

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution 2019-30**
COMMISSION RECOMMENDING TO THE BOARD OF)
SUPERVISORS ENACTMENT OF A ZONING MAP AMENDMENT)
FOR NEIGHBORHOOD COMMERCIAL (C-2) ZONING AND)
CONDITIONALLY APPROVING A USE PERMIT TO ESTABLISH)
NEIGHBORHOOD-SERVING COMMERCIAL DEVELOPMENT ON)
AN APPROXIMATELY TWO-ACRE PROJECT SITE, FOLLOWING)
CONSIDERATION OF COUNTY PLANNING FILE PLN190027.)

WHEREAS, the subject parcel is on the west side of Ridgemark Drive, approximately 800 feet south of Airline Highway, San Benito County, California (Assessor's Parcel 020-330-042) and is approximately 20 acres in area; and

WHEREAS, Geary Coats, Coats Consulting, has filed an application to change the zoning designation on an approximately two-acre portion of said property to Neighborhood Commercial (C-2) and to obtain a use permit for neighborhood-serving commercial uses in 9,990 square feet of indoor floor space on said property (the buildings' illustration attached to the project staff report of December 18, 2019, and incorporated herein by reference); and

WHEREAS, the said portion currently has a General Plan land use designation of Residential Mixed (RM) and Commercial Neighborhood (CN) and a zoning designation of Single-Family Residential (R1); and

WHEREAS, the Planning Commission finds a zoning map amendment to change the project site's zoning from Single-family Residential (R1) to Neighborhood Commercial (C-2) consistent with the Commercial Neighborhood (CN) land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, the commercial uses proposed under the use permit would be permissible provided the County Board of Supervisors approve and enact a zoning map amendment designating the project site as C-2 zoning; and

WHEREAS, said commercial uses proposed under the use permit more specifically include those listed under County Code §25.16.041 and §25.16.042 and also include restaurant use as permitted by County Code §25.16.043; and

WHEREAS, the project would connect with and partially overlap with a similar, currently unbuilt neighborhood-serving commercial use with approximately 20,000 square feet of floor area on an adjacent 2.43-acre site that was earlier mapped as C-2 zoning by County Ordinance 859 and then approved for this use under Use Permit 1180-17, which was found to be consistent and properly located in relation to the CN land use designation by Planning Commission Resolution 2018-04; and

WHEREAS, the Planning Commission finds the layout and intensity of the commercial use consistent with the CN land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, commercial land use on the project site was reviewed under the California Environmental Quality Act (CEQA) as part of the 2035 San Benito County General Plan environmental impact report (EIR) to study the environmental impacts of the plan, which included a CN land use node in this location, and the EIR was certified on July 21, 2015; and

WHEREAS, the Planning Commission determined that the said EIR sufficiently identifies any reasonably foreseeable effects of the PLN190027 zone change and use permit; and

WHEREAS, the Planning Commission determined that the current project does not substantially differ from the 2035 San Benito County General Plan's depiction of commercial use in this location other than specifying site and building design, no substantial changes to the circumstances in which the depicted commercial use is undertaken have occurred, 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 EIR discussion of commercial land use in this location; and

WHEREAS, having established the adequacy of the said EIR discussion of commercial land use at this site, and having found PLN190027 to implement the 2035 General Plan's CN land use node in this location, the Planning Commission determined that any environmental effects of this site's commercial land use would be subject to the overriding considerations of public benefit with which the County found 2035 General Plan environmental effects acceptable upon the July 21, 2015, certification of the 2035 General Plan EIR; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change and use permit at its regularly scheduled meeting held on December 18, 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) Findings:

Finding 1: 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 commercial land use mapped on the subject property by the 2035 General Plan that would require major revisions to the EIR due to new or substantially more severe significant environmental effects than previously analyzed in the EIR.
- (b) There have been no substantial changes in circumstances under which the commercial land use mapped on the subject property by the 2035 General Plan will be undertaken that will require major revisions to the EIR due to new or substantially more severe significant environmental effects than previously analyzed in the EIR.
- (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 discussion of commercial land use by the 2035 General Plan EIR or to the EIR's conclusion.

