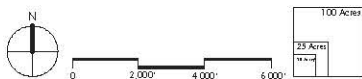
City of Hollister 2005 General Plan



 Sphere of Influence
 Planning Area

 Creeks and Rivers

 Downtown Area
 Priority Infill Area



Map prepared by MIG, Inc. - October 2005

Map 5 Infill Development Strategy

City of Hollister 2005 General Plan

ORDINANCE NO. 761

AN ORDINANCE OF THE CITY OF HOLLISTER
AMENDING ORDINANCE NO. 660 RE PRE-ZONING
SPECIFICALLY DESCRIBED REAL PROPERTY AS
PZ-R-1 DISTRICT (SINGLE FAMILY RESIDENCE)

The City Council of the City of Hollister does ordain as follows:

Section 1: The Zone Map of Ordinance No. 660 of the City of Hollister is hereby amended by Pre-Zoning as PZ-R-1 District (Single Family Residence) all that real property situate in the County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a 2part hereof by reference.

Section 2: This Ordinance shall take effect thirty (30) days from and after its final passage. Prior to the expiration of fifteen (15) days from the final passage hereof, the City Clerk of the city of Hollister shall cause this Ordinance to be published once in the Free Lance, a newspaper of general circulation in the City of Hollister.

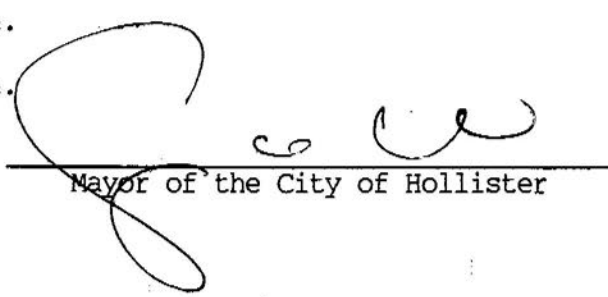
This Ordinance was read and introduced on the 17th day of September, 1990, and passed and adopted by the City Council of the City of Hollister on the 1st day of October, 1990, by the following vote:

AYES: Councilmembers Gonzalez, Hallberg, Escover, Kuckenbaker,
and Mayor Light.

NOES: Councilmembers None.

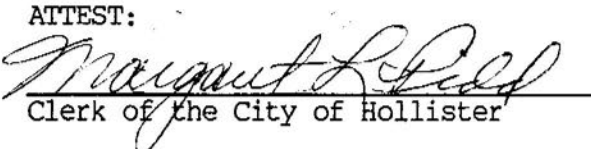
ABSENT: Councilmembers None.

ABSTAINING: Councilmembers None.



Mayor of the City of Hollister

ATTEST:



Clerk of the City of Hollister

EXHIBIT A

All that real property situate in the County of San Benito, State of California, particularly described as follows:

A portion of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Volume 1 of Maps, at page 64, San Benito County Records, and being a portion of Lot 7 and Lot 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps at page 34, San Benito County Records, also being that certain parcel of land quit claimed by Gerald D. Quitney and Marlene A. Quitney, husband and wife, to Gerald D. Quitney and Marlene A. Quitney, trustees, by Quit Claim Deed dated July 20, 1987, and recorded July 22, 1987 at Recorder's File No. 8705455, San Benito County Records and that certain parcel described on the Deed of Trust recorded March 5, 1986 at Recorder's File No. 8601373 San Benito County Records, bounded and more particularly described as follows:

BEGINNING at a point in the Eastern line of the Rancho San Justo, said point being in the Northern line of Hillcrest Road and being the Southeast corner of the above said parcel at Recorder's File No. 8705455, thence along said Rancho line and Eastern line of said parcel North 2° 11' East 1466.78 feet to the Northeast corner of said parcel at Recorder's File No. 8705455, thence along the Northern line of said parcel North 87° West 594.00 feet to the Eastern line of above said parcel at Recorder's File No. 8601373, thence along said Eastern line North 2° 21' East 37.36 feet to the Northeast corner of said parcel at Recorder's File No. 8601373, thence along said Northern line North 87° 01' 08" West 375.54 feet, thence North 87° 00' West 432.63 feet to the Northwest corner of said parcel at Recorder's File No. 8601373; thence along the Western line of said parcel South 2° 27' West 1276.63 feet to the Southern line of said parcel at Recorder's File No. 8601373, thence along said Southern line the following bearings and distances; South 86° 50' East 193.00 feet; North 2° 27' East 120.00 feet; South 64° 42' 49" East 81.45 feet; South 3° 52' 52" East 61.70 feet; South 86° 50' East 10.00 feet; South 3° 52' 52" East 255.00 feet; South 86° 50' East 152.21 feet; North 85° 06' 12" East 162.98 feet; South 75° 28' 48" East 136.27 feet; South 87° East 50.60 feet to the Southwest corner of above said parcel at Recorder's File No. 8705455 thence along the Southern line of said parcel South 87° East 594.00 feet to the point of beginning.

(Endorsed)

 FILED AT REQUEST OF
 OCT - 1 1990

 City of Hollister
 AT 55 MIN. PART 2 P. M.

OFFICIAL RECORDS, SAN BENITO COUNTY - JOHN R. HODGES, Recorder

BY 8

DEFERRED IMPROVEMENT AGREEMENT

THIS DEFERRED IMPROVEMENT AGREEMENT, made and executed in duplicate by and between the CITY OF HOLLISTER, a municipal corporation, hereinafter referred to as "City", and Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, hereinafter referred to as "Owners".

WHEREAS, Owner is the owner of certain real property situated in the City of Hollister, County of San Benito, State of California, particularly described in "Exhibit A", attached hereto and made a part hereof by reference, and desires to develop said real property and defer the construction of permanent on and off site improvements; and

WHEREAS, City will agree to such deferment provided Owner constructs said improvements as herein provided.

IT IS AGREED between the parties hereto as follows:

1. Agreement Binding on Real Property. All of the terms, covenants and conditions herein contained shall run with the real property particularly described in "Exhibit A" and shall be binding on, and inure to the benefit of, Owner, their heirs, successors, executors, administrators and assigns. On the assignment, conveyance, sale or transfer of, or on the division or subdivision of, the real property particularly described in

Exhibit A", all of the terms, covenants and conditions of this agreement shall apply to each separate parcel and the owner of each such separate parcel shall succeed to all of the rights of, and be bound by all of the duties of, Owner.

2. Improvements. City and Owner agree that the improvements hereinafter set forth may be deferred because: The installation of public improvements is not required for the project until building permits are requested; or until such time as adjacent properties develop with right-of-way improvements, whereby the improvements described below are necessary for property roadway planning as set forth by the City General Plan and for the public health, safety and welfare, at the discretion of the City Engineer.

Owner agrees to construct the following on and off site improvements on the rear property described in "Exhibit A", attached hereto and made a part hereof by reference, all in accordance with City standards in effect at the time of construction: A full 42 foot half street along the Meridian Street frontage, a 40 foot two thirds street along the Hillcrest Road property frontage, and widening improvements, to City and standards, including, but not limited to AC street paving on aggregate base; PCC curbs, gutters and sidewalks; street lighting and street trees; all underground utilities including, but not

limited to sanitary and storm sewers, water, gas, overhead electrical lines, telephone, and cable T.V. lines; and all other improvements necessary to bring Hillcrest Road, and Meridian Street rights-of-way into full conformance with all applicable City standards.

Participation in the cost of undergrounding utilities along the frontages of the real property described in "Exhibit A", including but not limited to electrical, telephone, and cable T.V. lines and service connections. Participation in the cost of such construction shall be on a fair share basis established by the City Engineer.

At such time as the City Engineer of the City of Hollister shall determine that the reason or reasons for the deferment of the improvements no longer exist, he shall give written notice to Owner to commence the construction and installation of the same. The notice shall be mailed to Owner at Owner's address as shown in the last equalized assessment roll available on the date the notice is given. The notice shall describe the improvements to be constructed and installed by Owner, the time within which the work of installation and construction shall commence, which shall not be less than thirty (30) days of the date the notice is given, and the time within

which the work of construction and installation shall be completed, which shall be a reasonable time. Any part, or all, of said improvements may be required at any time. In the event the real property has been divided or subdivided, the owner of each parcel shall participate in the cost of construction and installation of the improvements on a cost-benefit ratio established by the City Engineer of the City of Hollister.

3. Construction of Improvements. Owner shall commence and complete the construction and installation of the improvements specified in, and within the time specified in, the notice given by the City Engineer of the City of Hollister. Prior to the commencement of construction and installation, Owner shall submit to the City Engineer of the City of Hollister for approval, plans and specifications for the improvements, which plans and specifications shall be prepared by persons legally qualified to prepare the same. All construction and installation shall be done in accordance with City standards in effect at the time of such construction and installation. Owner shall notify the City Engineer of Hollister at least forty-eight (48) hours prior to the actual commencement of construction and installation. Owner shall assume, pay and discharge any and all costs, expenses and fees, howsoever incurred, in connection with the construction and installation of the improvements.

If an Owner is obligated to pay a portion of the cost of construction and installation of improvements made by others, the amount thereof shall be due and payable thirty (30) days following completion of construction and installation of the improvements.

In the event Owner fails to construct and install any improvements required hereunder, City, at its option, may construct and install said improvements or contract for the construction and installation of the same, and Owner shall be liable to the City for all costs, expenses and fees, howsoever incurred, in connection with said construction and installation, and in connection therewith, hereby grants to City, its agents and employees, and contractor or contractors, the right to enter into and upon the real property particularly described in "Exhibit A" for the purpose of constructing and installing said improvements.

In the event an Owner obligated to pay a portion of the costs of construction and installation of improvements made by others shall not pay the amount thereof when due and payable, City, at its option, may collect the amount from such Owner.

4. Review. If Owner disagrees with the contents of any notice required under Section 2 hereof, or with the cost-benefit ratio established pursuant to Section 2 hereof, he shall, within

fifteen (15) days of the date of mailing of said notice or the establishment of said cost-benefit ratio request a review thereof by the City Council of the City. The decision of the City Council shall be binding on both City and Owner.

5. Joint Cooperative Plan. On written notice by the City Engineer of the City of Hollister, Owner agrees to cooperate with other owners, governmental agencies and City to provide for the construction and installation of said improvements under a joint cooperative plan, including, but not limited to, the formation of a local improvements district or a special assessment district.

6. Acceptance and Maintenance of Improvements. City agrees to accept those improvements which are constructed and completed in accordance with City standards and requirements and as are constructed and installed within rights of way or easements dedicated to and accepted by City.

Owner agrees to keep and maintain all other improvements in good and sanitary order, condition and repair, in such manner as to preclude damage or injury to any person or persons, or property or any kind whatsoever and to whomsoever belonging.

7. Bonds. Prior to the approval of plans and specifications for said improvements, City may require Owner or any contractor engaged by Owner to construct and install said

improvements to execute and deliver to City a faithful performance bond and a labor and materials bond in the amounts and forms acceptable to City.

8. Insurance. Owner, or any contractor engaged by Owner to construct and install said improvements shall, at all times during such construction and installation, take out and maintain such public liability and property damage insurance as shall protect City, its elective and appointive boards, officers and employees, against any liability to the public incident to, or resulting from the construction and installation of said improvements, in amounts, forms and with carriers acceptable to City.

Proof of such insurance shall be delivered to the City Engineer of the City of Hollister prior to the commencement of construction and installation and each carrier shall give the City at least thirty (30) days prior notice of the cancellation of any policy.

9. Indemnity. Owner shall indemnify and hold harmless City, its elective and appointed boards, officer and employees, from any and all liability and claim for damages by reason of any injury to any person or persons or property of any kind from any cause or causes whatsoever, in any way connected with said construction and installation, or arising in any way from the deferment of the improvements called for under this agreement,

including the deferment of permanent drainage facilities or the adequacy, safety, use or non-use of temporary drainage facilities, and the performance or non-performance of the construction and installation of said improvements.

10. The term "Owner" as used in the Agreements shall mean the actual owner or owners of the real property described in the Exhibits "A" at the time the performance of a provision of the Agreements is required.

11. Dolph Casarino and Julie V. Casarino and Gerald D. Quitney and Marlene A. Quitney, shall not be required to participate in the installation and/or payment of the improvements contemplated by the Agreements if they are not the owner of the subject property at the time the improvements are required by the City of Hollister.

12. Scope. This Agreement constitutes the entire agreement between the parties and no representations, warranties, conditions, understandings or agreements of any kind shall be binding on the parties unless incorporated herein. This Agreement shall not be modified except by an agreement in writing signed by the party against whom the enforcement of any change, modification or discharge is sought. The waiver by either party or any breach of any term, covenant or condition of this Agreement shall

Deferred Improvement Agreement
Sywak/Casarino/Quitney
March 1, 1990
Page 9 of 9

not be deemed to be a waiver of any subsequent breach of the same, or any other, term, covenant or condition of this Agreement.

Dated: September 17, 1990.

CITY OF HOLLISTER,
a Municipal Corporation

By [Signature]
Mayor of the City of Hollister

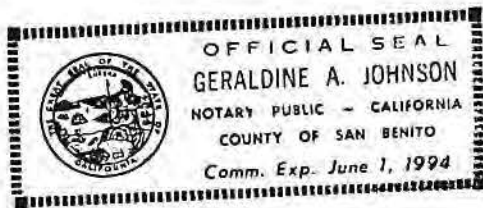
ATTEST:

[Signature]
Clerk of the City of Hollister

[Signature]
[Signature]
[Signature]
[Signature]
Owners

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BENITO)

On September 17, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gregory M. Light and Margaret L. Pidd, personally known to me to be the Mayor and the Clerk of the City of Hollister, a Municipal Corporation, the Municipal Corporation that executed the within instrument, and also personally known to me to be the persons who executed it on behalf of such Municipal Corporation, and acknowledged to me that such Municipal Corporation executed the same.




Notary Public in and for
said County and State.

CAT. NO. NN00627
TO 1944 CA (9-84)

 **TICOR TITLE INSURANCE**

(Individual)

STATE OF CALIFORNIA
COUNTY OF San Benito } SS.
On April 2, 1990

On _____ before me, the undersigned, a Notary Public in and for
said State, personally appeared Dolph Casarino and Julie V. Casarino

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person S whose name S are subscribed to the
within instrument and acknowledged that they exe-
cuted the same.

WITNESS my hand and official seal.

Signature Sharon E. La Fountain
Sharon E. La Fountain



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

 **TICOR TITLE INSURANCE**

(Individual)

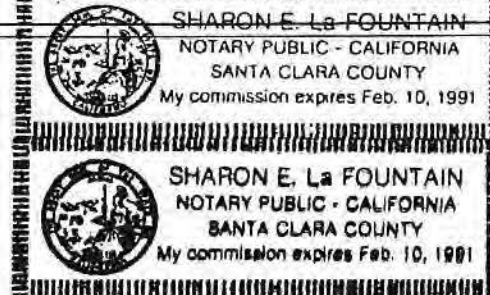
STATE OF CALIFORNIA
COUNTY OF San Benito } SS.

On April 6, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Gerald D. Quitney and Marlene A. Quitney

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person S whose name S are subscribed to the
within instrument and acknowledged that they exe-
cuted the same.

WITNESS my hand and official seal.

Signature Sharon E. La Fountain
Sharon E. La Fountain



(This area for official notarial seal)

Application No. 0018707 0000

SCHEDULE C

The land referred to herein is described as follows:

All that certain real property in the County of San Benito, State of California, described as follows:

That part of Homestead Lot 25 of the San Justo Rancho, according to the Map thereof filed July 21, 1876, in Vol. 1 of Maps, at Page 64, San Benito County Records, bounded and particularly described as follows:

Beginning at a 2" x 4" stake standing in the eastern line of said Rancho San Justo, said stake being in the northern line of the County Road known as Hollister and Enterprise Road, (being the road running to and past the Catholic Cemetery) and from said stake the Southeast corner of said Homestead Lot bears South 2 11' West 0.535 chains distant: running thence along the said eastern line of Rancho San Justo, North 2 11' East 22.224 chains to a 3" x 3" stake marked HB; thence North 87 West 9.00 chains to a 3" x 3" stake marked HD; thence South 2 11' West 22.224 chains to stake in the north line of said Hollister and Enterprise Road; thence along the North line of said Road South 87 East 9.00 chains to the point of beginning.

CAT. NO. NN00627
TO 1944 CA (9-84)

TICOR TITLE INSURANCE

(Individual)

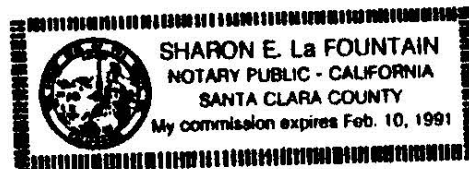
STATE OF CALIFORNIA
COUNTY OF San Benito } SS.

On April 2, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Dolph Casarino and Julie V. Casarino

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person^s whose name^s are _____ subscribed to the
within instrument and acknowledged that they exe-
cuted the same.

WITNESS my hand and official seal.

Signature Sharon E. La Fountain
Sharon E. La Fountain



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

TICOR TITLE INSURANCE

(Individual)

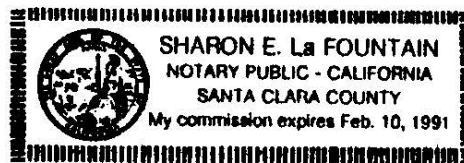
STATE OF CALIFORNIA
COUNTY OF San Benito } SS.
April 6, 1990

On _____ before me, the undersigned, a Notary Public in and for
said State, personally appeared Gerald D. Quitney and Marlene A. Quitney

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person^s whose name^s are _____ subscribed to the
within instrument and acknowledged that they exe-
cuted the same.

WITNESS my hand and official seal.

Signature Sharon E. La Fountain
Sharon E. La Fountain



(This area for official notarial seal)

**SAN BENITO ENGINEERING
& SURVEYING, INC.**
502 Monterey Street
HOLLISTER, CALIFORNIA 95023

LETTER OF TRANSMITTAL

DATE	7/12/90	JOB NO.
ATTENTION	SHARON	
RE:	Sywak - Hillcrest Rd Property	

TO

TICOR

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- | | | | | |
|---|---------------------------------------|--|----------------------------------|---|
| ☐ Shop drawings | ☐ Prints | ☐ Plans | ☐ Samples | ☐ Specifications |
| ☐ Copy of letter | ☐ Change order | ☒ Descriptions | | |

COPIES	DATE	NO.	DESCRIPTION
1			Description Hillcrest Rd dedication
1			" Meridian St. "

THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| ☐ For approval | ☐ Approved as submitted | ☐ Resubmit _____ copies for approval |
| ☒ For your use | ☐ Approved as noted | ☐ Submit _____ copies for distribution |
| ☐ As requested | ☐ Returned for corrections | ☐ Return _____ corrected prints |
| ☐ For review and comment | ☐ _____ | |
| ☐ FOR BIDS DUE _____ 19 _____ | ☐ PRINTS RETURNED AFTER LOAN TO US | |

REMARKS

from: Dolph Casarino and Julie V. Casarino,
Husband and Wife; and
Gerald D. Quitney and Marlene A. Quitney,
Trustees under a declaration of Trust dated
February 11, 1986

to: City of Hollister, a Municipal Corporation

COPY TO

Alex Sywak

SIGNED:

[Signature]

0134

Recorded at the request of

Return to

Gerald D. Quitney et ux

1510 Hillcrest Road

Hollister, CA. 95023

37730

8705455

Western Title Insurance Company

RECEIVED BY REQUEST OF
JUL 22 1987
AT _____ WEST. PAGE 8A
OFFICIAL RECORD, SAN BENITO COUNTY - JOHN B. HOGGINS, Recorder
FEE 5.00

Documentary transfer tax \$ none due
☐ Computed on full value of property conveyed, or
☐ Computed on full value less liens and encumbrances
remaining thereon at time of sale.

