

BEFORE THE PLANNING COMMISSION, COUNTY OF SAN BENITO

RESOLUTION NO. 2019-22

**RESOLUTION OF THE PLANNING COMMISSION OF SAN BENITO COUNTY
HAVING CONSIDERED THE “BETABEL ROAD” COMMERCIAL NODE REZONE
ADDING A COMMERCIAL THOROUGHFARE C-1 OVERLAY ADDENDUM TO THE
2035 GENERAL PLAN UPDATE FEIR**

WHEREAS, the Final Environmental Impact Report San Benito County 2035 General Plan Update, State Clearinghouse No. 2011111016, was certified on July 21, 2015, by the Board of Supervisors of the County of San Benito, by Resolution No. 2015-58 (“General Plan EIR”); and

WHEREAS, the Planning Commission is considering a proposed zoning map amendment ordinance to change the zoning of the Betabel Road Commercial Node to add a Commercial Thoroughfare (C-1) District Overlay to the existing Regional Commercial C-3 District (referred to as “proposed project”), with the environmental analysis prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15164; and

WHEREAS, in accordance with the CEQA Guidelines, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project; and

WHEREAS, the Betabel Road Commercial Node Rezone Adding a Commercial Thoroughfare C-1 Overlay Addendum (“Addendum”), attached hereto as Attachment A, was prepared to review the rezoning to add a Commercial Thoroughfare (C-1) Overlay District and examines whether, as a result of proposed changes by the proposed project or new information that was not known and could not have been known, any new or substantially more severe significant impacts could occur that were not identified in the General Plan EIR; and

WHEREAS, the environmental analysis presented in the Addendum revealed that the proposed zone change to add the C-1 Overlay District will not result in new significant impacts or substantially increase the severity of previously identified significant effects in the General Plan EIR; and

WHEREAS, there are no mitigation measures or alternatives previously found not to be feasible that will in fact be feasible, or that are considerably different from those analyzed in the certified General Plan EIR, which would substantially reduce one or more significant impacts. No further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission declares it has reviewed and considered the Addendum and concurs with the determination that no new significant impacts would result from the C-1 Overlay District rezoning, and, therefore, an addendum was the appropriate CEQA document to be prepared; and

BE IT FURTHER RESOLVED, the Planning Commission of San Benito County hereby recommends that the Board of Supervisors adopt the Addendum and Findings, attached hereto as Attachment B, as required under the California Environmental Quality Act that are incorporated by reference in the proposed Ordinance.

BE IT FURTHER RESOLVED, the Planning Commission of San Benito County hereby finds that the adoption of the ordinance to amend the San Benito County Zoning Map to change the zoning of the Betabel Road Commercial Node to add the Commercial Thoroughfare (C-1) Overlay District to the existing Regional Commercial (C-3) District implements, and is consistent with, the Objectives, Goals, Policies, Standards, and Programs of the 2035 San Benito County General Plan.

PASSED AND ADOPTED by the Planning Commission, County of San Benito, State of California on this 20 day of NOV 2019, by the following vote:

AYES: Commissioner Rodriguez, Egland & Gibson

NOES: Commissioner Navarro, Eggers

ABSTAINING: —

ABSENT: —

By


Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:


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

**ATTACHMENT A
TO CEQA RESOLUTION FOR
BETABEL ROAD C-1 OVERLAY REZONING
FINAL ADDENDUM
PLN190060 COMMERCIAL THOROUGHFARE (C-1)
Planning Commission
November 20, 2019**

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A. BACKGROUND

Project Title	Betabel Road Commercial Node Rezone to Commercial Thoroughfare (C-1)
Lead Agency Contact Person and Phone Number	Taven Kinison Brown (831) 637-5313
Date Prepared	October 31, 2019
Study Prepared by	County of San Benito 2301 Technology Parkway Hollister, CA 95023
Project Location	On the northwest edge of San Benito County's boundary line, bordered by U.S. Highway 101 to the east, the Pajaro River to the west, and the San Benito River to the southwest.
Project Sponsor Name and Address	County of San Benito
General Plan Designation (this location)	Rangeland (RG) and Commercial Regional (CR)
Zoning (this location)	Proposed: Commercial Thoroughfare (C- 1)

Background

San Benito County ("County") is located in the Coast Range Mountains, south of San Jose and west of the Central Valley. The County is surrounded by Santa Cruz and Monterey counties to the west, Santa Clara County to the north, and Merced and Fresno counties to the east and south. The County encompasses over 890,000 acres (about 1,391 square miles). Figure 1, Regional Location, shows the County's regional location.

Historically, residential growth in San Benito County has outpaced commercial growth. The County intends to promote commercial uses on strategic parcels in order to accommodate commercial demand, promote tourism and economic development, and increase revenue.

The project includes the rezone of the Betabel Road C-3 District to add Commercial Thoroughfare (C-1), a combining district, as an alternative means to implement the Betabel Road's County 2035 General Plan land use designation of Commercial Regional (CR). The County's 2035 General Plan Figure 3-2 "Land Use Diagram (North County Detail)" and

Figure 3-5 “Commercial and Industrial Nodes” identify a Commercial Regional “node” at Betabel Road. On September 24, 2019 Ordinance 991 added Article IV “Regional Commercial (C-3) District” to the San Benito Code to correspond with and implement the Commercial Regional land use designation. Additionally, by Ordinance 992, the zoning map was amended to designate approximately 29-acres as Regional Commercial (C-3) at Betabel Road. Ordinance 991 has been suspended due to the submission of a referendum petition, the outcome of which is pending. Ordinance 992 remains in effect. Therefore, the C-3 zoning classification of the site remains valid. However, due to the suspension of the C-3 zoning regulations, there are no zoning regulations that can currently implement the C-3 zoning classification or Commercial Regional land use designation at Betabel Road. Commercial Thoroughfare (C-1) is the most appropriate alternative zoning designation to implement the General Plan land use designation for the Betabel Road Commercial Regional node.

Per Section 25.16.001(A) of the San Benito County Code, the Commercial Thoroughfare (C-1) district shall act as a combining district. The C-1 district regulations shall modify the regulations of the base zone with which the C-1 district is combined. Further, “except as modified in this section, or within any adopted specific plan, the base zone regulations apply.”

Section 25.16.001 (B) states, “[t]he intent of the C-1 and C-2 districts is to provide for commercial development that is compatible with other land uses and will conveniently and effectively serve the needs of the people. The objective is to encourage limited commercial services to meet the needs of rural citizens as well as the needs of the weekend or recreational uses, but retain major cooperative shopping for the county within urban areas.”

Section 4 of Ordinance No. 991 (which adopts the C-3 zoning regulations) amends Section 25.16.001 to add subsection (C):

“(C) The C-3 Regional Commercial district shall act as an independent standalone (not combining) district. All of the C-3 district regulations, development standards and procedures are set forth in Article IV.”

There are two potential outcomes to the referendum petition: 1) C-3 zoning district regulations are approved by the voters; or, 2) the C-3 zoning district regulations are repealed by the Board of Supervisors, or disapproved by the voters. With the first scenario, the C-1 Zoning District Overlay could go into effect for less than two months, after which time the C-3 regulations would supersede the C-1 zoning regulations for the Betabel rezoned area. Any application in that interim period would still be subject to design review by the Planning Commission pursuant to 2035 San Benito County General Plan Policy LU-5.3, so it is unlikely that any project could be approved in that relatively short window of time. With the second scenario, while the underlying C-3 zoning classification would remain in place, the C-3 zoning district regulations to implement this zoning classification would not. Therefore, proposed future development would default to C-1 zoning district regulations. The outcome of the referendum cannot be known at

this time. Therefore, neither scenario can be assumed. Commercial Thoroughfare (C-1), a combining district, could be an alternative means to implement the intent of the Commercial Regional General Plan land use designation regardless of the outcome of the referendum petition.

Because the C-1 zoning regulations are less restrictive, this addendum analyzes the potential impacts of future development under the C-1 zoning regulations in order to capture the full scope of potential environmental impacts. Setting

The approximately 29-acre existing Betabel Road C-3 District node is located along U.S. Highway 101 and is comprised of the following APNs: 013-150-017, -018, -024 & -025 (project site). The project site is vacant and adjacent to the Betabel Road RV Park. The General Plan land use designation for the project site is Rangeland (RG) with Commercial Regional (CR) identified within the area. The current zoning is Regional Commercial (C-3).

Surrounding land uses include crop and grazing land on all sides. The project site is also adjacent to the Pajaro River to the west, located approximately 200 feet from the site, and the San Benito River to the southwest, which is located approximately 800 feet from the site. Site location is presented on Figure 2, Betabel Road C-1 Overlay Boundary. Photos of the project site are presented in Figure 3, Site Photographs.

General Plan Regional Commercial Policies and C-1 Zoning Intent

The General Plan Appendix A provides the following definition of “Centralized Commercial Node Developments”:

A strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or “strip” development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses.

The following General Plan policies are related to regional commercial nodes:

Policy LU-3.7 Visitor Serving Uses in Agricultural Areas. The County shall encourage visitor serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as they do not adversely affect the agricultural production activities of the area (General Plan p. 3-18). (RDR/MPSP)

Policy LU-5.3 New Commercial Regional Nodes. The County shall encourage new Commercial Regional (CR) nodes to be located at or near

existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context (General Plan p. 3-23-3-24).

Policy LU-5.4 New Commercial Nodes Vision. The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources and local character and quality of life attributes (General Plan p. 3-24).

Policy LU-5.5 Strip Commercial. The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3 (General Plan p. 3-24).

Policy LU-5.6 Visitor-Oriented Commercial Uses. The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products (General Plan p. 3-24).

Policy LU-5.7 Mixed-Use Development. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities (General Plan p. 3-24).

According to the General Plan, the purpose of the Commercial Regional (CR) designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels (General Plan p. 3-6). According to section 25.16.020 of the San Benito

County Code, the C-1 district is specifically intended to provide establishments offering accommodations, supplies or services, especially to motorists, and for certain uses such as commercial amusement and specialized automotive and related sales and service establishments, which serve persons coming to them from large trading areas by automobile. The C-1 District allows for souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and hotels/motels (see Section 25.16.022) to provide areas that function as destinations for commercial activity serving the regional population.

Description of Project

This addendum considers whether the rezone of the Betabel Road node to add a Commercial Thoroughfare (C-1) overlay to implement its General Plan Commercial Regional land use designation would result in new or substantially more severe impacts than those identified in the General Plan EIR.

CEQA Approach

The *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016*, was certified on July 21, 2015 ("General Plan EIR"). The General Plan EIR analyzed the *San Benito County 2035 General Plan* ("General Plan"), which was adopted by the San Benito County Board of Supervisors on the same date. A Notice of Determination was posted and filed for the General Plan EIR on July 23, 2015. Filing and posting of notice commences running of 30 day statute of limitations for legal challenges to the approval. The statute of limitations for legal challenges to the General Plan EIR ran on August 23, 2015.

This addendum reviews the proposed Betabel Road C-1 Overlay and examines whether, as a result of changes to the proposed project or new information that was not known but could have been known, any new or substantially more significant impacts could occur that were not identified in the General Plan EIR.

Consistent with state law, the 2035 General Plan included standards of population density and building intensity for each of the land use designations appearing on the Land Use Diagram (General Plan EIR p. 3-43). Table 3-7 of the General Plan EIR identified these standards, and lists the acreage of the County allocated to each land use type. Table 3-7 identified 126-acres of Commercial Regional (CR) area at a Floor Area Ratio (FAR) of 0.8 (General Plan EIR p. 3-43). At maximum buildout of the 126 acres, this would result in 4,390,000 square feet of Commercial Regional Development (See General Plan EIR p. 3-43). The General Plan EIR did not assume all land uses depicted in the Land Use Diagram would

be built out by 2035 to their absolute maximum potential. Instead, the General Plan EIR evaluated the impacts of forecasted development that will likely occur through the year 2035 consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project. The General Plan EIR utilized conservative population, housing, and employment forecasts to evaluate the reasonably foreseeable impacts of General Plan buildout of the General Plan Land Use Diagram (General Plan EIR pp. 4-5, 4-8 and 4-12).

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram (General Plan EIR pp. 4-5, 4-8 and 4-12). Because The General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development (126-acres at a FAR of 0.8). However, because only one of the four nodes (29 acres of the 126 acres) identified for Commercial Regional development is being proposed for rezoning to allow for future commercial development, only 1,010,592 square feet of potential Commercial Regional development could occur.

The Commercial Thoroughfare zoning district identifies the maximum lot coverage as 40 percent and maximum height limit as 35 feet. Adherence to these standards may allow for a slightly denser development capacity than allowed by the General Plan land use designation FAR standard. However, because the General Plan FAR allows for less development than the C-1 District, this FAR may not be exceeded at the Betabel Road site. Therefore, any future development within the Betabel Road site may not exceed 1,010,592 square feet of development, 40 percent lot coverage, or a height of 35 feet. At maximum buildout of the Betabel Road site, development will still be limited to approximately one quarter of the commercial development considered in the General Plan EIR and Table 3-7. The project would therefore fit within the growth projections utilized in the General Plan EIR analysis. The rezone of the Betabel site to C-1 would be within the Commercial Regional acreage amount identified in the General Plan, future development would be required to adhere to the FAR identified in the General Plan, and uses allowed in the C-1 district including souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and hotels/motels, are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR. Therefore, growth and development intensity related impacts associated with the rezone of Betabel Road to C-1 were adequately analyzed by the General Plan EIR (General Plan EIR p. 3-43).

The General Plan EIR analyzed the coverage impacts from development under the 2035 General Plan at a program or community level and is therefore not site specific due to the

wide geographical area covered (General Plan EIR p. 4-12, 4-13, 8-1). The impact analysis is quantitative where data is reasonably available and is otherwise qualitative (General Plan EIR p. 4-4, 8-1). The C-1 zoning change implements the General Plan and is not a development specific project. The General Plan EIR assumed 126 acres of Commercial Regional development (General Plan EIR p. 3-43), but did not identify specific boundaries for this designation (see General Plan Figure 3-4). The proposed Betabel Road C-1 Overlay acreage is 29 acres which would be within the 126 acres of Commercial Regional identified in the General Plan EIR. No specific parcels were analyzed by the General Plan EIR, and, rather, general geographic areas were considered. Because no site specific development plans are proposed at this time, reasonably foreseeable future development impacts within these general geographic areas are considered.

The environmental review does not analyze any specific development project. In accordance with the California Environmental Quality Act ("CEQA") Guidelines, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed programmatic, regulatory nature of this stage of project review.

Additional project level review will be required for future development projects, except those projects allowed by a matter of right, which include limited changes of commercial uses within an existing structure, crop and tree farming and truck gardening, and other similar uses.

Since the General Plan EIR was certified, amendments to the CEQA Guidelines have been adopted by the state, including changes to the Guidelines Appendix G (Environmental Checklist). The amendments to Appendix G include new discussion topics of vehicle miles traveled for transportation issues (in response to SB 743), and the addition of wildfire, energy, and new, expanded, or relocated natural gas, electric power, and telecommunications facilities as separate topics to address. This addendum addresses the new discussion topics included in Appendix G.

Other Public Agencies Whose Approval is Required

None for zoning change.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Public Resources Code section 21080.3.1 applies to any project for which a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration is

filed. This CEQA document is an Addendum to a certified Environmental Impact Report. No new or substantially more severe environmental impacts were found to occur with the rezone of the Betabel Road node. A Notice of Preparation, Notice of Mitigated Negative Declaration or Negative Declaration were not filed as part of this project. If subsequent project specific CEQA review of development proposals will require the preparation of a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, Tribal consultation will be initiated.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| ☐ Aesthetics | ☐ Greenhouse Gas Emissions | ☐ Population/Housing |
| ☐ Agriculture and Forestry Resources | ☐ Hazards & Hazardous Materials | ☐ Public Services |
| ☐ Air Quality | ☐ Hydrology/Water Quality | ☐ Recreation |
| ☐ Biological Resources | ☐ Land Use/Planning | ☐ Transportation |
| ☐ Cultural Resources | ☐ Mandatory Findings of Significance | ☐ Tribal Cultural Resources |
| ☐ Energy | ☐ Mineral Resources | ☐ Utilities/Service Systems |
| ☐ Geology/Soils | ☐ Noise | ☐ Wildfire |

Since all environmental effects are determined to have been accounted for in the General Plan EIR, and no new or substantially more severe impact is identified in this addendum, none of these boxes have been checked.

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that the proposed project COULD have a significant effect on the environment, however all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, and (3) would not be new or substantially more severe than identified in an earlier EIR or NEGATIVE DECLARATION. The proposed project would not result in any of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration, and an ADDENDUM will be prepared.

Taven Kinison Brown, Principal Planner

Date

D. ADDITIONAL MITIGATION MEASURES FOR BETABEL ROAD C-1 OVERLAY.

The following mitigation measures shall be applied to future development projects at the project site subject to permit under Section 25.16.022 or Section 25.16.023.

D. Mitigation Measures for Betabel Road C-1 Overlay

Mitigation Measure B1: Development and Site Specific Project Environmental Review. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall undergo development and site specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of development and/or site specific impacts and ensure compliance with the General Plan and County Code (General Plan p. 3-23 -3-24; County Code §§ 25.16.003-25.16.004).

Mitigation Measure AES-B1: Grading and Landscaping. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall comply with the following:

- (A) Development on slopes of 15 percent or greater shall be subject to the provisions of §25.29.030 through §25.29.036. Landscaping shall be designed to reduce visibility of parking lots from U.S. Highway 101.
- (B) Landscaping shall feature full-sized trees to the eastern side of the buildings to partially screen the buildings from U.S. Highway 101. Unobscured views of the buildings are permitted from Betabel Road.
- (C) Visibility of driveways and access roads on slopes of greater than five percent shall be minimized to the extent feasible using careful siting, terracing, existing vegetation, or new vegetation. Visibility of driveways and access roads on slopes of greater than five percent shall be fully screened from views from scenic highways.
- (D) Parking lots shall be landscaped to include native shade trees.
- (E) Parking lots and loading areas shall be visually screened from public roadways.
- (F) Portions of a site not covered by structures, pavement, or natural vegetation/rock shall be landscaped with native drought tolerant or low water usage.

- (G) Landscaping and screening trees shall be selected from the list of native trees included in Exhibit A to chapter 19.33.
- (H) Woodlands canopy cover shall be retained in accordance with chapter 19.33.
- (I) No oak tree, as included within the definition in §25.29.212, shall be removed for construction of structures, utilities, parking, or roads; all development shall primarily be sited within areas clear of oak trees. Careful and thoughtful site planning may allow for selected trimming of such trees to best accommodate structures or pathways.
- (J) No greater than 10 percent of total landscape planting areas may be irrigated, unless a rainwater catchment system is used as the sole source of irrigation on areas exceeding the 10 percent limit.
- (K) Grading and ground disturbance shall be subject to the provisions of chapter 19.05.
- (L) All site improvements shall be in compliance with applicable state and local fire-resistance and fire protective standards.
- (M) Utilities and support systems, including transformers, conducting wires, pipes, trash enclosures, and heating or cooling equipment, shall be screened from view, with a door or gate at the access point. Structural screens shall be of compatible design to the primary buildings; fences or walls shall be of decorative design or screened at least 50 percent by vegetation. Public safety or convenience items (e.g. fire hydrants, trash receptacles, and drinking fountains) shall not be subject to this section.

Mitigation Measure AES-B2: Lighting. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall comply with the following:

- (A) Except as otherwise required by this measure, lighting shall be consistent with the provisions of chapter 19.31.
- (B) Exterior lighting shall not be positioned in excess of 25 feet above the ground surface.
- (C) Lighting shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site or adjacent areas with light.

- (D) Lighting for signs shall be designed to illuminate the sign without direct visibility of the light source.
- (E) Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.
- (F) LED or other energy efficient lighting technologies shall be required.
- (G) Light color should generally be between 2,200 and 3,000 Kelvin, subject to the discretion of the approving authority for special circumstances.
- (H) No lighting that is directed upward shall be allowed.

Mitigation Measure AES-B3: Sign Restrictions. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall comply with the following:

- (A) Except as otherwise required or allowed by this measure, on-site signs shall be consistent with the provisions of §25.29.060 through §25.29.076.
- (B) In addition to the signs described in §25.29.070, the following sign types shall be prohibited.
 - 1. Internally illuminated plastic signs;
 - 2. Signs with flashing or animated lights, or moving or changing text, or images;
 - 3. Signs that conflict with the lighting requirements of Mitigation Measure B-AES-2.
- (C) Sign types to be encouraged include sandblasted redwood or similar hand-crafted, hand-painted custom signs with “elemental” components, such as wood, steel, iron, brick, stone, etc. and exterior down-oriented lighting fixtures, if lighting is provided.
- (D) An alternative calculation of sign area may be used, allowing one square foot of sign area for each 150 feet of building coverage area, with no single sign or group of signs exceeding 150 square feet.
- (E) Maximum height of signs shall be 45 feet. On sites where views from the highway of a sign constructed to the maximum height would be demonstrated obscured by terrain or vegetation, a sign height and related lighting height exception may be

granted by the Planning Commission, provided no additional height shall be allowed than is necessary to make the sign visible to travelers.

Mitigation Measure AES-B4: Yards and Reservations. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall comply with the following:

- (A) Except as otherwise required by this measure, yards shall be consistent with the provisions of §25.29.005 and §25.29.006.
- (B) Notwithstanding §19.27.001, no structures shall be located closer than 150 feet from the side line of the nearest U.S. Highway 101 travel lane, or closer than 50 feet from the side line of an on- or off-ramp with the exception that freestanding signs may be located within these areas.
- (C) Flood zones designated by the Federal Emergency Management Agency shall be included within flood zone reservations. Development in flood zone reservations shall be restricted to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs, and permanent structures that are in compliance with the provisions of chapter 19.15.
- (D) Water courses and associated riparian vegetation, inclusive of a 100 foot wide buffer area from top of bank and edge of vegetation of the Pajaro River or San Benito River, and 50 foot wide buffer area from top of bank and edge of vegetation of other natural water courses, shall be included within riparian reservations. Development in riparian reservations shall be restricted to storm water management, habitat restoration, access drives not resulting in a net loss of vegetation, and passive recreational activities.
- (E) Buildings should be clustered near the north end of the node, and less intense development shall be located nearest to the San Benito River.
- (F) Slopes in excess of 30 percent shall be included within slope reservations. No development shall be allowed within slope reservations.

Mitigation Measure BIO-B1: Conduct Site Specific Biological Resources Survey. Any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023 shall prepare a biological resource assessment as provided by Mitigation Measure BIO-1a.