Therefore, in accordance with CEQA Guidelines Section 15164, the Addendum (attached hereto as Exhibit B) to the previously certified EIR has been prepared because only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred in connection with its consideration of County file PLN190027.

Evidence: *The project, regarding commercial development on the subject property, was previously analyzed by the County as a component of the 2035 San Benito County General Plan in the plan's EIR. The 2035 General Plan included commercial land use node at various locations, including a CN node in this project location. No substantial changes to the concept of commercial development in this location have occurred as part of PLN190027 project submittal. No substantial changes to circumstances surrounding the proposal, whether in the geographical environment or the regulatory environment, have*

occurred since the EIR's certification in 2015, with changes to the surrounding landscape foreseeable at that time. These changes included the directly adjacent area 2.43-acre area of C-2 zoning, its use considered under a 2017 use permit application (Use Permit 1180-17) but proposed and approved in 2011 with a different design, presently unbuilt but serving as part of the existing conditions prior to the 2035 General Plan adoption. Another change was a 90-lot residential subdivision (Tentative Subdivision Map 15-94) less than a half-mile to the south, which took place under the existing General Plan land use designation of RM and zoning of R1, was reviewed under its own EIR, and can be seen as complementary to the use and purpose of PLN190027, neither project exacerbating any environmental effects of the other. Other development occurring in the area maintains the pattern of development existing just before the EIR certification in 2015, with exceptions limited to those having environmental effects, such as traffic, noise, and air quality, that would not be noticeably aggravated neighborhood-specific interest of the currently proposed commercial development.

The 2035 General Plan contains policy that is partially derived from mitigation measures resulting from the EIR process, and PLN190027 is consistent with the policy and, consequently, with the mitigation. In addition, proposed conditions of approval included in the current project staff report, such as those regarding landscaping (including tree replacement), design, lighting, and noise, address issues of interaction between the proposed construction and its immediate environment.

Zone Change Findings:

Finding 1: The approval of the zone petition will serve the public necessity, convenience and general welfare and is good zoning practice.

Evidence: *The rezoning would expand the adjacent area of Neighborhood Commercial (C-2) zoning present there since 2010. The commercial uses would serve a long-standing population surrounding the site, in addition to future population that would reside in planned but unbuilt housing. Commercial uses allowed in the description of the zoning district would offer goods and services that are currently unavailable in the closer vicinity and can only be found multiple miles from the site.*

Finding 2: This zone change is consistent with the general plan and any applicable special plan.

Evidence: *The zone change implements the intent of the Commercial Neighborhood (CN) land use node at the intersection of Airline Highway, Fairview Road, and Ridgemark Drive. The proposal would agree with the General Plan's stated CN purpose and also General Plan Policy LU-5.1, both encouraging availability of goods or services close to concentrations of population for residents' convenience, especially where such commercial land use is not currently available.*

Use Permit Findings:

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

Evidence: *The General Plan Land Use Element designation for the site is Residential Mixed (RM) and Commercial Neighborhood (CN), which both allow for commercial use by retail and services. The CN district in particular encourages such use, especially under Land Use Element Policy LU-5.1. The development would carry out the intent of this policy by offering access to commercial activities for the convenience of residents of the surrounding neighborhoods, with proximity similar to the mixed use encouraged by Policy LU-5.7 and with land reuse similar to the infill encouraged by Policy LU-1.5. Along with uses of lighter intensity is a proposal for a restaurant, a use explicitly included within the General Plan's definition of the CN land use. The commercial use and the physical construction enabling the use would take place along primary streets and existing utility lines. Conditions of approval have been included for this project to manage impacts to the health, safety, and welfare of the surrounding residents.*

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard, or nuisance to persons or property.

