

**Addendum to Betabel Commercial Development CUP Project  
(County Planning File PLN210054)  
Environmental Impact Report  
(State Clearinghouse No. 2022040455) for  
9644 Betabel Road Subdivision  
County of San Benito  
September 25, 2024**

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.

**Previous Environmental Documentation**

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.

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.

**Project Overview and Objectives**

The Betabel Commercial Development Project is located at 9644 Betabel Road, approximately two miles south of Sargent and four miles north of San Juan Bautista. The project site, encompassing approximately 116 acres, includes six Assessor's Parcel Numbers (APNs): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. The site is bordered by Betabel Road and U.S. Highway 101 (US 101) to the east, the Betabel RV Park to the north, and agricultural and open space to the south and west. The Pajaro and San Benito Rivers are located to the west and south of the property, respectively.

**Exhibit D** (continued).

The project proposes to develop approximately 26 acres of the site, creating 108,425 square feet of commercial space. This development will include a gas station with a convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with an outdoor pool and movie screen, and an outdoor event center, alongside the already approved on-site farm stand. The design of the project is inspired by American roadside architecture from the 1940s and 1950s.

The primary objectives of the project are to create a one-stop roadside destination that supports the local economy and promotes the area's history, and to provide retail, hospitality, and automotive services for travelers on US 101 while offering local events. Additionally, the project proposes to emphasize San Benito County's heritage, including its arts, winemaking, agritourism, and historical significance, while creating new employment opportunities within the County to enhance its economic health by leveraging the commercial potential of the US 101 corridor. The applicant indicates the commercial project's revenues would be dedicated entirely to funding children's cancer research, particularly for curing childhood brain cancer.

**Environmental Impacts and Mitigation**

The EIR, prepared in accordance with CEQA, evaluates the physical environmental effects of the proposed Betabel Commercial Development Project, including the level of significance of each impact both before and after the implementation of recommended mitigation measures. The EIR identifies several significant and unavoidable impacts associated with the project including damage to scenic resources, the conversion of prime farmland to non-agricultural use, an increase in vehicle miles traveled (VMT), and adverse changes in the significance of a tribal cultural resource. Additionally, the project is expected to create cumulative aesthetic, agricultural resource, VMT, and tribal cultural resource impacts.

The EIR evaluates several alternatives to the proposed project. Among others, these alternatives include the No Project-No Development Alternative and the North Site Development Only Alternative (which would limit site development to the proposed gas station, convenience store, restaurant, and farm stand). The No Project-No Development Alternative is considered the environmentally superior option but would not meet the project's objectives. When the No Project Alternative is identified as environmentally superior, the State CEQA Guidelines require the identification of the next superior alternative, in this case resulting in selection of the North Site Development Only Alternative.

The EIR, its analysis, and its selection of project alternative and impact-mitigation measures were certified under Planning Commission Resolution No. 2022-12, which was subsequently affirmed by the Board of Supervisors following appeal.

**Triggers for Further Environmental Review Under CEQA**

To provide a degree of finality, CEQA requires that, once an EIR has been completed and certified, the lead agency may not require preparation of a subsequent or supplemental EIR unless one of three triggering conditions exists as described below by State CEQA Guidelines Section 15162(a) (1-3):

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

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

**Exhibit D** (continued).

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

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

CEQA Guidelines Section 15164 states, in relevant part: “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Furthermore, although not required under the law, a lead agency may prepare an addendum to a previously certified EIR to evaluate changes to a project, changes in circumstances, or new information, and to document the agency’s determination that an environmental review under CEQA is not required. See Section 15164.

**Addendum Pursuant to Section 15164**

This Addendum to the previously certified Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit (CUP) Project has been prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of this Addendum is to evaluate the potential environmental impacts associated with the current four-lot subdivision proposal when considered as a modification to the Betabel Commercial Development CUP Project.

Section 15164 of the CEQA Guidelines allows for the preparation of an addendum to a previously certified EIR when only minor technical changes or additions are necessary, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. The County of San Benito, as the Lead Agency, has determined that the proposed four-lot subdivision does not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant effects.