Mitigation Measure CUL-B1. Conduct Site Specific Cultural and/or Tribal Resources Survey. A professional archaeologist shall conduct a pedestrian site survey for any future development project at the project site subject to permit under Section 25.16.022 or Section

25.16.023. If evidence of cultural and/or tribal resources are found, the results of the survey shall identify measures to avoid, minimize, and mitigate impacts to cultural and/or tribal resources. If warranted, a professional archeologist shall prepare a Cultural/Tribal Resource Management Plan that will detail how impacts to cultural/tribal resources within the project area will be avoided, treated, and/or mitigated. Development project applicants must implement the avoidance, minimization, and mitigation measures identified in the survey and must implement any Cultural/Tribal Resource Management Plan prepared for the development.

Mitigation Measure CUL-B2. Native American Tribal Consultation. If the survey contemplated in Mitigation Measure CUL-B1 finds evidence of potentially significant impacts to tribal cultural resources, the project applicant shall consult with Native American Tribes included on the Native American Heritage Commission tribal consultation list.

Mitigation Measure TC-B1. Preparation of a Traffic Study. A professional traffic engineer shall prepare a traffic study, including vehicle miles traveled (VMT) analysis, for any future development project at the project site subject to permit under Section 25.16.022 or Section 25.16.023. The traffic study shall identify suggested avoidance, minimization, and/or mitigation measures for potentially significant traffic and circulation impacts. If warranted, a Traffic Management Plan shall be prepared and detail how traffic and circulation impacts resulting from the project shall be avoided and/or mitigated. Development project applicants must implement the avoidance, minimization, and mitigation measures identified in the survey and must implement any Traffic Management Plan prepared for the development.

E. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
2. “Supporting Information Sources” — A source list is attached, and sources used or individuals contacted are cited in the discussion.
3. This is the format recommended in the CEQA Guidelines as amended January 2018.
4. The explanation of each issue identifies the significance criteria or threshold, if any, used to evaluate each question; and
5. Per CEQA Guidelines § 15164, Addendum to an EIR or Negative Declaration,
 - (a) The lead agency or a 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 preparation of a subsequent EIR have occurred.
 - (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
 - (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
 - (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
 - (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.
6. Per CEQA Guidelines § 15162, Subsequent EIRs and Negative Declarations,
 - (a) When an EIR has been certified or a 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 the 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 the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

This addendum determined that no new impacts would result from the C-1 Overlay implementation; therefore, an addendum was the appropriate CEQA document to be prepared. Per CEQA guidelines section 15162, the General Plan EIR was certified for the County 2035 General Plan and no subsequent EIR is necessitated because there are no substantial changes proposed that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are no substantial changes with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and, there is no 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 that would demonstrate that the project will have one or more significant effects not discussed in the previous EIR; would have significant effects previously examined that are substantially more severe than shown in the previous EIR; that 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 that 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 the project proponents decline to adopt the mitigation measure or alternative.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Have a substantial adverse effect on a scenic vista? (1,2,3,4)	☐	☐	☐	☒
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state or county scenic highway? (1,2,3,4,8)	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,3,4)	☐	☐	☐	☒
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2,3,4)	☐	☐	☐	☒

Comments:

The General Plan EIR's aesthetics and visual resources evaluation includes a review of visual and scenic resources potentially affected by the implementation of the 2035 General Plan and the projected development envisioned under the General Plan. The General Plan EIR evaluated four Commercial Regional "node" development opportunity areas (General Plan EIR Figure 3-4, 3-6). While no specific boundaries were delineated for Commercial Regional areas in the General Plan, general geographic node areas were identified and analyzed in the General Plan EIR, which included the "Betabel Road" location. As discussed in Section 4.4.7, Potential Growth Scenarios, the General Plan EIR analysis takes into account two possible growth scenarios. However, the General Plan EIR states that due to the programmatic level of analysis in the EIR, there will be no difference in the potential impacts to aesthetic and visual resources that would result from the two growth scenarios because the County would apply the 2035 General Plan policies, including additional policies from mitigation measures contained in the certified EIR addressing aesthetic and visual resources equally in approving

any development, regardless of location (General Plan EIR p. 5-11- 5-12). Site specific analysis of impacts to aesthetic and visual resources would be required for particular development proposals that may be considered in the future (General Plan p. EIR 5-12). The Commercial Thoroughfare (C-1) District implements the zoning for the General Plan Commercial Regional land use designation. The C-1 District overlays the Regional Commercial C-3 boundaries on the zoning map that correspond with the general node area identified in the General Plan. While aesthetic impacts within the Betabel Road node area boundaries were not specifically analyzed by the General Plan EIR, the general geographic node areas were considered in the analysis. The Betabel Road node is consistent with the General Plan and would not result in new aesthetic impacts not previously analyzed in the General Plan EIR (General Plan pp. EIR 5-33 - 3-49). All future development within the C-1 Overlay would be required to adhere to General Plan policies in addition to supplemental C-1 District standards. Similar to the General Plan, the zoning implementation is a community level project and not a specific development project. As such, development specific environmental analysis would be speculative and the community level General Plan EIR appropriately analyzes potential impacts associated with the proposed project. As future development projects are proposed, more site/development project specific CEQA analysis will be required. And, pursuant to Mitigation Measure B1, future development at the project site shall be subject to design review approval (General Plan p. 5-23–5-24, Policy LU-5.3).

- a. San Benito County's scenic vistas consist of views of agriculture and rangelands including row crops, pastures, orchards, vineyards, ranches, and farms. The County contains numerous scenic vistas and viewsheds of nearby and distant ridgelines of the central Coast Range Mountains (General Plan EIR p. 5-33). The General Plan EIR determined that given the potential scale of development allowed under the 2035 General Plan, future development could impede scenic views of distant agricultural and rangeland uses and central coast mountain ranges from the existing viewpoints. Development at this node under the 2035 General Plan was found to be less than significant. Limited impedance of views associated with buildout of the General Plan, including the identified Commercial Regional node, would be consistent with a rural landscape, where clusters of development are set within a larger landscape context, and the larger landscape predominates visually (General Plan EIR pp. 5-34 – 5-35). General Plan Policy LU-5.4 emphasizes the importance of scenic resource protection in the establishment of the Commercial Regional nodes (General Plan p. 3-24). Per this policy, nodes serve to cluster development thereby limiting potential aesthetic impacts associated with urban sprawl. Goal LU-7 encourages screening of visual impacts associated with building and site features along eligible scenic highways and County-designated scenic highways (General Plan p. 3-28 – 3-29). Additionally, it requires screening considerations of certain buildings and site features to minimize impacts to views as seen by motorists thereby protecting the

scenic corridor. Goal NCR-8 minimizes impacts to visual resources by requiring architectural review for potential view obstruction (General Plan p. 8-13 – 8-15). The General Plan EIR determined that future development allowed by the General Plan, including Commercial Regional development, would be required to comply with General Plan goals, policies, and actions intended to protect scenic views and scenic resources which would ensure impacts to scenic vistas are less than significant (General Plan EIR pp. 5-33 – 5-35).

The C-1 Overlay zoning allows for implementation of the Commercial Regional land use designation at Betabel Road identified in the General Plan, despite the suspension of the C-3 Zoning District regulations. The Betabel Road node, was considered for Commercial Regional development in the General Plan EIR and, as discussed above, it was determined that development of these areas would not result in significant impacts to scenic vistas with implementation of General Plan policies (General Plan EIR pp. 5-34 – 5-35). Additionally, the code provides supplemental development regulations. Building heights would be limited to 35 feet and Section 25.16.026 requires each lot in the C-1 district to have a front yard setback at least 50 feet deep and a strip ten-feet deep along the front lot line maintained as a landscaped strip. Future development within the project site would be required to comply with General Plan policies and the C-1 development standards. Additionally, future development projects must implement Mitigation Measures AES-B1 through AES-B3. Mitigation Measure AES-B1 requires landscaping to reduce visibility of buildings and parking lots from U.S. Highway 101. Mitigation Measure AES-B2 provides lighting standards, and Mitigation Measure AES-B3 outlines restrictions on signage. Future development of the Betabel Road C-1 node would not result in new or substantially more severe impacts than those identified in the General Plan EIR.

- b. As identified in the General Plan EIR, there are no state-designated scenic highways within San Benito County (General Plan EIR p. 5-35). Therefore, the future development of the Betabel Road C-1 zone would have no impact on scenic resources within a state scenic highway. According to the General Plan, U.S. Highway 101 and State Route 129 are County-designated scenic highways (General Plan p. 8-13). The Betabel Commercial Regional node is located along Highway 101, see General Plan EIR Figures 3-4 and 3-6. The General Plan EIR determined that implementation of General Plan policies would ensure that general design criteria, building setback standards, open space buffers, and landscaping improvements are in place that would protect scenic resources within the County-designated scenic highway (General Plan EIR 5-41). These policies would also ensure that a thorough County review of development projects occurs (General Plan EIR 5-40). Scenic resources immediately adjacent to the County-designated scenic highways are within the County's Scenic Highway (SH) district, which is intended to preserve the scenic

qualities along scenic highway corridors. The SH district applies to all land outside the transportation corridor right-of-way, but immediately adjacent to the right-of-way (General Plan EIR pp 5-35- 5-36). For U.S. Highway 101, the SH district applies to land within 400 feet on either side of the highway (General Plan EIR pp 5-35-5-36). The SH District also provides a setback for potential development, the distance of which reduces the apparent heights of buildings and other potential visual obstructions to the foothills views of the Gabilan and Diablo ranges, among other visual resources. Goal LU-7 encourages screening of visual impacts associated with building and site features along eligible scenic highways and County-designated scenic highways (General Plan p. 3-28). Goal LU-7 additionally requires screening considerations of certain buildings and site features to minimize impacts to views as seen by motorists thereby protecting the scenic corridor (General Plan pp. 3-28- 3-29). The General Plan EIR determined that such criteria and review processes would lessen impacts to scenic resources visible along important scenic highways and would ensure impacts associated with future development are less than significant (General Plan EIR p. 5-35).

The Betabel Road area was identified as a Commercial Regional Node in the General Plan (see General Plan Figure 3-5) and impacts associated with future development of this general geographic area were considered in the General Plan EIR (see General Plan EIR p. 4-4, 9-1). It was determined that development of the node areas, including Betabel Road, would not result in significant impacts to the County designated scenic corridor with implementation of General Plan policies (General Plan EIR p. 5-35). General Plan policies would remain applicable to future development in the C-1 zone, and the C-1 District includes supplemental development policies such as setbacks and height limits for the protection of scenic resources and to ensure visual impacts are limited.. Additionally, future development projects shall implement Mitigation Measures AES-B1, which requires screening of buildings and parking lots, as well as driveways and access roads on slopes exceeding five percent, and AES-B4, which prevents structures within 150 feet from the side line of the nearest U.S. Highway 101 travel lane, or closer than 50 feet from the side line of an on- or off-ramp with the exception that freestanding signs may be located within these areas. Rezone of the Betabel Road C-3 node to add C-1 would not result in new or substantially more severe impacts than those identified in the General Plan EIR.

- c. Defining visual characteristics of San Benito County include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the central Coast Range Mountains. According to the General Plan EIR, buildout of the General Plan would lead to urban development and other activities that could substantially degrade the existing visual character or quality of the County and its surroundings. The General Plan EIR identified Mitigation Measures AES-3a and AES-3b, which restrict development on hillsides and require that new development

appears complementary to existing rural or low intensity land uses through the use of vegetative screening and topography and that development be appropriate to the setting by appearing similar to existing uses in the vicinity (General Plan EIR pp. 5-46- 5-47). These mitigation measures are reflected in General Plan Policies NCR-8.9, NCR-8.11 (General Plan EIR, p. 5-32), and NCR-8.12 (General Plan EIR, p. 5-46). Additionally, Goal NCR-8 requires the preservation of visual qualities and the character of its communities and rural landscape (General Plan EIR, p. 5-29). The General Plan EIR found that implementation of General Plan goals and policies and these mitigation measures would reduce degradation of the existing visual character or quality of public views of to less than significant (General Plan EIR p. 5-46).

The proposed Betabel Road C-1 Overlay area is designated as a Commercial Regional node in the General Plan and was analyzed for Commercial Regional development as part of the General Plan EIR, which anticipated commercial development at the site. Any development within the C-1 Overlay area would remain subject to General Plan goals, policies (including Plan Policies NCR-8.9, NCR-8.11, and NCR-8.12, which reflect Mitigation Measures AES-3a and AES-3b), and actions promoting high-quality design, as well as to the County's design review process, and additional development standards identified within the code to reduce the potential for scenic impacts at Betabel Road associated with future development. Future development at the Betabel Road project site must implement Mitigation Measures AES-B1 through AES-B3. Mitigation Measure AES-B1 provides grading and landscaping limitations and requires landscaping design reduce visibility of parking lots and screen buildings from U.S. Highway 101. Mitigation Measures AES-B2 and AES-B3 provide limitations on lighting and signage to reduce visual impacts. The proposed Betabel Road C-1 Overlay would not result in greater visual degradation than that identified in the General Plan EIR.

- d. The General Plan EIR determined that development anticipated in the General Plan could create new sources of substantial light or glare, which would adversely affect day and nighttime views in the County. Specifically, the General Plan EIR found that increased outdoor lighting could result in light pollution that would increase impacts on light sensitive areas, including parks, such as Fremont Peak State Park and Pinnacles National Park (General Plan EIR pp. 5-47- 5-48). To protect these light-sensitive park areas, the existing County provisions contain three lighting zones. The lighting zones allow increasing flexibility in the uses of outdoor lighting based on the distance each zone is from the light-sensitive parks. The first lighting zone extends approximately five miles from the centers of Fremont Peak State Park and Pinnacles National Park, the second lighting zone extends eight miles from the outer boundary of the first zone, and the third zone includes all remaining land in the County. In general, growth allowed under the 2035 General Plan is directed to less impactful zones. General Plan EIR Mitigation Measure AES-4 established a General Plan Goal

NCR-9 and General Plan Policy NCR-9.1 to promote the preservation of dark skies and to reduce the potential for nighttime light pollution related to new sources of lighting and spillover light and glare, especially with respect to sensitive uses related to astronomical observatories (General Plan EIR pp. 5-48 – 5-49), in keeping with current County regulations (refer to County Code Chapter 19.31, Development Lighting). However, because interior and exterior lighting due to urban development outside of existing urban boundaries and from scattered residential development in agricultural areas could still contribute to light pollution, the General Plan EIR determined that this impact would remain significant and unavoidable (General Plan EIR pp. 5-46- 5-49).

The proposed Betabel Road C-1 Overlay area falls within the second lighting zone (Zone II) from Fremont State Park, and any future development would be required to comply with Section 19.31.008 which specifies special lighting requirements for Zone II to minimize light pollution and glare. Additionally, any future development within the Betabel Road C-1 Overlay would be required to comply with General Plan Policies and General Plan EIR Mitigation Measure AES-4 (discussed above). As noted, future development within the Betabel Road C-1 Overlay would be required to implement Mitigation Measure AES-B2, which requires lighting design to minimize light spill into natural areas by using cut-off fixtures directing light to the ground and not flooding the site or adjacent areas with light. It would be speculative to estimate future development specific impacts. Development specific CEQA analysis will be completed at the time specific development projects are proposed because future projects must implement Mitigation Measure B1. The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,3,4,5, 8)	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,2,3,4,6)	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1,2,3,4)	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1,2,3,4)	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,3,4,5)	☐	☐	☐	☒

Comments:

- a. The General Plan EIR's agricultural and forestry resources evaluation included a review of agricultural and forestry resources potentially affected by the development permitted under the 2035 General Plan. To determine the estimated amount of Important Farmland, which includes Prime Farmland, Unique Farmland, and Farmland of Statewide Importance that would be converted to non-agricultural uses under the proposed 2035 General Plan, an inventory of all productive farmland, as cataloged by the Department of Conservation Farmland Mapping and Monitoring Program (FMMP), located within land uses that would be designated as urban uses under the 2035 General Plan, was completed (General Plan EIR, p. 6-16, 6-23). For purposes of General Plan EIR analysis, urban uses included Commercial Regional uses (General Plan EIR p. 6-23). Using Geographic Information Systems (GIS), the amount of developed land was calculated according to the urban/built-up FMMP land classifications. The remaining undeveloped land to be classified with urban land use designations was calculated by subtracting land in the FMMP data set from the total land area that would be classified for urban uses under the 2035 General Plan. Because the General Plan and General Plan EIR did not identify specific boundaries for Commercial Regional land uses, the General Plan EIR analyzed 25 acres of Prime Farmland acres that could be converted as a result of future Commercial Regional development.

According to the General Plan EIR, General Plan policies would permit the loss of Important Farmland to urban development both on land with urban land use designations and from growth in scattered locations, specifically on Agricultural and Rangeland land use designations (General Plan Policy 6-36). Mitigation Measure AG-1a, which encourages a 1:1 ratio of preserved Prime Farmland on- or off-site (General Plan EIR, p. 6-36), encourages preservation of Prime Farmland against future loss. However, this mitigation measure would ultimately not mitigate the loss of Important Farmland to a less-than-significant level. The General Plan EIR determined that the 2035 General Plan would result in the loss of important farmland to urban uses, and this was determined to be a significant and unavoidable impact (General Plan EIR p. 6-36- 6-37).

The proposed rezone of Betabel Road to add C-1 includes 27.5-acres of land identified as Prime Farmland by the Department of Conservation Important Farmland Map. However, conversion of 25 acres of Prime Farmland was anticipated in the General Plan EIR. The remaining 2.5 acres of farmland that was not accounted for in the General Plan EIR does not meet the Department of Conservation's definition of Prime Farmland. California Department of Conservation defines Prime Farmland as irrigated land with the best combination of physical and chemical features able to

sustain long term production of agricultural crops. Prime Farmland must have been used for production of irrigated crops at some time during the four years prior to the mapping date. These 2.5 acres have not been farmed since the early 2000's, based on time-stamped mapping with Google Earth Pro. This excludes the land from the definition of Prime Farmland. Thus, the project site only includes 25 acres of Prime Farmland pursuant to the California Department of Conservation's definition. Future development of the site would not result in conversion of more Prime Farmland than anticipated in the General Plan EIR. Therefore, the Betabel Road rezone would not result in new or impacts or substantially increase the severity of effects already analyzed in the General Plan EIR.

- b. No Williamson Act contract lands exist within the project site boundaries. The project site is zoned Regional Commercial (C-3), and the rezone adding C-1 would not conflict with or result of rezoning of agriculturally zoned land. The Betabel Road C-1 Overlay would not result in additional impacts or substantially increase the severity of impacts than those already analyzed in the General Plan EIR.
- c,d. The proposed project site does not contain forest lands and, therefore, there would be no conversion, loss of, or conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)) or conflict with zoning for timberland (as defined by Government Code section 51104(g)). Therefore, future development of the project site would have no impact on forest land or timberland, and would not result in conversion of forest land to non-forest use.
- e. Buildout of the General Plan would lead to urban development that would result in direct impacts to agricultural resources, including the conversion of Important Farmland to non-agricultural uses; see discussion under checklist item "a" above. According to the General Plan EIR, indirect changes caused by urban development may include a variety of nuisance effects due to the expansion of the urban fringe, resulting in tensions between urban development and the sustainability of local agriculture (General Plan Policy 6-36). Despite the General Plan policies that protect farmland, other General Plan policies would permit the loss of farmland within land designated for urban uses and due to growth at scattered locations outside land designated for urban uses. The General Plan EIR concluded that even with the implementation of Mitigation Measures AG-1a through AG-1c, AG-2a and AG-2b, this impact would remain significant and unavoidable (General Plan EIR, p. 6-30 – 6-39). The County adopted a statement of overriding considerations for this impact.

The general project area was considered for Commercial Regional development in the General Plan EIR, and impacts related to agricultural resources and nuisance issues for this area were evaluated (See General Plan

EIR p. 6-23). As discussed in item “a,” the project would not result in a substantial increase in the severity of previously identified significant effects in the General Plan EIR. Future development at the Betabel Road C-1 Overlay will be required to comply with the County’s comprehensive “right to farm” ordinance, which is contained in Article 1 (Agricultural Community Disclosure) of Chapter 19.01 (Agricultural Provisions) of the San Benito County Code of Ordinances. Additionally, the General Plan EIR indicates nuisance claims are more likely to arise from residential development than other uses. The C-1 District does not allow for residential development (County Code §25.16.021 – 25.16.023). Until specific development projects and uses are proposed, the potential for nuisance conflicts is unknown. Pursuant to Mitigation Measure B1, project-level environmental review will be required for future specific development projects as applications for those projects are processed. The Betabel Road C-1 Overlay would not result in any new or substantially more severe secondary agricultural impacts than those already analyzed in the General Plan EIR.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,3,4)	☐	☐	☐	☒
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1,2,3,4)	☐	☐	☐	☒
c. Expose sensitive receptors to substantial pollutant concentrations? (1,2,3,4)	☐	☐	☐	☒
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1,2,3,4)	☐	☐	☐	☒

Comments:

As discussed in the CEQA Approach Section, consistent with state law, the 2035 General Plan includes standards of population density and building intensity for each of the land use designations appearing on the Land Use Diagram. Table 3-7 of the General Plan EIR identifies these standards, and lists the acreage of the County allocated to each land use type. Table 3-7 identifies 126-acres of Commercial Regional (CR) area at a Floor Area Ratio (FAR) of 0.8. At maximum buildout, this would result in 4,390,000 square feet of Commercial Regional Development (General Plan EIR p. 3-43). The General Plan EIR does not assume all land uses depicted in the Land Use Diagram would be built out by 2035 to their absolute maximum potential. Instead, the General Plan EIR evaluates the impacts of forecasted development that will likely occur through the year 2035 consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project. The General Plan EIR utilized conservative population, housing, and employment forecasts to evaluate the reasonably foreseeable impacts of General Plan buildout of the General Plan Land Use Diagram (General Plan EIR pp. 4-5, 4-8, 4-10, and 4-12).

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Only 29 acres of the 126 acres analyzed for Commercial Regional development in the General Plan EIR are being proposed for rezoning (allowing for future development); thus, only 1,010,592 square feet square feet of potential commercial development could occur on the project site. This is less than the 4,390,000 square feet of commercial development considered in the growth projections utilized in the General Plan EIR. Accordingly, future development allowed by the rezone of the project site would fit within the conservative growth projections utilized in the General Plan EIR. Additionally, the uses allowed within the C-1 District are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR (General Plan EIR p 3-43). The Betabel Road C-1 rezone would not result in new or substantially more severe air quality impacts beyond those identified in the General Plan EIR.

- a. San Benito County, including the project site, is located in the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The air district defines a conflict with an air quality plan as one in which a project is inconsistent with the most recent air quality plan and/or emits 137 pounds or more per day of VOC or NO_x. Although the project will not emit 137 pounds or more per day of VOC or NO_x, the General Plan EIR found it is nonetheless inconsistent with the relevant air quality plan (General Plan EIR p. 7-23).

