

# Notice of Exemption

Appendix E

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: (Public Agency): San Benito Co. Resource Mgmt.  
2301 Technology Parkway  
Hollister, CA 95023-2513

County Clerk

County of: San Benito  
440 5<sup>th</sup> Street Room 206  
Hollister, CA 95023-3843

(Address)

Project Title: PLN230013 (Conditional Use Permit)

Project Applicant: Oswaldo Alcala

Project Location - Specific:  
121 Harbern Way (3/4-mile east-northeast of State Route 25-Fairview Rd intersection)  
(Assessor's Parcel 025-310-004)

Project Location - City: Unincorporated Project Location - County: San Benito

**Description of Nature, Purpose and Beneficiaries of Project:**

Business operations are as follows, Fresh produce is gathered from the Los Angeles market and brought back to the owner's address. Business operations occur in accessory structures with built walk-in cooler. Operations include loading and unloading fresh produce in order to distribute to large grocery stores in the bay area, central coast, and central valley. Trucks depart at 5am and come back around 1pm-2pm.

Name of Public Agency Approving Project: San Benito Co. Resource Management Agency

Name of Person or Agency Carrying Out Project: Oswaldo Alcala, 121 Harbern Way, Hollister, CA 95023,  
831 750-7709, osvaldoalcala@yahoo.com

Exempt Status: (check one):

Categorical Exemption. State type and section number: §15301, §15303

**Reasons why project is exempt:**

*Evidence: Section §15301 Existing Facilities exemption consist of "the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures." The project operates within an accessory structure that already exists. The project involves the ongoing operation and maintenance of an existing structure. Furthermore, the project states no modifications are needed to the accessory structure.*

*Evidence: Section §15303(C) New Construction or Conversion of Small Structures exemption consists of "A Store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area." The project involves the use of an existing structure that does not exceed 2,500 square feet in floor area. The project does not involve any significant expansion or alteration of the existing structure, and the use of the structure for the business operation is consistent with the industrial activities conditionally permitted under rural zoning such as agricultural processing, which is the sorting, packaging of produce in a covered and/ or enclosed structure. Uses beyond those which are permitted in the zoning district are to be restricted by zoning ordinance. Moreover, the project would be subject to conditions of approval addressing better environmental practices.*

**Lead Agency**

Contact Person: Victor Tafoya, Assistant Planner Area Code/Telephone/Extension: 831 902-2294

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: 06-30-23 Title: Assistant Planner

Signed by Lead Agency  Signed by Applicant