

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
PLANNING COMMISSION TO APPROVE MINOR)
SUBDIVISION (MS) 1243-17, A PROPOSAL FOR)
A TENTATIVE PARCEL MAP.)

Resolution No. 2019-__

WHEREAS, the subject parcel is located on Santa Ana Valley Road approximately two miles east of the road's intersection with Fairview Road, near Hollister, San Benito County, California (Assessor's Parcel 025-090-061) and currently contains 58.98 acres; and

WHEREAS, the property owner Darin Del Curto has filed an application for a tentative parcel map (illustrated in Attachment A) to subdivide the property into four lots plus one remainder lot; and

WHEREAS, the property is currently a legal lot known as Parcel 2 as established by Book 9 of Parcel Maps, at Page 21, Official Records of San Benito County, State of California, recorded on November 12, 1998; and

WHEREAS, the property currently contains one residence with the address of 2200 Santa Ana Valley Road; and

WHEREAS, the property currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS, the applicant and owner have demonstrated adequate street access, septic-system suitability, and water availability to demonstrate the subject parcel's usability and buildability to the satisfaction of responsible County personnel; and

WHEREAS, General Plan Amendment (GPA) 08-38 and Zone Change (ZC) 08-166 were reviewed under the California Environmental Quality Act (CEQA) with a mitigated negative declaration adopted by the Planning Commission on June 3, 2009; and

WHEREAS, the Planning Commission determined that the said mitigated negative declaration sufficiently identify any reasonably foreseeable effects of GPA 08-38/ZC 08-166; and

WHEREAS, all activity under MS 1243-17 would take place within the project area considered by GPA 08-38 and ZC 08-166 and studied by the said mitigated negative declaration; and

WHEREAS, the Planning Commission determined that no substantial changes to the circumstances in which the project is undertaken and no new information of substantial importance relevant to the project have emerged that reveal project effects so significant or so inadequately studied as to warrant major revisions to the said mitigated negative declaration; and

WHEREAS, having established the adequacy of the said mitigated negative declaration, the Planning Commission determined that the mitigation measures proposed by the said mitigated negative declaration and included as MS 1243-17 conditions of approval will mitigate environmental impacts to a level less than significant; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regularly scheduled meeting held on January 16, 2019; and

WHEREAS, the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to Sections 15162 and 15164 of State CEQA Guidelines, the County finds, on the basis of substantial evidence in light of the whole record, that:

- (a) The proposed use permit does not propose substantial changes to development on the subject property which would require major revisions to the GPA 08-38/ZC 08-166 mitigated negative declaration due to new or substantially more severe significant environmental effects than previously analyzed in the mitigated negative declaration.
- (b) There have been no substantial changes in circumstances under which the development on the subject property will be undertaken that will require major revisions to the GPA 08-38/ZC 08-166 mitigated negative declaration due to new or substantially more severe significant environmental effects than previously analyzed in the mitigated negative declaration.
- (c) 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 development on the subject property or its conclusion.

Therefore, in accordance with CEQA Guidelines Section 15164, the Addendum (attached hereto as Attachment B) to the previously adopted GPA 08-38/ZC 08-166 mitigated negative declaration has been prepared because none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred in connection with its consideration of Minor Subdivision 1243-17.

Evidence: *Potential for increased intensity of use was previously analyzed by the County in the GPA 08-38/ZC 08-166 mitigated negative declaration. That document, its analysis, and supporting documents concluded (for Board Resolution 2009-65) that there would be no significant environmental effect with the zone change from 40 acre minimums to 5 acre minimums. Simple conditions were added to the approval to assure that existing regulations and customary practices would be followed in the future, and that these were sufficient to make a determination of less than significant impact (as found in Board Resolution 2009-65).*

Proposed conditions of approval for this project, including prior adopted mitigation measures, address topics discussed in the prior mitigated negative declaration such that no significant environmental effects would result from the project. As the prior mitigated negative declaration found no significant impacts to result at that time, the current proposal could not aggravate previously identified significant impacts. Circumstances of the project setting have not changed in the interim to a degree that would reveal new significant impacts. Project proponents have not declined to adopt the mitigation measures, and the feasibility of the mitigation measures has not been diminished. The Addendum to the GPA 08-38/ZC 08-166 mitigated negative declaration further describes the basis for this finding made according to State CEQA Guidelines Sections 15162.