Tammy Davis Western Title Insurance Company
Signature of declarant or agent determining tax - firm name

Quit Claim Deed

GERALD D. QUITNEY AND MARLENE A. QUITNEY, husband and wife
do es quit claim unto

GERALD D. QUITNEY AND MARLENE A. QUITNEY, as trustees under a declaration of Trust
dated February 11, 1986

all that real property situate in the Unincorporated Area County of San Benito

State of California, described as follows:

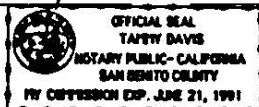
That part of Homestead Lot 25 of the San Justo Rancho, according to the Map
thereof filed July 21, 1876, in Vol. 1 of Maps, at page 64, San Benito County
Records, bounded and particularly described as follows:

Beginning at a 2" x 4" stake standing in the eastern line of said Rancho San
Justo, said stake being in the northern line of the County Road known as
Hollister and Enterprise Road, (being the road running to and past the Catholic
Cemetery) and from said stake the southeast corner of said Homestead Lot bears
South 2° 11' West 0.535 chains distant; running thence along the said eastern
line of Rancho San Justo, North 2° 11' East 22.224 chains to a 3" x 3" stake
marked HB; thence North 87° West 9.00 chains to a 3" x 3" stake marked HD; thence
South 2° 11' West 22.224 chains to a stake in the north line of said Hollister
and Enterprise Road; thence along the north line of said road South 87° East 9.00
chains, to the point of beginning.

Dated July 20 1987

Gerald D. Quitney

Marlene A. Quitney



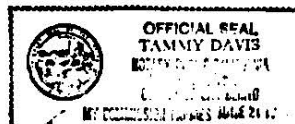
STATE OF CALIFORNIA

County of San Benito

On July 20, 1987 before me, the undersigned, a Notary Public
in and for said State, personally appeared GERALD D. QUITNEY and
MARLENE A. QUITNEY, personally known to me or proved to me
on the basis of satisfactory evidence to be the person s whose name s
subscribed to the within instrument, and acknowledged to me that s he executed it.

Tammy Davis
NOTARY PUBLIC

FOR NOTARY SEAL OR STAMP



END OF DOCUMENT

800-327-1085

Real Estate Data, Inc.

All Rights Reserved

Ticor Title Insurance Company of California

OWNERS NAME ASSESSORS PARCEL NUMBER	MAILING ADDRESS	DOCUMENT #	LAND USE DATE PHONE #	V A L U E S TOTAL-TV LAND-LV
CASANEGA KENNETH T & HELEN D 020-400-045	480 DONALD DR HOLLISTER CA 95023	420381	1 FAMILY RESID 1977 #408-637-5477	\$74,143-TV \$15,699-LV
CASAREZ ANTONIO N & MAGDALENA M 060-062-007	880 CLEARVIEW DRIVE HOLLISTER CA 95023	5117	1 FAMILY RESID 1989	\$191,760-TV \$71,400-LV
CASAREZ JOHN M & SARAH D 054-240-003	1062 EAST FRANCIS CORONA CA 91720	481596	1 FAMILY RESID 1982 #714-737-4478	\$29,872-TV \$9,908-LV
CASAREZ MANUEL R & FRANCES J 056-370-005	79 KNIGHT LANE HOLLISTER CA 95023	4894	1 FAMILY CONDOMINIUM 1988	\$109,950-TV \$35,000-LV
CASAREZ MARY 057-113-019	1310 SCENIC CIRCLE HOLLISTER CA 95023	397193	1 FAMILY RESID 1975	\$30,770-TV \$6,150-LV
CASAREZ PAUL M JR & ROSALINDA 054-303-006	361 MCCARTHY STREET HOLLISTER CA 95023	482280	1 FAMILY RESID 1982 #408-637-2878	\$64,187-TV \$21,395-LV
CASAREZ RICHARD M & MARY T 052-153-009	101 MILLER ROAD HOLLISTER CA 95023	458922	1 FAMILY RESID 1980	\$60,320-TV \$18,558-LV
CASAREZ ROBERT & MARIANA 052-211-003	136 THIRD ST HOLLISTER CA 95023	1872	1 FAMILY RESID 1985	\$65,686-TV \$22,729-LV
CASARINO DOLPH & JULIE V 020-040-028	1490 HILLCREST RD HOLLISTER CA 95023	312362	1965 #408-637-5459	\$43,029-TV \$43,029-LV
CASARINO DOLPH & JULIE V 020-040-029	1490 HILLCREST RD HOLLISTER CA 95023	323289	RURAL-1 SNGL RESID 1966 #408-637-5459	\$97,659-TV \$46,198-LV
CASAS ELIAS & FRANCISCA 056-150-018	10 PARK STREET HOLLISTER CA 95023	363880	1 FAMILY RESID 1971	\$18,248-TV \$5,110-LV
CASAS FERNANDO & LILIA ET AL 056-300-029	180 GIBSON DR #33 HOLLISTER CA 95023	4050	1 FAMILY CONDOMINIUM 1989	\$105,600-TV \$26,010-LV
CASAS HUMBERTO & ELIZABETH 019-060-008	1090 MARNE DRIVE HOLLISTER CA 95023	2586	VACANT RURAL RES 1989 #408-637-7024	\$65,000-TV \$65,000-LV
CASAS JESUS & JULIE 056-040-011	23 SOUTH ST HOLLISTER CA 95023	2484	2 FAMILY RESID 1988	\$91,800-TV \$30,600-LV
CASAS NIEVES 054-240-019	115 SALLY ST HOLLISTER CA 95023	338139	1 FAMILY RESID 1968 #408-637-7036	\$22,142-TV \$5,458-LV
CASAS ROBERTO M & MARIA V 056-150-010	1016 PRUNE ST HOLLISTER CA 95023	3684	1 FAMILY RESID 1985	\$87,674-TV \$22,729-LV
CASAS THOMAS & ROSALIE TRS 057-314-008	15 ALTA MESA CIRCLE MONTEREY CA 93940	4732	MULTI RES-4 UNIT 1985	\$226,301-TV \$58,366-LV



TICOR TITLE INSURANCE

[illegible]

SAA

0137

SAN BENITO, CA.

C 09

Deed Estate, Note, Inc.

Copyright ©1989

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name

Street
Address

City &
State

MAIL TAX STATEMENTS TO

Name

Street
Address

City &
State

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CAT. NO. NN00582
TO 1923 CA (2-83)

Individual Grant Deed

THIS FORM FURNISHED BY TICOR TITLE INSURERS

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ _____

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(xxx) Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Dolph Casarino and Julie V. Casarino, husband and wife; and Gerald D. Quitney and Marlene A. Quitney, Trustees under a Declaration of Trust dated February 11, 1986

hereby GRANT(S) to

City of Hollister, A Municipal Corporation

the following described real property in the
County of San Benito

, State of California:

FOR COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: July 13, 1990

STATE OF CALIFORNIA

COUNTY OF San Benito

On July 26, 1990 before

me, the undersigned, a Notary Public in and for said State,

personally appeared Marlene A. Quitney,

Trustee

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is

subscribed to the within instrument and acknowledged

that she executed the same

WITNESS my hand and official seal.

Signature

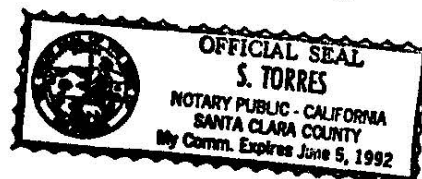
Dolph Casarino

Julie V. Casarino

Julie V. Casarino

Gerald D. Quitney, Trustee

Marlene A. Quitney, Trustee



0138
(This area for official notarial seal)

Title Order No. _____ Escrow or Loan No. _____

HILLCREST ROAD DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 40 feet wide, the southerly line of which is the southerly line of said Homestead Lot 25 and is particularly described as BEGINNING at the southeasterly corner of said Homestead Lot 25 and running thence North 87° 00' West 1089.17 feet to the westerly line of that certain parcel described in the Deed of Trust between Dolph Casarino, et ux, and American Securities Company, dated February 10, 1986 and recorded March 5, 1986 at Recorder's File No. 8601373, San Benito County Records.

89009

CAT. NO. NN00627
TO 1944 CA (9-84)

(Individual)

 TICOR TITLE INSURANCE

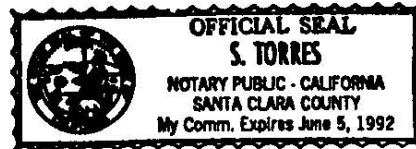
STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

On July 28, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Gerald D. Gurney, Trustee

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person whose name is subscribed to the
within instrument and acknowledged that he exe-
cuted the same.

WITNESS my hand and official seal.

Signature _____



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

(Individual)

 TICOR TITLE INSURANCE

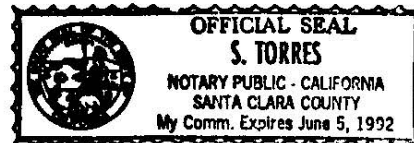
STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

On August 1, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Julie V. Casarino

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person whose name is subscribed to the
within instrument and acknowledged that she exe-
cuted the same.

WITNESS my hand and official seal.

Signature _____



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

(Individual)

 TICOR TITLE INSURANCE

STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

On August 1, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Dolph Casarino

HERE
↑

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name

Street
Address

City &
State

MAIL TAX STATEMENTS TO

Name

Street
Address

City &
State

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CAT. NO. NN00582
TO 1923 CA (2-83)

Individual Grant Deed

THIS FORM FURNISHED BY TICOR TITLE INSURERS

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ _____

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(xx) Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Dolph Casarino and Julie V. Casarino, husband and wife; and Gerald D. Quitney and
Marlene A. Quitney, Trustees under a Declaration of Trust dated February 11, 1986

hereby GRANT(S) to

City of Hollister, A Municipal Corporation
the following described real property in the
County of San Benito

, State of California:

FOR COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: July 13, 1990

STATE OF CALIFORNIA

COUNTY OF San Benito

On July 26, 1990 before
me, the undersigned, a Notary Public in and for said State,
personally appeared Marlene A. Quitney Trustee

personally known to me or proved to me on the basis of sat-
isfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged
that she executed the same.
WITNESS my hand and official seal.

Signature

Dolph Casarino

Julie V. Casarino

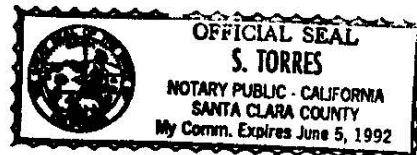
Gerald D. Quitney, Trustee

Marlene A. Quitney, Trustee

Marlene A. Quitney, Trustee

Marlene A. Quitney, Trustee

Marlene A. Quitney, Trustee



0141

(This area for official notarial seal)

MERIDIAN STREET DEDICATION

BEING A PORTION of Homestead Lot 25 of the Rancho San Justo, according to the Map thereof filed July 21, 1876 in Volume 1 of Maps, at page 64, San Benito County Records, and being more particularly described as follows:

A STRIP OF LAND 42.00 feet wide, the northerly line of which is the northerly line of Lots 7 and 8 in Block 2 of the Subdivision of the Board of Missions Property according to the Map thereof filed July 25, 1905 in Volume 1 of Maps, at page 34, San Benito County Records, and is particularly described as BEGINNING at the northwesterly corner of said Lot 7 and running thence along the northerly line of said Lots 7 and 8 and the easterly prolongation thereof South 87° 00' East 1402.17 to the easterly line of the Rancho San Justo.

89009

CAT. NO. NN00627
TO 1944 CA (9-84)

 TICOR TITLE INSURANCE

(Individual)

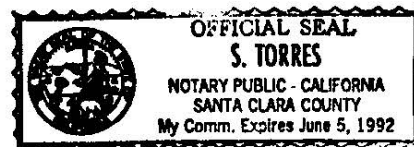
STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

On July 28, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Gerald D. Gortney, Trustee

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person whose name is subscribed to the
within instrument and acknowledged that he exe-
cuted the same.

WITNESS my hand and official seal.

Signature _____



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

 TICOR TITLE INSURANCE

(Individual)

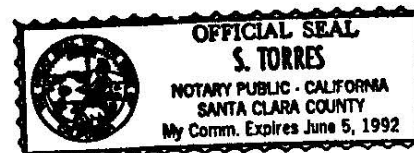
STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

On August 1, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Julie V. Casarino

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person whose name is subscribed to the
within instrument and acknowledged that she exe-
cuted the same.

WITNESS my hand and official seal.

Signature _____



(This area for official notarial seal)

CAT. NO. NN00627
TO 1944 CA (9-84)

 TICOR TITLE INSURANCE

(Individual)

STATE OF CALIFORNIA
COUNTY OF San Benito } ss.

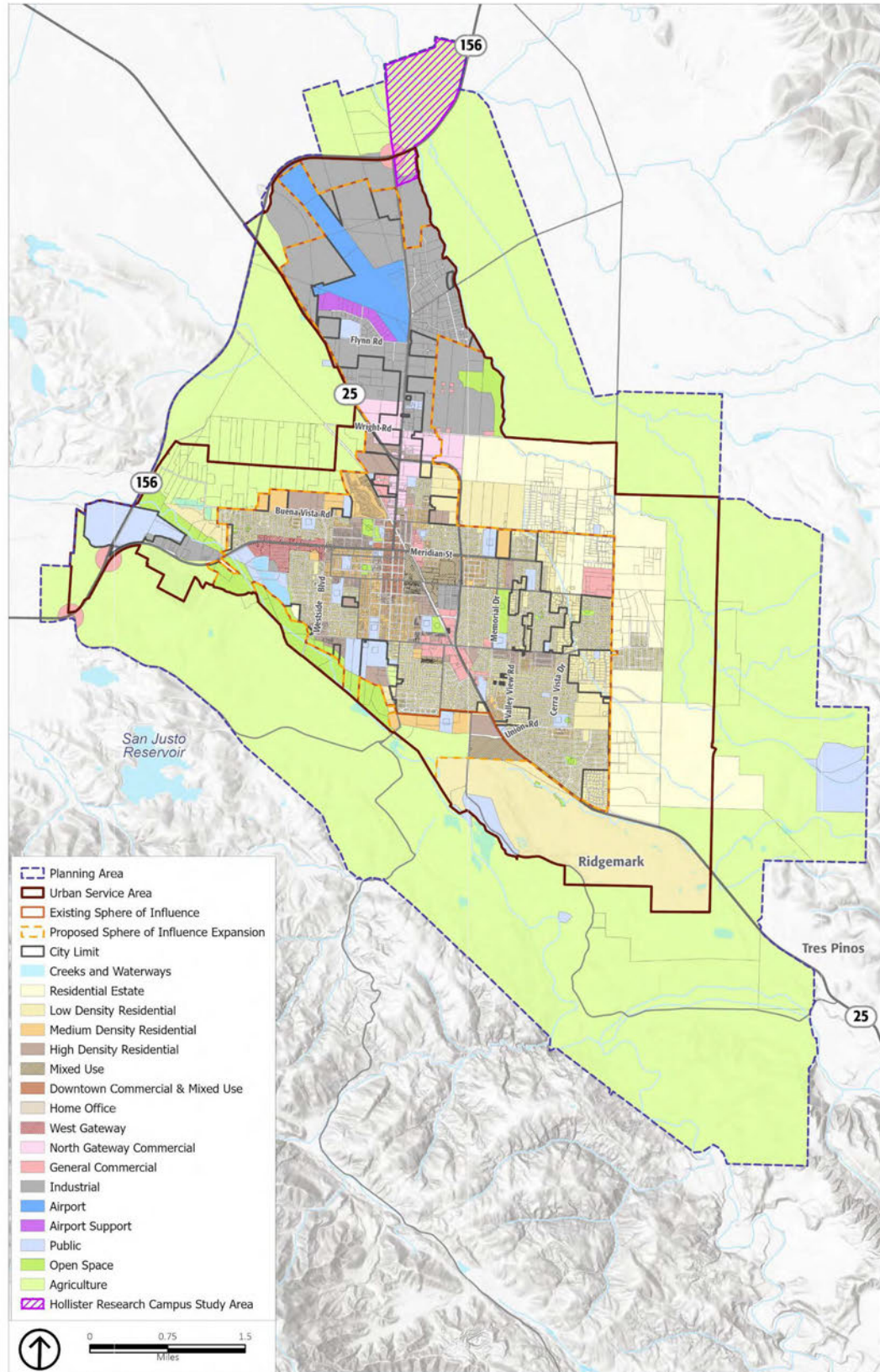
On August 1, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared Dolph Casarino

0143

[illegible]

Source: City of Hollister, 2020; ESRI, 2020; PlaceWorks, 2020; San Benito County, 2020; USGS, 2019

Figure LU-2 Land Use Map



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.



Alexander Sywak <alex.sywak@gmail.com>

meet today?

Alexander Sywak [REDACTED] Fri, Mar 9, 2018 at 10:23 AM
To: Bryan Swanson <bryan.swanson@hollister.ca.gov>, Ingrid Sywak <[REDACTED]>, Andy Sterbenz <asterbenz@swws.com>, Conor Murphy <cmurphy@swws.com>, Danny Hillstock <danny.hillstock@hollister.ca.gov>, Abraham Prado <abraham.prado@hollister.ca.gov>, bob braitman <bob@braitmanconsulting.com>

Bryan/Danny,

Have completed the sewer study and attached.

Let me know if you have questions and you need to meet with authors.

Thx, Alex

[Quoted text hidden]

6 attachments

 **Hollister Property Sewer Study Memo.pdf**
1371K

 **Attachment 1_SSMH19.pdf**
5275K

 **Attachment 2_H10-6.pdf**
5279K

 **Attachment 3_H11-39.pdf**
5270K

 **Attachment 4_I11-2.pdf**
5265K

 **Attachment 5_Sewer Atlas.pdf**
2925K

MEMORANDUM

TO: City of Hollister, Public Works DATE: March 8, 2018
COPY TO: Alex Sywak
FROM: Conor Murphy, EIT JOB#: AXSK.02.17 (001)
Andrew Sterbenz, PE
SUBJECT: Hollister Property Sewer Study, APN 020-040-028, 020-040-056 and 020-040-057



This memorandum summarizes Schaaf & Wheeler's sewer study for the Sywak property in San Benito County near Hollister, CA. The property is located between Meridian Street (right-of-way) and Hillcrest Road, west of Fairview Road, within the City of Hollister Sphere of Influence (see Figure 1). An unnamed tributary of Santa Ana Creek flows through the western third of the property. The site is currently undeveloped, but rezoned by the City for residential development. This study considers several alternatives for possible connections from the Sywak property to the existing City of Hollister Sanitary Sewer System. Four viable options are considered with two considered in Santa Ana Road northwest of the Sywak property and two considered in Meridian Street west of the Sywak property. Gravity connections are possible in both Santa Ana Road and Meridian Street. This study also considers the inclusion of sewer flows from adjoining properties to the east and north of the Sywak property if they choose to develop.

The Sywak property generally slopes from Hillcrest Road on the south boundary down towards the Meridian Street right-of-way and Santa Ana Road to the north. There is a ridge in the middle of the site as well, dividing the property into east and west drainages. This analysis is based on the existing topography and does not assume any site grading.

