

Appendix A

Notice of Preparation and Comments



San Benito County Resource Management Agency

Public Works / Planning & Building / Parks / Integrated Waste

NOTICE OF PREPARATION

DATE: April 20, 2022

TO: Responsible, Trustee, and other Interested Public Agencies

SUBJECT: Notice of Preparation of an Environmental Impact Report for the Betabel Commercial Development Conditional Use Permit (County File No. PLN210054)

LEAD AGENCY: San Benito County Resource Management Agency

FROM: San Benito County Resource Management Agency
Attn: Abraham Prado, Assistant Director of Planning and Building
2301 Technology Parkway
Hollister, CA 95023

NOTICE IS HEREBY GIVEN that San Benito County will serve as the Lead Agency in preparing an Environmental Impact Report (EIR) for the proposed **Betabel Commercial Development Conditional Use Permit** (the "project"). In accordance with CEQA Guidelines Section 15082, the County has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects. The County is requesting your input on the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by the County when considering your permit or other approval for the project. The project description, location, and the potential environmental effects are included below. A copy of the Initial Study is not attached.

PUBLIC REVIEW PERIOD: This NOP is available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15082(b). The 30-day public comment period during which San Benito County will receive comments on the NOP for the EIR begins April 21, 2022 and ends on May 20, 2022. Responses must be sent at the earliest possible date, but not later than the end of the 30-day comment period.

PUBLIC SCOPING MEETING: San Benito County RMA will hold two public EIR scoping meetings for the proposed project. These meetings will be held on May 3, 2022, and May 5, 2022. The scoping meetings will include a description of the proposed project and the environmental review process. The primary goal of the scoping meeting is to obtain the public's input on the EIR analysis for the proposed project. Responsible agencies and members of the public are invited to attend and provide input on the scope of the EIR.

Dates and Times: May 3, 2022 at 2:00 PM and May 5, 2022 at 6:00 PM

Location: Administration - Board of Supervisors Chambers

481 Fourth Street, 1st Floor

Hollister, California 95023

Zoom Info: The public may also join this meeting using Zoom by visiting the web address

<https://zoom.us/join> or dialing one of the following telephone numbers: +1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose). To access the meeting, please enter the Webinar ID and Passcode below.

Meeting #1:	Meeting #2:
May 3, 2022 at 2:00 PM Webinar ID: 891 3604 8224 Passcode: 777490	May 5, 2022 at 6:00 PM Webinar ID: 819 6599 4792 Passcode: 055526

PROJECT LOCATION: The project commercial development site of approximately 26 acres is located at 9644 Betabel Road, south of the interchange of U.S. Highway 101 and Betabel Road in unincorporated San Benito County. The proposed commercial development site is located on an approximately 111.67-acre property under common ownership and consists of three legal parcels of 40, 51.61, and 20 acres in area, assigned Assessor's Parcel Nos. (APNs): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. The property is bordered by Betabel Road and U.S. Highway 101 to the east, the Betabel RV Park to the north, and agricultural/open space to the south and west. The Pajaro and San Benito Rivers establish the western and southern boundaries of the project applicants' property.

Parcel 1 (APN 013-150-026 and 013-150-027 consists of 20 acres and is currently undeveloped.

Parcel 2 (APNs 013-150-030 and 013-150-032) consists of 40 acres and contains an existing 7,141 sq. ft. Native Plant Nursery/Greenhouse, a 6,800 sq. ft. Farm Stand, and 900 sq. ft. Restroom Building that are currently under construction. Also under construction on Parcel 2 are fire protection and water service, including a 100,000-gallon water storage tank to supplement two existing producing wells on the parcel for fire sprinklers and hydrants, as well as a septic tank with leach fields, and a stormwater retention pond.

Parcel 3 (APNs 130-150-031 and 130-150-033) consists of 51.61 acres zoned AR/FP (Agricultural Rangeland / Floodplain District).