Evidence: *County departments and responsible agencies have reviewed the application and recommended conditions of project approval to address possible effects on the vicinity and the overall County general public and to prevent hazard or nuisance to persons and property. Activity beyond the scope of the proposed use as approved by the County shall require further permit review. The proposed use is would take place in an area already approved for commercial use, the neighboring land earlier considered under Use Permit 1180-17.*

Finding 3: The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the County Zoning Ordinance to make the use compatible with land and uses in the neighborhood.

Evidence: *The site's General Plan land use designation of CN establishes a maximum floor-area ratio of 0.8; this project would have a ratio of 0.1, relative to the proposed commercially zoned site of approximately two acres. Conditions of project approval, including measures regarding parking, lighting, noise, signage, landscaping, lighting, waste materials collection, drainage, and fire safety, would ensure adequacy of the site for the proposed construction and use. The project would include approximately 55 parking spaces for the 9,990-square-foot building, with a total of 178 spaces serving approximately 30,000 square feet of floor space if combining the current project with the adjacent Use Permit 1180-17 commercial site, 48 percent greater than the minimum standards on parking for general retail and undefined commercial uses under County Code §25.31.024, with further "overflow" parking available accommodating the existing golf course use.*

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 San Benito County 2035 General Plan Update Environmental Impact Report for Planning File PLN190027, included as Exhibit 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 considerations and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt the proposed ordinance attached hereto as Exhibit C, to amend the zoning map for the subject property from Single-Family Residential (R1) to Neighborhood Commercial (C-2); and

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 the conditional use permit on the condition that the Board of Supervisors adopt the aforementioned zoning map amendment ordinance and also subject to the following conditions of approval found in Exhibit A.

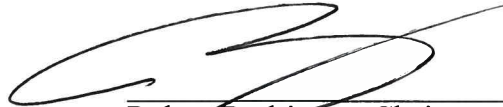
PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 18TH DAY OF DECEMBER 2019 BY THE FOLLOWING VOTE:

AYES: Rodriguez, Egland, Navarro, Eggers, Gibson

NOES: None

ABSENT: None

ABSTAIN: None



Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:



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

Exhibit A to Resolution
Conditions of Approval of Use Permit:

Planning:

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. **Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]
3. **Agreement with All Conditions of Approval:** Prior to or upon approval 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. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed project description, site plan, and conditions of approval as approved by the Planning Commission. Any increase in the nature or intensity of land use on the site beyond that already

analyzed shall be subject to further Planning review and approval. Approved plans and specifications shall not be changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans and with San Benito County Code. [Planning]

- a. All conditions of approval applicable to Use Permit (UP) 1180-17 shall continue to apply to that use permit's project site except that site design elements may extend outside the 2.43-acre UP 1180-17 project site boundary onto additional land under Neighborhood Commercial (C-2) zoning.
- b. The approved project allows a commercial floor area of 9,990 square feet in addition to the approximately 20,000 square feet approved under UP 1180-17 on a site of C-2 zoning established in 2010 by County Ordinance 859 consisting of the existing 2.43-acre site addressed by UP 1180-17 as enlarged northward by approximately two acres under the current project.
5. **Compliance Documentation:** The applicant 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]
6. **Addendum to San Benito County 2035 General Plan Update:** The Addendum to San Benito County 2035 General Plan Update Environmental Impact Report for Planning File PLN190027 can be found in Exhibit B to this resolution. As further described in the addendum, the use permit and zone change of Planning file PLN190027 may be regarded as implementation of the 2035 General Plan's establishment of Commercial Neighborhood (CN) land use definition text and of the geographical designation of said CN land use in this location. If uses are proposed for this location that differ from the CN land use, additional permit review by the County and further study of those uses under the California Environmental Quality Act may be required. [Planning]
7. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site 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 no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals;
 - c. notify the County Sheriff-Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 *et seq.*). [Planning]
8. **Parking:** Sufficient off-street parking shall be provided to meet the requirements of County Code §25.31.024, regarding retail and commercial uses. [Planning]
 - a. The applicant shall submit tenant improvement plans for review and approval by the Resource Management Agency Planning Division for consistency with parking requirements and containing the parking spaces required under County Code §25.31.024 (regarding retail and

commercial off-street parking) within the outline of the portion of the property zoned Neighborhood Commercial (C-2). [Planning]