This study uses a potential on-site sewer network flowing from south to north with the northern-most line flowing east to west. At the northwest corner of the property, off-site sewer lines flow north to Santa Ana Road or east to Meridian Street to connect to existing City of Hollister manholes. Depending upon how the site is ultimately developed, up to 10% of the area could be lots abutting Hillcrest Road. These lots could connect to the existing sewer in Hillcrest Ave, but some would require private sewer ejector pumps to reach the street. For this study, we assume all flows from the property will move north.

Wastewater System Flows

Wastewater flows were calculated based on land use. The land use on the Sywak property is zoned as single family residential in the City of Hollister General Plan. The City of Hollister Land Use Plan follows as Figure 1. Some adjacent properties will be taken into consideration as possible connections into the Sywak sanitary sewer. The adjacent properties were considered if they have the possibility of being developed in the future and could flow into the Sywak property or the off-site sewer mains by gravity. The adjacent properties taken into account are shown in Figure 2 below. The red properties are the 3 Sywak parcels (APNs 020-040-028, 020-040-056 and 020-040-057) while the yellow properties are the adjacent properties that may contribute wastewater flow.



Figure 1 – City of Hollister Land Use Plan with Sywak Property Location

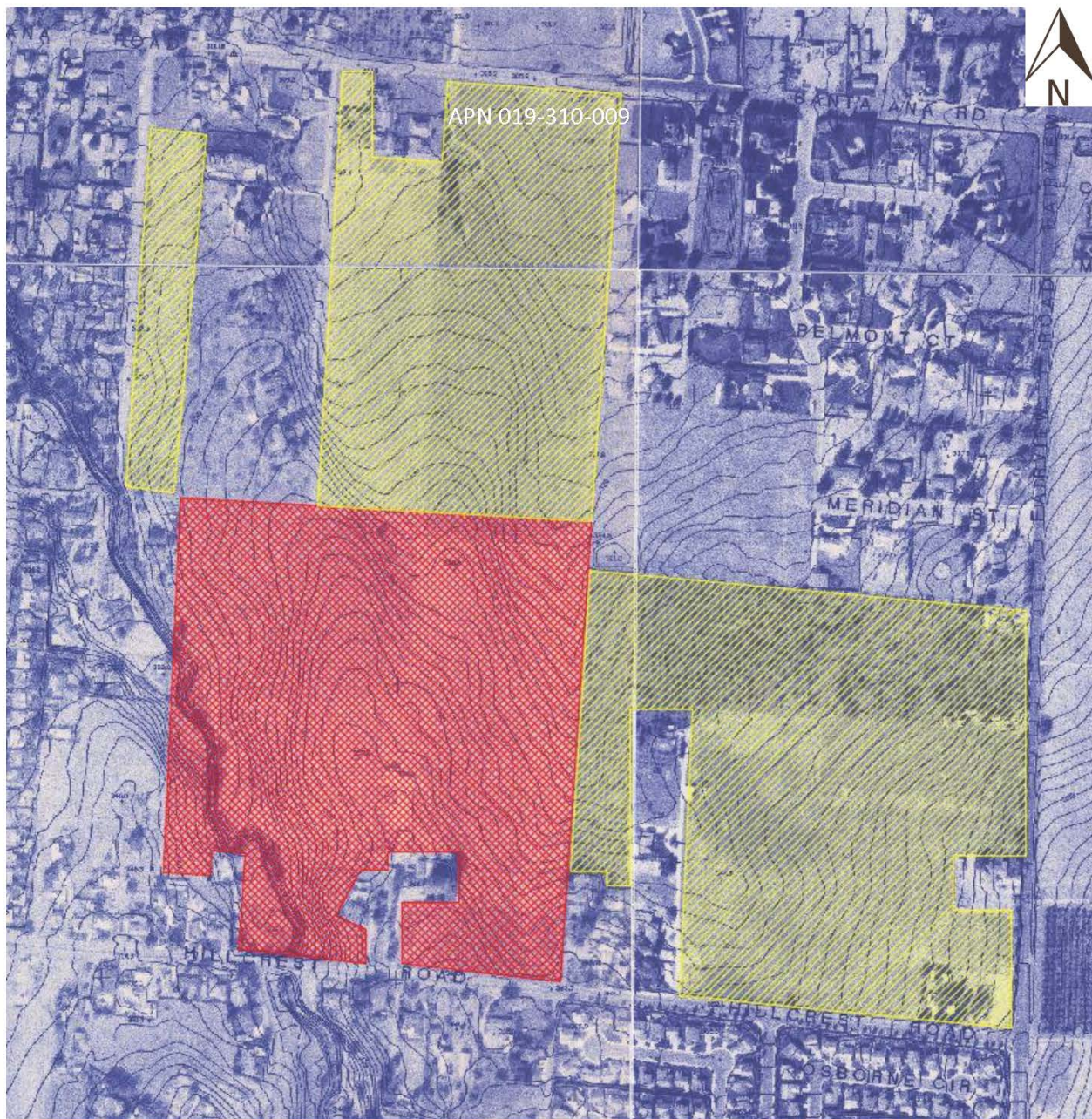


Figure 2 – Properties Used for Projected Wastewater Flows

Sywak Property Projected Wastewater Flows:

The Sywak property is three parcels totaling approximately 43.6 acres between Hillcrest Road and the future Meridian Street. The City of Hollister General Plan zones these parcels as Low Density Residential. Low Density Residential according to the City of Hollister General Plan has a maximum permitted density of 8 dwelling units per acre (du/acre). Residential use is assumed to produce 55 gallons per day per person (gpd/person) of wastewater return flow using current water efficient toilets and fixtures.

The City of Hollister Design Standards (May 1992) provide a sanitary sewer planning factor of 290 gallons/day/dwelling unit for average flow from single family residential development, and uses a fixed

factor of 2.5 for estimating peak hour flows. The City standards state that stormwater infiltration and inflow does not need to be considered in the analysis. For this study, we use a more detailed method, as described below, which includes estimating wet weather infiltration. The resulting flow rates are approximately 30% lower than those in the City Standards, reflecting the mandatory use of water conserving fixtures and appliances.

The following equations were used to calculate the population, Average Dry Weather Flow (ADWF), Peak Dry Weather Flow (PDWF), and Peak Wet Weather Flow (PWWF). The Peaking Factor (PF) is obtained from Figure 3. Stormwater infiltration and inflow (I/I) is estimated as 44% of the ADWF for new pipes.

$$(1) \text{ Population} = \text{Density} \left(\frac{\text{du}}{\text{acre}} \right) * \text{Area}(\text{acres}) * 3.33 \frac{\text{persons}}{\text{du}} \quad (\text{persons})$$

$$(2) \text{ ADWF} = \text{Population}(\text{persons}) * 55 \frac{\text{gpd}}{\text{person}} \quad (\text{gpd})$$

$$(3) \text{ PDWF} = \text{PF} * \text{ADWF} \quad (\text{gpd})$$

$$(4) \text{ PWWF} = \text{PDWF} + 44\% * (\text{ADWF}) \quad (\text{gpd})$$

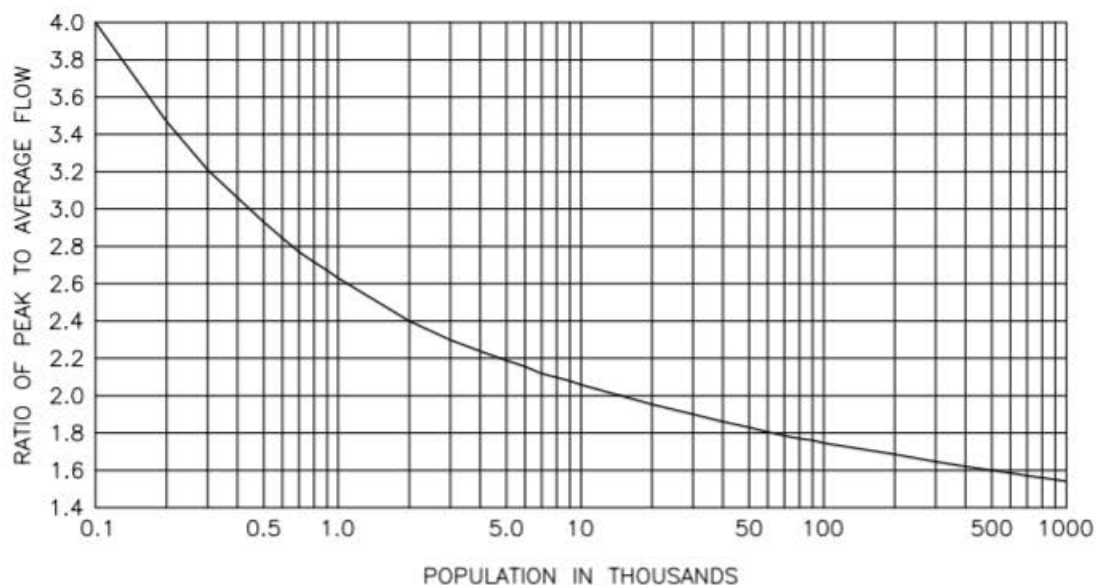


Figure 3 – Ratio of Peak to Average Domestic Sewage Flow

An overview of the considered properties is shown in Table 1. Population is estimated using the San Benito County average population of 3.33 persons per household. The projected flows for the Sywak property are shown in Table 2. The projected population is 1,161 persons results in a Peaking Factor of 2.6.

Table 1 – Overview of Properties

Owner	Acres	Zoning	DU/acre	DU	Persons/ DU	Persons	gpd/ person	ADWF (gpm)	PWWF (gpm)
Sywak	43.6	LD Res.	8	349	3.33	1162	55	44	135
Adjacent- East	25.8	Mixed Use	40	1031	3.33	3433	50	119	327
Adjacent- East	23.4	LD Res.	8	187	3.33	623	55	24	65
Adjacent- North	36.7	LD Res.	8	294	3.33	979	55	37	116
Villages	12.9	LD Res.	8	103	3.33	343	55	13	39

Table 2 – Projected flows for Sywak Property

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.06	44
Peak Dry Weather Flow	2.6	0.15	115
Infiltration and Inflow	0.44	0.03	20
Peak Wet Weather Flow		0.18	135

Properties East of Sywak Projected Wastewater Flows:

There are multiple parcels east of the Sywak property that could potentially connect to this proposed sanitary sewer system. These properties combine to a total area of 49.2 acres. To the east, there are two different zoning types from the City of Hollister General Plan: low density residential and mixed-use commercial and low density residential. The maximum permitted density for mixed-use is 40 du/acre. Wastewater return flows from mixed-use land are assumed at 50 gpd/person, due to the smaller dwelling unit size.

The projected flows from the properties east of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 3. The projected population is 4,058 persons resulting in a Peaking Factor of 2.3.

Table 3 – Projected flows for Properties East of Sywak Property

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.21	143
Peak Dry Weather Flow	2.3	0.47	329
Infiltration and Inflow	0.44	0.09	63
Peak Wet Weather Flow		0.56	392

Properties North of Sywak Projected Wastewater Flows:

There are multiple parcels north of the Sywak property that could potentially connect to this proposed sanitary sewer system if the pipeline is run to Santa Ana Road. These properties combine to a total area of 36.7 acres. Two of them are just north of the site while another is northwest of the site along Barnes Lane. These properties would only connect to the system if the sewer main is routed to Santa Ana Road. These properties are all Low Density Residential which has a maximum permitted density of 8 du/acre

and estimated wastewater flows of 55 gpd/person. The projected flows from the properties north of Sywak are computed using equations 1, 2, 3, and 4 and are shown in Table 4. The projected population is 979 persons resulting in a Peaking Factor of 2.65:

Table 4 – Projected flows for Properties North of Sywak Property

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.05	37
Peak Dry Weather Flow	2.65	0.12	99
Infiltration and Inflow	0.44	0.02	16
Peak Wet Weather Flow		0.15	116

Wastewater Flows from the completed Northeast Section of The Villages Subdivision :

The Villages Subdivision has been completed between Santa Ana Road and Brigantino Drive. 103 homes from the northeast section of the subdivision are served by an 8-inch line from about the intersection of Santa Ana Road and Cielo Court, at SSMH 19, to a 15-inch line at the intersection of Brigantino Drive and Cabrillo Drive, continuing to MH H11-38 in Meridian Street (see Attachment 5). The projected flows from the 103 existing homes are computed using equations 1, 2, 3, and 4 and are shown in Table 5. The Villages Subdivision is examined with addition of the Sywak flows only. The projected population is 343 persons resulting in a Peaking Factor of 2.5 with the additional 1162 people from the Sywak Property (1,505 people total).

Table 5 – Projected flows for the Northeast section of The Villages Subdivision

	Factor	Flow	
		(mgd)	(gpm)
Average Dry Weather Flow	1	0.02	13
Peak Dry Weather Flow	2.5*	0.05	33
Infiltration and Inflow	0.44	0.01	6
Peak Wet Weather Flow		0.08	39

*Peaking factor based on combined Villages and Sywak flows

Possible Sanitary Sewer Points of Connection

Four potential points of connection to the existing City sanitary sewer system were evaluated: SSMH 19 in The Villages (Cielo Ct. just off Santa Ana Rd); City MH H10-6 in Santa Ana Road; City MH H11-39 in Meridian St and City MH I11-2 in Meridian Street (see Attachment 5). For this analysis, we assumed sewer pipes would have a minimum 6-ft of cover and manholes would be spaced every 300-ft. All elevations were estimated using the topography from the map set: *Aerial Photography for City of Hollister* (1999) using verticle datum NGVD 1929. All locations and depths for existing manholes are from the City of Hollister Sewer Atlas (2010). Manhole invert elevations were calculated as the rim elevation (obtained from the topographic map) minus the manhole depth (obtained from the sewer atlas). The minimum allowable slope for sewer mains, listed below, is based upon achieving a maximum velocity of 8 feet/second when flowing at the listed flow depth/Diameter ratio (d/D). Flow capacity was calculated assuming a Mannings pipe roughness coefficient of $n=0.013$.

<u>Pipe Diameter (in)</u>	<u>Minimum Slope (ft/ft)</u>	<u>Allowable d/D</u>
8	0.0035	0.67
10	0.0025	0.67
12	0.0020	0.67
15	0.0015	0.8

The City of Hollister uses an allowable d/D of 0.5 for 8-inch and 10-inch pipes and an allowable d/D of 0.67 for 12-inch and 15-inch pipes. The City of Hollister does not account for inflow and infiltration in sewer capacity calculations. Since inflow and infiltration has been taken into account, this study uses 0.67 for 8-inch and 10-inch pipes.

A simple sewer collection system was laid out on the Sywak property in order to estimate the manhole inverts (see Figure 5). Due to the ridgeline in the center of the site, some of the on-site manholes are over 10-ft deep. Regrading the site as part of future development was not considered in this analysis, and does not affect the pipe inverts in the conceptual collection system.

The existing City of Hollister wastewater system does not cross the stream along the western boundary of the property. In laying out the sewer mains from the subject property to the west, we assumed that only 5-ft of cover would be required between the invert of the creek channel and a gravity sewer main. A creek scour analysis will be required to verify the design depth for any pipeline crossing this channel. Crossing the creek will require environmental permits from the U.S. Army Corps of Engineers (CWA Section 404), the Regional Water Quality Control Board (CWA Section 401) and the State Department of Fish and Wildlife (Lake and Streambed Alteration Agreement).

If a gravity pipeline is not feasible at that depth, an inverted sewer siphon may be considered. An inverted siphon consists of a pipeline installed between two gravity manholes that dips below and then returns to the gravity flow line (see Figure 4). Because this segment of the pipeline flows full, it is usually a smaller diameter than the gravity main so that flows maintain a scouring velocity (2.5 to 3 ft/s) to prevent solids from depositing at the low point. Due to the daily and seasonal variability of flow rates, siphons typically consist of two pipes, with one installed slightly lower than the other. Daily base flows move through the lower inlet, keeping it scoured. Peak flows in excess of the lower pipe's capacity are conveyed in the higher pipe.

If the site were to be rezoned as residential mixed-use development, flows from the property would increase, requiring larger diameter pipe to carry the flow. Larger pipes have a smaller minimum slope. However, since the minimum cover and creek crossing determine the depth of the proposed pipe, a smaller slope would not have much of an effect on the points of connection.

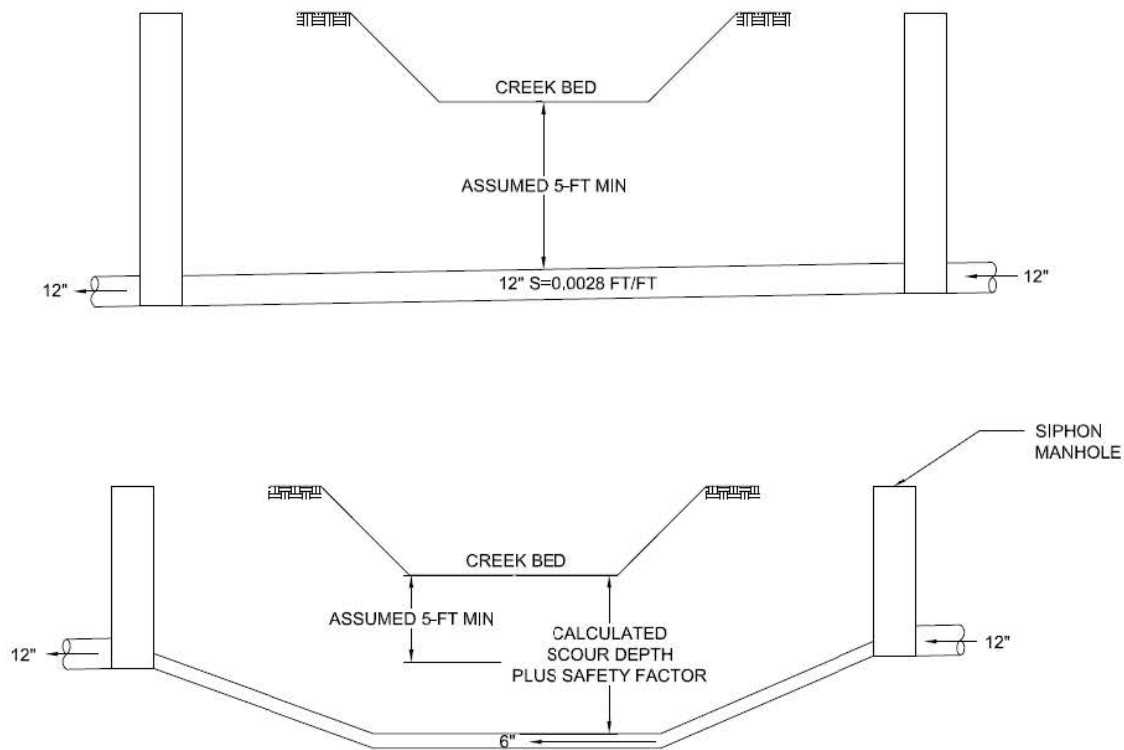


Figure 4 – Gravity Pipeline (Top) vs. Inverted Siphon (Bottom) for Creek Undercrossing

There are parts of the Sywak property that are west of the creek and separated from the rest of the property (see Figure 5, shaded areas). The southern portion that abuts Hillcrest Road could sewer directly to Hillcrest Road instead of having a sewer line cross the creek. For the portions not connected to Hillcrest Road, a bridge or culvert across the creek would be required for site access. Private sewer pumps at each home could then lift flows to a shallow sewer that crosses the bridge and connects to manhole 52 in the conceptual system.

