



**NOTICE OF PREPARATION OF A
FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE
451 SAN JUAN HOLLISTER ROAD PROJECT**

DATE OF DISTRIBUTION: June 27, 2023
PROJECT APPLICANT: CYNTHIA OROZCO
APN: 002-550-008

As the Lead Agency, the City of San Juan Bautista will prepare a Focused Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, the EIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and a brief summary of the probable environmental effects that will be analyzed in the Focused EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice. However, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Juan Bautista
Attn: Brian Foucht
311 Second St. – PO Box 1420
San Juan Bautista, CA 95045
Phone: (831) 623-4661 x 20, E-mail: ACM-CDDirector@san-juan-bautista.ca.us

Brian Foucht


Assistant City Manager/Community Development Director

Date: June 27, 2023

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Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the public of the environmental effects of a proposed project that an agency may approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of avoiding or reducing adverse impacts, and to consider alternatives to the project.

As the Lead Agency, the City of San Juan Bautista will prepare a Focused EIR for the proposed project in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with Sections 15120 et seq. of the CEQA Guidelines, the EIR will include the following:

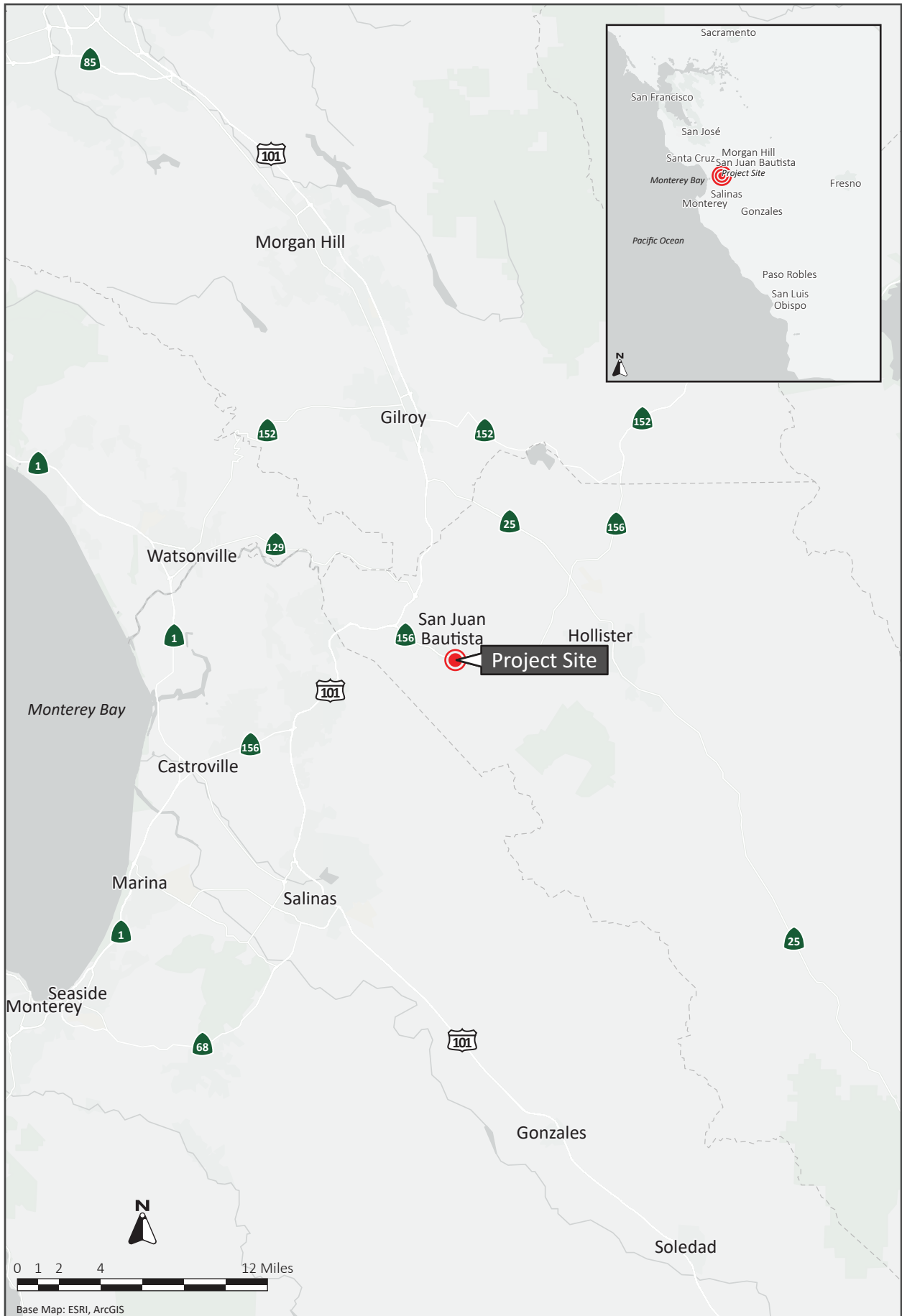
- A summary of the project;
- A project description;
- A description of the environmental setting, probable environmental impacts, and mitigation measures;
- Alternatives to the project; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