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The property is designated as Agricultural (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The AP Zone is intended to provide for areas within the county to be used for agricultural production as set forth in the general plan. In addition to customary agricultural uses, single-family dwellings are an allowed use in the AP District, and minimum building sites shall be five acres at a minimum. Each of the proposed parcels is 5 acres or greater. There are no adopted Specific Plans for this area.*

Finding 2: The site is physically suitable for the type of development.

Evidence: *The project site is approximately 59 acres and is surrounded by existing rural development on large lots. While the site does have varying topography and elevation changes, it is not susceptible to land sliding. A small portion of the northeast corner of the property lies within a special studies zone along the Quien Sabe Fault shown on the Special Studies Zone map, Tres Pinos Quadrangle. This is within the proposed 26.448-acre remainder parcel, and the seismic constraints will not compromise the remainder's utility. The applicant will need to demonstrate that soils are appropriate and that potential septic systems will function satisfactorily to the Environmental Health Department.*

Finding 3: The site is physically suitable for the density of development.

Evidence: *Density in the AP zone allows one single family residence per every 5 acres. Parcel sizes have been proposed at 13.89, 5.00, 5.04, 8.60, and 26.45 acres, each exceeding the minimum land areas necessary for 5 acre building sites.*

Finding 4: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: *The site is not mapped or otherwise identified as suitable habitat for fish or wildlife. The existing parcel is partially developed and includes a single-family dwelling, open stables, a barn, an out-building/garage, a circular driveway turnaround, landscaping and septic drain field and tank. Upon approval, three additional residential structures would be allowed, with potentially similar developments to the existing estate and low potential to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Finding 5: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: *The project improvements have been reviewed by Responsible Agencies to ensure that the proposed subdivision would not have an impact on public health. There is no evidence in the record that the proposed project or improvements could cause serious problems for public health. Any future development on the newly created lots will be subject to additional review prior to building permit issuance.*

Finding 6: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: *The project will not conflict with any existing easements but will require the applicant to make irrevocable offers of roadway dedication to San Benito County and the public for public use as listed in the conditions of project approval.*

Finding 7: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: *The project was reviewed by the San Benito County Assessor. The Assessor did not identify this property as subject to a Williamson Act Contract.*

Finding 8: Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: *The subdivision as proposed will be served by separate septic systems. There is no indication from Environmental Health that the project as proposed would result in a violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.*

BE IT FURTHER RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito also adopts the Addendum to General Plan Amendment 08-38 and Zone Change 08-166 Mitigated Negative Declaration for Minor Subdivision 1243-17, included as Attachment B to this resolution.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves Minor Subdivision 1243-17 and its tentative parcel map subject to the following conditions of approval:

Conditions of Approval:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter "COUNTY") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT'S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant's decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT's choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys' fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development of the site shall conform substantially to the Proposed Tentative Map and Conditions of Approval as approved by the Planning Commission. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
5. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
6. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Construction Hours:** As required by County Ordinance 667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
9. **Parkland Dedication:** Prior to recordation of the parcel map, pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]
10. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
11. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

12. Water Treatment: Use of on-site regenerating water softeners shall be prohibited.

13. Habitat Conservation Plan Impact Fees: In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$600.00 for each lot over 5.1 acres. In this case the record shows that the applicant has already paid a unit of \$600.00 when he processed his General Plan Amendment and Zone Change Request as reflected in the body of the staff report. [Planning]

- 14. Dust Control:** The applicant shall incorporate the following requirements into grading activities occurring as part of this project:
- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
 - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
 - c. Haul trucks shall maintain at least two feet of freeboard.
 - d. All trucks hauling dirt, sand, or loose materials shall be covered.
 - e. Inactive storage piles shall be covered.
 - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]

County Division of Environmental Health:

15. Sewage Disposal: It is the responsibility of all owners to ensure all existing septic systems are located within their property lines, and relocate them if necessary, and meet current county code upon approval/completion of this project. At this time, soil conditions for the proposed new Parcel 1 and 2 is unknown and would have to be evaluated and approved for any proposed new construction.