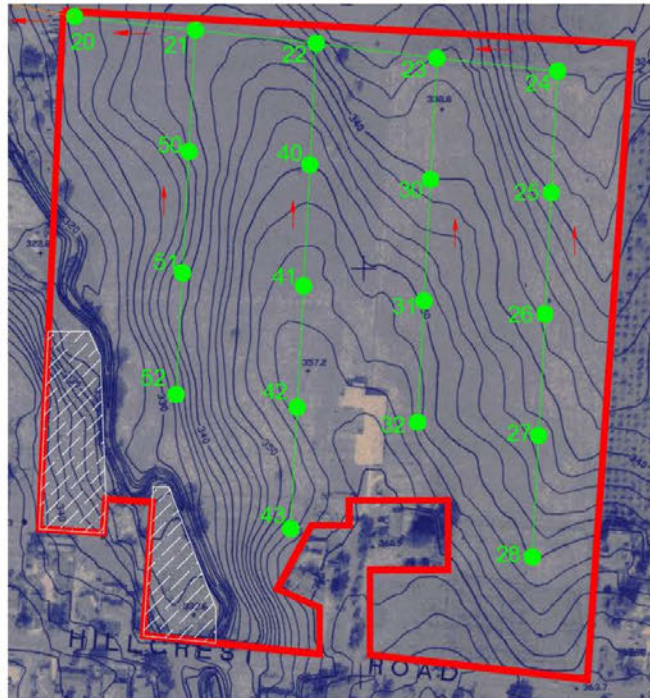


Figure 5 – Portions of Sywak Property West of the Creek

Connection to The Villages Subdivision SSMH-19:

This connection occurs in the northeast corner of the recently completed subdivision, The Villages, in Cielo Court at Santa Ana Road, SSMH-19. This connection would require about 2600 LF of off-site gravity sanitary sewer pipe and 9 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment.

The pipeline connection to The Villages SSMH-19 is shown in Attachment 1. This connection assumes the only flows entering the gravity line are from the Sywak property. Table 6 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to SSMH-19. Figure 5 is a profile for this connection along the proposed sewer pipe. Station 0 is at SSMH-19.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property could receive potential flows from the properties to the east if downstream pipes were upsized. Manhole 11 at the corner of Santa Ana Road and Barnes Lane could receive potential flows from the properties to the north if downstream pipes were upsized.

The topographic survey used for this study is on the National Geodetic Vertical Datum of 1929 (NGVD). Based on the elevation differences in Santa Ana Road, we assume that the subdivision plans are on the North American Vertical Datum of 1988 (NAVD). The difference between these datums is 2.86 feet, converted as:

$$\text{Elevation}_{\text{NGVD}} + 2.86 \text{ ft} = \text{Elevation}_{\text{NAVD}}$$

The manhole data from the subdivision plans converts to:

$$\text{SSMH 19 Rim: } 296.74 - 2.86 = 293.88$$

$$\text{SSMH 19 Invert: } 292.05 - 2.86 = 289.19$$

There is a water main in Santa Ana Road with an unknown depth. The sewer pipe would need to be installed along the south edge of Santa Ana Road to avoid crossing the water main. The required separation between potable water and sanitary sewers is 10-ft. There appears to be adequate space to offset the proposed sewer in Santa Ana Road south of the water main. There is also an existing storm sewer in Santa Ana Road, but it is about 9.5-feet deep, so it would not interfere with the proposed sanitary sewer.

All sewer lines serving the 103 homes in the northeast section of The Villages subdivision are 8-inch pipes with a slope of 0.0035 ft/ft and allowed d/D=0.67, and have a flow capacity of about 260 gpm (see Table 5). Subtracting the 39 gpm PWWF from the completed northeast section of The Villages subdivision leaves 221 gpm of available conveyance capacity. This would be sufficient to receive the 135 gpm PWWF from the Sywak property, and could accommodate flows from some of the other adjacent areas.

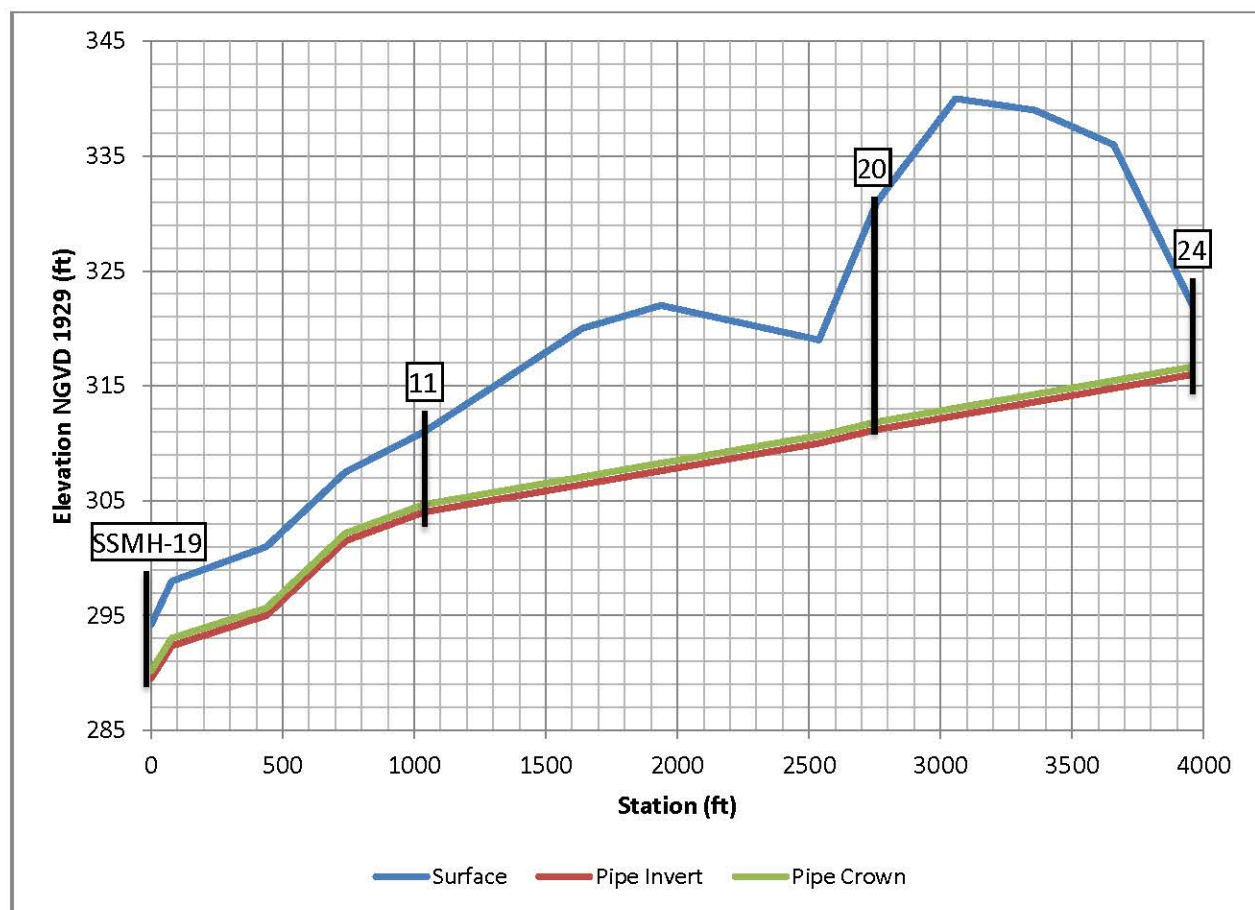


Figure 5 – Profile for Connection at The Villages SSMH-19

Table 6 – Proposed Connection to The Villages SSMH-19

Manhole	Rim (ft)	Depth (ft)	Length (ft)	INV (ft)	Slope (ft/ft)	MIN S (ft/ft)	Diameter (in)	d/D (in/in)	Velocity (ft/s)	PWWF (gpm)
MH19	293.88	4.69		289.19		0.0035	8	0.46	0.00	135
8	298	5.63	78	292.37	0.0408	0.0035	8	0.36	5.98	135
9	301	6	360	295	0.0073	0.0035	8	0.37	2.57	135
10	307.5	6	300	301.5	0.0217	0.0035	8	0.28	3.80	135
11	311	7	300	304	0.0083	0.0035	8	0.36	2.70	135
12	315.5	10.3	300	305.2	0.0040	0.0035	8	0.44	2.07	135
13	320	13.6	300	306.4	0.0040	0.0035	8	0.44	2.07	135
14	322	14.4	300	307.6	0.0040	0.0035	8	0.44	2.07	135
15	320.5	11.7	300	308.8	0.0040	0.0035	8	0.44	2.07	135
16	319	9	300	310	0.0040	0.0035	8	0.44	2.07	135
20	331	19.8	220	311.2	0.0055	0.0035	8	0.4	2.31	135
21	340	27.6	300	312.4	0.0040	0.0035	8	0.44	2.07	135
22	339	25.4	300	313.6	0.0040	0.0035	8	0.44	2.07	135
23	336	21.2	300	314.8	0.0040	0.0035	8	0.44	2.07	135
24	322	6	300	316	0.0040	0.0035	8	0.44	2.07	135
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H10-6:

This connection occurs in the 800 block of Santa Ana Road adjacent to Gabilan Hills Elementary School. This connection would require about 5,100 LF of off-site gravity sanitary sewer pipe and 16 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment including the adjacent properties.

The pipeline connection to MH H10-6 is shown in Attachment 2. The different flows enter from different positions along the gravity line. Table 7 contains general information for each manhole and pipe run for

the sanitary sewer connection from the site to MH H10-6. Figure 6 is a profile for this connection along the proposed sewer pipe. Station 0 is at MH H10-6.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manholes 20, 21, 22, and 23. Manhole 24 at the northeast corner of the property is assumed to receive potential flows from the properties to the East of Sywak. Manhole 11 at the corner of Santa Ana Road and Barnes Lane is assumed to receive potential flows from the properties North of Sywak. From manhole 6 until the connection at MH H10-6, 15-in pipe is used to reduce the minimum required slope. This allows the connection to be made at MH H10-6 while still maintaining a minimum pipe depth of 6-ft. It also allows for about 400 gpm of additional capacity if more properties along Santa Ana Road decide to connect to the proposed sewer line.

For this connection the proposed gravity pipe would have to cross under the creek in Santa Ana Road, which has an estimated streambed elevation of 286-ft. This requires manholes 5 and 6 to have invert elevations of at most 281-ft. MH H10-6 has an invert elevation of 277.84-ft (estimated from the system map information and the available topographic map), so the average slope from MH H10-6 and MH 5 is 0.0015 ft/ft, which is allowable for a 15-inch pipeline. If an inverted siphon is used, the inverts would be several feet higher, allowing for the use of 12-inch pipe downstream of the creek crossing.

There are currently no sewer mains in Santa Ana Road east of the proposed point of connection. There is a water main that is on the south side of the road, so it is assumed that there is ample room within the right-of-way, north of the center line for a new sewer main.

The gravity main in Santa Ana Road flowing west from MH H10-6 is a 10-inch pipe. The next manhole, H10-5, is 470-ft away and has an estimated invert elevation of 276.34-ft resulting in a pipeline slope of 0.0032 ft/ft. The capacity of a 10-in pipe with a slope of 0.0032 ft/ft and d/D of 0.67 is 439 gpm. This is insufficient to carry the proposed 642 gpm plus the current system flow. It may be possible to add a parallel sewer main in Santa Ana Road until a point is reached in which the existing system has capacity to receive the potential flow from this new main. We do not have a copy of the City's sewer model, and therefore cannot determine where this potential point of connection occurs.

Manhole G10-57 is where the sewer pipe size changes from 10-in to 15-in (see attached Atlas pages G10 and H10). It is about 980-ft west of MH H10-5 in Santa Ana Road. The slope of the pipe after MH G10-57 is estimated at 0.0015 ft/ft. Assuming a d/D of 0.8, the flow capacity of the 15-in pipe after MH G10-57 is 886 gpm. This may be capable of receiving the proposed 642 gpm if the existing system flows are less than 244 gpm.

The properties north of the Sywak property (APNs 019-310-009 and 019-310-052) could connect to MH 11 by gravity. The lowest point of that parcel is in the northeast corner along Santa Ana Road, with an elevation of about 306-ft (see Attachment 2). Assuming an 8-inch sewer starting at elevation 300-ft (5-ft of cover), 1400 feet long, installed at a slope of 0.0035 ft/ft, the invert at MH 11 would need to be 295.1-ft. This is about 8-feet deeper than the invert proposed in Table 6. If that future connection is expected to occur, manholes 9, 10 and 11 could be installed deeper to accommodate these properties.

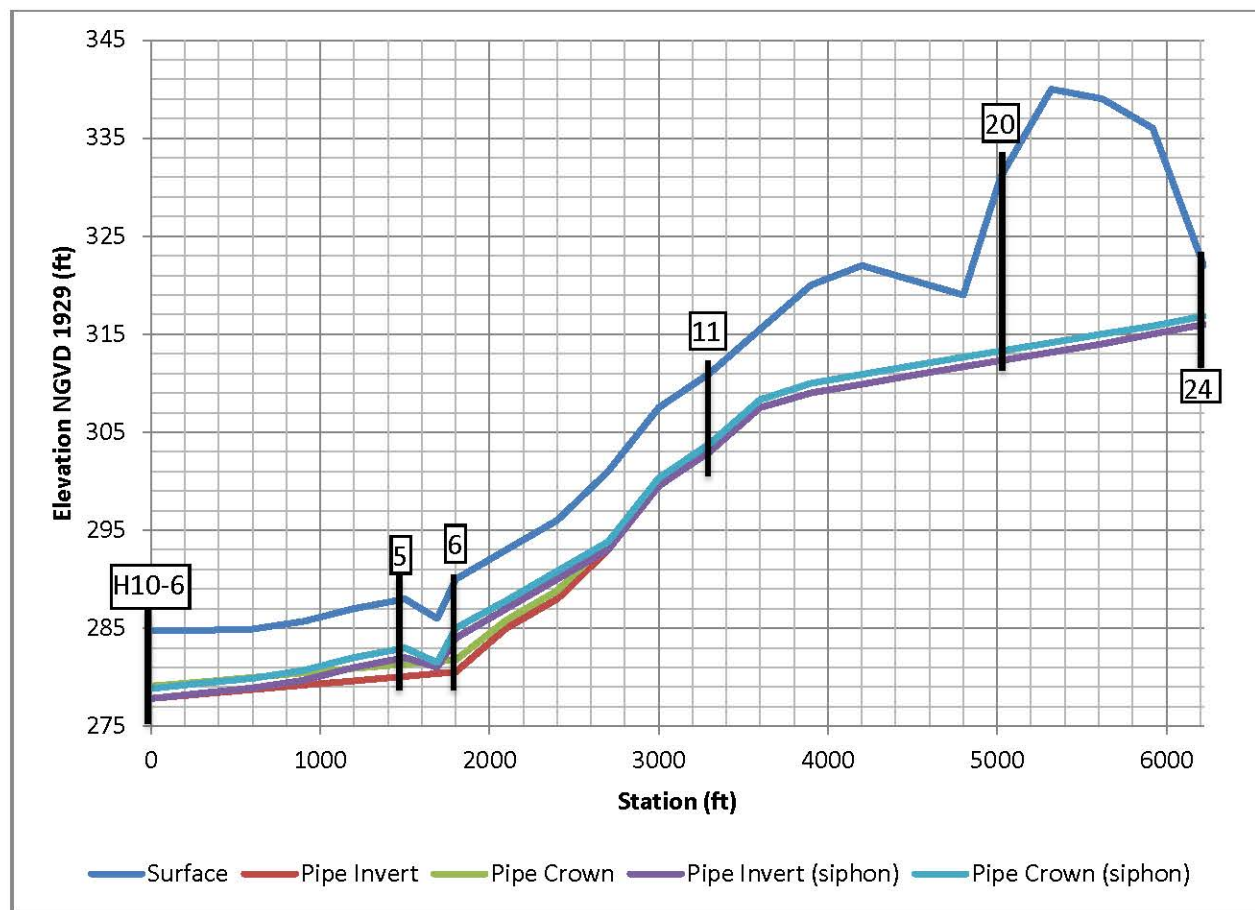


Figure 6 – Profile for Connection at MH H10-6

Table 7 – Proposed Connection to MH H10-6

Manhole	Rim (ft)	Depth (ft)	Length (ft)	INV (ft)	Slope (ft/ft)	MIN S (ft/ft)	Diameter (in)	d/D (in/in)	Velocity (ft/s)	PWWF (gpm)
H10-6	284.8	6.95		277.84			15			
1	284.8	6.51	300	278.29	0.0015	0.0015	15	0.54	2.10	643
2	284.9	6.16	300	278.74	0.0015	0.0015	15	0.54	2.10	643
3	285.7	6.51	300	279.19	0.0015	0.0015	15	0.54	2.10	643
4	287	7.36	300	279.64	0.0015	0.0015	15	0.54	2.10	643
5	288	7.91	300	280.09	0.0015	0.0015	15	0.54	2.10	643
6	290	9.46	300	280.54	0.0015	0.0015	15	0.54	2.10	643
7	293	8	300	285	0.0149	0.002	12	0.4	4.99	643
8	296	8	300	288	0.0100	0.002	12	0.45	4.33	643
9	301	8	300	293	0.0167	0.002	12	0.39	5.21	643
10	307.5	8	300	299.5	0.0217	0.0025	10	0.47	5.75	643
11	311	8	300	303	0.0117	0.002	12	0.43	4.58	643
12	315.5	8	300	307.5	0.0150	0.002	12	0.36	4.75	527
13	320	11	300	309	0.0050	0.002	12	0.48	3.15	527
14	322	12.1	300	309.9	0.0030	0.002	12	0.56	2.60	527
15	320.5	9.7	300	310.8	0.0030	0.002	12	0.56	2.60	527
16	319	7.32	300	311.68	0.0029	0.002	12	0.57	2.59	527
20	331	18.7	220	312.3	0.0028	0.002	12	0.57	2.54	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.48	2.57	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.0133	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.0333	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH H11-39:

This connection occurs at the intersection of Meridian Street and El Toro Drive. This connection would require approximately 2100 LF of off-site gravity sanitary sewer pipe and 6 off-site manholes. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment.

The pipeline connection to MH H11-39 is shown in Attachment 3. The different flows enter from different positions along the gravity line. Table 8 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH H11-39. Figure 7 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH H11-39.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case because those lands are downhill of this proposed connection.

For this connection the proposed gravity pipe would have to cross under the creek in the Meridian Street right-of-way, which has an estimated streambed elevation of 310-ft. This requires manholes 5 and 6 to have invert elevations of 305-ft or lower for a gravity crossing. MH H11-39 has an invert of 289.45-ft, so the average slope from MH H11-39 and MH 5 is 0.010 ft/ft, which is allowable for any diameter pipeline.

Meridian Street is two-lanes in both directions, but avoiding existing utilities and laterals along this alignment may make construction difficult. Three 8-in sewer lines already connect to MH H11-39. The proposed connection may require adding a new manhole elsewhere on an existing pipeline.