The approximately 18.09-acre project site is located at 451 San Juan Hollister Road in San Juan Bautista [Assessor's Parcel Number (APN) 002-550-008] in the City of San Juan Bautista. Currently, the site is developed with a trucking business, a transfer dock, vehicle storage, and pallet manufacturing, and is surrounded by residences, industrial, and agricultural uses. San Juan Creek currently flows along the northern and western boundaries of the site. The regional, vicinity, and aerial maps are provided in Figures 1, 2, and 3, respectively, on the following page.

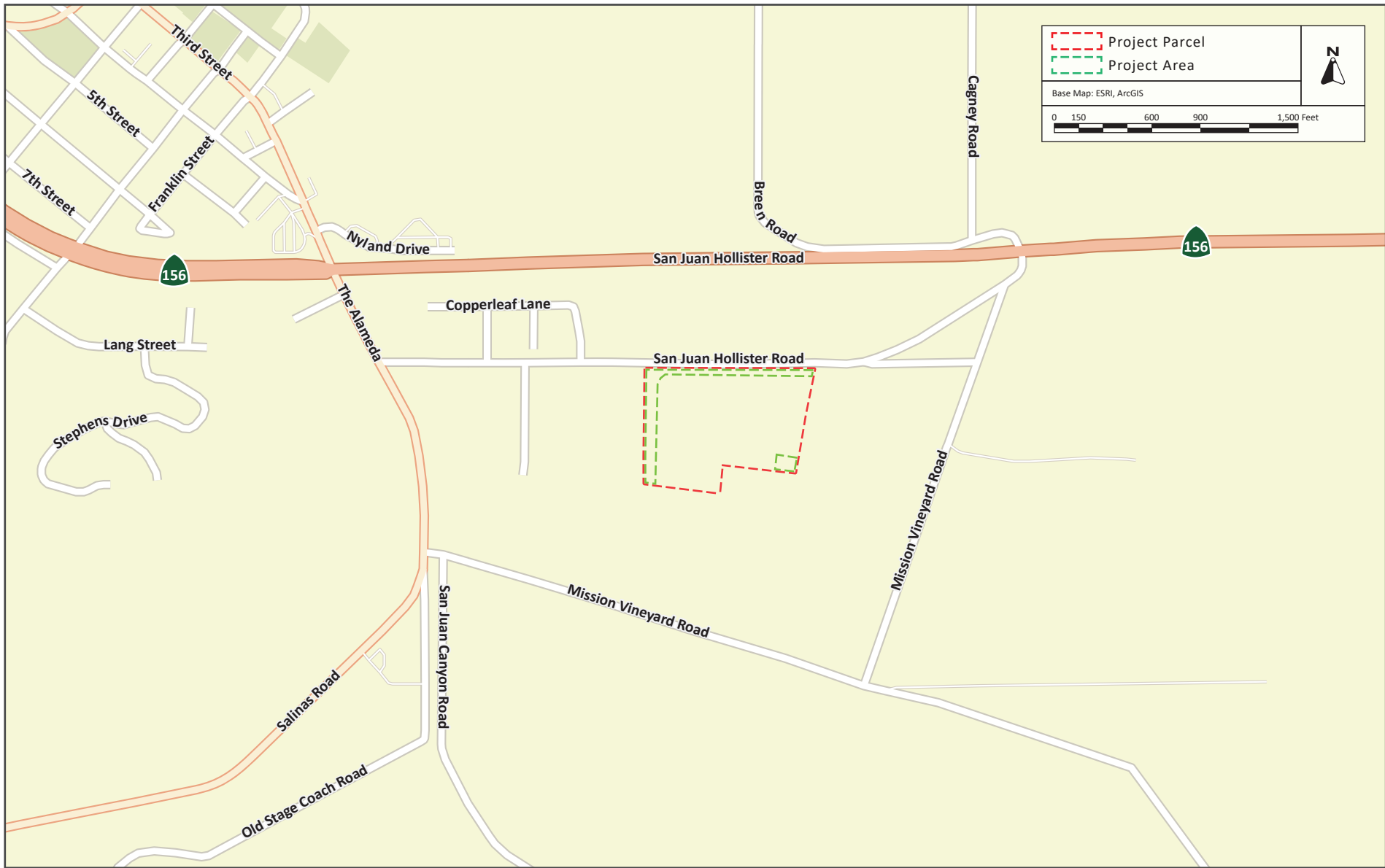
Project Description

Per the U.S. Army Corps of Engineers (USACE) preliminary jurisdictional determination, approximately 3.25 acres of the project site contains seasonal wetland and 1,500 linear feet along the western and northern border of the site are designated as other waters of the U.S. with instream wetlands (San Juan Creek). Over a period of three years (2019-2022), unpermitted grading activities have occurred on-site, including adjacent to the eastern and southern banks of San Juan



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



- Project Parcel
- Project Area
- Streams

Source: EMC Planning Group Inc., May 2023.

Creek. Unpermitted work included grading of imported fill material within the floodplain and stockpiling of substantial on-site grading spoils mixed with shrubs, trees, and other vegetation from the site adjacent to and over the easterly and southernly banks of San Juan Creek located along the western and northern boundaries of the