Consistency with an air quality plan is measured by whether the number of housing units proposed by a project or in a plan is consistent with the total number of housing units projected by the Association of Monterey Bay Area Governments (AMBAG) and included in the relevant air quality plan (General Plan EIR pp 7-23- 7-24). Because the General Plan EIR utilized different housing unit projections than those included in the air quality plan, this amounted to an inconsistency with the air quality plan (General Plan EIR p. 7-29). While General Plan Policy AD-2.5 requires coordination between San Benito County, the air district, and other affected agencies to ensure that population and employment associated with buildout will be incorporated into future air quality plans, there is no guarantee this coordination will occur. Therefore, the General Plan EIR found the impact significant and unavoidable (General Plan EIR p. 7-23).

As previously discussed, the growth projections identified in the General Plan EIR captured potential future buildout and associated growth of the Betabel Road C-1

Overlay area. A rezone of the site to add C-1 to implement the General Plan Commercial Regional land use designation would not result in new or substantially more severe effects than those identified in the General Plan EIR.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The General Plan EIR found that operational emissions of ROG, NO_x, and PM₁₀ from future development associated with the General Plan would be reduced to less-than-significant levels with the implementation of Mitigation Measure AIR-1, which restricts installation of wood burning devices to commercial establishments serving food (General Plan EIR p. 7-28-7-29). The air district construction mitigation requirements listed in the *CEQA Air Quality Guidelines* are sufficient to reduce PM₁₀ emissions during construction activity to a less-than-significant level (General Plan EIR p. 7-23). The County has incorporated several policies into its General Plan that would reduce a project's contribution to cumulative air emissions. Policy HS-5.1 ensures development projects incorporate feasible mitigation measures to reduce construction and operational air quality emissions and consult with the Monterey Bay Unified Air Pollution Control District early in the development review process (General Plan EIR, p. 7-15). Policy HS-5.2 requires adequate distances between sensitive land uses and facilities or operations that may produce toxic or hazardous air pollutants (General Plan EIR p. 7-15). Policy HS-5.4 requires developers to reduce particulate emissions from construction (e.g., grading, excavation, and demolition) consistent with standards established by the Monterey Bay Unified Air Pollution Control District (General Plan EIR p. 7-16). Policy 5.6 requires the County to work in coordination with the Monterey Bay Unified Air Pollution Control District to minimize air emissions from construction activities associated with proposed development (General Plan EIR p. 7-17). Policy LU-3.3 supports farms that implement programs to conserve energy (General Plan EIR, p. 7-15). Energy conservation measures would likely reduce emissions associated with the combustion of fossil fuels (General Plan EIR p. 7-13). Policies C-1.1, C-1.2, and C-1.1; Policies C-2.1 to C-2.3; Policies C-3.1 to C-3.6; and Policies C-4.1 and C-4.2 encourage connected transportation modes, non-automobile forms of travel to reduce air emissions associated with vehicle miles traveled and automobile use (General Plan EIR p. 7-18-7-23). The General Plan EIR concluded that future development anticipated in the General Plan would result in less-than-cumulatively considerable impacts (General Plan EIR p. 7-15-7-23).

Future development within the project site will be required to comply with General Plan policies identified above for the reduction of air pollution. The General Plan Land Use Diagram was summarized in Table 3-7 which indicated 4,390,000 square feet of Commercial Regional uses. While the General Plan EIR did not consider

maximum (100 percent) buildout of the Land Use Diagram, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. The rezone would allow for up to 1,010,592 square feet of future commercial development within the site which is less than the 4,390,000 square feet of overall Commercial Regional development considered in the General Plan EIR. Therefore, future development allowed under the C-1 rezone would fit within the growth projections utilized in the General Plan EIR air quality analysis and would not result in new or substantially more severe effects than those analyzed in the General Plan EIR (General Plan EIR p 3-43).

- c. According to the air district, all residences, education centers, daycare facilities, and health care facilities are considered “sensitive receptors.” The air district defines a significant impact to a sensitive receptor as one that would cause a violation of PM₁₀, carbon monoxide (CO) or toxic air contaminants (TAC) standards at an existing or reasonably foreseeable receptor. According to the General Plan EIR, buildout of land uses anticipated in the General Plan has the potential to expose County residents or other sensitive receptors to substantial pollutant concentrations via the addition of new roadways and subsequent traffic emissions, as well as construction and operation emissions from new development projects. General Plan Policies HS-5.2, HS-5.4 and HS-5.5 are designed to protect County residents from emissions of CO, PM₁₀ and TACs by establishing adequate buffer areas between sensitive receptors and sources of toxic or hazardous air emissions. The General Plan EIR determined that implementation of the General Plan policies would reduce the impacts of pollutants on sensitive receptors to a less-than-significant level (General Plan EIR p. 7-15- 7-23).

The Betabel Road C-1 node was designated for Commercial Regional uses in the General Plan. Future development of the node would not introduce new or worsened emissions of CO, PM₁₀, and TACs beyond those analyzed in the General Plan EIR. Because the Commercial Thoroughfare land uses allowed under the C-1 District would be consistent with those analyzed in the General Plan EIR, the proposed project would not expose additional sensitive receptors to CO, PM₁₀, and TACs. Future development within the project site would be required to comply with General Plan goals, policies, and actions intended to protect sensitive receptors and would reduce potential impacts to less than significant (General Plan EIR pp. 7-33 – 7-34). Future development of the Betabel Road C-1 Overlay would not result in any new or substantially more severe effects than those already analyzed in the General Plan EIR (General Plan EIR p. 7-33- 7-34).

- d. New residential land uses downwind of locations with objectionable odors could be subject to potential land use conflicts that could expose a substantial number of

people to objectionable odors. However, General Plan Policy HS-5.2 is designed to protect County residents from noxious odors generated by facilities or operations that may produce substantial odors (General Plan EIR, p. 7-15). The General Plan EIR found this impact to be less than significant (General Plan EIR p. 7-35).

The Commercial Thoroughfare land uses allowed within the proposed Betabel Road C-1 node are consistent with the uses analyzed in the General Plan EIR. Therefore, the proposed project would not introduce new sources of odors other than those that were analyzed in the General Plan EIR, or expose additional sensitive receptors to odors beyond those analyzed in the General Plan EIR. Future development within the C-1 node would be required to comply with and implement Policy HS-5.2, which protects County residents from noxious odors (General Plan EIR p. 7-15). Once future site specific development projects are proposed, site specific environmental review will be undertaken to analyze project specific impacts pursuant to Mitigation Measure B1. The Betabel Road rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4,7)	☐	☐	☒	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (1,2,3,4)	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4,13)	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4)	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	☐	☐	☐	☒

Comments:

The General Plan identifies Commercial Regional “node” opportunity areas where future Commercial Regional development is anticipated. While the General Plan EIR project description identified the potential for 126 acres of Commercial Regional area (General Plan EIR p. 3-43), neither the General Plan nor General Plan EIR identified specific boundaries associated with the Commercial Regional nodes, see General Plan Figure 3-5. The General Plan EIR analyzed the County’s biological resources and potential impacts on them from development under the 2035 General Plan at a program or community level. The impact analysis is quantitative where data is reasonably available and (otherwise) qualitative (General Plan EIR, p. 8-1). It is not site specific because of the wide geographical area covered (General Plan EIR p. 8-1).

The proposed project is for the rezone of the Betabel Road node to add a C-1 Overlay to the existing C-3 District. The C-1 zoning implementation is a community level project and not a development specific project. While biological impacts within the specific proposed Betabel Road C-1 Overlay boundaries were not analyzed in the General Plan EIR, this general geographic area was considered. The proposed Betabel Road C-1 Overlay acreage is 29 acres, which would be within the 126 acres of Commercial Regional area identified in the General Plan EIR project description. The C-1 zoning implementation is a community level planning tool and not a development specific project. While biological impacts within the specific proposed C-1 boundaries were not analyzed in the General Plan EIR, the General Plan EIR considered reasonably foreseeable buildout of the General Plan land use diagram, which included commercial development at the locations identified in General Plan EIR Figures 3-4 and 3-6. In addition to the programmatic level of review provided for in the General Plan EIR, as part of subsequent, project-specific environmental analysis, the County will be required to analyze impacts to biological resources at development and site specific level pursuant to Mitigation Measure B1. An attempt to analyze development and site specific impacts to biological resources at this time would be speculative.

- a. The General Plan EIR analyzed potential effects on biological resources using a Geographic Information System (GIS) biological data set overlain on a 2035 General Plan future land use GIS data set (General Plan EIR p. 8-35). A search of state and federal databases identified 46 special-status plant species and 63 special-status wildlife species as occurring or potentially occurring in the County. Designated critical habitat in the County totals approximately 236,000 acres (vernal pool fairy shrimp, California red-legged frog, and California tiger salamander) and approximately 162 stream miles (steelhead). According to the General Plan EIR, future development of land uses consistent with the General Plan and construction of new infrastructure to support these land uses have the potential to directly or indirectly impact candidate, sensitive, special-status species, or their habitats. The

General Plan EIR determined that a total of between 18,166 and 26,064 acres of habitat could be permanently lost if development occurs in all areas where it is permitted under the proposed 2035 General Plan or in areas proposed for future study. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects (General Plan EIR p. 8-58). Mitigation Measure Bio-1b requires protection of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands as well as protection against the introduction/spread of invasive plant species (General Plan EIR p. 8-58 – 8-60). Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable (General Plan EIR p. 8-61). Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site (General Plan EIR p. 8-61). However, implementation programs and actions undertaken by the County, together with the mitigation measures identified in the General Plan EIR would only partially offset impacts on biological resources associated with urban or rural development. Consequently, the impact was determined to be significant and unavoidable (General Plan EIR pp. 8-58- 8-62).

General Plan EIR Figure 8-2, CNDDDB Plant Occurrences within San Benito County, Figure 8-3 CNDDDB Wildlife Occurrences within San Benito County, and Figure 8-4, USFWS Designated Critical Habitat within San Benito County (based on the (GIS) biological data set) do not identify the occurrence of special status plant or wildlife species, or USFWS designated critical habitat within the proposed C-1 Overlay boundaries (General Plan EIR pp. 8-12- 8-18). In addition, according to the County's GIS, no species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service occur on the project site. Additionally, the any future development within the C-1 Overlay would be required to comply with the General Plan Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9, Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5), and Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10), as well as added Mitigation Measure BIO-B1, for the protection of special-status species, which were determined to partially mitigate impacts on biological resources associated with urban or rural development (General Plan EIR pp. 8-58- 8-62).

The General Plan EIR identified a significant and unavoidable impact to special status species that could result from implementation of the General Plan. A statement of overriding considerations was adopted for this impact (General Plan EIR p. 8-35).

Reasonably foreseeable development within the Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- b. Several riparian and other sensitive natural communities occur in the unincorporated County. According to the General Plan EIR, future development associated with the General Plan could result in long-term degradation of riparian and other sensitive plant communities, resulting in fragmentation, isolation of an important wildlife habitat, or disruption of natural wildlife movement corridors and/or important rearing habitat for juvenile steelhead. The General Plan EIR found that General Plan policies combined with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c (reflected in General Plan Policies NCR-2.5, 2.8, 2.9, and 2.10 and discussed in section “a”) which serve to mitigate impacts to riparian habitat as well as the introduction/spread of invasive species would help mitigate impacts to riparian areas, oak woodlands, and other sensitive communities. Policy LU-1.8, requires all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive areas (General Plan EIR pp. 8-37- 8-38). Early identification of sensitive habitat areas and areas where listed and special-status species are known to occur will help in designing development plans that avoid such areas as feasible, and thereby minimize impacts to these resources. Policy LU-1.10 requires adequate mitigation for any development located on environmentally sensitive lands. In assuring adequate mitigation for loss of important plant and animal communities at the onset of the permitting process, the County is assuring that impacts on such communities will be mitigated (General Plan EIR pp. 8-37- 8-38). Additionally, NCR-1.1 and NCR 4.4 require an integrated open space network which protects water quality; helps preserve wildlife habitat such as riparian corridors, buffer zones, and wetlands; and provides dispersal corridors for wildlife (General Plan EIR, p. 8-46). NCR-2.1 requires coordinated habitat preservation, NCR -2.4 requires preservation of habitat corridors, and NCR -2.5 and NCR-4.1 require mitigation for wetlands impacts (General Plan EIR pp. 8-42- 8-45). However, the General Plan has no specific protection framework for prevention of invasive plant species, or requirements for developers to assess impacts to in-stream flows. Furthermore, implementation programs and actions undertaken by the County would only partially offset impacts to riparian areas and other sensitive habitats (General Plan EIR pp. 8-37- 8-38). Consequently, development of land uses consistent with the General Plan would substantially convert sensitive habitats to urban and developed rural uses, and result in a significant and unavoidable impact (General Plan EIR pp. 8-59- 8-60).

Future development in the C-1 Overlay would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities including General Plan policies, identified above, intended to protect these biological

resources, added Mitigation Measure BIO-B1, and County Ordinance 708 which protects riparian ecosystems from effects of grading. Future development projects must also implement Mitigation Measure AES-B4, which restricts development within riparian reservations including water courses and associated riparian vegetation, inclusive of a 100 foot wide buffer area from top of bank and edge of vegetation of the San Benito River, and 50 foot wide buffer area from top of bank and edge of vegetation of other natural water courses. Mitigation Measure AES-B4 additionally requires less intense development to occur nearest to the San Benito River. The General Plan EIR identified a significant and unavoidable impact to riparian habitat and sensitive communities associated with implementation of the General Plan (General Plan EIR p. 8-59). Reasonably foreseeable future development allowed by the Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- c. According to the General Plan EIR, development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the state, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities. Wetlands and other waters would be affected through direct removal, filling, hydrological interruption, alteration of bed and bank, and other construction-related activities. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects (General Plan EIR p. 8-58). Mitigation Measure Bio-1b requires protection of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands as well as protection against the introduction/spread of invasive plant species (General Plan EIR p. 8-58, 8-61). Mitigation Measure BIO-2b (reflected in General Plan Policy NCR-2.5) requires that urban development avoid encroachment into sensitive habitats in the County to the extent practicable (General Plan EIR p. 8-61). Mitigation Measure BIO-2c (reflected in General Plan Policy NCR-2.10) limits the introduction of non-native, invasive species to a project site (General Plan EIR pp. 8-61). Policy LU-1.8 requires all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive areas (General Plan EIR, p. 8-37). Early identification of sensitive habitat areas and areas where listed and special-status species are known to occur will help in designing development plans that avoid such areas as feasible, and thereby minimize impacts to these resources. Policy LU-1.10 requires adequate mitigation for any development located on environmentally sensitive lands (General Plan EIR, p. 8-38). In assuring that adequate mitigation for loss for important plant and animal communities at the onset of the permitting process, the County is assuring that impacts on such

communities will be mitigated (General Plan EIR pp. 8-37- 8-38). Additionally, Policy NCR-1.1 and Policy NCR-4.4 require an integrated open space network which acts to help preserve wildlife habitat as a form of open space, Policy NCR-2.1 requires coordinated habitat preservation, Policy NCR-2.4 requires preservation of habitat corridors, and Policy NCR-4.1 require mitigation for wetlands impacts (General Plan EIR pp. 8-42, 8-45- 8-46). The General Plan EIR determined with implementation of General Plan policies and mitigation measures, which would require identification and protection of federally protected wetland habitat, consistent with federal no-net loss requirements, the potential impacts to federally protected wetlands would be less than significant (General Plan EIR pp. 8-58- 8-62).

Future development within the Betabel Road C-1 Overlay would be required to comply with all applicable regulations protecting state and federal wetlands and would be required to comply with the General Plan policies and mitigation measures, identified above which would require identification and protection of federally protected wetland habitat, consistent with federal no-net loss requirements (General Plan EIR pp. 8-37, 8-42, 8-45, 8-63). Future development must also implement Mitigation Measure BIO-B1, which further ensures that biological resources will be adequately evaluated and protective measures are sufficiently funded. Therefore, the rezoning of Betabel Road to add C-1 would not result in any new or substantially more severe impacts than those identified in the General Plan EIR.

- d. According to the General Plan EIR development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. General Plan EIR Mitigation Measure BIO-1a (reflected in General Plan Policies NCR-2.8 and NCR-2.9) ensures that biological resources are adequately evaluated and protective measures are sufficiently funded during the entitlement and development process for individual projects. The General Plan EIR found that implementation of General Plan policies in addition to Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level (General Plan EIR p. 8-37, 8-63).

The Betabel Road node is adjacent to U.S. Highway 101. The most successful and ecologically significant movement by wildlife across U.S. Highway 101 occurs from Tar Creek south to the San Benito River. The project site is an area of potential wildlife movement for a number of species, including the California red-legged frog, California tiger salamander, and American badger, due to its proximity to the Santa Cruz Mountains and the Lomerias Muertas hills. However, the surface movement of many species is already restricted by the U.S. Highway 101, including a concrete median barrier. Smaller animals would most successfully cross U.S. Highway 101

under the bridges that cross the San Benito River. The project site is partially developed and adjacent to existing development; therefore, wildlife movement on site is somewhat impeded. However, there is still the potential for the site to serve as a wildlife corridor due to its largely undeveloped nature.

Any future development must comply with General Plan policies that protect wildlife movement, including Policy LU-1.8, which requires early identification of sensitive habitat areas and areas where listed and special-status species are known to occur, will help in designing development plans that avoid such areas as feasible and thereby minimize impacts to these resources (General Plan EIR 8-37); Policy LU-1.10, which requires that adequate mitigation for loss for important plant and animal communities is offered at the onset of the permitting process, thereby ensuring that impacts on such communities will be mitigated (General Plan EIR 8-38); Policy NCR-2.1, which requires the County to work with property owners and Federal and State agencies to identify feasible and economically-viable methods of protecting and enhancing natural habitats and biological resources in the County (General Plan EIR 8-42); Policy NCR-2.4, which requires the protection and enhancement wildlife migration and movement corridors (in particular, contiguous habitat areas) to ensure the health and long-term survival of local animal and plant populations; and Policy NCR 4.4 which encourages conservation and, where feasible, creation or restoration of open space areas that serve as wildlife dispersal corridors such as riparian corridors, buffer zones, wetlands, undeveloped open space areas, and drainage canals (General Plan EIR p 8-46). Future development of the Betabel Road C-1 Overlay would be required to implement Mitigation Measure BIO-B1 and comply with the above General Plan policies and mitigation measures, which were determined to reduce potentially significant impacts to less than significant. The Betabel Road C-1 Overlay would not result in new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- e. Private and public activities undertaken under the General Plan could potentially conflict with local policies protecting oak woodlands. This would be a potentially significant impact. The General Plan includes several policies protecting oak woodlands in the County. General Plan Policy AD-2.3 requires the County to continue to coordinate discretionary project review and permitting activities with applicable federal and state regulatory agencies as required by law (General Plan EIR p 8-36). This coordination will lead to better management of oak woodland resources. Other General Plan policies, including NCR-1.1, NCR-1.2, and NCR-4.4, establishing and protecting open space preservation and acquisition, would result in direct benefits to oak woodland conservation, as oak woodlands constitute a significant portion of the native vegetation in the County (General Plan EIR pp 8-42-8-45).

General Plan Policy NCR-2.3 directs the County to consider development of a state Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). Because this policy does not require the County to develop a NCCP and HCP, future development consistent with the General Plan could substantially convert oak woodlands to urban and rural uses, resulting in a significant and unavoidable impact (General Plan EIR pp. 8-36, 8-42- 8-46).

Future development within the Betabel Road C-1 Overlay would be required to comply with all applicable regulations and General Plan policies protecting oak woodlands and other natural communities. Additionally, future development must implement Mitigation Measure AES-B1, which prohibits oak tree removal. Therefore, there would be no impact to oak woodlands. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- f. There are currently no HCPs, NCCPs, or other local habitat conservation plans in effect in the County. The General Plan would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County (General Plan EIR, p. 8-66). General Plan Policy NCR-2.3 requires the County, in cooperation with other federal and state agencies, to consider developing an HCP and NCCP for listed and candidate species. The General Plan EIR found this impact to be less than significant.

The proposed Betabel Road C-1 rezone would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1,2,3,4, 14)	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1,2,3,4)	☐	☐	☐	☒
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1,2,3,4)	☐	☐	☐	☒

Comments:

The General Plan identifies Commercial Regional “node” opportunity areas where future Commercial Regional development is anticipated. However, neither the General Plan nor General Plan EIR identified specific boundaries associated with the Commercial Regional nodes. The General Plan analyzed the County’s cultural resources and potential impacts on them from development under the 2035 General Plan at a program or community level in the General Plan EIR. Given the community-level evaluation of the proposed 2035 General Plan, specific project-level impacts were not identified or discussed since the exact locations of future development projects are not currently known and thus to evaluate such impacts at this level would be speculative. Rather, the General Plan EIR provides a programmatic analysis of potential impacts based on reasonably available information. The C-1 rezone is community level planning action and not a development specific project. While cultural impacts within the specific C-1 overlay boundaries were not analyzed in the General Plan EIR, the General Plan EIR considered reasonably foreseeable buildout of the General Plan land use diagram, which included Commercial Regional node development at the locations identified in General Plan EIR Figures 3-4 and 3-6. In addition to the programmatic level of review provided for in the General Plan EIR, impacts to cultural resources must be analyzed at development project site specific level pursuant to Mitigation Measure B1 and Mitigation Measure CUL-B1. It would be speculative to estimate future development and site specific impacts to cultural resources at this time.

- a. According to the General Plan EIR, the majority of historic properties in the County are in the incorporated cities of Hollister and San Juan Bautista, with the exception of two small historic communities, Paicines and Tres Pinos, located in the southern portion of the County (General Plan EIR p. 9-22). According to the General Plan EIR, implementation of the General Plan could result in substantial adverse changes in the significance of a historical resource. The Natural and Cultural Resources Element contains Goal NCR-1 to preserve valuable open space lands that provide wildlife habitat and conserve natural and visual resources of the County (General Plan EIR 9-23). The County's implementation of this goal reduces potential impacts to historical resources by limiting development at locations that contain open space lands, thereby protecting significant historical resources that may be located in such areas. Additionally, the Natural Resources and Cultural Resources Element contains various policies designed to encourage and support the restoration and protection of cultural resources, particularly in agricultural and open space areas, where evidence indicates that many undiscovered historical resources may remain. The Natural and Cultural Resources Element contains Goal NCR-7 to protect the unique cultural and historic resources in the County. The General Plan EIR determined that implementation of these goals and policies under Goal NCR-7 and program NCR-F would serve to identify and help protect cultural and historical resources in open space areas, retain the County's historical character, and minimize impacts to cultural and historical resources in all areas of the County (General Plan EIR pp. 9-21- 9-23). The General Plan EIR determined that Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources (See General Plan EIR, p. 9-24). The General Plan EIR found this impact to be less than significant (See General Plan EIR pp. 9-23- 9-24).