GENERAL PLAN AND ZONING DESIGNATIONS: The property that includes the commercial development project site is designated Rangeland (RG) and is designated as part of one of the Commercial Regional Nodes under the 2035 General Plan. The entire property is zoned AR/FP (Agricultural Rangeland/Floodplain). A 26-acre portion of the property including portions of all three parcels adjacent to Betabel Road is also zoned with a C-1 (Commercial Thoroughfare) Combining District. Figure 1 shows the location of the project site within San Benito County and Figures 2 and 3 shows an aerial view of the project site.

PROJECT DESCRIPTION: The project would involve a Conditional Use Permit to build a roadside attraction near the intersection of U.S. Highway 101 and Betabel Road, incorporating 108,425 square feet of building site coverage. The site contains three legal parcels at 9644 Betabel Road, spanning a total of 111.61 acres. The proposed development site would be concentrated along Betabel Road, with a proposed trail network behind the developed area. The proposed project would establish a range of new commercial, lodging, and recreational uses on the site, listed below:

Parcel 1:

- One and a half Acre Undeveloped Buffer
- 3-Story, 116 Room Motel – 60,300 sf
- 9-Room Motel "Villas" – 4,500 sf
- Outdoor Pool
- Outdoor Movie Screen

- Outdoor Event Center – 500 seats
- Restroom Building – 900 sf
- Trails

Parcel 2:

- Convenience Store – 5,000 sf
- Gas Station – 5,664 sf
- Restaurant – 2,500 sf
- Concession Stand – 200 sf
- 5 Exhibits (total of 3,125 sf)
 - Exhibit 1 – 600 sf
 - Exhibit 2 – 375 sf
 - Exhibit 3 – 1250 sf
 - Exhibit 4 – 450 sf
 - Exhibit 5 – 450 sf
- Animal/Livestock Corral – 10,300 sf
- Visitor Center – 350 sf
- Trails

Parcel 3 would be maintained as open space with agricultural and riparian areas with a network of trails.

PUBLIC AGENCY APPROVALS: The proposed project would require approval of a conditional use permit by the Planning Commission under San Benito County Code Chapter 25.16, section 25.16.023 applicable to the C-1 District.

POTENTIAL ENVIRONMENTAL EFFECTS: The EIR will address the potential physical environmental effects of the proposed project for all of the environmental factors outlined in the CEQA Guidelines, Appendix G. The EIR will also address the cumulative impacts resulting from other past, present and reasonably foreseeable future projects in the area surrounding the project location.

Given the size and scope of the Betabel Commercial Development Conditional Use Permit project, it is anticipated that there could be environmental effects within any of CEQA's environmental topic areas. Therefore, the EIR will include and evaluate at least the following specific environmental categories related to the proposed project:

- | | |
|----------------------------------|---------------------------------|
| - Aesthetics | - Population and Housing |
| - Agriculture/Forestry Resources | - Public Services |
| - Air Quality | - Recreation |
| - Biological Resources | - Transportation |
| - Cultural Resources | - Tribal Cultural Resources |
| - Energy | - Utilities and Service Systems |
| - Geology and Soils | - Wildfire |

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise

COMMENTING ON THE SCOPE OF THE EIR.

We are requesting your input on the scope and content of the environmental information appropriate to your agency's statutory responsibilities or of interest to you or your organization. Specifically, we are requesting the following:

1. Identify significant environmental effects and mitigation measures that you believe need to be explored in the EIR with supporting discussion of why you believe these effects may be significant;
2. Describe special studies and other information that you believe are necessary for the County to analyze the significant environmental effects, alternatives, and mitigation measures you have identified;
3. For public agencies that provide infrastructure and public services, identify any facilities or improvements that will be required to provide services to the proposed project;
4. Indicate whether staff from your agency would like to meet with County staff to discuss the scope and content of the EIR's environmental documentation;
5. Provide the name, title, and contact information for the designated person from your agency or organization that we can contact regarding your comments; and
6. Identify alternatives that you believe need to be explored in further detail in the EIR.

Once the EIR process is complete, the County will determine whether the EIR has been completed in accordance with CEQA. The County will consider certification of the EIR at a public hearing and, only after certification of the EIR, the County may take action on the proposed project. Certification of an EIR does not constitute project approval.