The existing gravity line may not have available capacity for the connection to MH H11-39. The Villages subdivision and Brigantino Estates Units 2 & 3 have 186 homes which will contribute approximately 71 gpm PWWF to the system flow at MH H11-39. Manhole H11-39 connects to a drop manhole, H11-38, adjacent to it in the intersection. Downstream of H11-38, the limiting segment appears to be a 12-in pipe between MH H11-28 and MH H11-32 with a slope of 0.002 ft/ft. Assuming a d/D of 0.67, the pipe has a capacity of 564 gpm. This segment may have sufficient capacity to carry the existing system flow, the 71 gpm from The Villages and Brigantino Estates Units 2 & 3, and the 135 gpm from Sywak, but it likely does not have capacity to also serve the parcels adjacent to Sywak, unless the pipeline is replaced with a larger-diameter sewer. The sewer transitions to a 15-inch diameter pipeline at MH H11-22, so the downstream system may have available capacity. This should be confirmed with the city's system model.

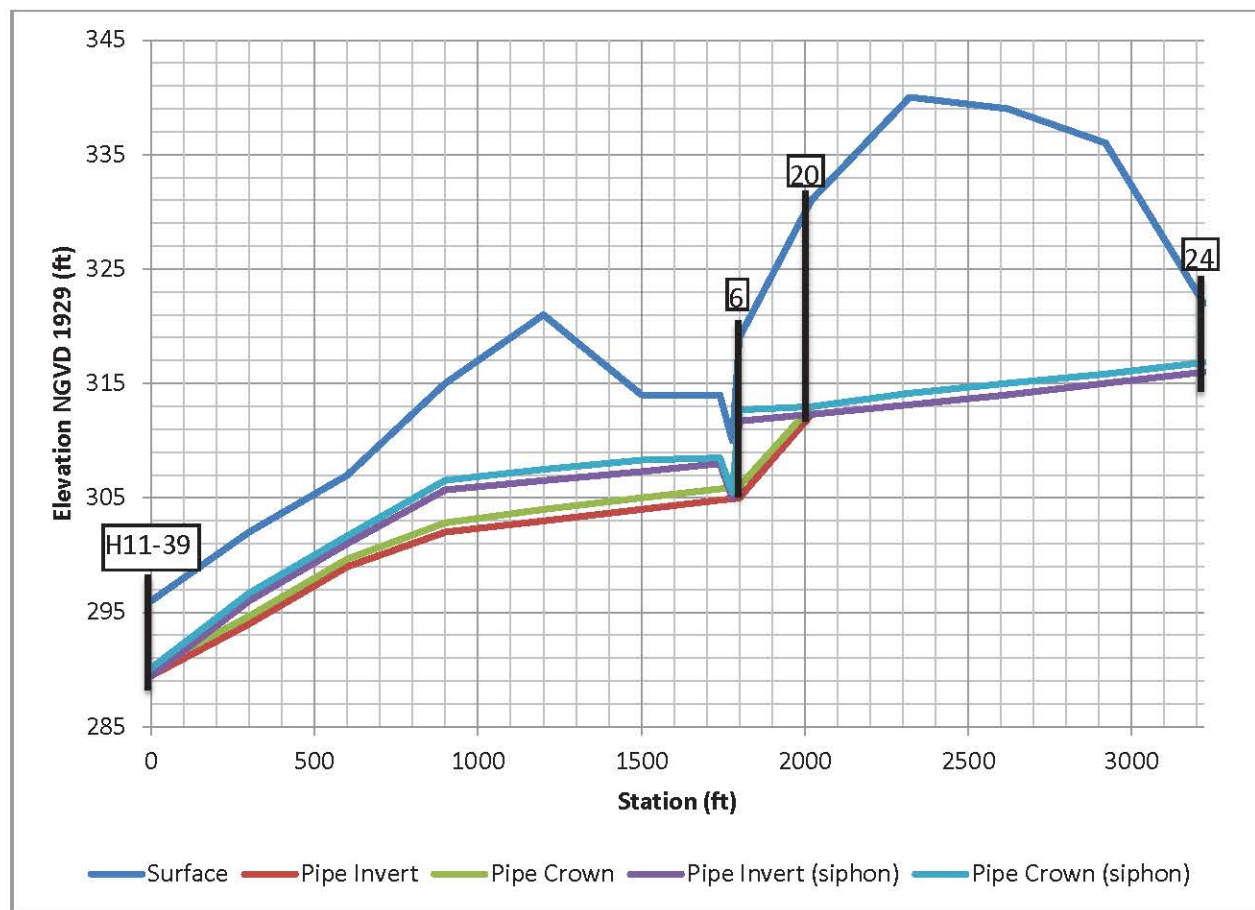


Figure 7 – Profile for Connection at MH H11-39

Table 8 – Proposed Connection to MH H11-39

Manhole	Rim (ft)	Depth (ft)	Length (ft)	INV (ft)	Slope (ft/ft)	MIN S (ft/ft)	Diameter (in)	d/D (in/in)	Velocity (ft/s)	PWWF (gpm)
H11-39	296	6.55		289.45						
1	302	8	300	294	0.015	0.0025	10	0.47	4.81	527
2	307	8	300	299	0.017	0.0025	10	0.45	4.95	527
3	315	13	300	302	0.010	0.002	12	0.4	4.09	527
4	321	18	300	303	0.0033	0.002	12	0.55	2.72	527
5	314	10	300	304	0.0033	0.002	12	0.55	2.72	527
6	319	14	300	305	0.0033	0.002	12	0.55	2.72	527
20	331	18.7	220	312.3	0.033	0.0025	10	0.38	6.43	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.55	2.51	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.002	12	0.48	2.57	426
24	322	6	300	316	0.0033	0.002	12	0.46	2.52	392
25	330	6	300	324	0.027	0.0035	8	0.27	4.13	135
26	338	6	300	332	0.027	0.0035	8	0.27	4.13	135
27	343	6	300	337	0.017	0.0035	8	0.3	3.47	135
28	350	6	300	344	0.023	0.0035	8	0.28	3.95	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.32	3.21	135
31	350	6	300	344	0.033	0.0035	8	0.25	4.43	135
32	353	6	300	347	0.01	0.0035	8	0.34	2.87	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.25	4.64	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.46	1.97	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.46	1.97	135
43	354	6	300	347.15	0.0035	0.0035	8	0.46	1.97	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.46	1.97	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.46	1.97	135
52	333	6	300	327	0.0035	0.0035	8	0.46	1.97	135

Connection to MH I11-2:

This connection occurs at the intersection of Meridian Street and Clearview Drive. This connection would require about 300 LF of off-site gravity sanitary sewer pipe, 600 LF of sanitary sewer forcemain, and a lift station. The lift station is required to pump from the west side of the creek to MH 11-2, which is too high to reach by gravity. The pipe sizing was determined based on the flow in each sanitary sewer pipe segment.

The pipeline connection to MH I11-2 is shown in Attachment 4. The different flows enter from different positions along the gravity line. Table 9 contains general information for each manhole and pipe run for the sanitary sewer connection from the site to MH I11-2. Figure 8 is a profile for this connection along the proposed sewer pipe. Station 0 occurs at MH I11-2.

On-site pipes are a minimum of 8-inch, with larger pipes required for the main gravity line on the north end of the property. Each on-site sewer line running north is assumed to contribute 25% of the total on-site flow to manhole 20, 21, 22, and 23. Manhole 24 at northeast corner of the property is assumed to receive potential flows from the properties to the east. The flows from the north of the Sywak property are not considered in this case. These flows would have to travel uphill to connect to this proposed connection.

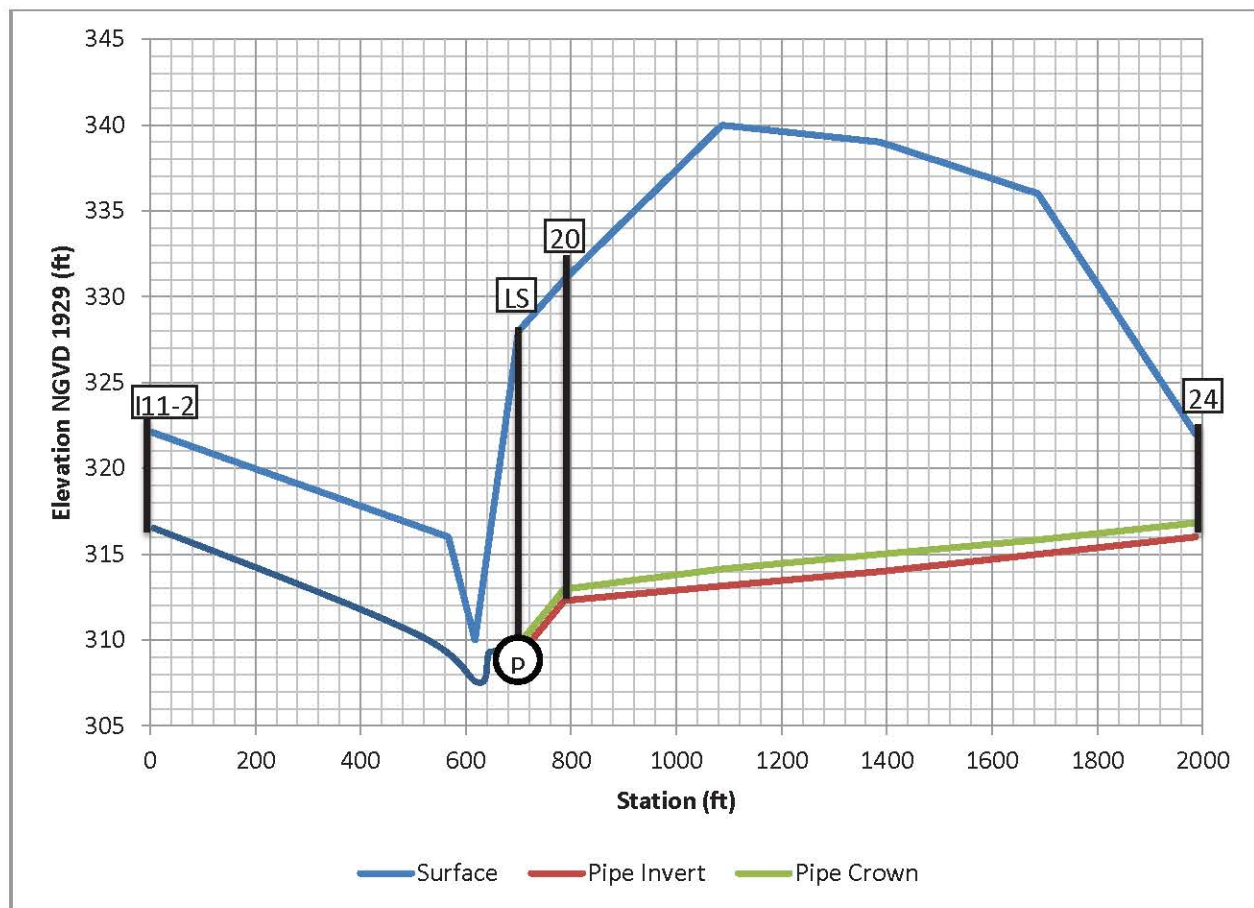


Figure 8 – Profile for Connection at MH I11-2

The invert of MH I11-2 is 316.77-ft, and the creek in the Meridian Street right-of-way has an estimated streambed elevation of 310-ft. It is not possible to cross the creek in a gravity pipeline and connect to MH I11-2 without including a sewer pump station. A pump station may be located on either side of the creek. Assuming it is installed on the east side, the pumping water level would be approximately elevation 310-ft, the pipeline would be about 700-ft long, and the pumps would be between 4.0 and 7.5 hp, depending upon the size of the force main pipeline (see Table 10).

The PWWF rate of 530 gpm is used to calculate the required pump sizes in Table 10. Friction losses are calculated using the Hazen-Williams equation for a 700-ft force main, static lift is based upon the receiving manhole invert and the assumed pumping elevation, and the minor losses are assumed. Horsepower conservatively assumes 50% pump efficiency.

$$\text{Hazen-Williams Equation: } h_f = \frac{(10.44)(L)(Q_{gpm})^{1.85}}{(C)^{1.85}(d)^{4.87}}$$

where: h_f is the friction loss in feet

L is pipeline length in feet

Q is the flow rate in gpm

C is the Hazen-Williams friction factor (130 for plastic pipe)

D is the pipe diameter in inches

10.44 is a conversion constant

$$\text{Pump power equation: } HP = \frac{(TDH)(Q)}{(3960)(Eff)}$$

where: HP is the pump horsepower

TDH is the total dynamic head (total of friction and static lift)

Q is the flow rate in gpm

Eff is the pump efficiency, as a decimal

3960 is a conversion constant

Table 10 – Estimated Lift Station Sizing

Material	DR	Nom ID	Act. ID	Q	V	Haz-Will	L	Loss	Static Lift	Minor Loss	TDH	HP
		in	in	gpm	ft/s	C	ft	ft	ft	ft	ft	
PVC, C900	18	6	6.09	530	5.84	130	700	14.9	8	5	27.9	7.5
PVC, C900	18	8	7.98	530	3.40	130	700	4.0	8	5	17.0	4.5
PVC, C900	18	10	9.79	530	2.26	130	700	1.5	8	5	14.5	3.9

The existing gravity system at MH I11-2 may have sufficient capacity to receive flows from the Sywak property. The pipes in Meridian Street are 8-inch and installed at slopes greater than 0.01 ft/ft, which should allow flows up to 425 gpm. It is unlikely that the system could accommodate flows from the adjacent property as well, unless the existing sewers were replaced with larger diameter pipes, including the downstream 12-inch segment identified in the previous option.

Table 9 – Proposed Connection to MH I11-2

Manhole	Rim (ft)	Depth (ft)	Length (ft)	INV (ft)	Slope (ft/ft)	MIN S (ft/ft)	Diameter (in)	d/D (in/in)	Velocity (ft/s)	PWWF (gpm)
I11-2	322.14	5.37		316.77						
1	317	6	300	311	-0.019					527
2	316	11.9	267	304.1	-0.026					527
20	331	18.7	220	312.3	0.037	0.0035	8	0.5	6.68	527
21	340	26.85	300	313.15	0.0028	0.002	12	0.56	2.53	493
22	339	25	300	314	0.0028	0.002	12	0.53	2.47	460
23	336	21	300	315	0.0033	0.0025	10	0.65	2.55	426
24	322	6	300	316	0.0033	0.0025	10	0.61	2.50	392
25	330	6	300	324	0.027	0.0035	8	0.4	5.10	135
26	338	6	300	332	0.027	0.0035	8	0.4	5.10	135
27	343	6	300	337	0.017	0.0035	8	0.45	4.26	135
28	350	6	300	344	0.023	0.0035	8	0.41	4.83	135
23	336	6		330		0.0035	8			
30	340	6	300	334	0.013	0.0035	8	0.48	3.93	135
31	350	6	300	344	0.033	0.0035	8	0.37	5.48	135
32	353	6	300	347	0.01	0.0035	8	0.52	3.52	135
22	339	6		333		0.0035	8			
40	350	6	300	344	0.037	0.0035	8	0.36	5.67	135
41	355	9.95	300	345.05	0.0035	0.0035	8	0.61	2.21	135
42	356	9.9	300	346.1	0.0035	0.0035	8	0.61	2.21	135
43	354	6	300	347.15	0.0035	0.0035	8	0.61	2.21	135
21	340	16.15		323.85		0.0035	8			
50	338	13.1	300	324.9	0.0035	0.0035	8	0.61	2.21	135
51	339	13.05	300	325.95	0.0035	0.0035	8	0.61	2.21	135
52	333	6	300	327	0.0035	0.0035	8	0.61	2.21	135

References:

Drawing Set: Aerial Photography for City of Hollister, prepared by MacKay & Soms Infrastructure Group, 1999

Drawing Set: City of Hollister Sewer Atlas, prepared by Wallace Group, 2010

City of Hollister General Plan, 2005

City of Hollister General Plan Land Use Map, Amended January 2009

Attachments:

1. Figure: Sanitary sewer connection at The Villages SSMH-19
2. Figure: Sanitary sewer connection at MH H10-6
3. Figure: Sanitary sewer connection at MH H11-39
4. Figure: Sanitary sewer connection at MH I11-2
5. City of Hollister Sewer Atlas, Sanitary Sewer Sheets G10, H10, H11, I11 and I12

From: [Jim+Cindy Boyer](#)
To: [GeneralPlan](#)
Subject: plans for the vacant parcel behind R.O.Hardin
Date: Monday, May 8, 2023 10:41:34 AM

Dear Ms. Hopper,

I am a resident on B Street and I am writing to object to the plans for increasing the density of the 8.25 acre vacant parcel at the west end of Glenmore Drive. I am concerned about the amount of traffic it would put in the neighborhood. Even on B Street we have a lot of traffic coming from the west and headed to the high school or beyond. I can just imagine how Glenmore Drive and Vali Way would be affected with dense traffic from new residents living in that area if the units per acre was increased.

I would strongly urge you and the City of Hollister to keep the current density of 8 units per acre for that neighborhood. Surely there are other areas in Hollister where a high density neighborhood could be constructed with better allowance for traffic flow.

Sincerely,

Cindy Boyer

From: [Pat Williams](#)
To: [GeneralPlan](#)
Subject: general plan update
Date: Monday, May 8, 2023 9:54:01 AM

5.8.2023

Christy Hopper
City of Hollister

I have been informed that the City of Hollister is updating its General Plan.
The proposal is to increase the current density for the 8.25 acre vacant parcel at the West end of Glenmore Drive from 8 units/acre to a maximum of 60 units/gross acre.
This is bad enough.
BUT...the enactment ordinance to increase the density up to 99 units/gross acre is worse.
Please do what you can to keep the current density to 8 units/acre.

Thank you,
Patrick Williams
Sharon Williams



Hollister, CA 95023

From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#)
Subject: PW: Land Designation for [REDACTED]
Date: Friday, May 12, 2023 10:36:34 AM

Good morning Carey and Dave,

Please see the comment below from Megan Avidano

Thank you,

Ambur



Ambur Cameron, Senior Planner
City of Hollister Development Services Department
339 Fifth Street, Hollister, CA 95023
P (831) 636-4360 Ext. 1223
E ambur.cameron@hollister.ca.gov
W hollister.ca.gov

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General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p 1:00p - 4:30p

Friday – Sunday CLOSED

All Planning Applications require an appointment with a City Planner for submittal.