9. Noise:

- a. The following decibel levels shall apply for this property at the respective times — 7 a.m. to 7 p.m. the decibel levels shall not exceed 65. From 7 p.m. to 10 p.m. the decibel levels shall not exceed 55. From 10 p.m. to 7 a.m. the decibel levels shall not exceed 45. Decibel levels shall be measured at the property boundaries. [Planning]
 - b. A note shall be placed on the project improvement plan to state that construction on the project site, in accordance with County Code §25.37.035 and County Code Chapter 19.39, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, with no construction activities allowed on Sundays and holidays. [Planning]
 - c. During construction temporary noise barriers shall be used when necessary to reduce noise levels caused by construction.
 - d. Setbacks, separation, site layout and shielding of activities away from neighbors shall be utilized during the construction phases of this project.
 - e. Construction equipment shall use appropriate mufflers to reduce noise from diesel engines and compressed air machinery.
 - f. A construction schedule shall be developed in which construction activities with increased decibel levels will occur on the same day, if possible, to reduce the number of heightened-noise construction days. Waste dumps in use during construction shall also be strategically placed to serve as temporary noise barriers. [Planning]
10. **Sign Ordinance:** All future signs shall comply fully with the County's Sign Ordinance (County Code §25.29.060 *et seq.*) and be approved under a separate permit. [Planning]
11. **Maintenance:** The Neighborhood Commercial (C-2) site shall be maintained by the property owner at all times (weed abatement, landscaping maintenance and exterior repairs). [Planning]
12. **Landscaping:** Prior to issuance of a building permit, the property owner shall submit a landscaping plan to the County Resource Management Agency for review and approval. This landscaping plan shall be approved by the Resource Management Agency and installed prior to final occupancy. The landscaping buffer shall act as a visual screen for surrounding properties. The landscaping buffer shall be maintained at all times by the owner of the property. [Planning]
- a. In accordance with the San Benito County Permanent Tree Protection Article, in satisfaction of County Code §25.29.216(J), the submitted landscaping plan shall feature trees equal in number to those removed to accommodate any commercial development on the subject parcel.
13. **Lighting:** Prior to issuance of a building permit, the property owner shall submit an exterior lighting plan for review and approval by the County Resource Management Agency. The lighting plan shall comply with Chapter 19.31 of the San Benito County Code for Zone II lighting requirements. The approved lighting plan shall be installed prior to final occupancy of a building. [Planning]
14. **Greenhouse Gases:** All future construction on this property shall meet the guidelines of the Leadership in Energy and Environmental Design for New Construction. Prior to obtaining a building permit, the owner and/or applicant shall design their construction project to meet LEED standards for New Construction. The owner/applicant shall submit as part of the building permit submittal plans which show that construction is to LEED standards and shall provide the appropriate LEED forms that explain how these LEED standards are being met. [Planning]

15. Design Review:

- a. As part of the building permit process for the commercial buildings, the property owner shall submit to the County Resource Management Agency a request for design review approval for the structures. In order for the Resource Management Agency to make a determination on each proposed structure, staff may require that applicants to submit for review items including, but not limited to, color palettes, materials samples for exterior surfaces, and illustrations of said color and materials as applied to building elevations.
- b. The above conditions shall be reasonably interpreted to balance the interests of the community and property owner, and should be interpreted without imposing arbitrary limits on height, size, or other design characteristics, but rather to ensure that the lot is developed in accordance with its unique location and to incorporate reasonable measures such as landscaping, building material(s), and color palettes and which ensure the property owner(s) of the reasonable use and enjoyment of their property.
- c. The Building Inspector shall verify that the structures have been finished in the approved materials and colors prior to the final occupancy of the buildings. [Planning]