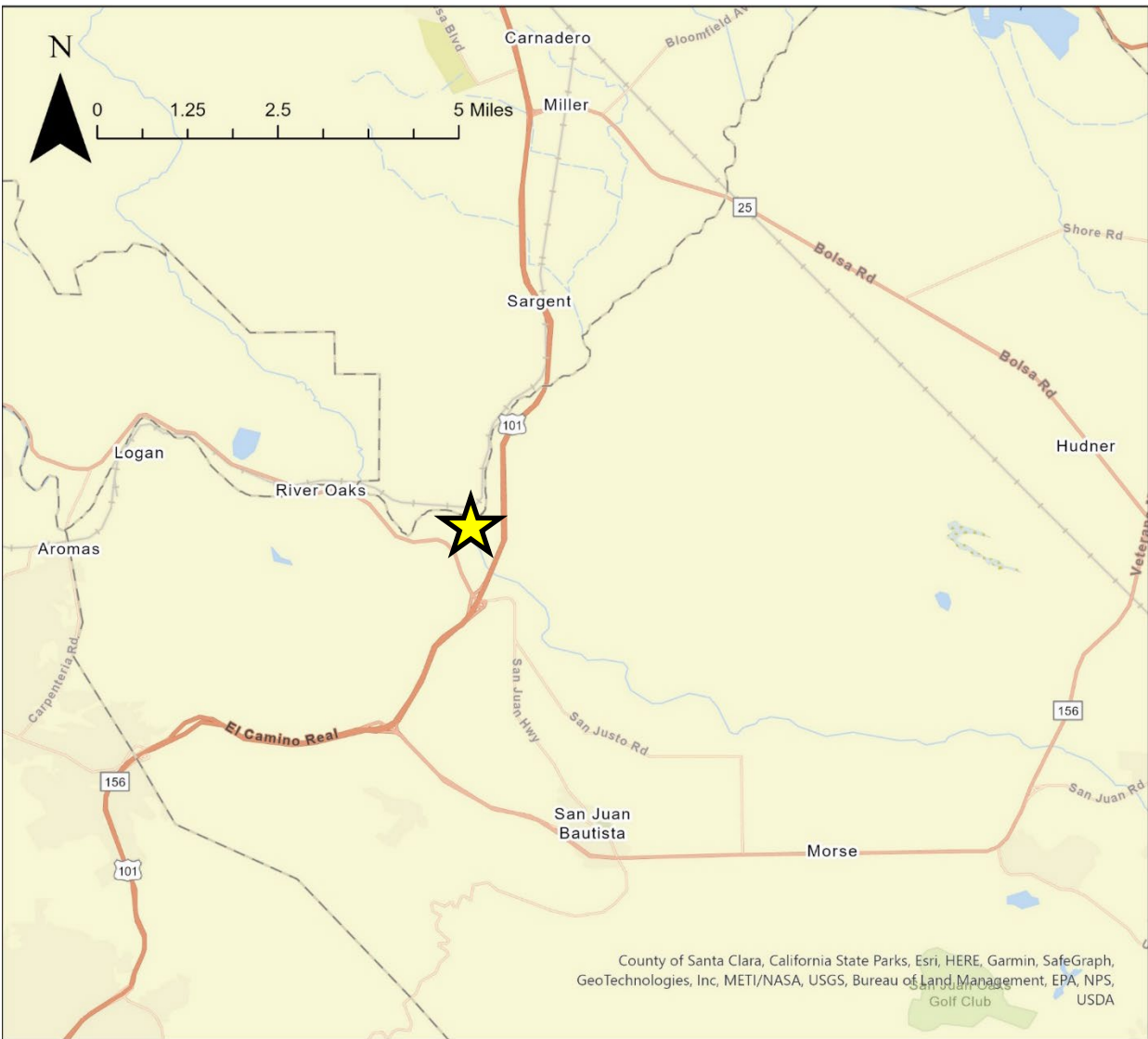
The NOP is being circulated for public review and comment for a period of 30 days beginning **April 21, 2022**. San Benito County RMA welcomes all comments regarding the potential environmental impacts of the proposed project. All comments will be considered in the preparation of the EIR. **Written comments will be accepted by San Benito County RMA through 5:00 P.M. on May 20, 2022.** You may submit comments in a variety of ways: (1) by U.S. mail; (2) by electronic mail (e-mail); or (3) by attending the public scoping meeting and submitting verbal comments at that time. Comments provided by email should include "**Betabel Project NOP Scoping Comments**" in the subject line, and the name and physical address of the commenter should be contained in the body of the email.