**Project Modification to Include a Four-Lot Subdivision.** The proposed modification to the Betabel Commercial Development CUP Project involves the subdivision of a 111.68-acre project site, already containing three lots, into four separate lots for a net addition of one lot. The subdivision would delineate two parcels exclusively located in the site’s Commercial Thoroughfare (C-1) zoning and two parcels exclusively located in the site’s Agricultural Rangeland (AR) zoning. The commercial lots would be

**Exhibit D** (continued).

available for those commercial uses specifically approved in the original project, facilitating the phased development and potential sale of these parcels. The degree of commercial use allowed after the subdivision would be the same as that before the subdivision. Similarly, the extent of use allowed by the AR zone would be the same after subdivision as before, as the site both before and after subdivision would contain two AR-zoned lots each eligible for permitted and conditional uses allowed under AR zoning. Each of the four proposed lots will continue to adhere to the development footprint and uses previously evaluated in the EIR.

The three lots would be divided and reconfigured into the following:

- Lot 1: 7.61 acres, with an existing fruit stand and is otherwise undeveloped commercial land. The future development under approved CUP PLN210054 will include a gas station, convenience store, visitor center, amusement buildings, and a restaurant.
- Lot 2: 23.20 acres, currently undeveloped commercial land. The future development under approved CUP PLN210054 will include motel and outdoor event center on Lot 2.
- Lot 3: 40.34 acres, now undeveloped agricultural land. No construction is proposed on Lot 3.
- Lot 4: 40.53 acres, now undeveloped agricultural land. No construction is proposed on Lot 4.

**Consistency with Certified Betabel Commercial Development EIR.** The proposed four-lot subdivision does not introduce any new land uses or expand the physical development footprint on any of the subdivision's 111.68-acre site beyond what was previously evaluated in the Betabel Commercial Development CUP Project EIR. All mitigation measures adopted in the EIR will continue to apply to subsequent use of the site, with those relevant to the subdivision incorporated into the subdivision's conditions of approval. As such, the subdivision will not result in any new significant environmental impacts or substantially increase the severity of impacts previously identified. The following are key environmental considerations:

- **Land Use.** The proposed four-lot subdivision at 9644 Betabel Road aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development EIR. The property is designated as Rangeland (RG) and Commercial Regional (CR) under the General Plan, with corresponding zoning of Agricultural Rangeland (AR) and Commercial Thoroughfare (C-1), and would remain so. This subdivision is consistent with the General Plan's intent to preserve open space and agricultural land while accommodating commercial activities at key highway intersections.

The proposed parcel sizes, in addition to intended uses actively remaining under the Betabel Commercial Development's approval, adhere to zoning requirements and General Plan policies, particularly those aimed at preserving agricultural integrity and promoting visitor-oriented commercial uses. The resulting lot layout allows no greater amount of residential development than previously permitted, with two lots eligible for residential use both before and after the subdivision. The approved use permit for the Betabel Commercial Development CUP remains in effect and unchanged, neither contracted nor expanded, following the current project. Additionally, the resulting lot lines will align with zoning boundaries, ensuring that each lot is located exclusively within one zoning district without overlapping.

- **Traffic and Circulation.** The proposed subdivision will not generate additional traffic beyond what was analyzed in the EIR. The internal circulation and access points remain unchanged, and the

**Exhibit D** (continued).

subdivision layout adheres to the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards. Qualified personnel from responsible agencies have reviewed the proposed minor subdivision, including its ingress/egress improvements, and have determined that the design meets fire safety standards, contingent upon compliance with the stipulated conditions of approval.

Since the project involves no new construction beyond existing agricultural use and proposed future commercial uses, the layout preserves current land use while allowing for future development under existing zoning regulations. The current subdivision will require the same degree of improvements to Betabel Road as those stipulated in the approved use permit, ensuring that traffic circulation and access points remain unchanged and compliant with existing standards and that site disturbance not exceed that already studied in the Betabel Commercial Development EIR.