The project site is not located near the incorporated cities of Hollister or San Juan Bautista nor is the project site located near the County's two small historic communities, Paicines and Tres Pinos, all of which contain the known historic properties within the County. Additionally, future development within the Betabel Road C-1 Overlay would be required to adhere to state and federal regulations, General Plan policies, and Mitigation Measure CUL-1, previously identified, all of which will ensure impacts to potential as-yet-undiscovered resources will be minimized. Future development must also implement Mitigation Measure CUL-B1, which requires an archaeological survey be conducted once a development project is submitted and requires mitigation of any identified potentially significant impacts. The Betabel Road C-1 rezone would not result in any new or substantially more

severe impacts than those already analyzed in the General Plan EIR (General Plan EIR pp. 9-17, 9-21).

- b,c. According to the General Plan EIR, urban or other anticipated development in the General Plan would lead to construction activities such as grading and sub-surface excavation (General Plan EIR p. 9-24). Construction activities could cause a substantial adverse change in the significance of an archaeological resource, or could disturb human remains, including those interred outside formal cemeteries. The General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to human remains are minimized. While the General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological resources, additional mitigating measures must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The General Plan EIR determined that implementation of Mitigation Measures CUL-1 and CUL-2a (reflected in General Plan Policies NCR-1.1, 7.10, and 7.11) would reduce this impact to a less-than-significant level (General Plan EIR p. 9-21- 9-27).

Future development within the Betabel Road C-1 Overlay would be required to adhere to state and federal regulations and General Plan goals and policies in order to reduce potential impacts to archaeological resources and disturbance of discovered human remains. Policy NCR 1.1 encourages and supports the restoration and protection of tribal and other cultural resources, particularly in agricultural and open space areas; Policy NCR-7.11 prohibits unauthorized grading, collection, or degradation of Native American, archaeological, or paleontological resources; and Policy NCR-7.12, requires preparation of an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site (General Plan EIR pp. 9-17- 9-21). Future development allowed within the Betabel Road C-1 Overlay would be subject to the state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Penal Code section 622½, and

California Health and Safety Code section 7050.5, which require construction or excavation to be suspended in the vicinity of a discovered human remain until the County coroner can determine whether the remains may be those of a Native American. Further, future development must also implement Mitigation Measure CUL-B1, which requires an archaeological survey be conducted once a development project is submitted and requires mitigation of any identified potentially significant impacts. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	☐	☐	☐	☒
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a,b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels (General Plan EIR pp. 11-63- 11-68).

Future development within the Betabel Road C-1 Overlay in conformance with Commercial Regional land use designation could contribute to the impacts to energy resources identified in the General Plan EIR.

The General Plan EIR did not assume all land uses depicted in the Land Use Diagram would be built out by 2035 to their absolute maximum potential. Instead, the General Plan EIR evaluated the impacts of forecasted development that will likely occur through the year 2035 consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project. The General Plan EIR utilized conservative population, housing, and employment forecasts to evaluate the reasonably foreseeable impacts of General Plan buildout of the General Plan Land Use Diagram (General Plan EIR pp. 4-5, 4-8 and 4-12).

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in General Plan EIR Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Because only 29 acres of the 126 acres analyzed for Commercial Regional development in the General Plan EIR are being proposed for rezoning (allowing for future development); a maximum of 1,010,592 square feet of commercial development could occur on the project site which is less than the 4,390,000 square feet of commercial development considered in the General Plan EIR and would fit within the growth projections identified in the General Plan EIR. Therefore, energy impacts associated with the Betabel C-1 rezone were adequately analyzed by the General Plan EIR.

Energy use will be dependent on development and site-specific circumstances, which will be analyzed at the time specific development projects are proposed pursuant to Mitigation Measure B1. Until development and project specific projects are proposed, an attempt to analyze energy impacts would be speculative. Future development would be required to comply with all State regulations intended to reduce energy consumption such as the California Building Code as well as San Benito County Code Chapter 19.31, which encourages lighting practices and systems that conserve energy. Further, future development will be required to comply with General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the County. These include Policies LU-2.1 and 2.2, which require sustainable building practices; LU-2.3, which identifies energy conservation standards for new construction; LU-2.4, which encourage new residential subdivisions and new commercial, office, industrial, and public buildings to be oriented and landscaped to enhance natural lighting and solar access in order to maximize energy efficiency; and LU-5.7, which encourages efficient land uses which will reduce energy consumption (General Plan EIR pp. 11-37, 11-38 and General Plan, p. 3-24). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1,2,3,4,7)	☐	☐	☐	☒
(2) Strong seismic ground shaking? (1,2,3,4,7)	☐	☐	☐	☒
(3) Seismic-related ground failure, including liquefaction? (1,2,3,4,7)	☐	☐	☐	☒
(4) Landslides? (1,2,3,4,7)	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil? (1,2,3,4)	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1,2,3,4)	☐	☐	☐	☒
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1,2,3,4)	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4)	☐	☐	☐	☒

Comments:

According to the General Plan EIR, the evaluation of potential seismic hazards and soil impacts associated with implementation of the proposed 2035 General Plan was based on applicable federal, state and regional laws, regulations, codes, and guidelines, and seismic hazard maps. The evaluation also assesses whether the goals and policies in the 2035 General Plan promote adequate planning and oversight when authorizing the location, construction, and operation of any new development subject to the County's jurisdiction in order to help prevent or reduce potential hazards to persons or property, and minimize impacts to soil and mineral resources available for agricultural, industrial, and habitat uses (General Plan EIR p. 10-22). The County would apply 2035 General Plan policies, as well as mitigation measures contained in the General Plan EIR, which address geologic hazards. Given the typically site-specific nature of these impacts, future site- and project-level analysis would be required for particular development proposals and must be undertaken pursuant to Mitigation Measure B1. An attempt to analyze potential impacts at this time would be speculative. The C-1 rezone is a community level planning action and not a development specific project. While geologic impacts within the specific C-1 boundaries were not analyzed in the General Plan EIR, the General Plan EIR considered reasonably foreseeable buildout of the General Plan land use diagram which included Commercial Regional node development at the locations identified in General Plan Figure 3-5, including the Betabel Road location.

- a. According to the General Plan EIR, with several prominent faults traversing the County, the area is known to be seismically active. Landslide risk in the County is expected to be concentrated along the steep topographic slopes and active faults that line the County (General Plan EIR p. 10-33). Development under the General Plan could expose structures and persons to potential seismic hazards, including ground shaking, liquefaction, and landslides. The General Plan EIR did not identify significant impacts related to increased risk of human harm and property damage from rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides that would not be reduced to less than significant through compliance with General Plan Policy LU-1.6 which prohibits development on hillsides with a 30 percent or greater slope; Policy LU-1.8 which requires site plans to identify steep slopes and severe erosion hazards prior to project approval to allow for more thoughtful avoidance, design, and construction measures to prevent erosion and soil loss during construction and longer term operation of the site; Policy LU-1.10 which encourages avoidance of development near steep slopes, faults, and landslides.; Policy HS-1.7, which ensures the development, maintenance, and implementation of a Multi-Hazard Mitigation Plan; Policy HS-3.1, requiring that all proposed critical structures have earthquake resistant designs; Policy HS-3.3, which promotes the maintenance and improvement of the County's geotechnical database; Policy HS-3.4,

which delegates County responsibility for identifying and abating existing structures that would be hazardous in an earthquake event; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS- 3.8 and Policy HS-3.2 which require, where appropriate, liquefaction studies and that proposed structures be constructed in a manner to minimize potential damage due to subsidence or liquefaction and applicable federal, state and local laws governing potential effects from geologic hazards (General Plan EIR pp. 10-23, 10-30- 10-33).

The Betabel Road C-1 Overlay area is not within an Alquist-Priolo Earthquake Fault Zone and future development would be subject to compliance with all applicable regulations intended to reduce hazards associated with seismicity, liquefaction, and landslides, including the California Building Code and applicable federal, state and local laws governing potential effects from geologic hazards. Additionally, future development will be required to comply with the General Plan policies, discussed above, to reduce seismic hazards. Future development would be subject to compliance with geotechnical design requirements-intended to reduce the risks of human harm and property damage from seismic events. The proposed Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR (General Plan EIR pp. 10-34- 10-36).

- b. According to the General Plan EIR, development anticipated in the General Plan would convert predominantly undeveloped land to urban uses with an increased potential for soil erosion and loss of topsoil during construction-related soil disturbance activities. The General Plan EIR did not identify significant impacts related to soil erosion or topsoil loss that would not be reduced to less than significant through compliance of General Plan policies and applicable federal, state and local laws governing potential effects from soils hazards (General Plan EIR p. 10-36- 10-38).

Future development in the Betabel Road C-1 Overlay would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from soil erosion and loss and would not interfere with General Plan policies intended to reduce these impacts. Additionally, General Plan Land Use Policy LU-1.6, would reduce the risk to the public from potential landslides; Policy LU-1.8, requires all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas; and Policy LU-1.10, which encourages specific development sites to avoid natural and manmade hazards, would reduce potential for aggravated soil erosion (General Plan EIR, p. 10-23). Further, General Plan NCR Policy NCR-4.7 would aid in preventing soil loss through best management practices (General Plan EIR pp. 10-23, 10-26). The proposed project

would not increase the level of development beyond that already addressed in the General Plan EIR. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- c,d. Development under the General Plan could lead to development and related infrastructure being located on unstable or expansive soils, or could expose such development to other geologic hazards. The General Plan EIR did not identify significant impacts related to unstable or expansive soils or on- or off-site landslide, lateral spreading, subsidence, or collapse that would not be reduced to less than significant through compliance with a comprehensive body of construction requirements enforced by the County as required under applicable federal, state and local laws and regulations, and the goals and policies set forth in the General Plan that would avoid or reduce the effect of geologic hazards (General Plan EIR pp. 10-34- 10-36).

Future development within the Betabel Road C-1 Overlay would be subject to compliance with all federal and state laws and regulations intended to avoid or reduce potential effects from unstable or expansive soils or result in any of the above-mentioned geologic hazards and would not interfere with General Plan policies intended to reduce these impacts, including Policy LU-1.8, which requires all submitted site plans, tentative maps, and parcel maps to depict all hazardous areas including fault zones, 30 percent or greater slopes, and severe erosion hazards prior to project approval to allow for more effective avoidance, design, and construction measures and Policy LU-1.10, which encourages avoidance of development near faults, landslides, or other hazardous areas (General Plan EIR, p. 10-23). Additionally, the proposed project would be subject to General Plan Policy LU-1.6, which would reduce the risk to the public from potential landslides (General Plan EIR pp. 10-23); Policy HS-3.2, which requires structures to be designed and built to hold up to the occurrence of near-surface subsidence or liquefaction; Policy HS-3.6, which ensures the enforcement of the standards set forth in the California Building Code related to construction on unstable soils; Policy HS-3.7, which requires setbacks from fault traces; and Policy HS-3.8, ensuring that development is appropriately designed in areas with high liquefaction potential (General Plan EIR pp. 10-31- 10- 32). Further environmental review is not yet appropriate since the parcels for development are not known; additional review is impractical until site-specific development is proposed due to the variation in soil types across the project locations such that the exact site of the building will affect its vulnerability to landslide, lateral spreading, subsidence, liquefaction, or expansive soils (General Plan EIR pp. 10-32- 10- 34). The proposed project would not increase the allowed level of development beyond that already anticipated in the General Plan. Therefore, the Betabel Road C-1 rezone

would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- e. Most of the unincorporated County relies on individual septic systems for wastewater treatment. Installation and operation of septic tanks or similar individual wastewater disposal systems in unfit soils can lead to the degradation of groundwater quality or nearby waterways, and ultimately impact domestic groundwater and/or surface water sources. The General Plan EIR did not identify significant impacts related to soil capability to support the use of septic tanks or alternative wastewater disposal systems that would not be reduced to less than significant through compliance with County septic systems standards and General Plan Policy LU-1.10, which prohibits septic systems from being built into unsuitable soils (General Plan EIR p. 10-23); Policies PFS-5.5 and PFS-5.6 that reinforce continued oversight and design review by the County to ensure compliance with the Regional Water Quality Control Board's regulations and continued water and soil quality protection (General Plan EIR, p. 10-39); Policy PFS-5.7, which avoids impacts to groundwater and soil resources by encouraging the consideration of alternative rural wastewater systems for individual homeowners (General Plan EIR pp. 10-24- 10-25); and Policies NCR-4.15 and NCR-4.16, which encourage new developments to be located in areas where they can easily tie into existing domestic wastewater treatment systems (General Plan EIR p. 10-27).

Future development in the C-1 Overlay would be subject to compliance with all applicable standards and regulations intended to avoid or minimize potential effects from unfit soils for use of septic systems and would be required to implement General Plan policies intended to reduce these impacts. Additionally, General Plan Policies LU-1.10, NCR-4.15, and 4.16 (described above) would only allow for new septic systems where sewer systems are unavailable and soils are adequate for protecting groundwater. The County would assess proposed septic systems and their design and location prior to issuing a permit to install or replace a septic system. It is not practical to undertake further site/project specific environmental review until future projects are proposed and the exact location of septic tanks (if applicable) is known, which would allow analysis of the specific soil. The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- f. Development under the General Plan would lead to construction activities such as grading and sub-surface excavation. Construction activities could cause a substantial adverse change in the significance of a geological or paleontological resource. The

General Plan EIR identified potentially significant impacts related to directly or indirectly destroying unique geological or paleontological resources that would be reduced to a less-than-significant level through the combination of compliance with applicable state requirements, General Plan policies, and Mitigation Measures CUL-1 and CUL-2b (General Plan EIR pp. 9-23 - 9-27).

Future development in the C-1 Overlay would be subject to compliance with all applicable regulations intended to protect unique geological and paleontological resources and would be required to implement General Plan policies intended to reduce these impacts. Goal NCR-1 and its supporting policies encourage limitations on development and therefore result in minimized ground disturbance which could result in impacts to paleontological resources (General Plan p. 8-2). General Plan Policy NCR-7.11 prohibits unauthorized grading to ensure further protection of paleontological resources in the event that they are discovered (General Plan p. 8-13). Additionally, the proposed project would be subject to Administrative Code, Title 14, Section 4307, which protects paleontological and geological features. The proposed project does not increase the level of development beyond that already addressed in the General Plan. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2,3,4)	☐	☐	☐	☒
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2,3,4)	☐	☐	☐	☒

Comments:

As discussed in the CEQA Approach Section, consistent with state law, the 2035 General Plan includes standards of population density and building intensity for each of the land use designations appearing on the Land Use Diagram. Table 3-7 of the General Plan EIR identifies these standards and lists the acreage of the County allocated to each land use type. Table 3-7 identifies 126-acres of Commercial Regional (CR) area at a Floor Area Ratio (FAR) of 0.8. At maximum buildout, this would result in 4,390,000 square feet of Commercial Regional Development (General Plan EIR p. 3-43). The General Plan EIR does not assume all land uses depicted in the Land Use Diagram would be built out by 2035 to their absolute maximum potential. Instead, the General Plan EIR evaluates the impacts of forecasted development that will likely occur through the year 2035, consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project. The General Plan EIR utilized conservative population, housing, and employment forecasts to evaluate the reasonably foreseeable impacts of General Plan buildout of the General Plan Land Use Diagram (General Plan EIR p 4-5 - 4-12).

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Because the development capacity of the site is limited to a FAR of 0.8 within 29-acres, which fits within the Commercial Regional buildout indicated in the General Plan Table 3-7 (126 acres at a FAR of 0.8), future development allowed by the

rezone would fit within the growth projections utilized in the General Plan EIR analysis.

- a,b. Buildout of the General Plan would result in greenhouse gas (GHG) emissions from the construction and operation of new rural and urban developments in the County. Direct sources of GHG emissions include mobile sources, combustion of natural gas, and landscaping activities. Indirect GHG emission sources include electricity consumption, solid waste disposal, and water and wastewater treatment. Even though State legislation together with General Plan policies and air district requirements will reduce GHG emissions, the GHG emissions volume will still exceed the thresholds of significance. The General Plan EIR identified Mitigation Measure GHG-1 that sets forth the standards for a GHG reduction strategy, when prepared, to not only implement the GHG reduction policies in the General Plan, but also accomplish the County's goal of reducing GHG emissions (General Plan EIR p. 11-68). However, the General Plan EIR determined that even with the GHG reduction strategy, it is possible that this impact would be significant and unavoidable because many aspects of the GHG reduction strategy depend on actions outside the control of the County. The General Plan EIR concluded that the impacts due to greenhouse gas emissions would remain significant and unavoidable (General Plan EIR p. 11-68 – 11-69). The County adopted a statement of overriding considerations in regard to GHG emissions.

The General Plan EIR found that the General Plan policy that directs creation of the C-3 District would reduce vehicle miles travelled, and consequently GHG emissions, by placing commercial development in convenient locations that would reduce trip lengths. It is anticipated that the commercial nodes would place retail services closer to rural residents and that most other trips to the commercial nodes would be pass-by trips from people already traveling on U.S. Highway 101. Future development of the Betabel Road C-1 rezone would contribute to the construction and operational emissions impacts identified in the General Plan EIR dependent on site-specific circumstances, which will be analyzed at the time specific development projects are proposed. The Betabel C-1 rezone does not include any development specific impacts. Because no development project has been proposed, any projection of GHG impacts would be speculative at this stage. Pursuant to Mitigation Measure B1, GHG impacts will be analyzed at the time specific development projects are proposed.

All future development would be required to comply with state regulations, General Plan policies, and air district requirements. General Plan Policies LU-1.1, LU-1.2, LU-2.7, LU-4.2, LU-4.4, LU-5.3, and LU-5.6 promote smart growth and mixed use to

reduce the number and length of vehicle trips (General Plan EIR pp. 11-37- 11-40). General Plan Policies C-1.1, C-1.2, C-1.10, C-2.1, and C-2.2 promote transit, bicycling, and pedestrian trips (General Plan EIR p. 11-42- 11-44). The California Building Code and General Plan Policies LU-2.1 and LU-2.2 promote sustainable building practices. General Plan Policy LU-2.3 requires energy conservation standards for new construction, and LU-2.4 requires new buildings to be oriented and landscaped to enhance natural lighting and solar access (General Plan EIR pp. 11-37- 11-38). The C-1 zoning development regulations limit the intensity of future development and the types of land uses allowed within the site and would allow for uses consistent with the land uses analyzed in the General Plan. The General Plan contemplates uses such as shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels (General Plan, p. 3-6; General Plan EIR, p. 3-37). The uses included in sections 25.16.021 through 25.16.023, such as souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and hotels/motels, are consistent with the uses contemplated by the General Plan.. Additionally, future development would be limited to the 0.8 FAR identified in the General Plan for the Commercial Regional land use designation and considered in the General Plan EIR. Site specific development proposals will be reviewed for design features that reduce GHGs such as walkability. Future development of the project would fit within the growth projections utilized in the General Plan EIR analysis. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2,3,4)	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2,3,4)	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1,2,3,4,8)	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1,2,3,4,9)	☐	☐	☐	☒
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1,2,3,4,8)	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2,3,4)	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1,2,3,4,10)	☐	☐	☐	☒

Comments:

- a,b. Urban development and other land use activities anticipated in the General Plan would require the routine transport, use, or disposal of hazardous materials and wastes within the County. This could result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Implementation of the General Plan goals and policies, in combination with federal, state and local laws regulations designed to reduce the effects of the routine use, transport, and disposal of hazardous materials, would minimize public health and environmental hazards. The General Plan EIR found that this would be a less than significant impact (General Plan EIR pp. 12-37- 12-40).

The project site was designated for Regional Commercial uses in the General Plan. The Betabel Road C-1 Overlay would not result in the development of future new uses or intensify uses that would be expected to use, transport or dispose of hazardous materials beyond what was identified in the General Plan EIR. The types of land uses allowed within the Betabel Road node are consistent with those analyzed in the General Plan EIR. Future development within the project site will be required to comply with all applicable regulations related to hazardous materials and would be compatible with General Plan policies that reduce risk from the transport, use, disposal and potential release of hazardous materials, including Policy HS-5.2 which limits development of new sensitive land uses near uses involving hazardous materials (General Plan EIR, p. 12-29); Policy HS-6.1 which requires proper storage and disposal of hazardous materials (General Plan EIR p. 12-29); and Policy HS-6.3 which requires land use consistency with the Hazardous Waste Management Plan (General Plan EIR p. 12-30). The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- c. Buildout of land uses anticipated in the General Plan would lead to urban and other development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, depending on the location of the individual development project being proposed. The General Plan contains policies that would encourage protection of the safety of the residents, students, faculty, staff, and visitors at school sites. The General Plan EIR identified Mitigation Measure HAZ-2, which would result in additional protection for existing private and public school sites, and potentially lead to additional mitigation for effects to private and public school facilities arising from the development of urban and other uses and related infrastructure identified in the General Plan (General Plan EIR, p. 12-42). Therefore, Mitigation Measure HAZ-2, together with the goals and policies of the

General Plan and adherence with applicable requirements of state and federal regulations would reduce this impact to less than significant (General Plan EIR pp. 12-40- 12-42).

The proposed Betabel Road C-1 Overlay area is not located within one-quarter of a mile from an existing or proposed school. Therefore, future development within the project site would have no impact related to hazardous materials on school sites. The project site is designated as Commercial Regional in the General Plan and the rezoning to add C-1 would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR (General Plan EIR p. 12-29).

- d. Development anticipated in the General Plan could be situated at a location that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, could create a significant hazard to the public or environment. The General Plan EIR determined that in addition to various state programs that require the clean-up of contaminated sites, the County would regulate hazardous material concerns and site contamination on a case-by-case basis as part of the development site review process for any future project within the County (General Plan EIR p. 12-42). Further, the General Plan contains various goals and policies intended to reduce the impacts of hazardous sites due to contamination, and to ensure the safety of County residents, visitors, and businesses. The General Plan EIR concluded that the potential for new development in areas with residual contamination that could pose health hazards to the County's residents and visitors would be less than significant (General Plan EIR pp. 12-37- 12-40).

A search of the Envirostor website revealed that the project site is not on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, and there are no listed hazardous sites within one half mile. Therefore, future development within the project site would not create a hazard to the public or environment.

- e. San Benito County has two public-use airports (Hollister Municipal Airport and Frazier Lake Airpark), one private airport (Christensen Ranch Airport), and several landing strips scattered throughout the county. Buildout of the General Plan could lead to urban development and other land use activities within the area regulated by an airport land use plan, or where such a plan has not been adopted, within the vicinity of a public or private airport, resulting in a safety hazard for people residing or working in the project area. The General Plan includes numerous goals and policies that would reduce land use compatibility issues and safety concerns that could impact the capability and functionality of the County's aviation system. The

General Plan EIR found that Mitigation Measure HAZ-4 would provide additional protection against airport safety hazards arising from development of urban uses and related infrastructure anticipated in the General Plan (General Plan EIR, p. 12-49). Therefore, the General Plan EIR determined that impacts related to siting of new uses near airports would be reduced to less than significant (General Plan EIR p. 12-44 – 12-49).

