

Notice of Determination

To: × Office of Planning and Research
 1400 10th Street
 Sacramento, CA 95814-5502

 × County Clerk
 1601 Lana Way
 Hollister, CA 95023-2533

From: County of San Benito
 Resource Management Agency
 2301 Technology Parkway
 Hollister, CA 95023-2513

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code.

Project Title: County Planning File PLN240026 Minor Subdivision at 9644 Betabel Road

n/a	County of San Benito	Jonathan Olivas <i>jolivas@sanbenitocountyca.gov</i>	831 902-2288 or 831 637-5313
State Clearinghouse Number	Lead Agency	Contact Person	Telephone
County of San Benito	2301 Technology Parkway Hollister, CA 95023-2513		831 637-5313
Applicant Name	Address		Telephone

Project Location: 9644 Betabel Road in the unincorporated San Benito County

Project Description: The current project, County Planning file PLN240026, is a subdivision of the 111.68-acre, three-parcel site at 9644 Betabel Road to establish four lots, or a net addition of one lot. The lot lines, which currently straddle two zoning districts, would be drawn with two lots entirely within Agricultural Rangeland (AR) zoning and two lots entirely within Commercial Thoroughfare (C-1) zoning. This addendum considers the current project in relation to a prior project approved on the site, the Betabel Commercial Development Conditional Use Permit (CUP) Project (PLN210054), and that project’s previously certified Environmental Impact Report (EIR). The addendum explains that, under the criteria of California Environmental Quality Act Guidelines Sections 15162 and 15164, the Betabel Commercial Development EIR adequately evaluates potential environmental effects of the currently proposed subdivision and that no preparation of a subsequent EIR is necessary.

The Betabel Commercial Development Conditional Use Permit (CUP) Project, located at 9644 Betabel Road under project file PLN210054, underwent a thorough review process in accordance with the California Environmental Quality Act (CEQA). A project-level Environmental Impact Report (EIR) was prepared following the requirements of State CEQA Guidelines §§ 15161 and 15168. On October 12, 2022, after closing the public hearing, the San Benito County Planning Commission adopted Resolution No. 2022-12. This resolution certified the EIR, adopted the Mitigation Monitoring and Reporting Program, and approved the CEQA Findings of Fact and Statement of Overriding Considerations for impacts identified as significant and unavoidable. The Planning Commission also made the requisite findings to approve the Conditional Use Permit (CUP) for the Betabel Commercial Development Project, subject to specified conditions of approval.

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Subsequently, on October 24, 2022, appeals against Planning Commission Resolution No. 2022-12's approval were filed. After publication of sufficient public notice, the Board of Supervisors on November 8, 2022, held a public hearing to address the appeals with a complete public hearing including public comment and open deliberation on the appeal's merits. Based on the evidence presented, the Board of Supervisors denied the appeals and affirmed the Planning Commission's actions in approving its Resolution No. 2022-12.

On September 25, 2024, the San Benito County Planning Commission adopted Planning Commission **Resolution 2023-XX** and the Addendum with its finding pursuant to Sections 15162 and 15164 of State CEQA Guidelines.

This notice is to advise that on September 25, 2024, the San Benito County Planning Commission, on behalf of the County of San Benito, the Lead Agency for the project, made the following determinations regarding the project:

1. The impacts of County Planning File PLN240026 Minor Subdivision were reviewed under CEQA as part of the EIR for County Planning File Betabel Commercial Development CUP Project (PLN210054) which studied the environmental impacts of PLN210054, which adequately evaluates potential environmental effects of the currently proposed subdivision, and the EIR for Betabel Commercial Development CUP Project (PLN210054) was certified on October 12, 2022.
2. The Planning Commission determined that the Betabel Commercial Development CUP Project EIR sufficiently identifies any reasonably foreseeable effects of PLN240026.
3. Pursuant to Sections 15162 and 15164 of State CEQA Guidelines, the County finds, based on substantial evidence in light of the whole record, that:
 - In re §15162(a)(1): The proposed Subdivision does not propose such substantial changes to the approved Betabel Commercial Development as to require major revisions to the Betabel Commercial Development environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.
 - In re §15162(a)(2): There have been no substantial changes in circumstances under which the Betabel Commercial Development project would be undertaken that will require major revisions to the environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.
 - In re §15162(a)(3): No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the Betabel Commercial Development environmental impact report.

Evidence:

- a) Regarding **§15162(a)(1)**, the subdivision aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit Project (PLN210054). The subdivision maintains the existing zoning boundaries, ensuring that the land use potential remains unchanged, and the approved use permit for commercial activities remains in effect. Thus, the project's impacts on land use, traffic, and other environmental factors continue to be consistent with the original Betabel Commercial Development EIR analysis and require no analysis of further effects.

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- b) Regarding §15162(a)(2), the conditions surrounding the proposed subdivision have not changed in a manner that would lead to new or significantly more severe environmental effects than those previously considered in the EIR. The proposed subdivision involves no new construction and adheres to the same General Plan designations and zoning policies, ensuring that any environmental impacts related to traffic, utilities, and biological resources remain consistent with the original analysis. Furthermore, the existing conditions remain unchanged, as there have been no developments or alterations in surrounding land use or environmental conditions that would necessitate a reevaluation of the project's impacts.
 - c) Regarding §15162(a)(3), the project and its associated activities have been thoroughly reviewed, and all relevant environmental factors have been considered in relation to the current conditions. The findings from the original EIR remain valid, as the project does not involve any new construction and the same degree of land use would be permitted both before and after the current project. Consequently, there is no additional information that indicates new or more severe environmental effects. All mitigation measures established in the original EIR continue to apply, ensuring that environmental protections are upheld.
 - d) In conclusion, the County finds that the proposed subdivision meets the criteria outlined in CEQA Sections 15162 and 15164, affirming that no major revisions to the EIR are necessary and that all environmental protections will remain intact. The project maintains consistency with the previously evaluated land use, traffic, utilities, biological and cultural resources, cumulative impacts, and other environmental topics, thereby confirming that no new or significantly more severe environmental effects will occur.
4. Pursuant to State CEQA Guidelines, the County of San Benito, as the Lead Agency, is filing this Notice of Determination.
5. No new mitigation measures were required for the approval of PLN240026. Planning Commission Resolution 2024-XX determined that the project is consistent with the Betabel Commercial Development CUP Project (PLN210054) EIR, as all mitigation measures adopted in the Betabel Commercial Development CUP Project EIR will continue to apply to future site use. Relevant measures have been incorporated into the subdivision's conditions of approval, ensuring the subdivision will not result in new significant environmental impacts or substantially increase the severity of previously identified impacts.
6. A Statement of Overriding Considerations was not adopted for the project. No new or substantially more severe significant impacts were identified.
7. Findings were made pursuant to the provisions of CEQA.

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This is to certify that the project file PLN240026, which includes the Addendum to the Betabel Commercial Development CUP Project (PLN210054) EIR and all supporting materials, is available for review by the General Public at:

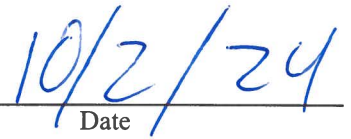
County of San Benito Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513

The project file can also be viewed by

- 1) going to the website aca.accela.com/SANBENITO,
- 2) going to Planning and clicking on "Search Cases,"
- 3) entering the Record Number **PLN240026** and clicking "Search," then
- 4) opening the drop-down menu "Record Info" and clicking "Attachments."


Signature (Lead Agency Contact)
Jonathan Olivas

Associate Planner
Title


Date

Date received for filing at Clerk