Please send all comments via mail to:
San Benito County
Resource Management Agency
Attn: Abraham Prado
2301 Technology Parkway
Hollister, California 95023
aprado@cosb.us

ATTACHMENTS

Figure 1	Regional Location
Figure 2	Project Location
Figure 3	Project Site Plan

Figure 1 Regional Location



 - Project Location

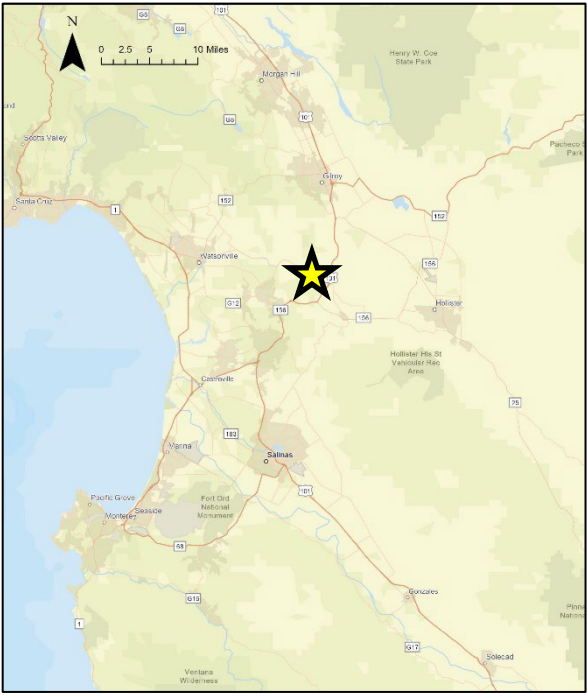
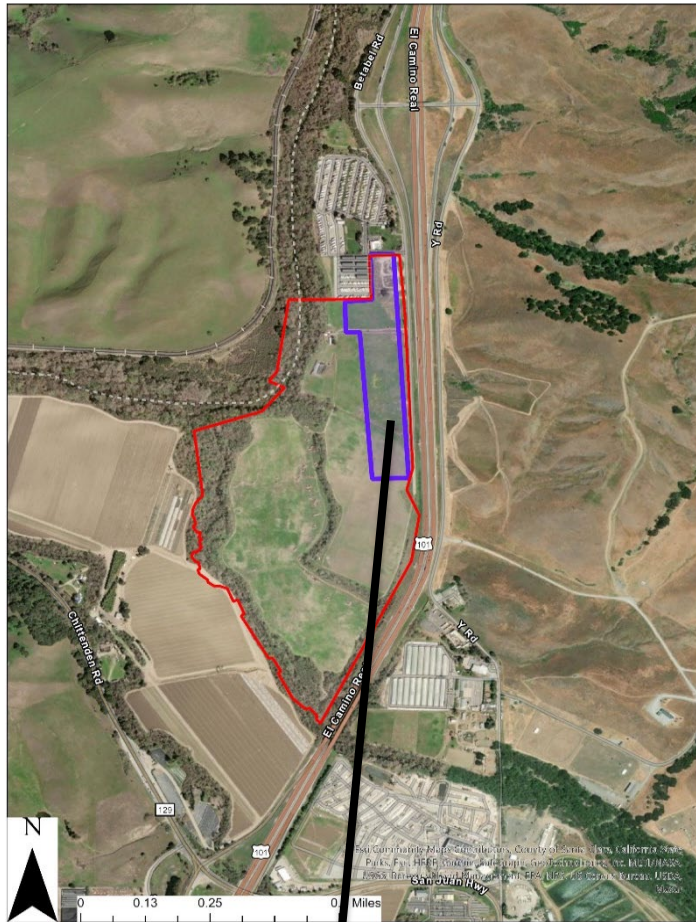