The Betabel Road C-1 Overlay is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. Therefore, future development within the project site would not result in a safety hazard or excessive noise for people residing or working in the project site.

- f. According to the General Plan EIR, development anticipated in the General Plan would involve population growth that would result in an increased demand for emergency services within the County. Such growth would involve an increase in the current number of vehicles traveling on County roadways. As a result, in the long term, emergency response on highways and roadways could become impaired due to traffic congestion. Roadways that operate at unacceptable levels of service would be unable to accommodate efficient, timely, and safe access and emergency response, potentially interfering with emergency response or emergency evacuation plans. The General Plan contains policies to avoid emergency response and evacuation related impacts (General Plan EIR p. 12-50). Increased traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found this impact to be less than significant (General Plan EIR p. 12-49- 12-50).

Future development will be required to comply with General Plan Policies HS-1.11 requiring adequate road capacity for emergencies, C-1.5 requiring transportation mitigation funding, and C-1.12 requiring minimum LOS level D to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan (General Plan EIR p. 12-26, 12-34- 12-35). The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- g. Refer to Section 20, Wildfire for the discussion of impacts from wildland fires.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4)	☐	☐	☐	☒
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,12)	☐	☐	☐	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4)	☐	☐	☐	☒
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1,2,3,4)	☐	☐	☐	☒
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1,2,3,4)	☐	☐	☐	☒
(4) Impede or redirect flood flows? (1,2,3,4)	☐	☐	☐	☒
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1,2,3,4,11)	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1,2,3,4)	☐	☐	☒	☐

Comments:

- a. Buildout of the General Plan would result in increased development that could result in discharges of contaminated water to surface water bodies or groundwater. The General Plan EIR did not identify significant impacts related to water quality or the violation of water quality standards or waste discharge requirements, as a result of buildout of General Plan land uses, including Commercial Regional uses, that would not be reduced to a less-than-significant level by compliance with state and federal discharge requirements and General Plan policies intended to protect water quality and groundwater quality laws and regulations (General Plan EIR p.13-33 and 13-42).

Future development allowed within the Betabel Road C-1 Overlay would be subject to compliance with the County Code requirements for water quality and surface and groundwater quality, as well as General Plan policies, applicable state and federal regulations, and permitting requirements intended to protect water quality and surface and groundwater quality impacts. Section 19.17.005 of the County Grading Ordinance prohibits grading within 50 feet of the top bank of a stream, creek, or river. General Plan Policy LU-1.2 promotes compact and clustered development resulting in a reduced construction footprint, thereby reducing short-term pollutant loads, and reduces the extent of impervious pavement and resultant storm water runoff volume and hydrocarbon pollution (General Plan EIR, p. 13-20). Policy LU-1.6 restricts development on hillsides with a 30 percent or greater slope to prevent increased storm water runoff that could contaminate surface water (General Plan EIR, p. 13-21). Policy LU- 1.8 requires site plans to identify environmentally sensitive areas to assist with designing development plans that avoid such areas as feasible, and thereby minimize impacts to these resources (General Plan EIR, p. 13-21). Policy LU-1.10 requires that development avoid unsuitable sites and mitigate development on environmentally sensitive lands, thereby protecting water quality by prohibiting development on steep slopes (General Plan EIR, p. 13-22). Policy PFS-6.3 encourages natural storm water drainage systems to encourage groundwater recharge (General Plan EIR pp. 13-25). PFS-6.4 requires new site designs to focus on spreading and infiltrating storm water and incorporating natural watercourses when possible, thereby reducing the volume of runoff that leaves the site, minimizing storm water drainage concentrations (General Plan EIR, p. 13-25). Policy PFS-6.7 requires compliance with State and Federal non-point source pollutant discharge requirements for the protection of water quality (General Plan EIR, p. 13-26). Policy PFS-6.8 requires drainage systems to be designed/maintained to minimize erosion and sedimentation to prevent impacts to water quality (General Plan EIR pp. 13-25–13-26). Policy NCR-4.7 requires implementation of Best Management Practices (BMPs) during construction and operation to reduce water quality impacts from runoff (General Plan EIR, p. 13-28). Future development also must implement

Mitigation Measure AES-B4, which provided additional setback restrictions along the San Benito River other natural watercourses, which at this location includes the Pajaro River. Site and development specific CEQA review is impractical and impact analysis would be speculative until the precise location of a development project, and its proximity to the San Benito River, which flows southwest of the project site, and the Pajaro River which flows west of the project site, is known. Once future site specific development projects are proposed, site specific environmental review will be undertaken to analyze project specific impacts pursuant to Mitigation Measure B1. The proposed project would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- b. Buildout of the General Plan would lead to urban and other development, including construction of buildings and paving that would lead to increased impervious surfaces, thereby interfering with groundwater recharge and resulting in a decrease in groundwater volumes. The General Plan EIR did not identify significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies intended to protect groundwater recharge directly and indirectly (General Plan EIR, p. 13-36). Further, the General Plan EIR stated that the quantity of groundwater recharge would be increased by additional urban use of Central Valley Project water with subsequent treated wastewater percolation (General Plan EIR p. 13-36). The General Plan EIR also confirms that future water supplies are sufficient to meet future water demands, recognizing that groundwater supply is available to supplement reduced imported surface water supplies during droughts and shortages (General Plan EIR p. 13-36).

The proposed Betabel Road C-1 Overlay area is within the San Juan sub-basin of the Gilroy-Hollister Groundwater Basin and sits at one of the lowest points within that basin. Therefore, groundwater depths are good, and the San Benito County Water District believes that long-term water supply prospects are good (James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019). The project site is within the Zone 6 district for which the Water District has a good groundwater history established. The proposed project would be required to comply with General Plan policies, County Code requirements and applicable state and federal permitting requirements to encourage infiltration and groundwater recharge including Policy PFS-6.3 which encourages natural storm water drainage systems to encourage groundwater recharge (General Plan EIR p. 13-25); Policy PFS-6.4 which requires new site designs to focus on spreading and infiltrating storm water and incorporating natural watercourses when possible

(General Plan EIR, p. 13-25); Policy NCR-4.5 which encourages new development to preserve, where feasible, areas that provide important groundwater recharge (General Plan EIR p. 13-27); and, Policy LU-1.2 which encourages concentrated development with reduced footprints will thereby reduce development of impervious pavement and structures (General Plan EIR p. 13-20).

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Because development in the Betabel C-1 Overlay area would be limited to a FAR of 0.8 within 29-acres, development would not exceed Commercial Regional buildout indicated in the General Plan Table 3-7. Development allowed within the C-1 Overlay would fit within the growth projections utilized in the General Plan EIR analysis. The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Project level environmental review will be required for future specific development projects pursuant to Mitigation Measure B1. The C-1 rezone would not create new or substantially increase the severity of impacts on groundwater supplies or groundwater recharge than what has already been analyzed in the General Plan EIR.

- c. Development anticipated in the General Plan would lead to continued urban and other development that could alter existing drainage patterns and result in increases in the rate or amount of storm water runoff. The General Plan EIR found that adherence with the General Plan policies, County Grading Ordinance, and other state and federal water quality regulations would result in less-than-significant impacts related to altering existing drainage patterns in a manner that could result in destabilizing banks, flooding, substantial erosion, or siltation, or in a manner that substantially increases the rate or amount of surface runoff in a manner that would result in flooding. The General Plan also found that the impacts related to increases in the rate or amount of storm water runoff could be reduced to less-than-significant levels with the enforcement of existing federal, state and local laws and regulations regarding storm water management, coupled with implementation of the policies set forth in the General Plan (General Plan EIR pp. 13-32- 13-38).

The types of land uses, amount of development, and land use patterns allowed in the C-1 District would be consistent with those anticipated in the General Plan and

analyzed in the General Plan EIR. Future development within the project site would be required to comply with General Plan policies, the Grading Ordinance, applicable state and federal regulations, and permitting requirements intended to reduce and control runoff. Section 19.17.005 of the County Grading Ordinance, prohibits grading within 50 feet of the top bank of a stream, creek, or river. Policy NCR-4.4 encourages conservation and, where feasible, creation or restoration of open space areas which will protect existing drainage patterns (General Plan EIR, p. 13-27). NCR-4.7 requires implementation BMPs during construction and operation to reduce runoff (General Plan EIR p. 13-28). General Plan Policy PFS-6.3 encourages the use of natural storm water drainage systems (General Plan EIR, p. 13-23). Policy PFS-6.7 requires compliance with State and Federal non-point source pollutant discharge requirements (General Plan EIR, p. 13-26). PFS-6.8 requires drainage systems to be designed/maintained to minimize erosion and sedimentation to prevent impacts to water quality (General Plan EIR p. 13-26). Policy LU-1.2 promotes compact and clustered development resulting in a reduced construction footprint thereby reducing short-term pollutant loads and reduces the extent of impervious pavement and resultant storm water runoff volume (General Plan EIR, p. 13-20). Policy LU-1.6 restricts development on hillsides with a 30 percent or greater slope to prevent increased storm water runoff (General Plan EIR, p. 13-21). General Plan Policy LU-1.8 requires site plans, tentative maps, and parcel maps must depict environmentally sensitive areas (General Plan EIR, p. 13-21). By requiring site plans to identify 30 percent or greater slopes and severe erosion hazards prior to project approval. LU-1.10 requires that development avoid unsuitable sites and mitigate development on environmentally sensitive lands thereby limiting runoff by prohibiting development on steep slopes (General Plan EIR p. 13-22). PFS-6.4 requires new site designs to focus on spreading and infiltrating storm water and incorporating natural watercourses when possible, thereby reducing the volume of runoff that leaves the site minimizing any potential for erosion or flooding downstream of the site (General Plan EIR, p. 13-25).

Because the rezone of Betabel Road to C-1 Overlay does not propose any site specific development project, further environmental review would be impractical and impact analysis would be speculative until site-specific development is proposed. Future development must implement Mitigation Measure B1, which requires development specific CEQA analysis at the time specific development projects are proposed. The proposed project would not result in new or substantially more severe environmental impacts than those already analyzed in the General Plan EIR.

- d. San Benito County is located a significant distance from the coast or any sizeable lakes, thereby eliminating the potential for a tsunami or seiche. Buildout of the General Plan may lead to development within regulatory floodplains. The General

Plan EIR did not identify significant impacts related to inundation in flood hazard zones as a result of buildout of General Plan land uses that would not be reduced to less-than-significant levels through compliance with General Plan policies and requirements of the Federal Emergency Management Agency (FEMA) (General Plan EIR pp. 13-43- 13-44).

According to FEMA, a portion of the project site is located within the 100-year flood plain.. Future development within the project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Policy LU-1.8 requires site plans, tentative maps, and parcel maps to depict environmentally sensitive areas (General Plan EIR, p. 13-21). By requiring site plans to identify 100-year floodplains prior to project approval, the policy advocates avoidance of structures in those areas, or adequate mitigation for any structures deemed necessary (General Plan EIR p. 13-21). Policy LU-1.10 requires that development avoid unsuitable sites and mitigate development on environmentally sensitive lands thereby limiting runoff by prohibiting development on steep slopes (General Plan EIR, p. 13-22). Policy H-2.1 requires a minimum 100-year flood protection for all new development in accordance with local, State, and Federal requirements to avoid or minimize the risk of flood damage (General Plan EIR, p. 13-29). Additionally, future development must implement Mitigation Measure AES-B4. Pursuant to Mitigation Measure AES-B4, flood zones designated by FEMA must be included within flood zone reservations, and development in flood zone reservations is limited to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs, and permanent structures that are in compliance with the provisions of Chapter 19.15. Site specific analysis is not practical until a development and site specific project is proposed, so it can be determined whether it is within the 100-year floodplain. Future development must implement Mitigation Measure B1, which requires development specific CEQA analysis at the time specific development projects are proposed. The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- e. The December 2018 amendments to Appendix G of the CEQA Guidelines introduced this new checklist question as a part of the Hydrology and Water Quality section. The General Plan EIR does not include an evaluation of the impacts as a result of the General Plan conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. Although the San Benito County Water District is in the process of drafting a Groundwater Sustainability Plan, there is currently no plan by which to evaluate consistency. However, the General Plan EIR identified that conformance with the applicable General Plan policies and

regulatory programs that require implementation of site design measures, low-impact development methods and best management practices would prevent adverse impacts to water quality and surface and groundwater quality. Additionally, General Plan Policy NCR-4.1 states that the County shall consider implementing the Regional Water Quality Control Board Basin Plan policies to improve areas of low water quality, maintain water quality on all drainage, and protect and enhance habitat for fish and other wildlife on major tributaries to the San Benito River (Sargent Creek, San Juan Canyon Creek) and the Silver Creek watershed (General Plan EIR p. 13-27).

The Betabel Road C-1 rezone would not conflict with any water quality control plan or sustainable groundwater management plan, and future development will be required to comply with these specific plans as well. Future development within the project site would be required to comply with General Plan policies, including Policy NCR-4.7, which requires implementation BMPs during construction and operation to reduce runoff, and Policy PFS-6.2, which requires implementation of BMPs (e.g., Low Impact Development) in the development, upgrading, and maintenance of storm water facilities and services to reduce pollutants from entering natural water bodies while allowing storm water reuse and groundwater recharge. Future projects would also be required to comply with applicable state and federal regulations. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Physically divide an established community? (1,2,3,4)	☐	☐	☐	☒
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a. Although the General Plan has been designed to support orderly and well-balanced development patterns, development anticipated in the General Plan could physically divide a community. The General Plan EIR did not identify significant impacts related to physically dividing an established community that would not be reduced to less than significant through compliance with General Plan policies and goals together with Mitigation Measures LU-1a and LU-b; these mitigation measures would ensure that the County consider community integrity when reviewing proposals for new developments (General Plan EIR, p. 14-44). The General Plan identified Commercial Regional “node” areas, and the General Plan EIR specifically determined that the Commercial Regional nodes would minimize the division of established communities (General Plan EIR p. 14-41).

The proposed project implements the zoning for the Commercial Regional land use node designation for Betabel Road that was analyzed in the General Plan EIR. No changes to the conclusions of the General Plan EIR would occur with implementation of the proposed project. Therefore, the Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- b. General plan policies addressing environmental resources were reviewed for applicability and consistency with the proposed project. The County did not identify any applicable policies with which the Betabel Road C-1 rezone conflicts.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,3,4)	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a,b. Mineral resources in the County are primarily sand and aggregate based and include 33 million tons of permitted sand and gravel reserves, 113 million tons of unpermitted sand and gravel reserves, and 386 million tons of crushed rock resources in the northern portions of the County (General Plan EIR, p. 10-37). There are several goals and policies set forth in the General Plan that address mineral resource losses that could result from development consistent with the General Plan, including General Plan Goal NCR-5 to protect and support economically viable mineral resource extraction while avoiding land use conflicts and environmental impacts from current and historical mining activities (General Plan EIR, p. 10-27) and General Plan Policy NCR 5.1 which prevents incompatible urban or other inappropriate encroachment into valuable mineral resource areas (General Plan EIR, p. 10-27). The General Plan EIR concluded that the General Plan policies contained in the Natural and Cultural Resources Element would avoid or reduce the loss of known mineral resources or a locally important mineral resource recovery site, resulting in a less-than-significant impact (General Plan EIR, p. 10-36- 10-38).

No mineral resources are identified at the project site. The project site was designated for commercial development in the General Plan EIR. The proposed project would be subject to the applicable General Plan goals and policies related to mineral resource protection and would not interfere with the intention of these policies. Therefore, the proposed project would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4)	☐	☐	☐	☒
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4)	☐	☐	☐	☒
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1,2,3,4)	☐	☐	☐	☒

Comments:

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram; because General Plan EIR Table 3-7 indicated up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed the possible future development allowed within the 29-acre C-1 Overlay. Development allowed under the C-1 District would fit within the envelope of the growth projections utilized in the General Plan EIR (General Plan EIR p. 3-43). Additionally, the uses allowed within the Betabel Road C-1 Overlay are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR, which include souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and

hotels/motels (General Plan, p. 3-6; General Plan EIR, p. 3-37; San Benito County Code Section 25.16.022). The Betabel Road C-1 rezone would not result in new or substantially more severe noise impacts beyond those identified in the General Plan EIR.

- a. Development anticipated in the General Plan could lead to increases in transportation-generated noise levels along existing streets and highways. Increased noise levels could exceed noise levels deemed acceptable by the County for existing sensitive uses. The General Plan includes policies that would ensure that no noise-sensitive land uses would be exposed to noise levels generated by new noise-producing uses in excess of County standards. The General Plan EIR identified policies that would reduce noise impacts. Policy HS-8.1 establishes maximum acceptable noise levels for both transportation and non- transportation noise sources, and requires mitigation where noise levels exceed levels deemed acceptable (General Plan EIR p. 15-19). Policy HS-8.2 requires an acoustical analysis to be performed prior to any development approval (except those allowed by right) where proposed land uses may produce or be exposed to noise levels exceeding the “normally acceptable” criteria (General Plan EIR p. 15-19). Mitigation Measure NSE-1, reflected in Policy HS- 8.9, requires implementation of State minimum noise insulation interior performance standard of 45 dBA Ldn for residential and motel/hotel uses, which will reduce noise levels arising from the development (General Plan EIR p. 15-23 - 15-24). Mitigation Measure NSE-4 requires the installation of noise barriers and other appropriate noise mitigation measures to reduce traffic noise levels at sensitive receptor locations. Although a combination of the General Plan policies and Mitigation Measure NSE-1 and NSE-4 could be highly effective in reducing noise levels on a countywide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the County. As a result, this impact would remain significant and unavoidable (General Plan EIR pp. 15-23- 15-30).

The General Plan EIR determined that buildout of the General Plan would facilitate the construction of new projects within the County (General Plan EIR p. 15-30). Residences and businesses located adjacent to proposed development sites could be affected at times by construction noise. Major noise-generating construction activities associated with new projects would include removal of existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. Future development would be required to comply with the County’s Noise Control Ordinance, Chapter 19.31. Section 19.31.030 establishes maximum permissible noise levels for Commercial uses with which future development must comply. Policy HS-8.1 establishes maximum

acceptable noise levels for both transportation and non-transportation noise sources, and requires mitigation where noise levels exceed levels deemed acceptable (General Plan EIR pp. 15-19, 15-28). General Plan Policy HS-8.3 limits construction activities to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and within the hours of 8:00 a.m. to 5:00 p.m. on weekends (General Plan EIR p. 15-19). In addition to policies set forth in the General Plan, the General Plan EIR identified the following mitigation measures/policies to reduce short-term noise impacts associated with construction activity to less-than-significant levels: NSE-5a (Policy HS-8.3) limits construction noise (General Plan EIR, p. 15-32 and 15-33); NSE-5b, reflected in Code section 19.39.051 (H) of the San Benito County Code of Ordinances, limits times that noise generating construction activities would be exempt from County noise control regulations to between the hours of 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 am and 5:00 pm on Saturdays (no construction shall be allowed on Sundays or federal holidays) (General Plan EIR p. 15-33); NSE-4 (Policy HS-8.11) requires new projects to include appropriate noise mitigation measures to reduce noise levels in compliance with the County standards within sensitive areas (General Plan EIR p. 15-19, 15-28); and, NSE-5c (Policy HS-8.12) requires all construction projects that will be constructed within 500 feet of sensitive receptors to develop and implement construction noise control plans that include construction noise level controls to reduce noise levels as low as practical (General Plan EIR p. 15-33).

Future development within the Betabel Road C-1 Overlay would be required to comply with the above General Plan and County Code noise reduction measures. Because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed possible future development at the Betabel Road C-1 Overlay. Additionally, the uses allowed by the C-1 District are consistent with those allowed within the Commercial Regional land use designations and those analyzed in the General Plan EIR and would not generate unique sources or noise levels beyond those identified in the General Plan EIR. The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR. Development specific environmental review will be completed at the time specific development projects are proposed pursuant to Mitigation Measure B1. Additional site/development specific analysis is not practical until a specific development project is proposed because the precise location, amount of construction at any given time, and proposed uses are not yet known, and these factors will determine the construction and operational noise generated by specific projects.

- b. The General Plan could facilitate the construction of sensitive land uses within portions of the County where known vibration sources exist or are currently planned, primarily along the existing active railroad corridors or where ground-borne noise levels exceed County noise standards. The General Plan EIR did not identify significant impacts related to excessive ground-borne vibration or noise levels that would not be reduced to less-than-significant levels through compliance with General Plan policies (General Plan EIR, p. 15-26).

The project site was designated for Commercial Thoroughfare uses in the General Plan. The Betabel Road C-1 rezone does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. Future development within the project site will be required to comply with all noise regulations and General Plan policies intended to prevent or reduce ground-borne vibration. General Plan Policy HS-8.6 requires new residential and commercial uses located adjacent to major freeways to follow the Federal Transit Administration (FTA) screening distance criteria (General Plan EIR p. 15-20). Therefore, the County will require any development proposal to undergo project-level review. Project level review at this time is impractical because no specific development project is proposed and the precise location of buildings will determine the risk for excessive ground-borne vibration or noise due to proximity to the freeway. The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts related to excessive ground-borne vibration or noise levels than those identified and addressed in the General Plan EIR.

- c. According to the General Plan EIR, buildout of the General Plan could lead to the development of sensitive land uses in areas that would be subject to adverse noise levels from aircraft operations and introduce new uses within the airport land use compatibility plan areas that could expose existing sensitive land uses to additional excessive noise levels not from aircraft. The General Plan EIR did not identify significant impacts related to the exposure of excessive noise levels within the Hollister Municipal Airport or the Frazier Lake Airpark airport land use compatibility plan or a private airstrip that would not be reduced to less than significant through the combined compliance of applicable General Plan policies and Mitigation Measure NSE-6 (General Plan EIR p. 15-34).

According to General Plan Figure 3-2, the proposed Betabel Road C-1 Overlay is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark, and the proposed project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, the Betabel Road C-1 rezone would not expose people residing or working in the project area to excessive noise levels.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4)	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a. The General Plan EIR utilized population, housing, and employment forecasts through the year 2035 to evaluate the “reasonably foreseeable” direct and indirect impacts of General Plan buildout (“projected 2035 buildout”). The level of growth and development that would be enabled by the 2035 General Plan, or projected 2035 buildout was based on the 2008 AMBAG population forecasts and the Department of Finance and US Census historical employment and dwelling unit forecasts for the County (General Plan EIR p. 4-5 - 4-9). According to the 2008 AMBAG forecast, by 2035 the County population is projected to increase by approximately 39,500 residents for a total population of 94,731, including incorporated cities. Additionally, using the historic Department of Finance and US Census historical forecast of 0.287 jobs per resident and 2.70 persons per dwelling unit, anticipated employment is 7,500 to 8,600 new jobs and anticipated new dwelling units that could accommodate the anticipated population growth would be 13,545 units within the unincorporated County by 2035. The forecasts were deemed conservative estimates of buildout and were used to analyze the impacts associated with the reasonably foreseeable development of uses identified in Table 3-7 of the EIR, including Commercial Regional uses.