property. Earlier, similar activities in 2019 were found to be in violation of Fish and Game Code Section 1602 (CDFW Violation File No. 1600-2019-0800-R4 San Juan Canyon Creek - San Benito County). Remediation of 2019 unpermitted grading had not yet been accepted by the City of San Juan Bautista when similar activities occurred again in 2022, with expansion to include removal of significant vegetation and deposition of substantial quantities of spoils along the toe and top of bank and within portions of the San Juan Creek. The grading activities that occurred in 2019 and 2022 are, therefore, considered ongoing violations of the City's Flood Hazard Prevention Ordinance.

As a result, the City of San Juan Bautista issued an immediate Stop Work Order in March 2022, followed by three successive Compliance Orders requesting 1) characterization of the fill and 2) a program be developed for remediation including removal of grading spoils, and restoration of the hydraulic capacity and biological habitat of the San Juan Creek to the satisfaction of the jurisdictional agencies. In September 2022, the City issued the first of several administrative citations and initiated public nuisance procedures. The San Juan Bautista City Council, thereafter, adopted Resolution 2022-81 and 2022-87A in October and November 2022, respectively, declaring that the placement of grading and spoils along the San Juan Creek and the changes to the topography of the floodplain are a public nuisance and ordering the City Manager to abate the nuisances and to take all appropriate steps to recover costs incurred by the City.