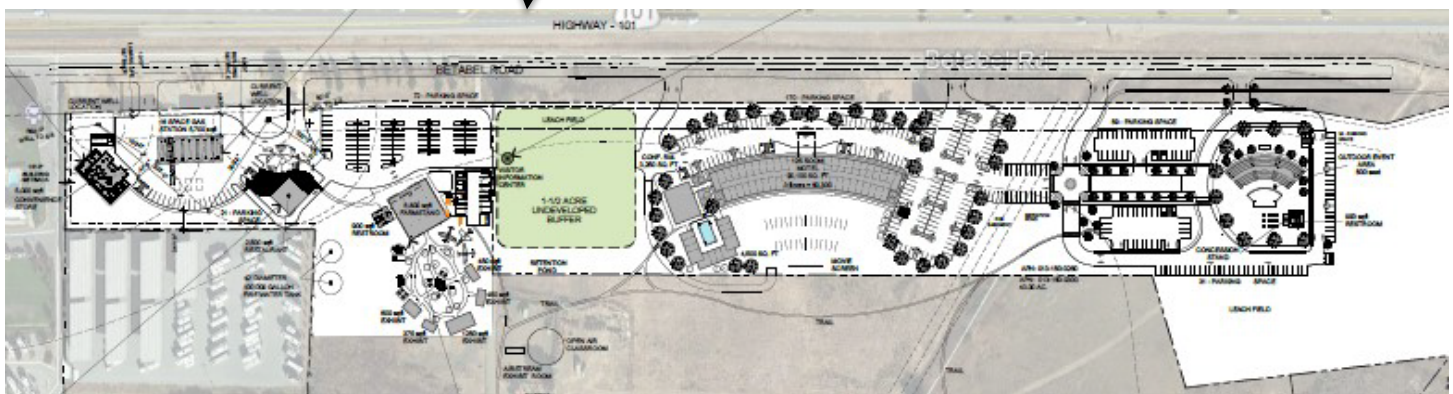
Figure 2 Property Location



Figure 3 Project Site



- Applicant Property Boundary
- Project Development Site Plan Area





NATIVE AMERICAN HERITAGE COMMISSION

April 27, 2022

M. Abraham Prado
San Benito County Resource Management Agency
2301 Technology Pkwy.
Hollister, CA 95023



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Suite 100
West Sacramento,
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(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022040455, Betabel Commercial Development Conditional Use Permit Project, San Benito County

Dear Mr. Prado:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e), (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Abraham Prado

From: CHP-EIR <EIR@chp.ca.gov>
Sent: Thursday, May 05, 2022 9:42 AM
To: Abraham Prado; state.clearinghouse@opr.ca.gov
Cc: CHP-701_AA_Desk; Cooper, Phil@CHP; Azevedo, Michael@CHP; CHP-EIR
Subject: SCH # 2022040455

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

Please see the comments below from Captain Phil Cooper, commander of the California Highway Patrol (CHP) Hollister-Gilroy Area office, regarding SCH# 2022040455.

Thank you,

Kristen Lange, Staff Services Analyst
Special Projects Section, Transportation Planning Unit
CHP Headquarters
601 N. 7th Street
Sacramento, CA 95811
Office: (916) 843-3370
Direct: (916) 843-3386

From: Cooper, Phil@CHP <PCooper@chp.ca.gov>
Sent: Friday, April 22, 2022 10:27 AM
To: Lange, Kristen@CHP <Kristen.Lange@chp.ca.gov>
Subject: RE: Question

Kristen –

This development will be a large impact to the traffic congestion in the Area, specially since US-101 at this area is only 2-lanes n/b and s/b and the off-ramp is only one lane to a single stop sign. Widening the freeway and adding in a second lane for the off-ramp could significantly assist the current traffic congestion in the area and assist with the flow of traffic off of the freeway. The added 116 room motel and 500 seat event center will also bring in more people into the area, if they have events. There is no mention about what type of “events” which will be hosted at the Event Center.

Aside from the above impacts, it will also significantly impact my current limited staffing and calls for service in the area. Not sure if this is what you are looking for.

Thanks!