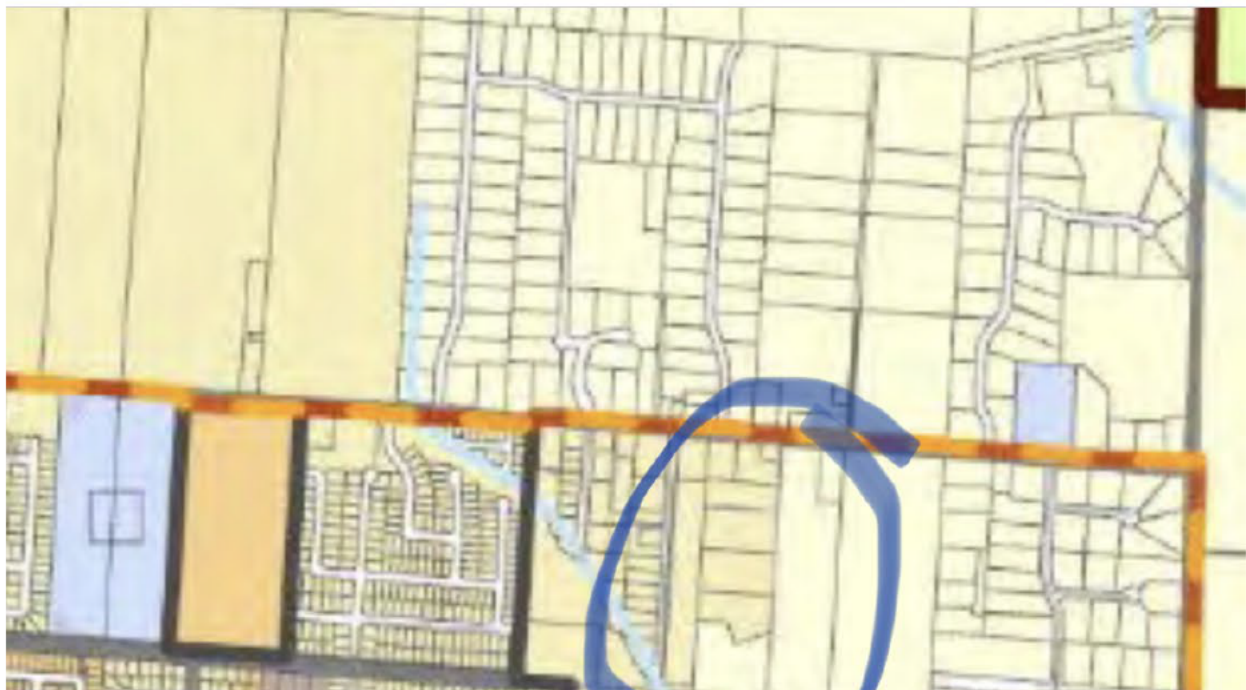
From: Megan Avidano [REDACTED]
Sent: Thursday, May 11, 2023 6:29 PM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: Land Designation for [REDACTED]

Hello,
I would like to know why my property at [REDACTED] along with my neighbors properties are being designated as "Low Density Residential" instead of "Residential Estate"? These properties are all 1 acre plus lots with single family homes on them. We have septic systems and not city sewer. We face and are next to fields and areas that are designated as "Residential Estates."
I've included a map with a circle for the area I'm referencing.
Thank you,
Megan Avidano
[REDACTED]

6:15



[https://holli...
hollister2040.org](https://hollister2040.org)





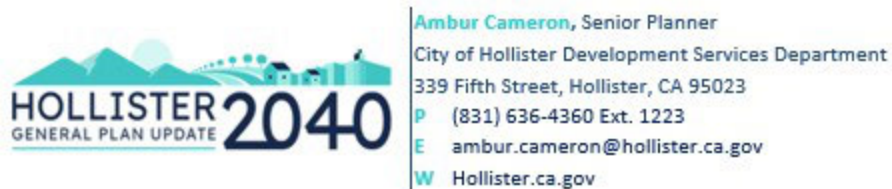
From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#); [Christine Hopper](#)
Subject: FW: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for Mixed Use Zoning Districts
Date: Monday, May 15, 2023 1:04:43 PM
Attachments: [HollisterPolicyOptionsMemo 30521.pdf](#)
[PolicyOpt AppendixC 30521.pdf](#)

Good afternoon Carey & David,

Please see Mr. Shahinian's email below regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Lee Shahinian [REDACTED]
Sent: Monday, May 15, 2023 11:56 AM
To: GeneralPlan <generalplan@hollister.ca.gov>
Cc: Eva Kelly <eva.kelly@hollister.ca.gov>
Subject: Comments on the April 2023 draft General Plan Update - Proposed Minimum Density for Mixed Use Zoning Districts

Good morning,

My family owns the 4.65 acres in downtown Hollister on which Republic Urban Properties (RUP) is proposing a mixed-use development. On behalf of the Shahinian family, I would like to voice our strong support for this project under consideration by the City of Hollister.

During the 35 years that we have owned this land in downtown Hollister, many buyers have approached us, but typically they were only interested in developing a corner lot for fast food. Our site has remained vacant along the City's major downtown corridor for far too long. Republic's high-density infill project, including live-work units along San Felipe, appears to be aligned with the City's housing requirements and their desire to keep Hollister residents in Hollister.

Reviewing the April 2023 General Plan 2040 draft, my family and RUP were pleased to see the mixed-use zoning for our property. However, the required minimum of 30 du/acre would render RUP's proposed project non-conforming. From the outset, RUP has designed their high-density mixed-use infill project for our property to conform with the attached GPA documents, which propose a minimum of 20 du/acre for our property.

Furthermore, RUP has explained to me that going from 20 du/acre to 30 du/acre makes their project no longer financially feasible, because construction costs per unit are much higher for 30 du/acre than for 20 du/acre. My family hopes you will modify the April 2023 General Plan Draft to allow mixed use with a minimum of 20 du/acre for our property. This will allow RUP to move forward with their development.

Thank you for your consideration.

Sincerely,
Lee Shahinian, Jr.
Managing Owner

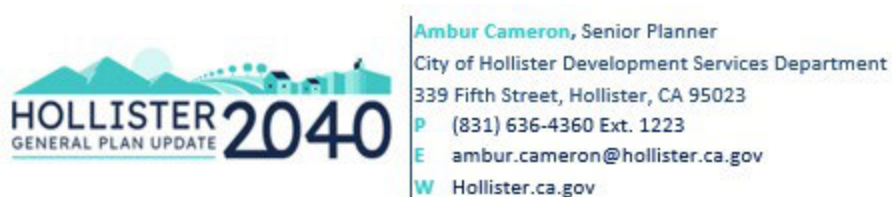

From: [Ambur Cameron](#)
To: [David Early](#); [Carey Stone](#)
Cc: [Eva Kelly](#)
Subject: FW: Hollister 2040 plan
Date: Monday, May 22, 2023 11:13:13 AM

Good morning David and Carey,

Please see Branden Khan's comments below regarding the City of Hollister's Draft 2040 General Plan.

Thank you,

Ambur



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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p
Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Branden Khan [REDACTED]
Sent: Friday, May 19, 2023 7:09 PM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: Hollister 2040 plan

Hello,

my name is Branden Khan. I am a local resident here in Hollister and i Have lived here continuously since 2009. My wife and I are raising our two boys aged six and two here in Hollister. I like the Hollister 2040 general plan and many aspects of it, especially increasing the walk ability and bike ability throughout town. We live in Sunnyslope village and I frequently take my E bike down Hillcrest and down Sunnyslope to run errands around town. Both of those roads but especially Sunnyslope Road have many sections that are not safe for bicyclists with very little shoulder to be a safe enough distance away from cars without them having to swing wide around me. I know there are many other areas like this throughout town. What I am Requesting is on those roads but every single road throughout town is to have a connected protected bike lane network, so that not only can I feel and be safer, but many other people can feel safer biking around town, which will alleviate congestion on our roads and alleviate the wear and tear that is caused by High automobile usage. Many areas around the world that have implemented biking infrastructure like this have given people the freedom to

not have to jump in their cars just to go five minutes down the road for basic errands. This will also make it so that parents will feel safer having their kids bike throughout town, bike to school, and can give them more freedom instead of having to rely on their parents to take them from place to place. At the moment we don't feel safe biking with our two boys in town due to the lack of infrastructure so we will be going to the Monterey bay coast trail to do that. Having connected infrastructure in town could give us an opportunity to enjoy our town from a biking perspective without having to drive over an hour one-way to have that experience elsewhere. If we build a connected bike net work with protected bike lanes, we could become a destination For people out of town to experience this firsthand just like how people will travel from all over the world to experience the Netherlands and other European countries connected and protected bike infrastructure where anyone can feel safe riding a bike. This also is much better for our mental and physical health versus continuing to rely excessively on car-based infrastructure.

I agree wholeheartedly on doing everything we can to increase public transit ridership which will help get more cars off of the road alleviating traffic congestion. Texas is a great example of how continuing to add more lanes of highway infrastructure do not solve traffic problems, but only induce Demand to make traffic problems worse as more lanes are added. I think it is sorely needed that both Highway 25 and 156 have two lanes in each direction but the more lanes we are after that do you have a decreasing Gains. Will be looking to hear about potential Caltrain service all the way to here in Hollister plus I was told by the last mayor that there are potential plans to have a dedicated bus lane which I think I saw in the 2040 Hollister general plan that would go from Hollister on Highway 25 connecting to 101 which would significantly increase timeliness which could also incentivize more people to start taking the bus from Cal train back-and-forth over sitting in their car for sometimes hours on our congested roads. Public transportation is only Longterm solution out of our traffic and congestion issues on both of our major highways going in and out of town.

I love the fact that there is a plan to include more affordable housing development, which is did so badly to help with not only are States housing shortage, but also prevent people from going homeless due to ever increasing housing costs. We cannot continue to build out single-family housing throughout Hollister as it is not economically sustainable for our city and county budget unless property taxes were to be significantly increased to maintain the miles and miles of paved road with water, sewer infrastructure throughout. We need to minimize single-family housing development as much as possible and prioritize much more dense development that our town hasn't seen much of in order to make it more economically sustainable for our city and county, but also provide people more affordable options versus single-family housing. In addition to that I would like to see us re-zone as much of the town for mixed use development Where you can have retail space or restaurant space on the ground and then have housing built above that which will also help decrease automobile usage and give people better quality of life. We need to streamline development of accessory dwelling units as well. Plus, we should make it much easier for people throughout all the currently single family zone neighborhoods to open up and build businesses on their own property so people don't have to walk and bike and hop in their cars as much to go to the commercial centers of town, this can make the town a much more colorful and inviting place to be.

Thank you for taking the time to read this! If you would like to talk or have any questions or concerns, please feel free to call me or text me on my cell [REDACTED]

Sincerely,

Branden Khan

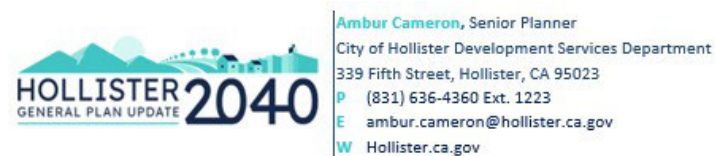
From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#)
Subject: FW: I see you have been busy... update on my senior project - GP plan comments need?
Date: Tuesday, May 30, 2023 4:25:51 PM
Attachments: [image001.png](#)

Good afternoon Carey and David,

Please see the email below from Tod DuBois. Based upon the forwarded email from Christy, we're assuming that she would like us to provide PlaceWorks with Mr. DuBois's email so that it may be included in the General Plan Comments for Council's consideration.

Thank you,

Ambur



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General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Christine Hopper
Sent: Monday, May 22, 2023 9:58 AM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: FW: I see you have been busy... update on my senior project - GP plan comments need?

All,

This comment is in reference to the proposed senior housing project at Park Hill.



From: Tod duBois [REDACTED]
Sent: Saturday, May 20, 2023 12:21 AM
To: Christine Hopper <christine.hopper@hollister.ca.gov>
Subject: I see you have been busy... update on my senior project - GP plan comments need?

Hi Christine,

So I see the new GP and understand why you have been so busy. I also see in the GP a minor but maybe significant zoning tweak for my parcel. I really need to study that in more detail but wanted to ping you on it. Any concern about

the change from R4- Performance Overlay to HDR for my senior housing project? My understanding is the Performance Overlay gave some flexibility to do senior and more added services like memory care/assisted living - I am concerned that HDR would not. And if not do we risk a conflict right about the time I get a complete application in?

Update where I am at:

I have ordered a market study to determine the types and number of units of senior housing units that will be absorbed by the local market. Once that is done - in June, then I can hire the architect to create a design. So maybe 6-9 months to get a complete pre-application in and of course a lot of costs to get there.

I really need to make sure and do everything possible to mitigate conflict or surprises, I simply cannot fail on this project.

Thank you for helping guide this to a win for the community. I still do not know if the new road to park hill is viable for the city. It's a huge risk area for the project.

best regards Tod duBois

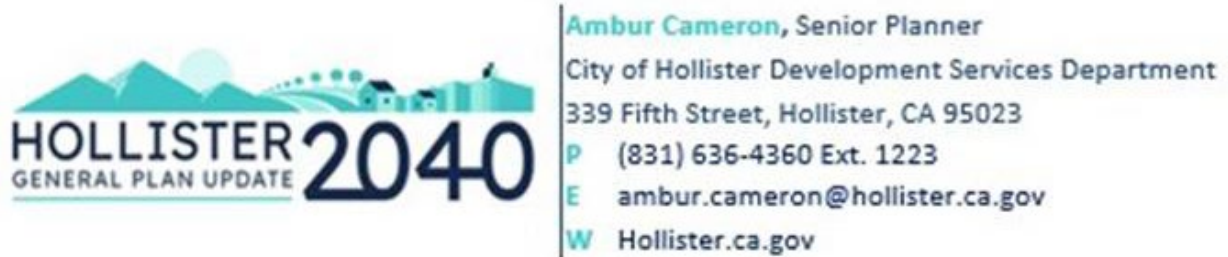
From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#)
Subject: RE: Density increase for Glenmore drive
Date: Tuesday, May 30, 2023 4:40:43 PM

Good afternoon Carey and David,

Please see the email below from Dengzhi Zhang regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



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DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Dengzhi Zhang [REDACTED]
Sent: Monday, May 22, 2023 12:52 PM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: Density increase for Glenmore drive

Dear Christy Hopper,

I received a letter from the owner of the 8.25 acre vacant parcel in Glenmore drive. It seems you plan to increase the density. We have a bunch of vacant land in hollister. May I know why you want to change the original plan?

Regards, Dan

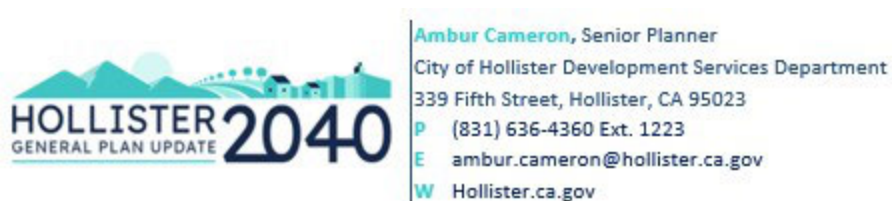
From: [Ambur Cameron](#)
To: [Carey Stone](#); [David Early](#)
Cc: [Eva Kelly](#)
Subject: FW: Groundwater Supply-Hollister GP Update Comment
Date: Tuesday, May 30, 2023 4:36:11 PM

Good afternoon Carey and David,

Please see the email below from Jim Safranek regarding the City of Hollister's Draft 2040 General Plan Update.

Thank you,

Ambur



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General Plan Update Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday – Thursday 8:30a - 12:00p, 1:00p - 4:30p
Friday – Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

The 2020 GP claims groundwater overdraft for Hollister has been eliminated by the SBCWD. Growth is dependent upon secure and long-lasting water supplies, and 73% of current Hollister water supply comes from groundwater.

Is the 2020 GP claim regarding groundwater supply as managed by SBCWD still accurate?

Are any wells currently or historically showing signs of overdraft?

How much groundwater is going to be available to Hollister over the next 20-50 years?

Is long-term groundwater use analyzed and included in the climate adaptation section of the GP update?

Is the future status of water from the CVP included in long term hydrologic and climate change sections of the GP update?

Please confirm you've received these GP update comments.

Jim Safranek



Sent from my iPad

From: [Ruby Varner](#)
To: [GeneralPlan](#)
Cc: [Mike Hogg](#)
Subject: Increase General Density for 8.25 Acre vacant parcel at West End of Glenmore Drive
Date: Wednesday, May 31, 2023 6:25:26 PM

The proposal to increase the maximum from 8 units/acre to 60 units (possibly 99 units/gross/acre) for the vacant lot cited in the subject above will seriously create traffic issues on both A Street and Powell Street. This proposal to create as many as 822 units on 8.25 acres would most likely require 3 story buildings.

Since I own property on A Street, I am firmly against such high density building and request that this proposal be reconsidered and that the current density of 8 units/acre remain to match that of the surrounding neighborhood's existing single detached homes.

From: [April Mistretta](#)
To: [GeneralPlan](#)
Subject: Planned building in our Neighborhood
Date: Thursday, June 1, 2023 1:27:07 PM

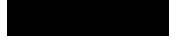
Good Afternoon-

It was brought to my neighbor's and I's attention that a small plot of land that is between Vali Way, Glen View Drive and backs up to RO Hardin School is being proposed to build an 800 unit low income apartment building! I highly oppose this plan! We are all long time residents of this neighborhood flocked with older homes. Not only would this be unsightly but adding 1600 residents easily, over 800 cars traveling the streets surrounding us is not feasible. Our kids enjoy playing outside in the streets with all the neighborhood kids, this would not be able to happen with the increase of traffic down our small street this is planned to be used as a throughway to the building. PLEASE reconsider relocating this building to an area that can handle the influx of traffic that our neighborhood cannot. I can only imagine what this would do to our home values as well.

I doubt anyone on this committee would want a large apartment building like this built in their backyard.

Thank you for your consideration.

April Mistretta



From: [Eva Kelly](#)
To: [Carey Stone](#)
Cc: [Ambur Cameron](#)
Subject: FW: Railway Input and Bicycle Paths
Date: Friday, June 2, 2023 8:57:55 AM
Attachments: [image001.png](#)

Good morning Carey,

Please see the email below regarding the General Plan.

Best,
Eva



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General Plan Update

Hollister2040.org | generalplan@hollister.ca.gov

DEVELOPMENT SERVICES DEPT. REGULAR PUBLIC HOURS

Monday - Thursday 8:30a - 12:00p, 1:00p - 4:30p

Friday - Sunday CLOSED

ALL Planning Applications require an appointment with a City Planner for submittal.

From: Adrian Garcia [REDACTED]
Sent: Friday, June 2, 2023 8:21 AM
To: GeneralPlan <generalplan@hollister.ca.gov>
Subject: Railway Input and Bicycle Paths

To the city,

All of what I've heard about this plan is fantastic.

The expansion of bicycling infrastructure is something I'm really excited to see in the near future. A town like Hollister, where businesses are fairly clustered together, would benefit from a web of safe bike lanes. I'd just like to add that bike racks should be offered to businesses. Getting there is one thing, but securing your bike is another.

A side note: It'd be really fun to have a safe bike trail to San Juan as a recreational trail to the mission and as a connection to more trails along De Anza. Or, even a wine bike trail along Cienega Road.

What I wish was more upfront was the implementation of a useful railway. It'd be great to have a line to Salinas and/or Gilroy at minimum. Salinas has a station/AMTRAK that

connects with the Coast Starlight, which may be useful to commuters or for travel purposes.

Much support from a resident,
Adrian Garcia

June 15, 2023

VIA E-MAIL AND
FIRST CLASS MAIL

City of Hollister Development Services
Department – Planning Division
ATTN: Eva Kelly, Interim Planning Manager
339 Fifth Street
Hollister, CA 95023
generalplan@hollister.ca.gov
eva.kelly@hollister.ca.gov

Re: Hollister GPU 2040, CAP, and ALPP EIR
Comment on Hollister 2040 General Plan and Draft Environmental Impact Report
(State Clearinghouse No. 2021040277)

Dear Ms. Kelly:

Thank you for the opportunity to comment on the City of Hollister's (the "City") Draft Environmental Impact Report ("DEIR") for the Hollister 2040 General Plan update, and the content of the proposed General Plan update itself.

This firm represents Anderson Homes ("Anderson") in connection with the Santana Ranch Specific Plan project ("Project"). It is our understanding that the City is considering retiring its Urban Service Area ("USA") as part of the City's 2040 General Plan update. (See, 2020 Draft General Plan, p. LU-2.)¹ The purpose of this letter is to respectfully request that, at a minimum, the City revise the proposed updated General Plan to make clear that regardless of the ultimate fate of the City's USA, the City will not revoke services from developments promised or already receiving utility services from the City.