16. Construction: A note shall be placed on construction plans and improvement plans to state:

- a. "As required by County Ordinance, Construction on the project site shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays."
- b. "Construction equipment shall be properly maintained and equipped with noise reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation."
- c. "Landscape maintenance activities shall be limited to the hours of 7:00am – 7:00pm and shall be prohibited on Sundays and federally recognized holidays." [Planning]

17. Construction Dust Control: The applicant shall incorporate the following requirements into any 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]

18. Permanent Airborne Dust: Permanent site surface design shall not promote airborne dust. [Planning]

19. Waste Materials Enclosure and Access: The improvement plan shall include an enclosure of adequate space and capacity for recycling, organic materials, and trash bins/containers to serve the development. With guidance from County Integrated Waste Management, the enclosure's size shall be derived from the quantities of garbage, recyclables, and organics to be generated by the use and shall permit compliance with mandatory recycling requirements of 50-percent diversion from landfill.

- a. The area of the enclosure shall be designed in a suitable configuration to allow a hauler to access and service solid waste, recyclable materials, and organic materials containers safely and efficiently.
 - b. Enclosures shall be covered to prevent rainwater infiltration into the storage area. A minimum of 8 feet of vertical clearance within the storage area shall be provided to allow the container lids to be fully opened and closed.
 - c. Enclosures and areas around enclosures shall be designed to prevent liquid run-on to the area and run-off from the area, and to contain litter and garbage so that it is not dispersed by the wind or runoff. Enclosures and areas around enclosures shall not discharge to the storm drain system. [Planning, Integrated Waste]
20. **Irrigation:** Installation of irrigation for the subject property shall follow standards for recycled water and shall use recycled-water piping (“purple pipe”) as recycled water becomes available in the future at this location. [Planning]
21. **Right of Access:** The applicant shall at all times possess and maintain a legal right of access for the use(s) allowed under this use permit; failure to do so may result in modification or revocation of the permit by the Planning Commission in accordance with the San Benito County Code §25.16.007. [Planning]

Public Works:

22. **Improvement Plans:** The applicant shall submit detailed improvement plans, accompanied by pertinent plan checking and inspection fees, for review and approval by the County Engineer prior to issuance of any building permit(s.) Fees shall be based on the Engineer’s Estimate (subject to review by County Engineer) of anticipated construction costs. [Public Works]
23. **Drainage:** Applicant shall comply with County Drainage Standards, and incorporate these standards and necessary design calculations as part of the subsequent Improvement Plan for the project. Applicant’s engineer shall provide a more detailed drainage and erosion control plan showing but not necessarily limited to the following:
- a. Erosion control plan to include erosion control during and after construction which will include delineating location of temporary stockpile/s of excavated materials identifying the method of erosion control being proposed, and all other erosion control measures being proposed at site for the duration of the work, and final erosion control after the work is completed.
 - b. Show or indicate final destination of storm water run-off, whether it will be to an existing storm water pond or any other natural drainage easements.
 - c. Show details of existing or proposed storm drainage pipes or structures.
 - d. Provide confirmation or hydraulic calculation for the adequacy of any existing or proposed storm drainage system or structures.
 - e. Confirm existence of or create adequate storm drain easements to the County (or other public entity) that may have responsibility for maintenance and/or repair of these facilities. [Public Works]
24. **Storm Water Pollution Prevention:** If disturbed area exceeds one 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), prepared by a certified QSD/QSP (Qualified SWPPP Developer/Qualified SWPPP practitioner), 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. [Public Works]

Fire:

25. **Fire Code:** The project, including driveway details, shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size. [Fire]

Sunnyslope County Water District:

