

NOTICE OF DETERMINATION

To: ___ Office of Planning and Research
 1400 10th Street, Room 222
 Sacramento, CA 95814

From: County of San Benito
 481 4th St., 1st Floor
 Hollister, CA 95023-3840

___ County Clerk
 440 5th St., Room 206
 Hollister, CA 95023-3843

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code.

Project Title: Betabel Road Commercial Node Rezone to AR-FP, Ordinance No. 1006

2011111016	County of San Benito	Taven Kinison Brown TKinisonBrown@cosb.us	(831)-902-2294,
State Clearinghouse #	Lead Agency	Contact Person	Telephone
Thomas John McDowell and Victoria McDowell Charitable Remainder Unitrust		c/o Rider McDowell 200 Clock Tower Pl. Suite E212 Carmel, CA 93923-8772	
Applicant Name		Address	Telephone

Project Location: The project site is located adjacent to U.S. Highway 101 in the County of San Benito (County), California. The project site is approximately 112 acres and includes the following APNs: 013-150-017, 013-150-018, 013-150-023, 013-150-024 & 013-150-025.

Project Description: On July 21, 2015, the County certified the *Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016* (General Plan EIR or previous EIR) and adopted the *San Benito County 2035 General Plan* (General Plan). The General Plan identified four locations along U.S. Highway 101 as Commercial Regional (CR) nodes, including the Betabel node. The impacts of developing the Commercial Regional (CR) nodes were analyzed in the General Plan EIR.

The project implements the General Plan: it entails (1) repeal of Ordinance No. 992, and (2) rezoning the Betabel node to its former Agricultural Rangeland-Floodplain (AR-FP) zoning designation after the C-3 Zoning Regulations adopted by San Benito County Ordinance No. 991 adopted by the Board of Supervisors on September 24, 2019, was first suspended and then rescinded as the result of a referendum election held on March 3, 2020, leaving the C-3 zoning of a 29-acre portion of the above parcels that was approved by Ordinance No. 992 on September 24, 2019, and that was not subject to referendum, in limbo. A second ordinance to rezone the 29-acre with a Thoroughfare Commercial (C-1) Combining District to correspond with its General Plan Commercial Regional land use designation has been continued and, if approved, will be the subject of a separate Notice of Determination.

The County prepared the *Betabel Road Commercial Node Rezone to C-1 Addendum to the Certified 2035 San Benito County General Plan Update EIR* (Addendum to the General Plan

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EIR) to review the project and examine whether the project would result in any new or substantially more severe significant impacts than were identified in the General Plan EIR. The Addendum to the General Plan EIR concluded that the project will not have any new significant impacts on the environment or substantially more severe significant impacts than were analyzed in the General Plan EIR. On March 24, 2020, the Board of Supervisors adopted Ordinance No. 1006 and approved the restoration of the AR-FP zoning for the entirety of the four parcels. It also adopted the Addendum to the General Plan EIR.

This is to advise that on March 24, 2020 the Board of Supervisors, as the Lead Agency for the project, made the following determinations regarding the project:

1. The Addendum to the General Plan EIR was prepared and certified for this project by the Board of Supervisors pursuant to the provisions of CEQA.
2. The Addendum to the General Plan EIR concluded no subsequent or supplemental EIR is required for approval of the project because:
 - a. 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;
 - b. 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
 - c. 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 show any of the following:
 - i. That the project will have one or more significant effects not discussed in the previous EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. 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
 - iv. 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.

(CEQA Guidelines, § 15162; see also Pub. Resources Code, § 21166; CEQA Guidelines, § 15164.)


3. Pursuant to the CEQA Guidelines, the Board of Supervisors, as the Lead Agency, is filing this Notice of Determination.
4. No new mitigation measures were made a condition of the approval of the project. Applicable mitigation measures from the General Plan EIR were made conditions of approval for the project.

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5. A Statement of Overriding Considerations was not adopted for the project. No new or substantially more severe significant impacts were identified.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the project file, which includes the Addendum to the General Plan EIR and all supporting materials, is available for review by the General Public at:

County of San Benito Resource Management Agency, Planning Division
2301 Technology Parkway
Hollister, CA 95023

	Principal Planner	3/25/20
Signature (Lead Agency Contact)	Title	Date
Taven Kinison Brown		

Governor's Office of Planning & Research

Date received for filing at Clerk

MAR 25 2020

STATE CLEARINGHOUSE