Specifically, Anderson has a significant and legally protected interest in continued sewer service for the Project, and for over a decade has relied on the City's commitment to provide sewer service, and in fact is already receiving sewer service from the City for the portions of the Project that are already operational.

¹ At the City's May 18, 2023 workshop on the General Plan Update, the City's contract planner indicated that the City was considering contracting the City's SOI and terminating the USA.

City of Hollister Development Services
Department – Planning Division
June 15, 2023
Page 2

I. Background

The Project is located in an unincorporated area of San Benito County, outside of the City’s Sphere of Influence (“SOI”) but within the City’s USA, as shown on **Exhibit 1**. The Project was approved by the County Board of Supervisors in 2010, allowing a maximum of 1,092 residential dwelling units (both multifamily and single family), approximately 106,000 square feet of commercial and mixed uses, a 12 acre elementary school, and 18 acres of formal community and neighborhood parks as well as additional park and recreational facilities. The County Board of Supervisors also approved an environmental impact report (“EIR”) analyzing all of the impacts of the Project on the environment, and a development agreement (San Benito County Recorder Document No. 2011-0000142), which vests Anderson’s land use approvals that allow development of the above-described Project.

On November 29, 2012, the San Benito County Local Agency Formation Commission (“LAFCo”) approved Resolution No. 2012-03 (attached hereto as **Exhibit 2**), expanding the City’s wastewater services into the USA. On November 7, 2013, the City indicated that the Project would receive City sewer services because it was located within the USA, similar to a September 2, 2008 letter confirming the same. (See, **Exhibits 3 and 4**.) Carrying through to today, the City’s Sanitary Sewer Collection Master Plan – last updated in March 2018 – identifies the Project as an approved development that will receive City sewer service. (See, **Exhibit 5**, pp. 2-6, 2-7; Figure 2-4.)

After receiving confirmation from the City that sewer services were available to the Project, Anderson began construction. At this time, 513 single family residential units are already occupied (Phases 1 through 6), 202 lots are in various stages of homebuilding from ready to start construction to recently occupied (Phases 7 & 8), another 63 units (Phase 9) are in plan check, and improvement plans for the remaining phases are in process. Additionally, 56 multifamily units are also occupied or ready for occupancy, construction is commencing on another 80 multifamily units, the recently constructed school serves approximately 800 students, and park uses are open to the public. All of the foregoing uses (including restrooms in the park) are connected to City sewer services.

For the reasons set forth in this letter, the City should not retire its USA. Alternatively, in the event the City still considers retiring or modifying the USA, Anderson respectfully requests that the City make clear it will continue providing services to the entire approved Project - both the portions already constructed and occupied, and the remaining phases yet to be built.

II. State Law Does Not Require Retirement of the Urban Services Area

Government Code Section 56133(a) requires a city to seek approval from the LAFCo “before providing new or extended services outside of its jurisdictional boundary.” As explained by the California Court of Appeals, subdivision (a) is the only limitation on the City. (*Community*

City of Hollister Development Services
Department – Planning Division
June 15, 2023
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Water Coalition v. Santa Cruz Cty. Local Agency Formation Com. (2011) 200 Cal.App.4th 1317, 1327.) The remaining provisions of Section 56133 apply only to the LAFCo. (*Id.*) Here, expansion of wastewater services into the USA complies with Government Code Section 56133 because the San Benito County LAFCo approved expansion of wastewater services to the Urban Services Area pursuant to Resolution No. 2012-03. Therefore, the City has complied with the required provisions of Section 56133 and there is no requirement that the Urban Service Area be retired.

III. The City Should Guarantee Continued Sewer Service to the Entire Project

A. Santana Ranch Was Developed in Reliance on the City’s Representations of Available Sewer Services

In the event that the City decides to retire the USA, Anderson contends that both as a matter of law and basic fairness, the City must continue to provide the Project with sewer service. “It has long been the rule in this state and in other jurisdictions that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government he acquired a vested right to complete construction in accordance with the terms of the permit.” (*Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791.) Further, where a city affirmatively represents the conditions for the development of a property, the city will be estopped from changing those conditions down the road. (*See City of Imperial Beach v. Algert* (1962) 200 Cal.App.2d 48.)

Here, Anderson expended a substantial amount of time designing and constructing the Project in reliance on the City’s previous representations that sewer services would be provided thereto. On November 7, 2013, the City affirmatively represented that the USA, including Santana Ranch, would be serviced by the City’s sewer system. Further, as expressly acknowledged in the City’s DEIR, the Project receives sewer services pursuant to a Memorandum of Understanding (“MOU”) among the City, County, and the utility providers servicing the unincorporated areas of the County. This MOU further demonstrates that Anderson’s reliance on the City’s representations that sewer services would be provided to the development was reasonable and justified. Indeed, the City’s sewer treatment plant was built as a *regional* facility with developments such as the Project in mind, and was intended to handle more than only the City’s sewer needs.

The Project’s existing residents currently rely on the City’s sewer services to serve their homes, parks, and schools. Cutting off wastewater services to these residents, approximately 800 students, and other guests/users of the park facilities, would be improper and would create serious health and safety impacts.

City of Hollister Development Services
Department – Planning Division
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B. Anderson Homes Has a Property Interest in Continued Utility Service that Cannot be Taken Without Just Compensation

The Federal and California Constitutions prohibit the government from taking or damaging private property unless just compensation is paid to the property owner. When the government takes or damages this property right without paying the owner just compensation, the owner may bring a claim for inverse condemnation against the government. It is well established in California that there is a significant difference between an existing utility customer and a prospective user, with existing customers having a property right in continued service. (*Gilbert v. State of California* (1990) 218 Cal.App.3d 234, 250; *Hollister Park Inv. Co. v. Coleta Cty. Water Dist.* (1978) 82 Cal.App.3d 290; *Swanson v. Marin Mun. Water Dist.* (1976) 56 Cal.App.3d 512.) Here, as an existing and permitted wastewater user, the Project's sewer connection – for both existing and already approved portions of the Project – cannot be taken without just compensation. (*Id.*)

IV. If the USA is Retired, the EIR Must be Revised to Reflect the Resulting Impacts

In the event the City were to retire the USA and stop providing sewer service for the Project, the DEIR would need to be revised to analyze the environmental impacts of the Project obtaining new sewer service, which would presumably include construction of new treatment facilities and other infrastructure, resulting in increased environmental effects. These impacts would be a reasonably foreseeable consequence of retiring the USA, particularly if that action was applied to existing connections or already entitled and approved projects, such as the Project here. The potential impacts of changing sewer service for an already operational and under construction project could very well be significant.

City of Hollister Development Services
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Thank you for your consideration, and please advise should you have any questions or would like to discuss further. Moving forward, please provide the undersigned with notice of all public meetings, hearings or other actions relating to the City's 2040 General Plan update, the DEIR, and all other public meetings or hearings for related or associated City actions. My client will be in attendance at the City's upcoming Planning Commission workshop, as well as any future City Council meetings on this topic.

Sincerely,

RUTAN & TUCKER, LLP



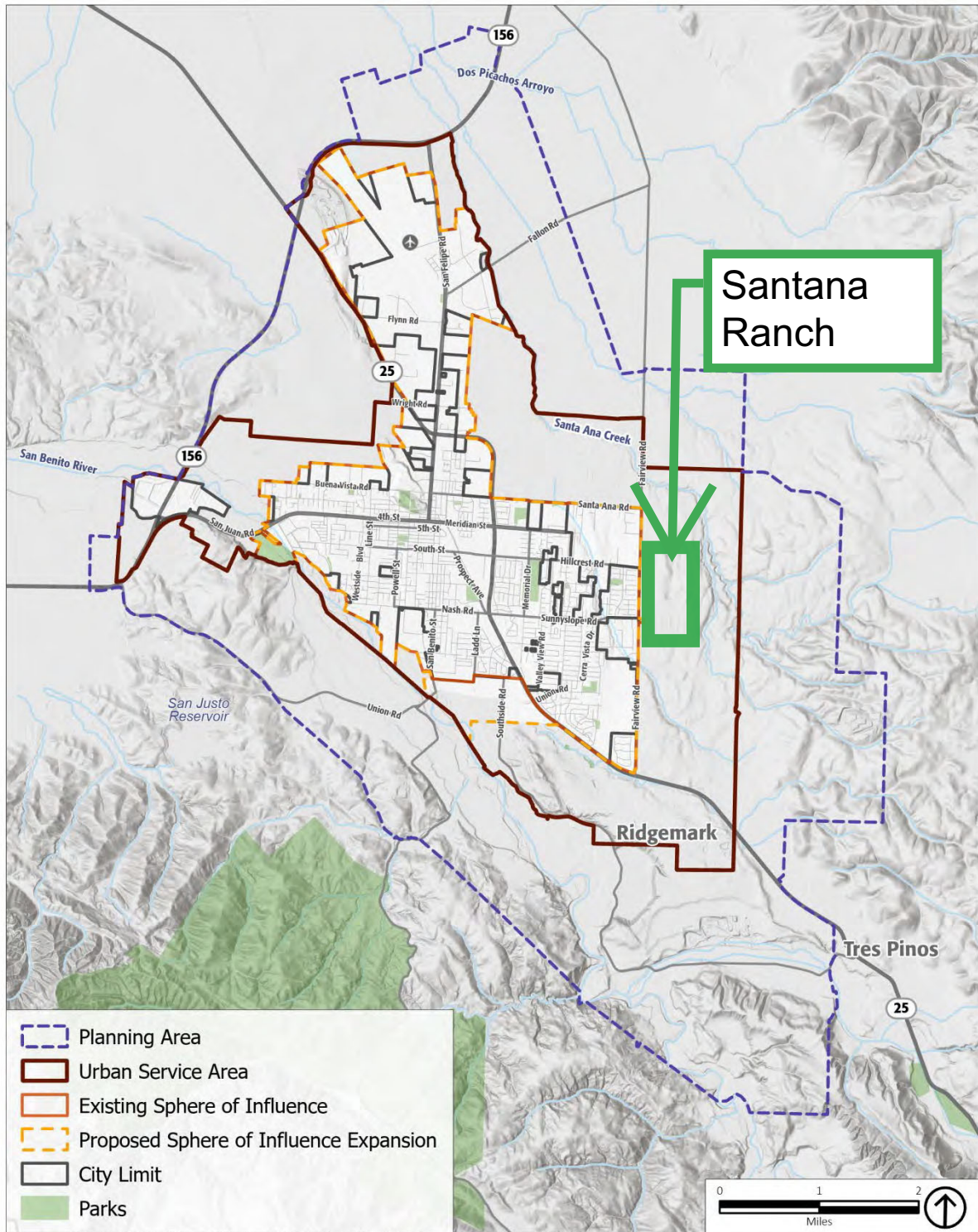
Alan B. Fenstermacher

cc: Mary F. Lerner, City Attorney (mlerner@lozanosmith.com)
Christine Hopper, Director of Development Services (christine.hopper@hollister.ca.gov)
Michael Anderson, Anderson Homes

Attachments: Exhibits 1 through 5

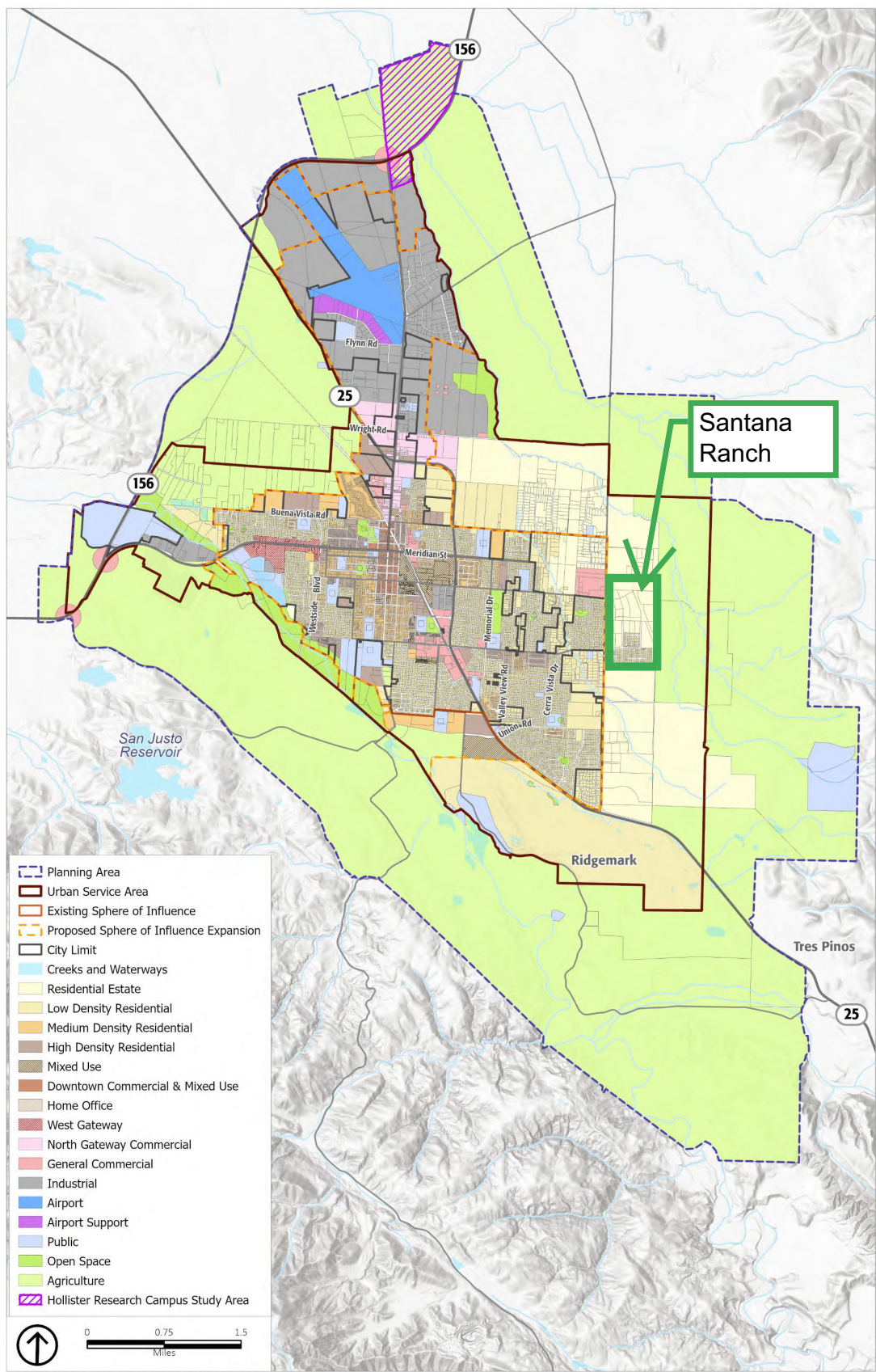
Exhibit 1

Figure LU-1 Hollister Planning Area



Source: ESRI, 2020; PlaceWorks, 2023; San Benito County, 2020; USGS, 2019

Figure LU-2 Land Use Map



Source: ESRI, 2021; PlaceWorks, 2023; San Benito County, 2021.

Exhibit 2



PROJECT INFORMATION:

Application:	LAFCo File No. 2012-481
Date of Hearing:	November 29, 2012
Owner/Applicant:	City of Hollister
Location:	See Attached Map (City of Hollister and portion of San Benito County)
APN:	Multiple Parcel Numbers
Zoning:	Multiple Zoning Designations
General Plan:	Multiple General Plan Designations
LAFCo Staff:	Lisette Knight

REQUEST:

The City of Hollister and the San Benito County Water District, through their adopted Resolutions No. 2011-129 and 2011-03, requests that the boundary described in their Exhibit A be adopted to provide expanded urban services.

BACKGROUND:

Multiple properties are covered within the proposed boundary and encompass the City of Hollister in its entirety, with portions of San Benito County being included in the new urban boundary.

ENVIRONMENTAL:

The San Benito County Water District certified a programmatic EIR on January 19, 2011. This certification included mitigation measures to establish the program set for the boundary area.

LAFCo STAFF ANALYSIS:

Section 56653 of the Local Government Reorganization Act states that the District shall provide a plan for services with the Resolution and application to demonstrate how the services will be provided to the potentially annexed properties and its effect on services, costs and other environmental factors.

Attachment A shows the adopted Resolution No. 2011-129 by the City of Hollister. Attachment B is the certified EIR showing the project's ability to serve the proposed boundary (Resolution 2011-03).

Connection fees will be determined by the jurisdiction.

LAFCo STAFF RECOMMENDATION:

Staff recommends that the Local Agency Formation Commission adopt Resolution No. 2012-03 (Attachment C) approving the EIR that was Certified by the San Benito County Water District on January 19, 2011, together with making determinations of appropriateness; and authorizing proceedings for the creation of the Hollister Urban Area boundary, with the following conditions:

1. **Hold Harmless:** The Applicant and owner shall sign the Hold Harmless Agreement provided by

the LAFCo Authority within 10 days of the projects approval.

Attachments:

- A. Resolution No 2011-129
- B. Resolution No 2011-03
- C. LAFCo Resolution No. 2012-03

BEFORE THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
LOCAL AGENCY FORMATION COMMISSION)
APPROVING THE CREATION OF THE) Resolution No. 2012-03
HOLLISTER URBAN AREA BOUNDARY)
TO PROVIDE WASTEWATER SERVICES)
LAFCo FILE NO 2012-481)
_____)

WHEREAS, preliminary proceedings for the boundary creation, hereinafter described in Exhibit 1 were commenced by a Resolution of Application by the City of Hollister; and

WHEREAS, the reasons for said boundary creation are to provide expanded wastewater services; and

WHEREAS, the San Benito County Water District Hollister Urban Area Water and Wastewater Master Plan and Coordinate Water Supply and Wastewater Treatment Plan Environmental Impact Report utilized for said boundary has been adopted as adequate by the Local Agency Formation Commission.

WHEREAS, at the conclusion of the public testimony, the Local Agency Formation Commission closed the public hearing, deliberated and considered the merits of the proposed Resolution.

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

1. That the boundary creation of the attached territory (Exhibit 1) is hereby approved.
2. The Executive Office will prepare and execute a certificate of Completion and shall make the filings required by law.

BE IT FURTHER RESOLVED that the following conditions of approval shall be applied to this annexation:

1. **Hold Harmless:** The Applicant and owner shall sign the Hold Harmless Agreement provided by the LAFCo Authority within 10 days of the projects approval.