While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to

adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed the 1,010,592 square feet of possible future development at maximum buildout of the Betabel Road site. Development allowed under the C-1 Overlay would fit within the growth projections utilized in the General Plan EIR analysis. The growth projections identified in the General Plan EIR would conservatively capture potential future buildout and associated growth associated with the rezone of the Betabel Road node, because overall development is less than that considered in the General Plan EIR. Therefore, population growth associated with the Betabel Road C-1 Overlay was adequately analyzed by the General Plan EIR.

The General Plan EIR identified substantial unplanned population growth as a result of the General Plan implementation as a significant and unavoidable impact. The Betabel Road C-1 node would not change the conclusions of nor would it result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- b. The General Plan EIR states that because the General Plan envisions development projects only in locations depicted by the General Plan maps, and contains goals and policies to preserve existing neighborhoods and housing under the 2007-2014 Housing Element, implementation of the General Plan land uses would not displace substantial population or housing, resulting in a less-than-significant impact (General Plan EIR p. 16-21).

The types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. The project site is primarily vacant but includes some agricultural uses. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the General Plan EIR.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Fire protection? (1,2,3,4)	☐	☐	☐	☒
b. Police protection? (1,2,3,4)	☐	☐	☐	☒
c. Schools? (1,2,3,4)	☐	☐	☐	☒
d. Parks? (1,2,3,4)	☐	☐	☐	☒
e. Other public facilities? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a-e. Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not find significant impacts to the County's ability to provide fire protection, law enforcement, schools, parks, and other services at a community-level that could not be reduced to a less than significant level with implementation of General Plan policies. The General Plan EIR also noted that plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

The maximum development capacity identified in the Betabel Road C-1 Overlay at a FAR of 0.8C-1 is 1,010,592 square feet. While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including 126 acres of Commercial Regional uses at a FAR of 0.8, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable population growth/buildout of the General Plan Land Use Diagram; because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development

encompassed under the Commercial Regional designation would exceed the possible future development at maximum buildout of the Betabel Road site. Development allowed under the C-1 Overlay would fit within the growth projections utilized in the General Plan EIR. Additionally, the uses allowed within the C-1 Overlay are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR which include souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and hotels/motels, (General Plan, p. 3-6; General Plan EIR, p. 3-37; San Benito County Code Section 25.16.022).Therefore, the rezone of the Betabel Road site would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for public services beyond those analyzed in the General Plan EIR. Future development within the project site would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision including Policies PFS-1.11 (pay fair share) (General Plan EIR, p. 17-23), PFS-1.12 (requirement to mitigate service impacts through fees or other methods) (General Plan EIR, p. 17-23), PFS-12.5 (incorporate crime prevention into development design) (General Plan EIR, p. 17-25), PFS-13.6 (visible signage to aid in emergency response) (General Plan EIR, p. 17-26), PFS-13.9 (all development must will be reviewed for compliance with the California Fire Code and other State laws) (General Plan EIR, p. 17-26), and LU-1.1 (consolidate development where infrastructure and services are available) (General Plan EIR, p. 17-27). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4)	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4)	☐	☐	☐	☒

Comments:

- a,b. The General Plan plans for development due to population growth, which would increase the use of and overall demand for existing park and recreational facilities within the County, such that existing recreational conditions would deteriorate and new recreational amenities would be needed. The County utilizes a standard of five acres of parkland for every 1000 residents (Policy NCR-3.2 - General Plan EIR, p. 18-16). The General Plan EIR determined that the County already has enough parkland to meet its requirements at buildout for County parks and recreation areas (it already provides 899 acres, and only 474 acres are required at buildout) (General Plan EIR, p. 18-24). The General Plan EIR determined that the General Plan contains goals and policies to adequately maintain existing facilities and fund the development of new park facilities to serve new residents and visitors and impacts would be less than significant (General Plan EIR, p. 18-23). Further, project-level impacts from new recreational facilities would be evaluated on a case-by-case basis through the environmental review process (General Plan EIR pp. 18-23- 18-24).

The types of land uses allowed under the C-1 District code are consistent with the Commercial Regional land uses analyzed for the site in the General Plan EIR. Therefore, the proposed project would not generate population growth not already analyzed in the General Plan EIR and would subsequently not increase demands for parks and other recreational facilities beyond those analyzed in the General Plan EIR.

Future development will be subject to Policy NRC-3.2 which requires that the park ratio standard be met (General Plan EIR, p. 18-16); Policy NRC-1.2 which encourages the establishment and protection of open space (General Plan EIR, p. 18-15); Policy PFS-1.9 which requires evaluation of public facility capacity, level of service, and funding needs when reviewing new projects (General Plan EIR, p. 18-22), and the numerous circulation policies (Policies C-1.2, C-2.1 to C-2.3, C-2.12) aimed at promoting bicycling, walking, and equestrian activities. In addition, future development within the project site would be required to pay all required impact fees (General Plan EIR p. 18-18 - p. 18-21). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4)	☐	☐	☐	☒
b. Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,8)	☐	☐	☐	☒
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	☐	☐	☐	☒
d. Result in inadequate emergency access? (1,2,3,4)	☐	☐	☐	☒

Comments:

The General Plan EIR analyzed transportation impacts using Level of Service (LOS) standards. The 2019 amendments to Appendix G of the State CEQA Guidelines recommend addressing vehicle miles traveled (“VMT”) as a metric for determining the significance of transportation impacts, as codified in the CEQA Guidelines Section 15064.3, subd. (b). Although the State CEQA Guidelines identify July of 2020 as the implementation date for using this new metric, the County has chosen to use the new VMT metric in this addendum; however, a discussion of the proposed project’s LOS impacts compared to the amount of development evaluated in the General Plan EIR is also included at the end of this section.

- a. The General Plan EIR analyzed transportation impacts under two potential growth scenarios: Scenario 1, where growth would occur in the unincorporated area of the County in and around the City of Hollister Sphere of Influence, and Scenario 2, where the growth would be roughly equal to that expected under Scenario 1 but that the development would occur both in and around Hollister and along the State Route 25 corridor to the north.

The General Plan EIR identified significant and unavoidable impacts related to the performance of a circulation system for both Scenario 1 and Scenario 2, as a result of buildout of the General Plan land uses (General Plan EIR p. 19-51). Significant and unavoidable traffic impacts were identified on State Route 25 and State Route 156 (General Plan EIR p. 19-54, 19-55), but no significant traffic impacts were identified on U.S. Highway 101 or State Route 129. Mitigation Measures TC-1a.i through TC-1f are intended to maintain acceptable levels of service on all state highways and freeways, and local roadway segments with associated key intersections (General Plan EIR p. 19-52 - 19-64). However, these measures require cooperation and potentially funding from agencies other than the County, so implementation of these improvements cannot be guaranteed solely through the County's actions. As a result, the impact would be significant and unavoidable for State Route 25 and State Route 156, but remain less than significant U.S. Highway 101 or State Route 129 (General Plan EIR pp. 19-51 - 19-55).

Conversely, the General Plan EIR did not identify a significant impact regarding conflicts with adopted plans and policies specifically related to alternative transportation including as public transit, bicycle, and pedestrian facilities, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level with compliance of the comprehensive General Plan policy support for alternative transportation modes (General Plan EIR p. 19-75).

The development capacity identified for the Betabel Road C-1 Overlay is 1,010,592 square feet of commercial development. While the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram; because General Plan EIR Table 3-7 indicated up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed possible future development at maximum buildout of the Betabel Road site. Development allowed under the C-1 District would fit within the growth projections utilized in General Plan EIR. Additionally, the uses allowed within the Betabel Road C-1 Overlay are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR which include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels (General Plan, p. 3-6; General Plan EIR, p. 3-37). Therefore, the types of land uses, amount of development, and land use patterns allowed in the C-1 Overlay would be consistent with those analyzed in the General Plan EIR and, therefore, would generate vehicle trips and traffic patterns similar to those analyzed

in the General Plan EIR. Due to the nature of the uses allowed within the node and its location along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101 but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site when specific development applications are processed. Future development projects must implement Mitigation Measure TC-B1, which requires preparation of a traffic study and mitigation of potentially significant traffic and circulation impacts pursuant to either recommendations within the traffic study or a Transportation Management Plan. The proposed project would not create any changes to the County's circulation system that would conflict with the San Benito County Governments' Regional Transportation Plan, an ordinance, or a policy addressing the circulation system. The proposed project would not exacerbate the significant and unavoidable conflict with state and local roadway improvements requiring cooperation and potentially funding from agencies other than the County. Further, the future development would be required to comply with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. Therefore, the Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- b. Due to the 2019 amendment of the CEQA Guidelines, CEQA Guidelines section 15064.3, subdivision (b), which provides criteria for analyzing transportation impacts by using VMT, was not specifically evaluated within the General Plan EIR. However, the types of land uses, amount of development, and land use patterns allowed under the proposed project would be consistent with those analyzed in the General Plan EIR. Development allowed under the proposed project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

The project site is not currently located within one-half mile of a high quality transit corridor. However, due to the nature of the uses and their locations along a major regional corridor, a significant number of trips are expected to be pass-by trips, trips that were already using U.S. Highway 101 but diverted to the project site. The percentage of pass-by trip diversions will be estimated for the project site when specific development applications are processed. Future development projects must implement Mitigation Measure TC-B1, which requires preparation of a traffic study, including VMT analysis, and mitigation of potentially significant traffic and circulation impacts pursuant to either recommendations within the traffic study or a Transportation Management Plan.

In addition, the proposed project would implement, and subsequently comply with, multiple General Plan policies, which have been determined to reduce VMT. Table 2

presented below provides a list of General Plan policies that reduce the VMT for development projects (General Plan EIR p. 11-37).

Table 1 2035 General Plan Policies that Reduce VMT

General Plan Polices	How the Policies Avoid or Reduce VMT
LU-1.2 The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.	Encourages sustainable development patterns that reduce energy use and encourage walking, bicycling, and transit use. Reduces VMT and associated GHG emissions.
LU-2.7 The County shall encourage new development in locations that provide connectivity between existing transportation facilities to increase efficiency, reduce congestion, and improve safety.	Requires new development to be located adjacent to transportation corridors. Reduces VMT and GHG emissions.
LU-5.1 The County shall encourage new Commercial Neighborhood (CN) nodes, as shown on the Land Use Diagram, so long as they are located within a reasonable walking distance of a community, are centrally located to serve an unincorporated community that is lacking neighborhood commercial services, or where the need for expanded neighborhood commercial services can be demonstrated. The County shall encourage neighborhood commercial uses to connect to residential uses along transit corridors and bicycle and pedestrian paths, as appropriate to the context, and include appropriate transit, bicycle, and pedestrian facilities.	Limits new neighborhood commercial to locations near residences. Reduces VMT to and from commercial centers and offices and associated GHG emissions.
LU-5.3 The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.	Encourages regional commercial centers to be located near highway interchanges and transportation infrastructure. Reduce VMT to and from commercial centers and offices and associated GHG emissions.
LU-5.7 The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian and trail routes as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed use developments include appropriate transit, bicycle, and pedestrian facilities.	Encourages mixed-use development by reducing the distances between residences and employment centers, which would reduce VMT to and from commercial centers and offices and associated GHG emissions.
LU-6.2 Where appropriate, the County shall encourage new employment centers and industrial developments near existing or future highway interchanges and major intersections and along existing or future transit, bicycle, and pedestrian and trail corridors, and include transit, bicycle, and pedestrian facilities. The County shall ensure that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.	Encourages new employment centers and industry to locate near transportation infrastructure. These policies would encourage alternative modes of transportation, reduce VMT associated with employment centers and industry, and reduce GHG emissions.
Goal C-1: Roadways To provide an adequate road system that is safe, efficient, reliable, and within the County's ability to finance and maintain.	Establishes the policy of the County to provide an adequate roadway system.

Betabel Road Commercial Node Rezone to Add C-1 Overlay

General Plan Policies	How the Policies Avoid or Reduce VMT
C-1.1 Intermodal Connectivity The County shall ensure that, whenever possible, roadway, highway, public transit systems, and pedestrian and bicycle trails are interconnected with other modes of transportation.	Encourages intermodal connectivity to encourage other forms of transportation and reduce VMT.
Goal C-2: Pedestrian, Equestrian, and Bicycle Trails To provide a safe, continuous, and accessible system of facilities for bicycle and pedestrian travel in appropriate areas of the County.	Encourages non-vehicular modes of travel to reduce congestion and facilitate safety.
Policy C-2.1: Bicycle, Pedestrian, and Equestrian Systems. The County shall encourage complete, safe, and interconnected bicycle, pedestrian, and equestrian systems that serve both commuter travel and recreational use, and provide access to major destinations in the County.	Encourages non-vehicular modes of travel to reduce congestion and facilitate safety.
Policy C-2.2 The County shall plan, design, and construct pedestrian routes and bikeways consistent with the 2009 County Bikeway and Pedestrian Master Plan or its succeeding plan. Priority shall be given to bicycle commuting routes, routes to schools, bike lanes on all new streets classified as arterials or collectors, and bike lanes on or adjacent to existing heavily traveled roads.	Prioritizes non-vehicular route construction to encourage alternative modes of travel to reduce congestion.
Policy C-2.8: Sidewalks or Pedestrian Paths in Subdivisions The County shall encourage project applicants to provide sidewalks or other safe and convenient accommodations for pedestrians (e.g., shared- space streets) on all new roads or modifications to existing roads, as appropriate to the context, in accordance with County roadway design standards.	Requires that safe pedestrian circulation be provided, promoting safe pedestrian travel and thereby reducing vehicle usage and congestion.
Policy C-2.12: Pedestrian Improvements The County shall work with SBCOG to support the installation of roadway improvements that better accommodate pedestrians, such as countdown signals at signalized intersections, audible signals for the visually-impaired and pedestrian-friendly signal timing.	Requires that safe pedestrian circulation be provided, promoting safe pedestrian travel and thereby reducing vehicle usage and congestion.

Source: County of San Benito General Plan and Draft EIR

NOTE: The General Plan states that sustainability, greenhouse gas emissions reduction, and climate change adaptations are addressed by policies throughout the General Plan. Each policy that promotes sustainability or addresses climate change is indicated with a [world] icon (page 1-23). Consistent with this statement, the policies listed within the table above all promote sustainability and/or address climate change.

Future development allowed by the C-1 Overlay would be required to implement, and subsequently comply with, the applicable General Plan policies listed within Table 2 above. As stated within CEQA Guidelines section 15064.3, subdivision (b)(2), projects that reduce VMT should be presumed to have a less-than-significant impact. General Plan Policy LU-5.3 encourages the creation of the Commercial Nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities to reduce the number of vehicle miles traveled to get to commercial centers (General Plan EIR p. 19-40). This policy also encourages additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context to reduce VMT (General Plan p. 3-23- 3-24). Therefore, the Betabel Road C-1 rezone, as implementation of General Plan Policy LU-5.3, and consistent with the General Plan, would result in decreased VMT. Further, the proposed project would not result in

any new or substantially more severe transportation impacts than those evaluated within the General Plan EIR and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

- c. The General Plan EIR did not identify significant impacts related to a substantial increase in hazards due to a geometric design feature or incompatible use, as a result of buildout of the General Plan land uses, that would not be reduced to a less-than-significant level through compliance with General Plan policies and programs intended to avoid or reduce future traffic hazards; no mitigation is required (General Plan EIR p. 19-73).

The proposed project adds a C-1 zoning to the existing C-3 zone at Betabel Road. No apparent geometric design features exist on site that may substantially increase hazards when development is proposed (Google Earth, San Benito County GIS). More detailed site-specific analysis will be conducted for the project site, pursuant to Mitigation Measures B1 and TC-B1, when specific development applications are processed. Site/development specific projects must meet the County's design review requirements to ensure inadequate design features do not occur. Future development will be required to be consistent with goals and policies promoting safe roads. These include Goal C-1 (provide an adequate road system that is safe, efficient, and reliable) and Policy C-1.5 (mitigation fees to pay for new and expanded transportation facilities) and C-1.14 (driveway siting) (General Plan EIR, p. 19-43, p. 19-45, p. 19-47, respectively); Goal C-2 (provide safe facilities for bicycle and pedestrian travel) (General Plan EIR, p. 19-47) and Policies C-2.1 (safe bicycle, pedestrian, and equestrian systems), C-2.8 (encourage sidewalks or other accommodations for pedestrians), C-2.12 (pedestrian friendly roadway improvements) (General Plan EIR, p. 19-48); and Goal C-5 (safe and efficient movement of goods) (General Plan EIR, p. 19-48). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- d. The General Plan EIR did not identify significant impacts related to inadequate emergency access, as a result of buildout of the General Plan land uses that would not be reduced to a less-than-significant level through compliance with General Plan policies established to preserve adequate emergency access that would meet the response time goals of service providers; no mitigation is required (General Plan EIR p. 19-73).

More detailed site-specific analysis regarding emergency access will be conducted for the Betabel Road C-1 rezone when specific development applications are processed pursuant to Mitigation Measures B1 and TC-B1. Site-/development specific projects will be required to comply with County policies requiring adequate emergency access be maintained. These include Goal C-1 (provide an adequate road system that

is safe, efficient, and reliable) (General Plan EIR, p. 19-43), Policy C-1.5 (mitigation fees to pay for new and expanded transportation facilities) (General Plan EIR, p. 19-45), Goal HS-1 (emergency preparedness) (General Plan EIR, p. 19-49), and Policy HS-1.11 (requiring roads to be of adequate capacity for use in emergency) (General Plan EIR, p. 19-50). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those identified in the General Plan EIR.

LOS Analysis

Traffic impacts were evaluated according to the standards set forth by the County and Caltrans using the Transportation Research Board's (TRB) *Highway Capacity Manual 2000* (HCM2000) LOS methodologies (TRB 2000). As relevant to the proposed project, the County adopted LOS level D as its threshold of significance: i.e., the General Plan EIR determined that a significant adverse effect would occur if the LOS on a state highway degrades from an acceptable LOS D or better under baseline conditions to an unacceptable LOS E or F under project conditions. The General Plan EIR found LOS C was not an appropriate threshold of significance because achieving LOS C at buildout is not considered fundable, necessary, or desirable (General Plan EIR p. 19-21 - 19-22).

The General Plan EIR found that there would be no significant LOS impacts to Highway 101 due to the General Plan update. Table 3, LOS Impacts at General Plan Buildout below, illustrates existing conditions, full buildout for each scenario and full buildout with mitigation for each scenario. These are summarized for the highway sections adjacent to the proposed project below.

Table 2 LOS Impacts at General Plan Buildout

U.S. 101 Sections	Existing LOS (AM/PM peak)	Buildout LOS Scenario 1	Buildout LOS w/ mitigation Scenario 1	Buildout LOS Scenario 2	Buildout LOS w/ mitigation Scenario 2
SR-156E to SR-129	A/B	C/D	B/C	C/D	B/C
SR-129 to County Line	B/B	C/C	C/C	C/C	C/C

SOURCE: San Benito County General Plan EIR

Future development within the Betabel Road C-1 zone will be required to comply with General Plan Policies that reduce LOS impacts including LU-1.2 (encouraging new development located in areas well served by various transportation modes) (General Plan EIR, p. 19-37), LU-5.3 (encouraging commercial development to be located in areas well served by various transportation modes) (General Plan EIR, p. 19-40), LU-5.7 (encouraging new development located in areas well served by

various transportation modes) (General Plan EIR, p. 19-37), C-1.5 (ensuring available funding to maintain and expand transportation facilities in the County) (General Plan EIR, p. 19-45) and Goal C-2 (encouraging non-vehicular modes of travel) (General Plan EIR, p. 19-47) and related policies to encourage pedestrians and bicycling: Policies C-2.2 (which requires the County to construct pedestrian routes and bikeways) (General Plan EIR, p.18-20), C-2.8, which requires that safe pedestrian circulation be provided by project applicants) (General Plan EIR, p. 19-48), and C-2.12, which encourages a reduction in heavy truck traffic in inappropriate locations) (General Plan EIR, p. 19-48). These policies serve to reduce vehicular use which would reduce congestion and LOS impacts.

LOS impacts are determined using the number of vehicle trips associated with a project, which is based upon a project's land use and size. The General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram; because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed the 1,010,592 square feet of possible future development at maximum buildout of the Betabel C-1 Overlay. Development allowed under the C-1 District would fit within the growth projections utilized in the General Plan EIR. Additionally, the uses allowed within the Betabel Road C-1 node are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR which include souvenir and curio shops, roadside stands, commercial and entertainment establishments including tourist-serving commercial uses, and hotels/motels (General Plan, p. 3-6; General Plan EIR, p. 3-37; San Benito County Code Section 25.16.022). Therefore, the proposed project would not result in new or substantially more severe impacts than those identified in the General Plan EIR. Site/development specific traffic impacts will be analyzed for site-specific proposals as required by Mitigation Measures B1 and TC-B1. As zoning implementation and not a specific development project, it would be speculative to analyze a specific amount or timing of traffic generated until specific development proposals are made.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1,2,3,4)	☐	☐	☐	☒
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1,2,3,4)	☐	☐	☐	☒

Comments:

The General Plan EIR indicates that no sacred lands sites were identified as areas of concern with implementation of the General Plan (General Plan EIR, p. 9-27) and determined its impact on tribal cultural resource properties or sites to be less than significant with implementation of state laws and consultation guidelines in addition to implementing Mitigation Measure CUL-1, which would reduce the potential for new development within the unincorporated portions of the County to cause an adverse change in the significance of tribal cultural resource properties or sites (General Plan EIR, p. 9-24). Further, Mitigation Measure CUL-2 would reduce the potential for new development within the unincorporated portions of the County to substantially damage or permanently destroy significant known or unknown archaeological and paleontological resources or sites, unique geological features, tribal resources, or

undiscovered human remains (General Plan EIR, p. 9-27). An attempt to analyze development and site specific impacts to tribal cultural resources at this time would be speculative. Future development must implement Mitigation Measure CUL-B1, which requires an archaeological survey be conducted once a development project is submitted and requires mitigation of any identified potentially significant impacts to tribal cultural resources. If the survey identifies the potential for significant impacts to tribal cultural resources, Mitigation Measure CUL-B2 must be implemented and requires tribal consultation. The CEQA statute as amended by Assembly Bill 52 (Public Resources Code Sections 21073 and 21074) defines "California Native American tribe" and "tribal cultural resources." A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American Tribe, as well as resources determined to be historic resources under the criteria for listing on the California Register of Historic Resources. Public Resources Code section 21080.3.1 requires consultation with California Native American tribes traditionally and culturally affiliated with the project area. It applies to any project for which a Notice of Preparation, Notice of Mitigated Negative Declaration, or Notice of Negative Declaration is filed. This addendum was drafted to determine whether or not new or substantially more severe environmental impacts would occur with the rezone of the Betabel project site to add C-1, than were identified in the General Plan EIR. A Notice of Preparation, Notice of Mitigated Negative Declaration, or Negative Declaration were not filed as part of this project. Therefore, AB-52 consultation is not required.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,3,4)	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,3,4,12)	☐	☐	☐	☒
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,3,4)	☐	☐	☐	☒
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,3,4)	☐	☐	☐	☒
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,3,4)	☐	☐	☐	☒

Comments:

Buildout of the General Plan would allow development and the construction of residential and non-residential uses and related infrastructure that would increase the demand for public services within the unincorporated County and result in the expansion or construction of new facilities. The General Plan EIR did not identify significant impacts to the County's ability to provide fire protection, law enforcement, schools, parks, and other services at a community level that could not be reduced with implementation of General Plan policies. The General Plan EIR determined that no mitigation was necessary and that

future plans for new public facilities would need to be evaluated on a case-by-case basis and undergo project-level environmental review.

the General Plan EIR did not consider maximum (100 percent) buildout of the Land Use Diagram, (summarized in Table 3-7) including Commercial Regional uses, the General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram. Because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed the 1,010,592 square feet of possible future development at maximum buildout of the Betabel Road C-1 Overlay. Additionally, the uses allowed within the C-1 District are consistent with the Commercial Regional uses identified in the General Plan and considered in the General Plan EIR. Pursuant to Mitigation Measure B1, development specific review will be conducted when a development project application is submitted.