Required Project Approvals

1. Development Permit (City of San Juan Bautista: SJB MC Flood Hazard Prevention Ordinance Article 3)
2. Conditional Use Permit; Site and Design Review Permit (City of San Juan Bautista)
3. USACE Section 404 Nationwide Permit
4. California Department of Fish and Wildlife (CDFW) Section 1600 Streambed Alteration Agreement
5. Regional Water Quality Control Board (RWQCB) Section 401 Water Quality Certification

Potential Environmental Impacts of the Project

The Focused EIR will identify the environmental effects which have previously occurred as a result of the unpermitted grading, to the extent possible, and identify the environmental effects anticipated to result from the project as proposed (i.e., remediation). Mitigation measures will be identified for significant impacts, as warranted. The Focused EIR will discuss the project's environmental impacts on the topic areas described below.

- **Aesthetics** – The Focused EIR will describe the visual setting of the project site and project area and the visual changes that have and are anticipated to occur.
- **Air Quality** – The Focused EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project’s impacts to local and regional air quality, in conformance with the criteria identified by the Bay Area Air Quality Management District (BAAQMD).
- **Biological Resources** – The Focused EIR will describe the existing conditions on-site and provide, to the extent practicable, a characterization of the on-site conditions prior to the unpermitted activities. The Focused EIR will also identify and discuss the project’s impact on biological resources (e.g., wetland and creek habitats and special-status plant and animal species).
- **Cultural Resources** – The project site is currently developed with a trucking business, a transfer dock, vehicle storage, and pallet manufacturing and does not contain historic structures.^{1,2,3} The proposed San Juan Canyon Historic District, which contains concentrations of archaeological material resource, is located partially on-site.⁴ The potential for unknown and known cultural resources to have been previously impacted and to be affected by the project will be assessed in the Focused EIR.
- **Geology and Soils** – The Focused EIR will describe the existing geologic and soil conditions and discuss the possible geological impacts associated with seismic activity and the existing on-site soil conditions.
- **Greenhouse Gas Emissions** – The proposed project would contribute to regional and global greenhouse gas emissions (GHG) from operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the site. The Focused EIR will evaluate whether or not these emissions would conflict with GHG reduction goals and plans.
- **Hazards and Hazardous Materials** – The Focused EIR will address existing hazards and hazardous materials conditions on and near the project site and will address the potential for hazardous materials impacts which may result from the proposed project.

¹ National Parks Service. “National Register Database and Research.” Accessed May 11, 2023. <https://www.nps.gov/subjects/nationalregister/database-research.htm#table>.

² California Office of Historic Preservation. “California Historic Resources.” Accessed May 11, 2023. <https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>.

³ City of San Juan Bautista. *Draft Initial Study/Negative Declaration Midnight Express Agricultural Transfer Station*. February 2018.

⁴ City of San Juan Bautista. *2005-2006 Certified Local Government Grant Historical Resources Inventory and Context Statement*. September 2006. Accessed May 11, 2023. https://cms6.revize.com/revize/sanjuanbautistaca/document_center/Historic%20Resources%20Board/Historical%20Resources%20Inventory%20and%20Context%20Statement%20September%202006.pdf.

- **Hydrology and Water Quality** – Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the project site is located within Flood Zones AE and AO. The Focused EIR will include an overview of the impacts that have occurred on-site related to the floodplain and San Juan Creek. The Focused EIR will also summarize the hydraulic conveyance capacities of San Juan Creek with the FEMA Hydraulic Model.
- **Land Use** – The project site is located in an area surrounded by residences, industrial, and agricultural uses. The Focused EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.
- **Noise and Vibration** – The Focused EIR will discuss the project’s effect on noise and vibration from characterization of the fill, remediation, and restoration of the hydraulic capacity and biological habitat and also its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable noise standards and guidelines.
- **Tribal Cultural Resources** – The Focused EIR will discuss the project’s potential for impacts to tribal cultural resources under Assembly Bill 52.
- **Other CEQA Sections** – In addition to the resource sections noted above, the Focused EIR will briefly address the project’s impacts on Agricultural Resources, Energy, Mineral Resources, Population and Housing, Public Services, Transportation, Utilities and Service Systems, and Wildfire. The project’s Significant Unavoidable Impacts and potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the development area will also be identified in the Focused EIR. The Focused EIR will also provide alternatives to the proposed project which could reduce project impacts identified in the environmental document.