PASSED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN BENITO THIS 29th DAY OF NOVEMBER, 2012 BY THE
FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:


RICHARD BETTENCOURT, Chair
Local Agency Formation Commission
San Benito County

ATTEST:

APPROVED AS TO FORM:

GARY ARMSTRONG, Executive Officer

MATTHEW GRANGER, County Counsel

Legend

 Hollister Urban Area

 Ridgemark Service Area

Map Prepared for San Benito County, Aug. 2012.
Source: Wallace Group and San Benito County

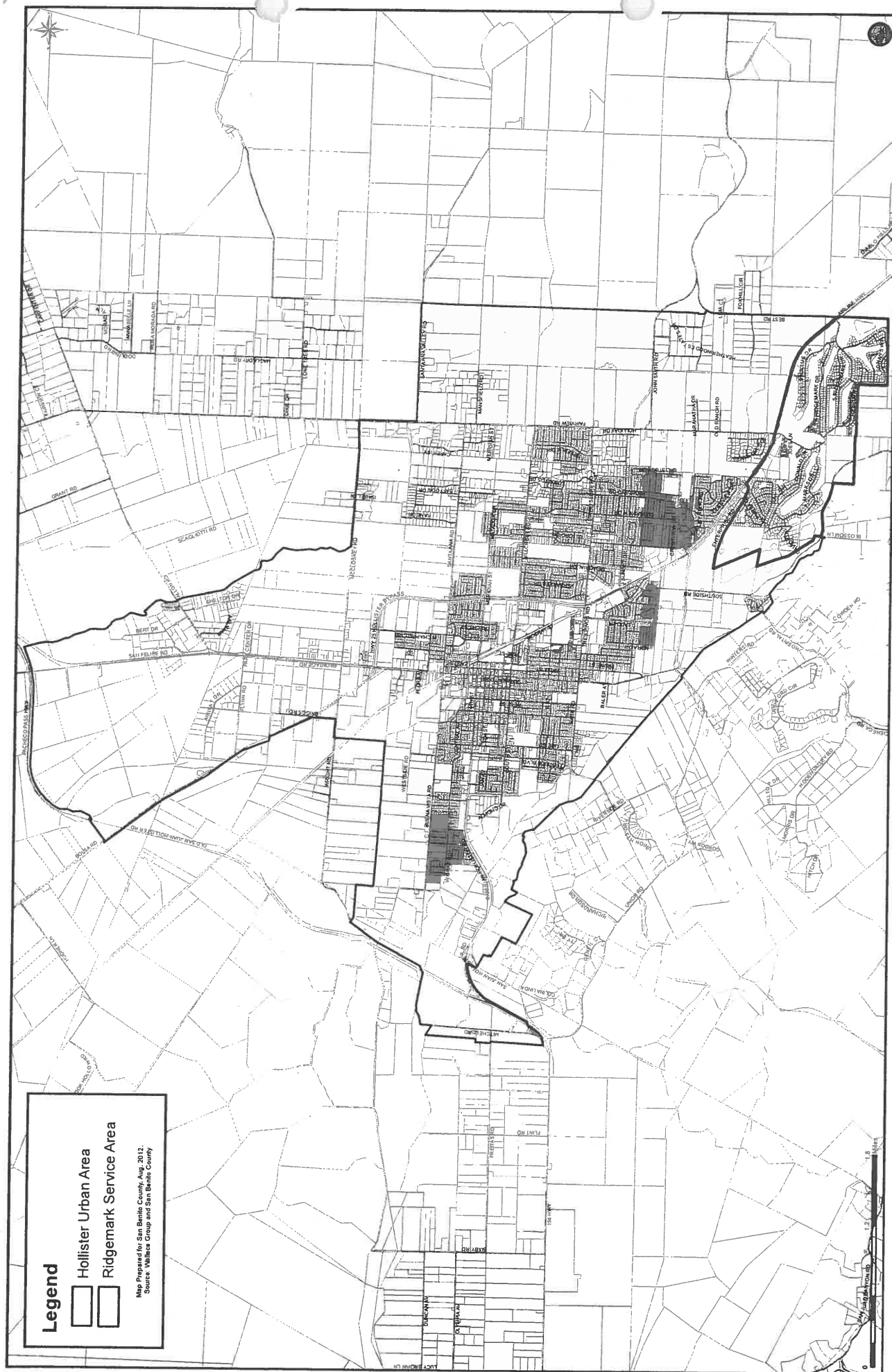


Exhibit 3



City of Hollister

339 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4300 • Fax
(831) 634-4913

November 7, 2013

Brian Curtis P.E.
Vice President of Operations
1851 Airway Drive, Suite E
Hollister, CA 95023

RE: Santana Ranch Sewer Service

Dear Brian,

Let this letter reflect that the Santana Ranch project is within the sewer service area of the City of Hollister sewer treatment plant. LAFCo memorialized the service area with action taken on November 29, 2013 with adoption of file number 2012-481. Sewer connections are based on a first come first serve basis and plant capacity was designed for growth up to 2023.

If you have any questions or concerns, please feel free to call. I can be reached at (831) 636-4300.

Sincerely,
CITY OF HOLLISTER

William B. Avera
Interim City Manager

Exhibit 4



CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

September 2, 2008

Brian Curtis P.E.
Vice President of Operations
STONECREEK PROPERTIES LLC
1851 Airway Dr. Suite E
Hollister, CA 95023

RE: Santana Ranch Project

Dear Mr. Curtis:

The letter is to inform you that the Santana Ranch Project is located within the Hollister Urban Area as defined by the Hollister Urban Area Water and Wastewater Master Plan.

The City of Hollister, San Benito County, and the San Benito County Water District have agreed that properties within the Hollister Urban Area as so defined shall be served by the City of Hollister Wastewater Treatment Plant.

Sincerely,

CITY OF HOLLISTER

Clint G. Quilter
City Manager

Exhibit 5



CITY OF HOLLISTER

Sanitary Sewer Collection System Master Plan Update

March 2018



WALLACE GROUP®



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List of Acronyms

ABS	Acrylonitrile Butadiene Styrene
ADF	Average Daily Flow
AMBAG	Association of Monterey Bay Area Government
CEQA	California Environmental Quality Act
CIP	Capital Improvement Projects
City	City of Hollister
County	San Benito County
d/D	Depth over Diameter
DOF	Department of Finance
du/ac	Dwelling Units per Acreage
E.I.T.	Engineering In Training
EIR	Environmental Impact Reports
ENR	Engineering New Record
ESRI	Environmental Systems Research Institute
FAR	Floor Area Ratio
FOG	fats, oil, and grease
FPS	Feet per Second
FRM	Fluid Resource Management
Ft	Feet
Ft/Sec	Feet per Second
GIS	Geographic Information System
GISP	Geographic Information System Professional
GPD	Gallons Per Day
GPM	Gallons Per Minute
HDPE	High Density Polyethylene
I/I	Infiltration and Inflow
LF	Linear Feet
MDDWF	Maximum Day Dry Weather Flow
MGD	Million Gallons Per Day
min	Minute
NA	Not Applicable
NAD	North American Datum
NAVD	North American Vertical Datum
ND	Negative Declarations
O&M	Operation and Maintenance
P.E.	Professional Engineer
P.L.S.	Professional Land Surveyor
PF	Peaking Factor
PHDWF	Peak Hour Dry Weather Flow
PHWWF	Peak Hour Wet Weather Flow
PVC	Polyvinyl Chloride
RDWWTP	Regional Domestic Wastewater Treatment Plant
S.F.	Square Foot
SSCSMP	Sanitary Sewer Collection System Master Plan
VCP	Vitrified Clay Pipe
VFD	Variable Frequency Drive

Table 2-5 City of Hollister Future Residential Developments

Development	Planning Dept. Status	Units	Unit Type
Roberts Ranch	In Process	227	Application in process for 192 SFD and 35 MF
Santana Ranch	Approved	1,092	SFD/MF
Cerrato	Approved	241	SFD
Sunnyside	Approved	213	SFD
The Villages	Approved	155	SFD
Ladd Ranch	Approved	82	SFD
Ladd Lane/Itravia/Bella Serra	Approved	63	MF
Fay Properties	Approved	90	SFD
The Cottages	Approved	37	SFD Smaller Lots
Orchard Ranch	Approved	53	SFD
Orchard Park	Approved	82	SFD Smaller Lots
Buena Vista	Approved	4,007	SFD/MF
CHISPA North of Buena Vista	Approved	54	SFD/MF
CHISPA	Approved	49	Affordable/ MF Seniors
Walnut Park	Approved	42	SFD Smaller Lots
Del Curto South of Hillcrest	Approved	22	SFD
Maple Park	Approved	49	SFD Smaller Lots
Cross Subdivision Map Check	Approved	3	SFD
Vista de Oro/Saroyan & Howard	Approved	80	MF
Hillcrest Meadows	Approved	49	SFD
Sywak	Approved	13	SFD Smaller Lots
J. Coria	Approved	7	MF
Braer	Approved	6	MF
Valles	Approved	85	15 SFD Smaller Lots, 26 Townhomes, 44 Apartments
Ray Mariotiini	Approved	13	MF
Pine Drive	Approved	3	MF
E. Coria	Approved	2	MF
Silver Oaks	Approved	170	SFD Smaller Lots/ Age Restricted Seniors Only
Brigantino and Fuller/North Street/Allendale	Approved	279	219 SFD, 60 MF
Thorning	In Process	79	Application in process for 79 residential units
Nektarios Matheou 1051 Monterey St.	Approved	2	SFD
West of Fairview/Award Homes	Approved	667	SFD/MF/Duettes
Jim Matthews 1650 Cienega Road	Approved	8	SFD Smaller Lots
Bob Kutz South of Hillcrest Road	Approved	19	SFD

Table 2-6 City of Hollister Future Non-Residential Developments		
Non-Residential Development	Planning Dept. Status	Area (s.f.)
Commercial		
Santana Neighborhood Commercial	Approved	309,276
Lab&RV Storage	Approved	N/A
Multi-Tenant Shopping Center	Approved	83,559 of the 165,533 was approved
Industrial		
Cleariest Park Industrial Building	Approved	151,200
School		
Santana Ranch	Approved	527,076

POPULATION

Population for the SSCSMPU is comprised of the City population and unincorporated land of the County within the study area. Three sources of information were utilized to determine existing and future population for the study area:

1. The City of Hollister's 2005 General Plan
2. City of Hollister 2017 Planning Update
3. The Association of Monterey Bay Area Government (AMBAG) 2014 Regional Growth Forecast
4. The United States Census Bureau 2016 Population Estimate

It should be noted that in December 2008, the Regional Water Quality Control Board lifted the six-year building moratorium from the City following the completion of the City's RDWWTP upgrade. The project included a treatment plant expansion and upgrade, a seasonal storage pond system, and recycled water distribution system, allowing the City to accept additional wastewater flow from new customers.

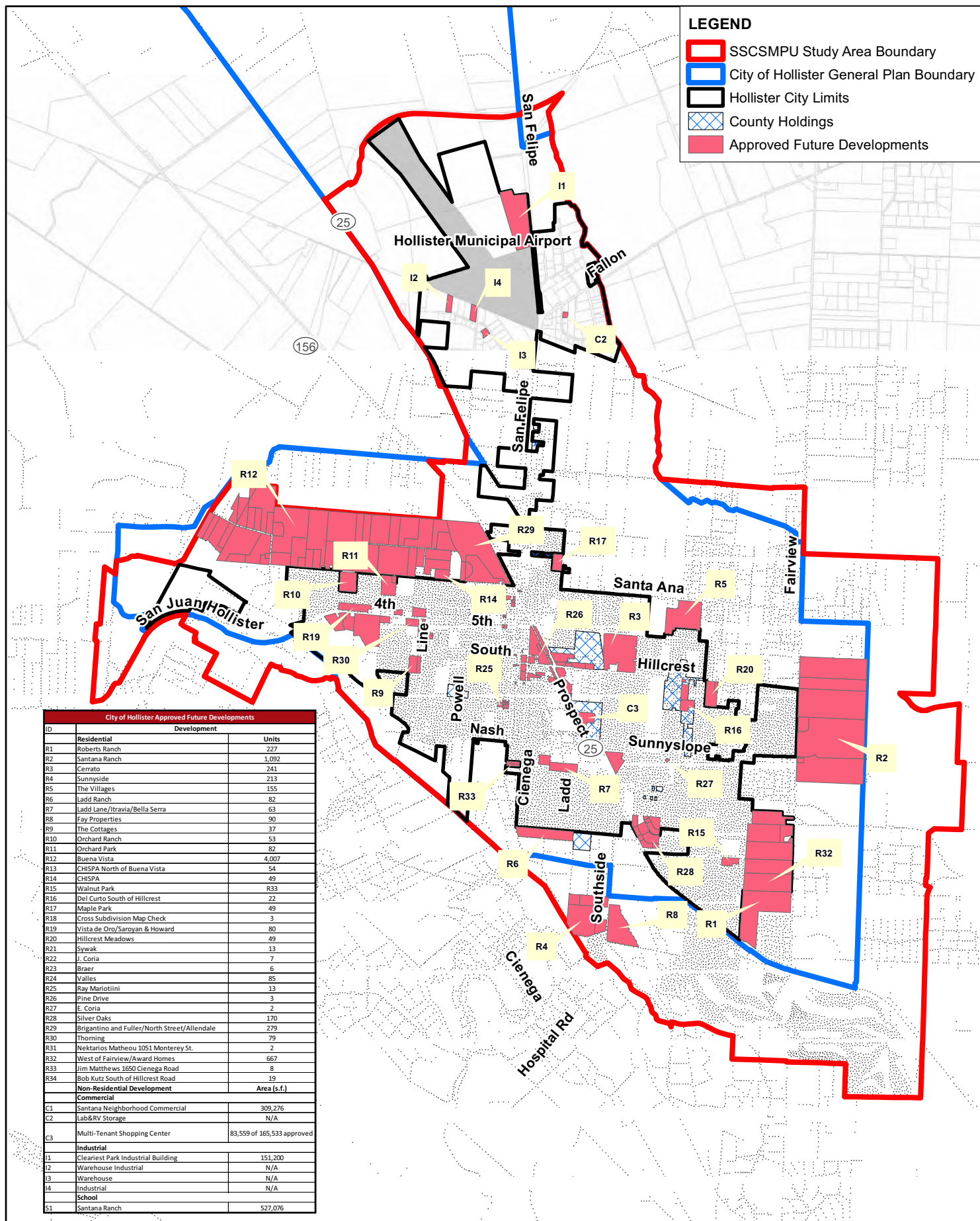
Existing Population

The City's RDWWTP receives flow from not only the City, but also unincorporated areas of the County. Therefore, to determine the existing population, it is necessary to identify the population from both regions. The total population is estimated to be 37,126 persons. The following sections provide an overview of the population estimates for within the City and within the service area outside of the City limits.

City of Hollister

The existing population for the City was determined using the four sources noted previously.

- The 2005 General Plan: 2017 population at 53,600 persons using a 2.6% average annual growth rate from year 2000.
- Updated City Planning (1/1/2017): Table 2 of the E-5 housing, estimates the population within the City to be 36,670 persons.
- AMBAG 2014 Regional Forecast estimates the 2010 population at 34,928 persons.



NTS

CITY OF HOLLISTER 2017 SSCSMPU

FIGURE 2-4: APPROVED FUTURE DEVELOPMENTS

NOTES:
BASEMAP COMPILED FROM
GIS DATA PROVIDED BY SAN
BENITO COUNTY AND THE CITY
OF HOLLISTER.
WALLACE GROUP DID
NOT PERFORM BOUNDARY
SURVEY SERVICES FOR THIS
MAP. NOT A LEGAL DOCUMENT.
MAP PRODUCED DECEMBER 2017.



6/16/2023

Mayor Casey & City Council
Development Services Dept. Staff
375 5th St.
Hollister, Ca 95023

Re: General Plan Update

Thank you for the opportunity to submit comments on the 2040 General Plan Update. My name is Tim Johnson and I am the property owner of the parcel at the corner of Enterprise and Southside Roads with APN 020-290-054. I have several concerns regarding how the general plan update treats my parcel especially when taking into consideration the facts on the ground. This particular parcel is fronted by both sewer and water yet would be excluded from city development as the plan is written. Even more egregious is that part of this parcel was used to accommodate the city sewer system that serves development further out from the city limit. Please see the specific comments below and respond in due course. Thank you for your consideration.

Proposed Sphere of Influence- As written the general plan update would exclude my parcel from the new sphere of influence. The sphere would actually stop directly in front of the northern property line. There is currently dense housing to the south and west of my parcel and there is a subdivision being built to the east. If the sphere moves to Enterprise Rd it is safe to say that development will eventually reach the northern property line as well. I would like the opportunity to utilize my property at its highest and best use just as my neighbors have. It is my position that my parcel should be included in the sphere of influence and zoned accordingly.

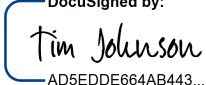
Policy LU 1.5- If the city is unwilling to bring my parcel into the new sphere of influence it is of utmost importance that Land Use Policy 1.5 be amended or completely removed from the general plan update. As stated by others in the past, the current out of jurisdiction sewer service situation is a problem. The city has both the capacity and the infrastructure in place to serve my parcel. If land use policy 1.5 were to be put in place I would not even be able to apply for services to the city. If you leave my parcel out of the sphere I will be forced to apply to the county. If I apply to the county and you implement LU 1.5, I won't be able to receive city sewer services.

Policy CSF 2.12- If you are going to require all development that will use city services to be within city limits, there should be a mechanism for those who would like to be in the city to do so without having to wait for the city limit to reach their property line. My property is an infill parcel when you take into consideration the uses around it.

Thank you again for considering these comments. My main goal is for my parcel to be treated the same as neighboring parcels. As written, the general plan update excludes my parcel from development and injures my prospects and the value of my property. Please take a moment to consider how you would feel if you were in my position. The city, county and nearby property owners have utilized my property in

the past when needed and the city is now trying to exclude me from utilizing it to its highest use and best use. Please make the appropriate changes to the draft plan to rectify this future harm. Thank you and please feel to reach out to me as needed.

Tim Johnson
Tjohnson3006@yahoo.com

Cc:  AD5EDE664AB443...

06/16/2023

Karson Klauer
K2 Solutions LLC
(831)801-0858
K2solutions.sbc@gmail.com

From: [Christine Hopper](#)
To: [Alexander Sywak](#)
Subject: RE: City VMT policy
Date: Friday, June 16, 2023 9:09:33 AM
Attachments: [image001.png](#)

Mr. Sywak,

I am forwarding your email to the General Plan team so that they can add it to the list of questions received on the General Plan. All comments are being documented and will be addressed in a consolidated document.

Thank you for your interest and participation in the process.

Christy Hopper



From: Alexander Sywak
Sent: Friday, June 16, 2023 8:00 AM
To: Christine Hopper <christine.hopper@hollister.ca.gov>
Cc: Jennifer P. Thompson <jthompson@lozanosmith.com>; Ingrid Sywak <ingrid.sywak@gmail.com>; Planning Dept <planning@hollister.ca.gov>; David Mirrione <david.mirrione@hollister.ca.gov>; Carol Lenoir <lbnricky@yahoo.com>; David Huboi <huboi@huboi.com>; Steven Belong <steve.belong@dc16sj.org>; Kevin Henderson <getkevinh@gmail.com>; Luke Corona <muledeer54@gmail.com>; David Early <dearly@placeworks.com>; Carey Stone <cstone@placeworks.com>
Subject: City VMT policy

Dear Ms. Hopper, The PC is reviewing the EIR next Thursday. An important component is the City's Transportation and VMT policy.

Figure 4.16-2 references: [Source: Kimley Horn, 2020. PlaceWorks, 2023.](#) Kindly provide the link, or .pdf?

Page 18, Section 4.16, footnote 6, references [City of Hollister. 2023. DRAFT SB 743 Implementation Guidelines, March 14.](#) Kindly provide the link, or .pdf?

You may know the City of San Jose next Tuesday will amend their VMT policy adopted February, 2018. One of their VMT mitigations is project density. In essence, if a proposed project density is double the 1/2 mile areage density, the project can be presumed to reduce its designated VMT by 30%. Have attached the page reference from CSJ's Transportation Handbook and the cited 2002 study. Does the City of Hollister intend to include an equivalent mitigation as CSJ is adopting?

Thank you for providing the above info requests,

Ingrid and Alex Sywak