- a,c. As presented within the General Plan EIR, implementation of General Plan land uses would result in future development leading to increased demands associated with water treatment and distribution infrastructure wastewater collection, treatment, and disposal infrastructure (General Plan EIR, p. 20-57); and storm water drainage facilities (General Plan EIR, p. 20-60). However, future facility construction plans would be evaluated on a case-by-case basis, and undergo project-level environmental review, which would ensure additional compliance with specific federal, state, and local regulations designed to avoid or reduce environmental effects. The potential environmental effects of constructing and operating new and expanded potable water utility infrastructure, wastewater utility infrastructure, or storm water drainage facilities to support development identified in the General Plan are evaluated in Chapters 5 through 22 of the General Plan EIR. The General Plan EIR determined that construction and expansion of water facilities (General Plan EIR, p. 20-57), wastewater facilities (General Plan EIR, p. 20-61), and storm water drainage facilities (General Plan EIR, p. 20-61) would ensure wastewater treatment providers have adequate capacity to serve the demand as a result of buildout of the General Plan in addition to the wastewater provider's existing commitments (General Plan EIR, p. 20-60).

The types and patterns of land use development intensities and density allowed under the C-1 District are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. In addition, the General Plan

policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. General Plan Policy PFS-3.8 requires County support integrated water management (General Plan EIR, p. 20-32). This Policy recognizes the importance of integrated planning for water, wastewater, and storm water, and promotes the coordinated development of each supply. Policies PFS-4.1 (General Plan EIR, p. 20-32), PFS-5.3 ((General Plan EIR, p. 20-34), and PFS-5.4 (General Plan EIR, p. 20-34) ensure adequate water supply, treatment, and delivery facilities prior to project approval. Policy PFS-4.2 requires verification of adequate water and wastewater service and verification of payment of fees prior to approval of final map (General Plan EIR, p. 20-33). Policies PFS-5.5 (General Plan EIR, p. 20-35), PFS-5.6 (General Plan EIR, p. 20-35), NRC-4.15 (General Plan EIR, p. 20-39), and NRC-4.16 (General Plan EIR, p. 20-39) outline restrictions for septic systems and reliance on septic systems. Policies PFS-6.1 (General Plan EIR, p. 20-36), PFS-6.2 (General Plan EIR, p. 20-36), PFS-6.4 (General Plan EIR, p. 20-36), PFS-6.5 (General Plan EIR, p. 20-37), and PFS-6.7 (General Plan EIR, p. 20-37) obligate new developments to design, install, and maintain adequate storm water drainage facilities and outline other storm water drainage requirements. The proposed project would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR. Site/development specific analysis is impractical until a development project is proposed, confirming the extent of development and specific types of uses which will create variable demand for water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.

- b. As stated within the General Plan EIR, existing water supplies that serve agricultural, municipal, and industrial uses were examined to determine if they would be adequate to accommodate future water demands from increased population growth and urban footprint at buildout of the General Plan. Based on the Water Supply Assessment prepared for the General Plan EIR, water supplies were determined to be sufficient to serve planned uses at buildout of the General Plan; therefore, this impact was determined to be less than significant (General Plan EIR p. 20-40).

The General Plan EIR utilized conservative growth forecasts that were deemed to adequately represent reasonably foreseeable buildout of the General Plan Land Use Diagram, because General Plan EIR Table 3-7 identified up to 4,390,000 square feet of development, even a conservative forecast of the amount of development encompassed under the Commercial Regional designation would exceed the 1,010,592 square feet of possible development identified for the Betabel Road C-1 Overlay. Development allowed within the C-1 Overlay would fit within the growth projections utilized in the General Plan EIR. Additionally, the uses allowed within the Betabel Road C-1 zone are consistent with the Commercial Regional uses identified in the General Plan and analyzed in the General Plan EIR. Therefore, the proposed

project would not result in new or substantially more severe impacts than those identified in the General Plan EIR. Evaluation of the adequacy of water for specific development is impractical until a development project is proposed. Specifically, different commercial uses have different water supply requirements, so this cannot be analyzed at this stage. The project site is located at the lower extent of the San Juan sub-basin, an area that has a good groundwater supply. The proposed project would not generate an increase in water demands beyond the level of increased demand analyzed in the General Plan EIR. In addition, the General Plan policies intended to protect and enhance utility resources and infrastructure in the County would remain in effect. General Plan that would ensure or protect water supply include Policies PFS-3.7 (groundwater management), PFS-3.8 (support integrated water management), PFS-3.9 (requires new developments to prepare a source water sufficiency study and water supply assessment analysis), and PFS-4.1 (ensures adequate water supply, treatment, and delivery facilities prior to project approval) (General Plan EIR, p. 20-32). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

- d,e. Development anticipated in the General Plan could result in an increased demand for solid waste handling and disposal facilities. Policies set forth in the General Plan, would assure that adequate solid waste disposal facilities would be provided. With the General Plan's solid waste goals and policies directed to ensure that there are adequate facilities to meet the County's needs through the General Plan buildout, the General Plan EIR determined that this impact would be less than significant (General Plan EIR, p. 20-61).

The types and patterns of land use development intensities and density allowed under the proposed Betabel Road C-1 Overlay are consistent with General Plan land use designations and with the level of growth analyzed in the General Plan EIR. Implementation of the proposed project would not generate an increase in population and subsequent increased demands on utilities and service systems beyond the level of increased service demand analyzed in the General Plan EIR. Site specific analysis is impractical until a development project is proposed, confirming the extent of development and specific types of uses which would impact the amount of waste generated. Future development within the project site would be required to comply with General Plan policies intended to accommodate solid waste disposal needs in the County. General Plan Policy PFS-7.1 requires the County to ensure that there is adequate capacity within the solid waste system for the collection, transportation, processing, recycling, and disposal of solid waste to meet the needs of existing and projected development (General Plan EIR, p. 20-37). General Plan PFS-7.3 requires non-residential development to provide for on-site recycling facilities prior to being

issued a building permit in order to lessen the amount of material that needs to be placed in the landfill, thereby complying with federal, state, and local statutes and regulations governing solid waste (General Plan EIR, p. 20-38). PFS-7.5 requires waste diversion through recycling, reduction, and composting in order to meet the state waste diversion of 75 percent, thereby complying with federal, state, and local statutes and regulations governing solid waste (General Plan EIR, p. 20-38). Policy PFS-7.6 requires construction material recycling (General Plan EIR, p. 20-38). The Betabel Road C-1 rezone would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1,2,3,4,10)	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1,2,3,4,10)	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1,2,3,4,10)	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1,2,3,4,10)	☐	☐	☒	☐

Comments:

The 2018 amendments to Appendix G of the CEQA Guidelines introduced wildfire as part of the new topics to be addressed.

- a-d. Wildfire impacts were not separately evaluated in the General Plan EIR. However, the General Plan EIR did identify that both urban and wildland fire hazards exist in the County (General Plan EIR, p. 12-7), creating a potential for large, damaging, and costly wildfires. Buildout of the General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires. There are several General Plan goals, policies and implementation programs contained in the Health and Safety Element related to increasing fire response capabilities, supporting fire prevention measures, and encouraging design solutions that provide better fire

response and accessibility to reduce wildfire impacts. The General Plan also contains policies to avoid emergency response and evacuation related impacts, increased traffic and increased demands on emergency services would not physically impair the implementation of an adopted emergency response and evacuation plan. The General Plan EIR found that in addition to the goals and policies outlined in the Health and Safety Element, adherence with other federal and state laws, policies and regulations would help to reduce wildfire risks to less than significant (General Plan EIR, p. 12-52).

According to the California Department of Forestry and Fire Protection, the project site is located within a very high fire hazard severity zone in a state responsibility area. Future development would be subject to General Plan policies related to fire resistance measures and emergency response times. Policy HS-1.11 requires the County to ensure that roads are of adequate capacity for use in times of emergency (General Plan EIR, p. 12-26). Policy HS-1.14 requires the County to discourage development in areas that may be more severely impacted by climate change, including areas at high risk of wildfire or flooding, unless proper design mitigation is included in the project (General Plan EIR, p. 12-26). Policy HS-4.2 requires the County to develop, maintain, and implement appropriate fire protection water standard to be applied to all urban and rural development (General Plan EIR, p. 12-27). Policy HS-4.4 mandates that the County require development in high-fire-hazard areas to be designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards (General Plan EIR, p. 12-27). Policy HS-4.5 requires development in high-fire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management (General Plan EIR, p. 12-28). Policy HS-4.6 encourages clear zones and weed abatement around new and existing residential structures in high-fire-hazard areas and providing assistance to property owners in identifying how clear zones should be maintained (General Plan EIR, p. 12-28). The proposed project would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. There is a potential for air pollutant accumulation from wildland fires. There is also a potential for future development within the project site to be subject to increased risks of downslope or downstream flooding or landslides, as a result of post-fire slope instability or wildfire-related drainage changes, should a wildfire occur. The presence of wildland fire hazards requires all future development to meet special standards corresponding with each degree of risk. This includes

standards as listed in the California Building Code Chapter 7A–Wildland-Urban Interface Fire Conformance Checklist, which provides a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface fire areas. Further, all development is required to comply with federal and state regulations for development within the Wildland-Urban Interface, ingress and egress requirements of the Hollister Fire Department, and General Plan policies to reduce impacts to emergency response, wildfire, and air pollution in the County. Therefore, this impact would be less than significant.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	No Substantial Increase in the Severity of Previously Identified Significant Effects	No New Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4)	☐	☐	☒	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4)	☐	☐	☒	☐
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1,2,3,4)	☐	☒	☐	☒

Comments:

- a. It was determined that reasonably foreseeable development under the C-1 Overlay would not result in any new or substantially more severe biological or historical resources impacts than those already analyzed in the General Plan EIR.
- b. A cumulative impact analysis was completed in the General Plan EIR included San Benito County, the incorporated cities within San Benito County, and the adjacent counties. The General Plan EIR determined that there would be cumulatively considerable impacts associated with implementation of the General Plan to agricultural resources, air quality, biological resources, cultural resources, GHG, hydrology and water quality, land use, noise, population and housing, public services,

recreation, transportation, and utilities and services, (General Plan EIR pp. 22-8- 22-16).The Betabel Road C-1 Overlay would not result in any new or substantially more severe impacts than those cumulative impacts identified in the General Plan EIR.

- c. It was determined that reasonably foreseeable development within the Betabel Road C-1 Overlay would not result in any new or substantially more severe substantial adverse effects on human beings, either directly or indirectly.

F. SOURCES

1. County of San Benito. **San Benito County Zoning Code.**
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4. County of San Benito. July 2015. *San Benito County 2035 General Plan.* Hollister, CA.
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8. Google Earth. 2019. Google Earth Pro.
9. California Department of Toxic Substances Control. 2019. EnviroStor Database; Accessed April 5, 2019. <http://www.envirostor.dtsc.ca.gov/public/>
10. California Department of Forestry and Fire Protection. 2007. *San Benito County FHSZ Map*; Accessed April 11, 2019. http://frap.fire.ca.gov/webdata/maps/san_benito/fhszs_map.35.pdf
11. Federal Emergency Management Agency. 2019. *FEMA Flood Map Service Center*; Accessed April 12, 2019. <https://msc.fema.gov/portal>
12. James, Richard, Principal, EMC Planning Group. Meeting with the Robert Johnson, General Manager, Aromas Water District and Jeff Cattaneo, General Manager, San Benito County Water District on April 24, 2019.

13. Santa Clara Valley Transportation Authority. March 2013. *U.S. 101 Improvement Project between Monterey Street and State Route 129 Draft Environmental Impact Report SCH# 2007102141*. San Jose, CA.

14. Bellinger, Gail. EMC Planning Group. Archaeological Pedestrian Survey. July 21, 2019.

All documents indicated in **bold** are available for review at the **County of San Benito, 2301 Technology Parkway, Hollister, CA 95023, (831) 239-9461** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

**ATTACHMENT B
TO CEQA RESOLUTION FOR
BETABEL ROAD COMMERCIAL NODE C-1 OVERLAY REZONING
FINDINGS**

PLN190060 COMMERCIAL THOROUGHFARE (C-1)

Planning Commission

November 20, 2019

CEQA FINDINGS OF FACT

**For the
Betabel Road C-1 Overlay Rezone Project
Addendum to the 2035 General Plan Final Environmental Impact Report**

**Prepared by the County of San Benito
November 2019**

PROJECT SUMMARY

The San Benito County's (County's) 2035 General Plan Update (General Plan) identified Commercial Regional nodes, including one at Betabel Road. The impacts of development at these nodes, including the Betabel Road node, were analyzed in the General Plan Environmental Impact Report (General Plan EIR), which was certified by the County in 2015. The regulations for the underlying C-3 zoning classification to implement the Commercial Regional nodes, were adopted by Ordinance No. 991 on September 24, 2019 has been suspended due to the filing of a referendum petition. A 29 acre area at Betabel Road was rezoned Regional Commercial (C-3) by Ordinance No. 992 on September 24, 2019, but that ordinance is not subject to the referendum petition, and that zoning designation took legal effect. As a result, the Betabel C-3 zoned area has no currently effective regulations to govern its development.

Both ordinances were adopted on the basis of Addenda to the General Plan EIR in order to comply with the California Environmental Quality Act (CEQA). The Addenda are being challenged in court with the action *Preserve Our Rural Community v. County of San Benito*, San Benito County Superior Court Case No. CU 19-00174, filed October 23, 2019, seeking to reverse Ordinances Nos. 991 and 992, along with the ordinances rezoning the other three Commercial Regional nodes.

The project entails rezoning the Betabel Road node to add a Commercial Thoroughfare (C-1) Combining Zone or Overlay (hereinafter "Overlay") as an alternative means to implement the General Plan by applying existing C-1 regulations that, in conjunction with General Plan Land Use Policies applicable to Commercial Regional nodes, will govern future development applications for the Betabel Road C-3 zoned land area in the absence of the C-3 regulations adopted by Ordinance No. 991.

PROJECT DESCRIPTION

Currently, the site of the Betabel Road site is zoned Regional Commercial (C-3). The Proposed Project entails rezoning the Betabel Road node to add a Commercial Thoroughfare (C-1) combining district Overlay as an alternative means to implement its General Plan Commercial Regional land use designation. th .

Government Code section 65860 mandates that county zoning ordinances be consistent with the general plan. When a zoning ordinance becomes inconsistent with a general plan by reason of an amendment to the general plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended. Suspension of Ordinance No. 991, and the possibility that it may be disapproved by the voters in March 2020, would result in the zoning ordinance not being consistent with the 2035 General Plan provisions for commercial regional nodes, because there would be no means to implement the general plan policies and land use designations.

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he Project is a zoning map amendment only. No specific development proposal has been submitted. Future development applications would be governed by the C-1 district regulations set forth in San Benito County Code Chapter 25.16, with the addition of design review required

by 2035 General Plan Land Use Policy LU-5.3. Design review is a discretionary permit triggering development project-specific level of CEQA review, during which the environmental effects must be evaluated. In the event that the C-3 zoning regulations incorporated in Ordinance No. 991 are approved by the voters in the referendum election, the C-3 regulations would take precedence.

The C-1 Code implements the relevant and applicable General Plan policies. According to section 25.16.020 of the San Benito County Code, the Commercial Thoroughfare (C-1) District is specifically intended to provide establishments offering commercial amusement, accommodations, supplies, or services, especially to motorists, in keeping with the CR General Plan Land Use designation for the Betabel node. It is also intended for specialized automotive and related sales and service establishments serving persons traveling from large trading areas by automobile. This zoning classification meets the intent of the Commercial Regional land use designation to serve tourist traffic by allowing for establishments offering accommodations, supplies, or services geared to travelers and visitors. Additionally, the classification provides for select uses such as commercial amusement or recreation, and would allow for sales and promotion of regionally sourced goods.

Per policy LU-5.4, development within the C-1 Overlay at Betabel Road will be required to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County's scenic resources, local character, and quality of life attributes. Consistent with Policy LU-5.5, the C-1 Overlay District at Betabel Road serves to prevent typical linear or strip development by restricting commercial development at Betabel Road to a 29-acre area at the general location identified in Figure 3-5 of the General Plan. Consistent with General Plan policy LU-5.6, the C-1 District allows for visitor-oriented commercial uses that promote the local history, local economy, and market locally-produced agricultural products. This is because the C-1 District allows commercial establishments as conditional uses such as souvenir and curio shops, and roadside stands that could promote these products (SBCC § 25.16.023 (G)).

Future development within the C-1 Overlay will require design review. The C-1 Overlay District has three levels of development approval: (1) site plan review, (2) administrative permit, and (3) conditional use permit. Many uses require a duly noticed public hearing before the Planning Commission, i.e., the conditional use permit process (see Section 25.16.023). This will provide for a higher level of project review and opportunity for appeal to the Board of Supervisors for many uses. However, per General Plan Policy LU-5.3, in order to respect the scenic character of the County, any new development at a regional commercial node, including Betabel Road, shall be subject to design review before the County Planning Commission. Design review is a discretionary approval that triggers CEQA review for any project applications.

The C-1 code includes development standards. The C-1 District has specific development standards and allows up to 40 percent lot coverage and development up to 35 feet in height, lot setbacks, parking requirements, and access way requirements. The Commercial Regional land use designation additionally limits development of the Betabel Road C-1 Overlay area to a Floor Area Ratio (FAR) of 0.8. Therefore, future development at Betabel Road could not exceed 1,010,592 square feet (29 acres at a FAR of 0.8) of commercial development consistent with the

General Plan land use designation (2035 General Plan, Table 3-1, p. 3-6). C-1 District regulations further restrict development to 40 percent lot coverage (505,296 sq. ft., or about 11.6 acres) and 35 feet in height of buildings(SBCC § 25.16.025).

PROJECT LOCATION

The Proposed Project encompasses approximately 29 acres located along the west side of U.S. Highway 101 approximately one quarter mile south of the Betabel Road overpass, and is comprised of portions of the following APNs: 013-150-017, 013-150-018, 013-150-023, 013-150-024, and 013-150-025 (collectively, “Proposed Project site” or “Betabel Road node location”). The Proposed Project site is primarily vacant, but includes some agricultural uses. The current County General Plan land use designation for the site is Rangeland (RG). However, the General Plan identifies the general area as the location for one of four Commercial Regional nodes.

Surrounding land uses include crop and grazing land on all sides. The Proposed Project location is also bordered to the west by the San Benito River, which runs northwest to southeast, and by the Betabel RV Park to the north.

PRIOR ENVIRONMENTAL REVIEW

The environmental review process for the 2035 General Plan Update involved the preparation of the following documents:

- General Plan Background Report, November 2010
- General Plan Update Alternative Report, December 2010
- Fiscal Impact Analysis Report, December 2011
- Draft EIR (DEIR) for the 2035 General Plan Update, March 2013
- Revised Draft EIR (RDEIR) for the 2035 General Plan Update, March 2015
- Final EIR for the 2035 General Plan Update, June 2015
- General Plan Update Errata, June 2015
- Mitigation and Monitoring and Reporting Plan, June 2015

On July 21, 2015, the San Benito County Board of Supervisors certified the Final EIR for the 2035 General Plan Update. The above documents together comprise the EIR for the 2035 General Plan Update and are referenced herein collectively as the “General Plan EIR”.

Development permitted under the Proposed Project fits within growth projections utilized in the General Plan EIR analysis.¹ The General Plan EIR also specifically indicated a Commercial Regional node would be located along U.S. Highway 101 and Betabel Road (see General Plan EIR, Figure 3-4, p. 3-29.) While the General Plan EIR included the general location of the Proposed Project, it did not provide specific boundaries for the Betabel Road node. Since approval of the General Plan in 2015, specific Regional Commercial boundaries and zoning standards for the Betabel Road node were approved, as discussed above. An addendum to the General Plan EIR for the rezone of Betabel Road to C-3 was considered by the Board of

Supervisors on September 24, 2019. The Regional Commercial zoning standards have been suspended, outcome pending. The Regional Commercial zoning, however, remains in place.

The County has previously complied with CEQA by analyzing the General Plan's impacts in the General Plan EIR. Because the new discretionary action before the County (addition of a C-1 Overlay) would implement the General Plan and is a community-level project with no site-specific impacts, the County may properly rely upon information in the certified General Plan EIR to the extent it remains adequate. CEQA Guidelines section 15162 provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the 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;

Discussion: The development capacity identified for the Betabel Road C-1 Zoning District is 505,296 square feet (SBCC § 25.16.025). The General Plan provided for 4.39 million square feet of Commercial Regional (C-3) development at maximum buildout. The General Plan EIR assumed less than 100 percent buildout would occur; nonetheless, in light of the limitations on development within the Proposed Project site, development allowed under the C-1 zoning district would fit within the growth projections utilized in the General Plan EIR analysis.

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 the project proponents decline to adopt the mitigation measure or alternative.