- **Utilities and Infrastructure.** The subdivision will utilize the same utilities and infrastructure evaluated in the EIR, ensuring that there are no increases in demand or capacity requirements. The proposed subdivision complies with General Plan policies concerning subdivision layout and improvements, as reviewed by the County Resource Management Agency's Planning and Public Works staff. The subdivision demonstrates appropriate access, water service connections, septic systems, and other infrastructure in accordance with policies such as PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability), all in the same manner as analyzed in the approved Betabel Commercial Development EIR. The County Division of Environmental Health has reviewed the proposed subdivision and determined that it complies with existing requirements, including those for human safety and natural-resources protection, provided that conditions of project approval are met.

The site is within a Non-Wildland/Non-Urban fire hazard zone, and the County Fire Department has evaluated and approved the design of the proposed subdivision, with recommendations integrated into the conditions of approval. This evaluation results in the same effect as that of the equivalent evaluation performed upon the Betabel Commercial Development's review.

- **Biological and Cultural Resources.** The subdivision will not impact additional biological or cultural resources beyond those identified in the EIR because it does not involve any new construction or land uses beyond what was previously analyzed. The proposed project maintains the same land use intensity as permitted before, and all existing mitigation measures from the EIR to protect biological and cultural resources will continue to apply to any subsequent use of the property, resulting in no potential impacts beyond those previously assessed.
- **Additional Considerations.** Further key mitigation measures from the Betabel Commercial Development EIR and remaining after subdivision include the establishment of a Tribal Cultural Resources Conservation Easement, traffic-related noise mitigation through repaving Betabel Road with noise-reducing asphalt, and maintaining the floodplain's elevation and extent at pre-project conditions. The applicant is required to conduct a detailed soil assessment prior to grading to evaluate potential contamination and implement necessary remediation measures. Additionally, the project includes provisions to protect riparian woodland habitat and mitigate the conversion of Important Farmland, ensuring long-term preservation and compliance with San Benito County regulations.
- **Cumulative Impacts.** Cumulative impacts remain consistent with the analysis in the EIR, and the subdivision does not contribute to any new cumulative effects. This is due to the absence of new

**Exhibit D** (continued).

construction proposed as part of the subdivision, and the fact that the same degree of land use would be permitted regardless of the subdivision's approval. The addition of one lot to a site where three lots currently exist is anticipated to have an insignificant cumulative impact on the area. Previous subdivisions in the vicinity, such as Minor Subdivision 794-87, Minor Subdivision 1042-91, and Minor Subdivision 1227-11, involved minimal impact and no construction, similar to this project. Larger projects in the area, like Rancho Larios and San Juan Oaks, have had their cumulative impacts accounted for in their respective environmental reviews.

Any potential future development that would significantly increase population density or alter the site will undergo comprehensive evaluation and require additional approval from the County. The subdivision does not contribute to any new cumulative effects because no new construction is proposed, and the same degree of land use will be allowed both before and after the current project, ensuring that cumulative impacts remain consistent with the analysis in the EIR.

**Conclusion**

Based on the analysis presented above, the proposed four-lot subdivision aligns with the findings of the Betabel Commercial Development's certified Environmental Impact Report (EIR). No substantial changes to the project or the surrounding environmental setting have occurred that would necessitate the preparation of a subsequent EIR. All previously identified impacts and their corresponding mitigation measures remain applicable.

In conclusion, pursuant to Government Code §15162, the County finds that the proposed subdivision does not involve substantial changes that would require major revisions to the EIR. The project maintains consistency with previously evaluated aspects, including land use, traffic, utilities, biological and cultural resources, and cumulative impacts. Consequently, the County affirms that no new or significantly more severe environmental effects will result from the proposed subdivision. The findings and mitigation measures outlined in the original EIR continue to apply, ensuring ongoing compliance with all necessary environmental protections.

The County of San Benito, acting as the Lead Agency, has therefore determined that the proposed four-lot subdivision does not necessitate the preparation of a subsequent or supplemental Environmental Impact Report (EIR) and that an Addendum to the previously certified EIR is deemed appropriate in accordance with CEQA Guidelines Section 15164, with no conditions or "triggers" specified in Section 15162 having occurred in relation to the consideration of the current proposal:

**CEQA Addendum Finding:** 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.

**Exhibit D** (continued).

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: 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.*

*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.*

*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.*

*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.*