16. Water: The County Division of Environmental Health requires the name of the Small Water System serving the proposed project proof that this system has adequate water to serve the proposed project. If a drinking water well has more than two (2) connections, a Small Water System permit is required by this department.

17. Hazardous Materials: If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan shall be completed and submitted to this department.

San Benito County Fire:

18. Fire: Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances

822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. Particular requirements include:

- a. That proper turnarounds (for emergency vehicles) be provided,
- b. That there are fire hydrants no further than 150 feet from (future) homes, and
- c. That there are properly-sized water storage tanks for each parcel in proportion to future building sizes. [Fire]

Public Works Division:

19. Road Dedication: Prior to recordation of the Parcel Map, the applicant shall make the following **irrevocable offers of dedication to San Benito County and the public for public use:**

- a. A minimum of 30 foot right-of-way (or 60 foot ROW is acceptable) for the proposed common driveway and standard 50 feet radius ROW for the turnaround facility.
- b. Half of 84 feet right-of-way along property frontage on Santa Ana Valley Road.
- c. A non-access strip along Santa Ana Valley Road frontage to limit the access to the proposed common driveway.

20. Roadway Improvements: Prior to recordation of the Parcel Map the applicant shall bond for or make the following roadway improvements:

- a. A minimum of 16 foot asphaltic concrete (AC) pavement on 18 foot aggregate base (AB) for the proposed common driveway with county approved turnaround facility, or provide confirmation that existing driveway already complies with the requirement and that the existing structural section meets County standards.
- b. The County acknowledges and will continue to defer the previous improvement agreement recorded on November 12, 1998, in County Official Records document 9815295 with Darin and Claire Del Curto, the agreement providing for widening half of Santa Ana Valley Road to 24-foot AC pavement on a 29-foot roadbed.
- c. Prior to recordation of the parcel map, the applicant shall pay a fair-share contribution toward the intersection improvement at Fairview Road–Santa Ana Valley Road. The fair-share contribution amount, per lot, shall be determined by the applicant’s Engineer and shall be reviewed and approved by the County Engineer.

21. Geotechnical Engineering Investigation: Prior to recordation of Parcel Map, a comprehensive design-level geotechnical engineering investigations report shall be prepared and submitted for review by Engineering. Prior to acceptance of required improvements, a letter of geotechnical compliance shall be submitted to Engineering upon completion of site improvements. A note shall be placed on the parcel map referencing the aforementioned reports for future reference by potential property owners. [§ 23.31.023]

22. Drainage: As part of submission of engineered Improvement Plans for this project, the applicant shall comply with County Drainage Standards and provide erosion control details for the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for impermeable surfaces created as part of this project. Details and direction of flows of drainage swales and grades shall also be included. All drainage improvements shall be installed in conjunction with any improvements that would create impermeable surfaces as part of this project.

23. Utilities:

- a. All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations [§23.17.003(F)]. All necessary utilities shall be installed or bonded for prior to recordation of the Parcel Map.
- b. Applicant shall submit with the Improvement Plans all applicable utility plans approved by the respective utility company. Approved utility plans will be included as part of the final or approved Improvement Plan.
- c. It is the applicant's responsibility to provide utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. Said easement(s) shall be shown on the Parcel Map.

24. Encroachment Permit: The applicant shall obtain an Encroachment Permit from County Engineering staff for any work being performed within the County right of way or for any road offered for dedication to the County prior to commencement of any improvements associated with this project.

25. Street Name: Prior to recordation of the Parcel Map, the applicant shall submit a list of proposed street name(s) for the common driveway to the County Communications Department for road name approval. The approved street name shall be reflected in the Parcel Map [§ 23.07.003.(A)(1)]

26. Storm Water Pollution Prevention: If disturbed areas exceed one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to Engineering prior to start of any construction activities as part of this project. A note to this effect shall be added on the Improvement Plans.