26. **SSCWD Agreement and Plans Review:** Prior to the start of construction, the developer shall have entered into an agreement with the Sunnyslope County Water District (SSCWD) regarding the terms and conditions of service by the SSCWD. Development improvement plans shall also be reviewed, approved, and signed by SSCWD prior to construction. [Sunnyslope County Water District]

Division of Environmental Health:

27. **Hazardous Materials:** If any hazardous materials are to be stored on the site of the proposed project, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. [Environmental Health]

**Addendum to
San Benito County
2035 General Plan Update
Environmental Impact Report
for Planning File PLN190027**

**151 Ridgemark Drive, County of San Benito
December 18, 2019**

Previous Environmental Documentation

An environmental impact report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) for the 2035 San Benito County General Plan, adopted in 2015. The plan's adoption served as a comprehensive update to replace the prior County General Plan policy document in full, with the exception of the 2007–2014 Housing Element. For this purpose, the San Benito County Board of Supervisors (Board) made findings pursuant to CEQA and certified the EIR on July 21, 2015. Subsequently on the same date, the Board adopted the 2035 San Benito County General Plan. The EIR examined on a programmatic basis all environmental impacts that could foreseeably result from the 2035 San Benito County General Plan as compared to the environment existing at that time; this included analysis of the updated plan's establishment of new locations for land uses defined within the plan.

Triggers for Further Environmental Review Under CEQA

In an effort to provide a degree of finality, CEQA requires that, once an environmental impact report (EIR) 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 an 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

A project description for PLN190027 can be found in the project staff report presented to the County Planning Commission for its meeting of December 18, 2019, and incorporated here by reference. The use and construction proposed by the project are foreseen by analysis found in the EIR for the 2035 San Benito County General Plan, adopted by the County on July 21, 2015, following EIR certification on the same date. The analysis considered the possibility of new commercial land uses at various locations, or nodes, in unincorporated San Benito County. One such node was located at the intersection of Airline Highway (State Route 25), Fairview Road, and Ridgemark Drive and proposed the designation of Commercial Neighborhood (CN). The current proposed zone change and use permit under PLN190027 establish that particular land use at that specific node.

The General Plan Land Use Element illustrates the CN node as being centered on the Airline–Fairview–Ridgemark intersection but is unspecific on the location of resulting commercial uses relative to the intersection. More clarity on the subject is written into the stated intent of the CN designation, “to provide convenience goods within or near communities or other concentrations of population” and “to reduce unnecessary vehicular trips to commercial centers in the cities of Hollister and San Juan Bautista.” General Plan Policy LU-5.1 clarifies further by providing that CN nodes are to be “located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or [will be established] where the need for expanded neighborhood commercial services can be demonstrated.”

PLN190027, despite locating commercial uses 800 feet from the intersection where the node is centered, satisfies the CN intent and Policy LU-5.1 in its purpose to serve a market of customers and users located in the surrounding neighborhood. The resulting development would give the nearby community an option of commercial services that would not require travel to more distant locations in the incorporated cities.

Immediately to the south of the intersection are a creek, a slope, and the townhouses of Joes Lane, hindering commercial development directly adjacent to the intersection. The 151 Ridgemark Drive property farther south is more level and contains just one small building, making it more feasible for construction. This location is also closer to the Ridgemark population while remaining easily accessible to users of Airline Highway and Fairview Road.

The PLN190027 proposal therefore reflects the result that the 2035 General Plan intended for this CN node. In turn, any environmental impacts of PLN190027 have already been contemplated under CEQA as part of the 2035 General Plan EIR analysis of the plan’s commercial nodes. The proposed zone change and use permit would not change the degree of commercial land use proposed for the subject property by the 2035 San Benito County General Plan in such a way as to add or aggravate environmental impact beyond that considered upon previous review of commercial use on this site, given the compatibility of the zone change and use with 2035 General Plan policies. The use permit would also be subject to conditions of approval regarding environmental concerns, such as dust control, noise limits, and replacement of removed trees. 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 PLN190027.