Discussion: Consistent with the requirements of CEQA Guidelines section 15162, the County determined that there were no changed circumstances or "new information of substantial importance" that triggered the need for a subsequent EIR.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA section 21166 and CEQA Guidelines sections 15162, 15163, 15164, and 15168. As such, the County prepared an addendum pursuant to CEQA Guidelines section 15164 and explained that no new impacts would result from the C-1 zoning implementation, therefore, an addendum was the appropriate CEQA document to be prepared.

As explained in the Environmental Checklist prepared as part of the Addendum, the conclusions of the prior environmental documents remain the same and no new significant impacts were identified. The Addendum also determined that significant environmental impacts identified in the General Plan EIR were not found to be substantially more severe, and no additional EIR documentation (supplement to the EIR or subsequent EIR) was required. (*River Valley Preservation Project v. Metropolitan Transit Development Board* (1995) 37 Cal.App.4th 154, 168 [where the only basis for preparing a subsequent EIR or a supplement to an EIR is a new significant impact or a substantial increase in the severity of a previously identified impact, the need for the new EIR can be avoided if the project applicant agrees to one or more mitigation measures that can reduce the significant effect(s) at issue to less than significant levels].)

FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Public Resources Code section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social,

technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Guidelines, §15091.) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).) The CEQA findings required by Public Resources Code section 21002 were made when the EIR was certified by the County in 2015 and are incorporated by reference herein.

These findings supplement Public Resources Code section 21002 findings and provide a roadmap to the analysis contained in the Addendum and Environmental Checklist, which explained that the conclusions of the prior environmental documents remained the same and no new significant impacts were identified. Project alternatives were previously considered as part of the General Plan EIR and discussed by the Planning Commission and Board of Supervisors prior to its certification. The Addendum determined that significant environmental impacts identified in the General Plan EIR were not found to be substantially more severe, and no additional EIR documentation (supplement to the EIR or subsequent EIR) was required.

LEGAL EFFECT OF FINDINGS

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Proposed Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the General Plan EIR and the Addendum and Environmental Checklist are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the County adopts ordinances approving the Proposed Project. In support of its approval of the Proposed Project, the Board of Supervisors makes the following findings pursuant to Public Resources Code section 21080 and section 15091 of the CEQA Guidelines:

Aesthetics/Visual Resources

Aesthetics/visual resources are addressed in Chapter 5 of the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

Any future development at the Proposed Project site must implement Mitigation Measure AES-B1, which requires landscaping to screen, and reduce the visibility of, buildings and parking lots from U.S. Highway 101. Mitigation Measure AES-B4 also requires screening of utilities and support systems. Future development must also implement Mitigation Measure AES-B4, which requires development to be set back from U.S. Highway 101. Future development will also be subject to Mitigation Measure AES-B3, which provides aesthetic standards for signs.

Any future development at the Proposed Project site must implement Mitigation Measure AES-B2, which restricts outdoor lighting and glare to promote the preservation of dark skies for nighttime astronomical viewing at local observatories and sets standards to avoid light trespass to sensitive uses, such as the areas surrounding Fremont Peak State Park and Pinnacles National Park.

Upon the implementation of Mitigation Measures AES-B1, AES-B2, AES-B3, and AES-B4, the conclusions of the General Plan EIR regarding impacts of the Proposed Project due to degradation of existing visual resources would remain valid and are unchanged. There are no new circumstances that would result in substantially more severe impacts or new information that would require additional analysis with respect to degradation of the visual resources of the site and its surroundings.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to aesthetics requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, §15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to visual quality and aesthetics.

Agriculture and Forestry Resources

Agriculture is addressed in Chapter 6 of the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

Conversion of 25 acres of Prime Farmland was anticipated in the General Plan EIR. While the Betabel Road node includes 27.5 acres of land *identified* as Prime Farmland, 2.5 acres of the 27.5 acres do not meet the Department of Conservation's definition of Prime Farmland, as they have not been farmed since the early 2000's, based on time-stamped mapping with Google Earth Pro. Therefore, the Proposed Project would not result in the conversion of more than 25 acres of Prime Farmland and will not result in conversion of more Prime Farmland than anticipated in the General Plan EIR.

The Betabel Road node does not contain any Williamson Act contract land or forest lands, nor does it contain any land zoned for agricultural use. Accordingly, the Proposed Project will not result in new or more severe significant impacts than evaluated under the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to agriculture and forestry resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, §15162). Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to agriculture and forestry resources.

Air Quality

Chapter 7 of the General Plan EIR analyzed air quality impacts of the Proposed Project. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The General Plan EIR determined buildout under the General Plan would have a significant and unavoidable impact due to inconsistency with the Monterey Bay Air Resource District's air quality plan. This inconsistency is due to different housing unit projections between the General Plan EIR and the air quality plan. The Proposed Project does not allow for housing and does not alter the housing unit projections included in the General plan EIR, so this difference will not be exacerbated by the Proposed Project.

Future development at the Proposed Project site will be required to implement Mitigation Measure AIR-1 and comply with General Plan policies that reduce air emissions, thereby reducing impacts related to operational ROG, NOx, and PM10 to less than significant. The Betabel RV Park is located adjacent to the Proposed Project site. Future development will be subject to General Plan goals and policies that would reduce potential impacts due to exposure of sensitive receptors within 1000 feet to substantial pollutant concentrations to less than significant. The General Plan EIR determined there would be no significant impacts with respect to emission of objectionable odors due to buildout of the General Plan. Therefore, approval of the Proposed Project would not result in new or substantially more severe significant impacts to air quality.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to air quality, requiring additional analysis or verification. (See Public Res. Code, §21166; CEQA Guidelines, §15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan

and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to air quality.

Biological Resources

Chapter 8 of the General Plan EIR addresses biological resources. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR.

The General Plan EIR determined impacts to special status species were significant and unavoidable. Future development within the Proposed Project site would be required to comply with Mitigation Measures BIO-1a, BIO-2b, and BIO-2c, as well as Mitigation Measure BIO-B1, which provide for the protection of special status species and partially mitigate impacts on biological resources associated with urban or rural development.

The General Plan EIR also determined impacts to riparian or other sensitive natural communities would be significant and unavoidable. The Betabel Road node is located near the San Benito River and Sargent Creek. Any future development must implement Mitigation Measures BIO-1a, BIO-2b, BIO-2c, BIO-B1, and General Plan policies that mitigate impacts to riparian habitat. Additionally, future development must implement Mitigation Measure AES-B4, which provides further protection to riparian habitats by requiring that water courses and associated riparian vegetation include a 100-foot wide buffer area from top of bank and edge of vegetation of the San Benito River and a 50-foot wide buffer area from top of bank and edge of vegetation of Sargent Creek. It also requires less intense development be located nearest to the San Benito River.

The General Plan EIR determined development anticipated in the General Plan could potentially result in the loss of wetlands and waters of the United States and/or the State, including named or unnamed streams, vernal pools, salt marshes, freshwater marshes, and other types of seasonal and perennial wetland communities (collectively, wetland communities). It further concluded these impacts could be mitigated to less than significant with the implementation of mitigation measures. To the extent any wetland communities exist at the Proposed Project site, future development must comply with Mitigation Measure Bio-1a, Bio-1b, Bio-2b, Bio-2c, and BIO-B1, as well as General Plan policies that minimize impacts to wetland communities.

The General Plan EIR concluded that development undertaken under the General Plan could potentially result in the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites; however, this impact may be mitigated to less than significant. Future development at the Proposed Project site will be required to implement Mitigation Measure BIO-1a and BIO-B1 to ensure wildlife movement corridors and natural nurseries would be adequately evaluated when a development project is proposed and protective measures are sufficiently funded. Future development of the Betabel Road node will also be required to comply with General Plan policies that ensure there would be

no new or substantially more severe impacts than those already analyzed in the General Plan EIR.

The Proposed Project would be required to comply with local policies protecting oak woodlands, and future development at the Proposed Project site will be required to implement Mitigation Measure AES-B1, which prohibits oak tree removal at the Proposed Project site.

The Proposed Project would not conflict with any existing HCPs, NCCPs, or local habitat management plans since none have been adopted in the County.

The Proposed Project would not result in new or substantially more severe impacts to biological resources than anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to biological resources that would require additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) The Betabel Road node includes potential impacts related to riparian habitat, but through implementation of Mitigation Measure B1, any future development project at the Proposed Project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004).

Future development at the Proposed Project site must implement Mitigation Measures BIO-1a, Bio-1b, BIO-2b, BIO-2c, BIO-B1, AES-B1, and AES-B4 to minimize impacts to biological resources. Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to biological resources.

Cultural Resources

Chapter 9 of the General Plan EIR addresses damage or destruction of significant documented cultural resources, impacts to undocumented cultural resources, and discovery of human remains. The General Plan EIR determined mitigation measures would reduce any potential impacts to less than significant levels. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. The Proposed Project is not located near the incorporated cities of Hollister or San Juan Bautista—where a majority of historic properties in the County are—nor is the Proposed Project site located near the County’s two smaller historic communities, Paicines and Tres Pinos, which contain the rest of the known historic properties within the County. Future development of the Betabel Road node would be required to comply with all applicable General Plan policies, mitigation measures, and state and federal regulations to ensure impacts to potential as-yet-undiscovered resources will be reduced to less than significant. Future development projects must implement Mitigation Measure CUL-B1, which

requires an archaeological survey at the site of proposed development; if potential impacts to cultural resources are identified, Mitigation Measure CUL-B1 requires identification and implementation of mitigation measures, and a Cultural Resource Management Plan if warranted. There are no new circumstances resulting in new impacts or new information requiring new analysis related to the disturbance of cultural resources. The conclusions regarding impacts to cultural resources contained in the General Plan EIR remain valid.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to cultural resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to cultural resources.

Energy

Energy impacts were not evaluated separately from greenhouse gas (GHG) emissions in the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Therefore, energy impacts associated with the Proposed Project were adequately analyzed by the General Plan EIR. Further, future development would be required to comply with all state regulations, County Code ordinances, and General Plan policies intended to reduce energy consumption and increase overall energy efficiency.

Therefore, the Proposed Project will not result in new or substantially more severe impacts than anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to energy impacts, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and

approval of the Proposed Project would not result in new or substantially more severe significant energy impacts.

Geology and Soils

Chapter 10 of the General Plan EIR addresses the potential for damage associated with ground shaking, liquefaction, landslide, unstable or expansive soils, or localized erosion as well as the use of septic tanks. The General Plan EIR determined foreseeable buildout under the General Plan would not result in significant impacts. There are no new circumstances resulting in new impacts or new information requiring new analysis of geology and soils.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to geology and soils, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to geology and soils.

Greenhouse Gas

Chapter 11 of the General Plan EIR evaluated the potential effects of implementing the General Plan on GHG emissions. The General Plan EIR determined impacts related to GHGs would be significant and unavoidable. However, the General Plan EIR found that the General Plan policy that directs creation of the Commercial Regional nodes, including the Betabel Road node, would reduce vehicle miles traveled (VMT), and consequently GHG emissions, by placing commercial development in convenient locations that would reduce trip lengths. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Therefore, the Proposed Project would not result in any new or substantially more severe impacts than those already analyzed in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to GHG emissions, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the

General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to GHG emissions.

Hazards and Hazardous Materials

Chapter 12 of the General Plan EIR addresses the potential for health hazards caused by contaminated soil, toxic air contaminants, hazardous waste, and proximity to the Hollister Municipal Airport, Frazier Lake Airpark, and Christensen Ranch Airport, and private landing strips; as well as interference with emergency response or evacuation plans. Mitigation measures were identified to reduce any potential impacts to less than significant levels.

There are no new circumstances resulting in new impacts or new information requiring new analysis related to hazards and hazardous materials. The Proposed Project site is designated as Commercial Regional in the General Plan. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Further, the proposed Betabel Road node is not located within one-quarter of any school facilities. Thus, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the conclusions contained in the General Plan EIR remain valid.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to hazards and hazardous materials, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to hazards and hazardous materials.

Hydrology and Water Quality

Chapter 13 of the General Plan EIR addresses water quality and erosion impacts related to construction and operation of the Proposed Project, potential impacts to groundwater and drainage system capacity, and potential impacts caused by flooding or seismically-induced seiche or occurrence of a tsunami. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

The General Plan EIR concluded compliance with state and federal laws and regulations and implementation of General Plan policies protecting water quality would reduce potential impacts to water quality to less than significant. While the Proposed Project location is near the San Benito River and the Pajaro River, future development will be required to comply with state and federal laws and regulations, General Plan policies, and County Code § 19.17.005, which require setbacks for development and grading from the top bank of streams, creeks, or rivers. Future development at the Proposed Project site also must implement Mitigation Measure AES-B4, which provided additional setback restrictions along the San Benito River other natural watercourses.

The General Plan EIR determined impacts related to groundwater supplies and recharge, as well as storm water runoff, would be less than significant. The limited development allowed at the Proposed Project site will lessen the amount of impervious surfaces, thereby encouraging groundwater recharge. The General Plan EIR determined impacts related to groundwater supplies and recharge, as well as storm water runoff, would be less than significant. According to FEMA, a portion of the Proposed Project site is located within the 100-year floodplain. Future development within the Proposed Project site would be required to comply with FEMA standards and would be subject to General Plan policies intended to reduce flooding risks. Additionally, pursuant to Mitigation Measure AES-B4, development in flood zone reservations, which include zones designated by FEMA, is limited to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs, and permanent structures that are in compliance with the provisions of Chapter 19.15.

Therefore, the Proposed Project will not result in new or substantially more severe significant impacts to hydrology or water quality than were anticipated by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to hydrology or water quality, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to hydrology or water quality.

Land Use and Planning

Land use is evaluated in Chapter 14 of the General Plan EIR. The General Plan EIR determined the development anticipated in the General Plan could physically divide a community, but this impact would be reduced to less than significant with mitigation. Future development at the Betabel Road node will be required to comply with Mitigation Measures LU-1a and LU-1b and General Plan policies that promote community integrity and connectivity. Further, the General

Plan EIR specifically determined that the Commercial Regional nodes would minimize the division of established communities.

Additionally, the Proposed Project would not conflict with any General Plan policies addressing environmental resources.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review.

Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts related to land use and planning.

Mineral Resources

Chapter 10 of the General Plan EIR analyzed impacts to mineral resources. It determined that federal, state, and County requirements, and the goals and policies set forth in the General Plan would reduce any potential impacts to less than significant. There are no new circumstances resulting in new impacts or new information requiring new analysis related to mineral resources.

Therefore, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the Proposed Project would result in a less than significant impact.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to mineral resources, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to mineral resources.

Noise

Chapter 15 of the General Plan EIR addresses impacts associated with noise and vibration. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR.

The General Plan EIR determined buildout of the General Plan may result in a significant and unavoidable temporary or permanent increase in ambient noise levels. Future development at the Betabel Road node will be required to comply with and implement Mitigation Measures NSE-1, NSE-4, NSE-5a, and NSE-5b, as well as the County's Noise Control Ordinance.

The Proposed Project does not create new uses or intensify uses that will expose people to ground-borne vibration or noise levels. The Betabel Road node is not located within two miles of the two County airports, Hollister Airport and Frazier Lake Airpark.

Additionally, the Proposed Project is not located within the vicinity of a private airstrip or an airport land-use plan. Therefore, Proposed Project would not result in new or substantially more severe significant noise impacts.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant noise impacts.

Population and Housing

Chapter 16 of the General Plan EIR addresses population and housing. The General Plan EIR concluded buildout under the General Plan would have significant and unavoidable impacts related to unplanned population growth. The Proposed Project would not change the conclusions of, nor would it result in any new or substantially more severe impacts than those already analyzed in, the General Plan EIR. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. The Proposed Project would not result in displacement-related impacts not already analyzed in the General Plan EIR.

Therefore, the Proposed Project would not result in new or substantially more severe significant impacts than those identified in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to population and housing, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to population and housing.

Public Services

Chapter 17 of the General Plan EIR addresses impacts to public services. It determined that impacts to fire protection, law enforcement, schools, parks, and other community services would be reduced to less than significant with implementation of General Plan policies. The Proposed Project site is designated as Commercial Regional in the General Plan. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Future development within the Betabel Road node would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision.

Therefore, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to public services, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to public services.

Recreation

Chapter 18 of the General Plan EIR addresses impacts to recreation resources. The amount of development and uses allowed under the Proposed Project would be consistent with those anticipated in the General Plan and analyzed in the General Plan EIR. Therefore, the Proposed Project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the Proposed Project would result in a less than significant impact.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to recreation, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to recreation.

Transportation

Chapter 19 of the General Plan EIR addresses transportation impacts. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. Therefore, the Proposed Project would generate vehicle trips and traffic patterns similar to those analyzed in the General Plan EIR.

Future development would implement and comply with multiple General Plan policies that have been determined to reduce VMT, promote safe roads, and maintain adequate emergency access. The General Plan EIR determined that buildout of the General Plan, which included a Regional Commercial node at the Proposed Project site, would not result in a significant level of service impact to U.S. Highway 101 adjacent to the Proposed Project. Future development projects at the Proposed Project site must implement Mitigation Measure TC-B1, which requires preparation of a traffic study, including VMT analysis, and mitigation of potentially significant traffic and circulation impacts pursuant to either recommendations within the traffic study or a Transportation Management Plan. Thus, the Proposed Project will not result in new or substantially more severe significant impacts associated with transportation and circulation.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to transportation impacts, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site

shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and adoption of the Proposed Project would not result in new or substantially more severe significant impacts to transportation and circulation.

Tribal Cultural Resources

Impacts to tribal cultural resources were analyzed with impacts to cultural resources in the General Plan EIR. The General Plan EIR indicated that no sacred lands sites were identified as areas of concern with implementation of the General Plan. It also determined buildout of the General Plan would have a less than significant impact on tribal cultural resource properties or sites with implementation of state laws and consultation guidelines plus implementation of Mitigation Measure CUL-1.

Additionally, future development projects must implement Mitigation Measure CUL-B1, which requires an archaeological survey at the site of proposed development; if potential impacts to tribal cultural resources are identified, Mitigation Measure CUL-B1 also requires identification and implementation of mitigation measures and a Tribal Cultural Resource Management Plan if warranted. Further, if the survey contemplated in Mitigation Measure CUL-B1 finds evidence of potentially significant impacts to tribal cultural resources, future development at the Proposed Project site must implement Mitigation Measure CUL-B2, which requires consultation with Native American Tribes included on the Native American Heritage Commission tribal consultation list.

The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those analyzed in the General Plan EIR, and future development will be required to implement Mitigation Measure CUL-1, CUL-B1, and CUL-B2. Therefore, the Proposed Project will not result in new or substantially more severe significant impacts to tribal cultural resources than anticipated in the General Plan EIR. Because no Notice of Preparation, Notice of Mitigated Negative Declaration, or Negative Declaration was filed as part of the Proposed Project, tribal consultation pursuant to Assembly Bill 52 (Pub. Resources Code, § 21080.3.1) is not required.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to tribal cultural resources, requiring additional analysis or verification. (See Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and

approval of the Proposed Project would not result in new or substantially more severe significant impacts to tribal cultural resources.

Utilities and Service Systems

Chapter 20 of the General Plan EIR addresses impacts related to water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities; water supplies; and solid waste. The General Plan EIR anticipated Commercial Regional development at the Betabel Road node location. The types of land uses, amount of development, and land use patterns allowed under the Proposed Project would be consistent with those included in the General Plan and analyzed in the General Plan EIR. Therefore, there are no new circumstances resulting in new impacts or new information requiring additional analyses related to utilities and service systems. The conclusions in the General Plan EIR remain valid, and the Proposed Project will not result in new or substantially more severe significant impacts.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to utilities and service systems, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts to utilities and service systems.

Wildfire

The General Plan EIR evaluated wildfire impacts as part of its analysis of hazards in Chapter 12. It determined both urban and wildland fire hazards exist in the County, creating a potential for large, damaging, and costly wildfires. However, the General Plan EIR determined compliance with applicable federal and state laws and regulations and General Plan goals and policies would reduce wildfire risks and impacts to less than significant. Development of the Betabel Road node was contemplated in the General Plan EIR. No changes or new circumstances have occurred and no new information has been found. The Proposed Project would not result in any new or substantially more severe impacts than analyzed by the General Plan EIR.

Finding: No substantial changes have been proposed, no new circumstances have occurred, and no substantially important new information has been found with respect to wildfire, requiring additional analysis or verification. (See Public Res. Code, § 21166; CEQA Guidelines, § 15162.) Any future development project at the project site subject to permit under County Code Section 25.16.022 or Section 25.16.023 shall undergo development and site-specific environmental review. Additionally, any future development project at the project site shall be subject to design review before the Planning Commission. These requirements will ensure the analysis and

mitigation of project and/or site-specific impacts and ensure compliance with the General Plan and County Code (General Plan pp. 3-23 - 3-24; County Code §§ 25.16.003-25.16.004). Therefore, the conclusions of the General Plan EIR remain valid, and approval of the Proposed Project would not result in new or substantially more severe significant impacts with respect to wildfire.

RECORD OF PROCEEDINGS

For the purposes of CEQA, and the findings herein, the administrative record for the Proposed Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the County's decision on the Proposed Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- General Plan Background Report, November 2010;
- General Plan Update Alternative Report, December 2010;
- Fiscal Impact Analysis Report, December 2011;
- Draft EIR (DEIR), March 2013;
- Revised Draft EIR (RDEIR) for the 2035 General Plan Updated, March 2015;
- Final EIR for the 2035 General Plan Update, June 2015;
- General Plan Update Errata, June 2015;
- Mitigation and Monitoring and Reporting Plan, June 2015;

In addition to the above items from adoption of the General Plan, the record includes (but is not limited to) the following documents related to the implementation of the General Plan's designation of Commercial Regional nodes:

- Betabel Road C-1 Overlay Rezoning Addendum;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Proposed Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Proposed Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Proposed Project, up through the close of the public hearing on November 20, 2019;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Proposed Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;
- All resolutions adopted by the Planning Commission regarding the Proposed Project; all documents cited or referred to therein; and all staff reports, analyses, and summaries related to the adoption of those ordinances;
- All findings and ordinances adopted by the Board of Supervisors regarding the Proposed Project; all documents cited or referred to therein; and all staff reports, analyses, and summaries related to the adoption of those ordinances;
- The County's General Plan and all updates and related environmental analyses;

- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- The County's Zoning Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to CEQA Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the County of San Benito, County Administration Building, 481 4th St., 1st Floor, Hollister, CA 95023-3840. The custodian of these documents and other materials is Janet Slibsager, Clerk of the Board of Supervisors. The Board of Supervisors has relied on all of the documents listed above in reaching its decisions on the Proposed Project, even if not every document was formally presented to the Board of Supervisors or County staff as part of the County files generated in connection with the Proposed Project. Without exception, any documents set forth above not found in the Proposed Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Board of Supervisors was aware in approving the Proposed Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the Board of Supervisors as final decision-makers. For those reasons, such documents form part of the underlying factual basis for the Board of Supervisors' decisions relating to approval of the Proposed Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