27. Community Facilities District: Prior to recordation of the parcel map, the applicant shall annex the project property into Community Facilities Dist. 2018-1 for the purpose of fire and sheriff protection.

28. Improvements Maintenance: Prior to recordation of the parcel map, the applicant shall prepare and establish a road maintenance agreement, for the purposes of street sweeping and maintenance of road, drainage, and other improvements, which shall be recorded on the subject property in satisfaction of County Code §23.25.007 (Maintenance of Subdivision Facilities). The maintenance agreement shall serve as an agreement among the subject property's owner(s) at the time of map recordation and among all successors in interest, shall designate said owners as being responsible for said maintenance, and shall be a covenant running with the land, binding upon current owners and their successors in interest.

29. Warranty Security: Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be

the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]

30. **As-Built Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of “As Built” Improvement Plans on a suitable reproducible media shall be prepared by the applicant’s engineer and shall be submitted to Engineering. [§ 23.31.002.(K)(1)]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16TH DAY OF JANUARY 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

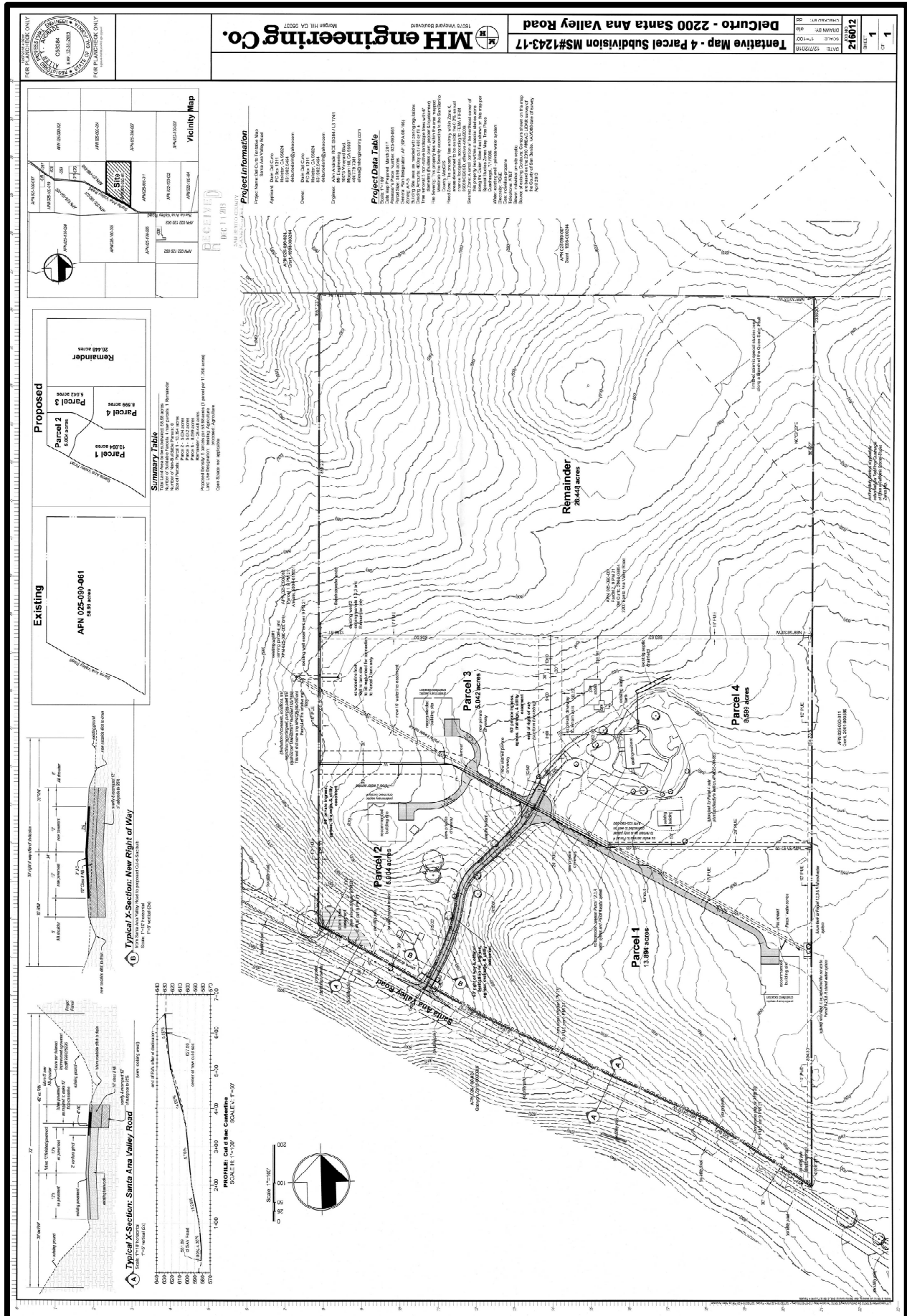
ABSTAIN

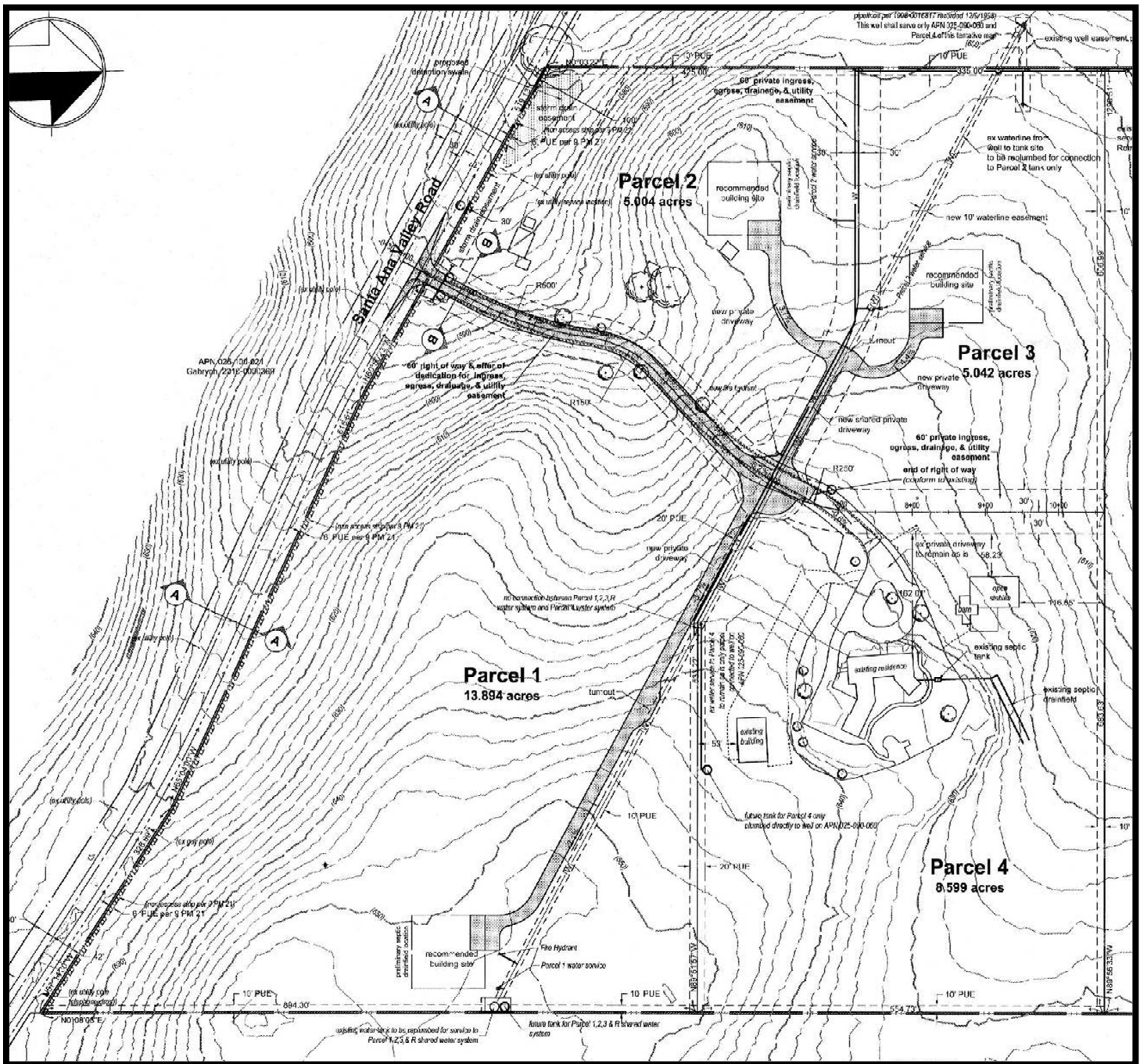
Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

ATTACHMENT A to Planning Commission Resolution





ATTACHMENT A (continued). Closer view of Parcels 1 through 4.

**Addendum to
General Plan Amendment 08-38
and Zone Change 08-166
Mitigated Negative Declaration
for Minor Subdivision 1243-17**

**2200 Santa Ana Valley Road, County of San Benito
January 16, 2019**

Previous Environmental Documentation

A mitigated negative declaration was prepared in accordance with the California Environmental Quality Act (CEQA) for General Plan Amendment (GPA) 08-38 and Zone Change (ZC) 08-166, a proposal to amend the County General Plan land use map and the County zoning map to designate the approximately 59-acre subject property Agricultural Productive (AP). The San Benito County (County) Planning Commission made findings pursuant to CEQA and adopted the mitigated negative declaration on June 3, 2009; the County Board of Supervisors subsequently adopted the General Plan amendment by resolution and the zone change by ordinance on July 7, 2009. The mitigated negative declaration examined all environmental impacts of the project as compared to the existing environment in the vicinity of the project.

Triggers for Further Environmental Review Under CEQA

In an effort to provide a degree of finality, CEQA requires that, once a mitigated negative declaration has been completed, the lead agency may not require preparation of a subsequent environmental review under CEQA 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;

(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;

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

(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 [or adopted mitigated negative declaration] 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 mitigated negative declaration 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

A project description for Minor Subdivision 1243-17 can be found in the project staff report presented to the County Planning Commission for its meeting of January 16, 2019, and incorporated here by reference. Minor Subdivision 1243-17 is proposed on the subject property to establish a degree of use and development density that is permissible under the General Plan and zoning land use districts earlier established on this site by GPA 08-38 and ZC 08-166.

The prior General Plan amendment and zone change’s mitigated negative declaration found no significant environmental effects that would be caused by the proposal at that time. Therefore, the current project could not lead to a substantial increase in the severity of previously identified significant effects. In addition, the setting of the project has changed minimally in the time since the prior review, and the circumstances under which the present project is undertaken would not in themselves require study revision to consider significant effects. Furthermore, no new information of substantial importance has surfaced in the interim to reveal significant effects or infeasibility of prior mitigation measures, and project proponents have not declined to adopt the mitigation measures.

While this project proposes development beyond the project description of the prior General Plan amendment and zone change, the project is subject to conditions of approval that address topics found in the earlier initial study/mitigated negative declaration. Included in the requirements are limits on exterior lighting and construction noise generation, utilities placed underground, contribution to planning for habitat loss prevention, requirements in the event of archaeological resources discovery, preservation of water quality through limited use of water softeners and proper design of septic systems, practices to minimize polluting runoff and drainage impacts, control of fugitive dust, and safety considerations in geotechnical engineering and fire-prevention and fire-fighting apparatus. These conditions, which also include the prior project’s mitigation measures, are such that new significant environmental effects would be prevented.

For these reasons, the County has determined that none of the triggers under Section 15162 has occurred in connection with the County’s consideration of Minor Subdivision 1243-17.