From: Lange, Kristen@CHP <Kristen.Lange@chp.ca.gov>
Sent: Friday, April 22, 2022 9:14 AM
To: Cooper, Phil@CHP <PCooper@chp.ca.gov>
Subject: RE: Question

Good morning Captain,

Thank you for reaching out! You are correct, this should usually go to Special Projects Section first for assignment. I logged this particular project yesterday, and it looks like we would be sending you a memo shortly asking for your review since the Department is marked as a reviewer.

You can wait until we send a memo, or since you’ve already received the Notice of Preparation, you can review it and respond now. This is the link we would provide for review: [PLN210054 Betabel Commercial Development Conditional Use Permit \(ca.gov\)](#)

I’ve also attached the EIR response checklist. Let me know what you prefer!

Thank you,

Kristen Lange, Staff Services Analyst
Special Projects Section, Transportation Planning Unit

CHP Headquarters
601 N. 7th Street
Sacramento, CA 95811
Office: (916) 843-3370
Direct: (916) 843-3386



MAY 10, 2022

VIA EMAIL: APRADO@COSB.US

San Benito County Resource Management Agency
Attn: Abraham Prado, Assistant Director of Planning and Building
2301 Technology Parkway
Hollister, CA 95023

Dear Mr. Prado:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE BETABEL
COMMERCIAL DEVELOPMENT CONDITIONAL USE PERMIT PROJECT, SCH#2022040455

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of an Environmental Impact Report for the Betabel Commercial Development Conditional Use Permit Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The project would involve a Conditional Use Permit to build a roadside attraction near the intersection of U.S. Highway 101 and Betabel Road, incorporating 108,425 square feet of building site coverage. The site contains three legal parcels at 9644 Betabel Road, spanning a total of 111.61 acres. The proposed development site would be concentrated along Betabel Road, with a proposed trail network behind the developed area. The proposed project would establish a range of new commercial, lodging, and recreational uses on the site, listed below:

Parcel 1:

- One and a half Acre Undeveloped Buffer
- 3-Story, 116 Room Motel – 60,300 sf
- 9-Room Motel "Villas" – 4,500 sf
- Outdoor Pool
- Outdoor Movie Screen
- Outdoor Event Center – 500 seats
- Restroom Building – 900 sf
- Trails

Parcel 2:

- Convenience Store – 5,000 sf
- Gas Station – 5,664 sf
- Restaurant – 2,500 sf
- Concession Stand – 200 sf
- 5 Exhibits (total of 3,125 sf)
- Animal/Livestock Corral – 10,300 sf
- Visitor Center – 350 sf
- Trails

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern*

(2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Betabel Commercial Development Conditional Use Permit Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Monique Wilber

Conservation Program Support Supervisor



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 19, 2022

Mr. Abraham Prado
San Benito County
Resource Management Agency
2301 Technology Parkway
Hollister, California 95023
APrado@cosb.us

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE
BETABEL COMMERCIAL DEVELOPMENT CONDITIONAL USE PERMIT – DATED
APRIL 2022 (STATE CLEARINGHOUSE NUMBER: 2022040455)

Dear Mr. Prado:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit (County File No. PLN210054) (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate

any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.
3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Brian.McAloon@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. McAloon'.

Brian McAloon
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

May 20, 2022

Via Electronic Mail Only

San Benito County Resource Management Agency
Attn: Abraham Prado, Assistant Director of Planning and Building
2301 Technology Parkway
Hollister, CA 95023
Email: aprado@cosb.us

Re: Betabel Project NOP Scoping Comments

On behalf of our clients, the Amah Mutsun Tribal Band (“Amah Mutsun” or “AMTB”), we write to provide comments on the Notice of Preparation of an Environmental Impact Report (“EIR”) for the Betabel Commercial Development Conditional Use Permit Project (“Project”).

The ancestors of members of the Amah Mutsun Tribal Band have lived in the vicinity of the Project site since time immemorial. The Amah Mutsun community was originally made up of approximately 20 to 30 contiguous villages stretched across the Pajaro River Basin and surrounding region. Today, the Amah Mutsun Tribal Band is an active community of nearly 600 members, each of whom can trace their individual descent directly to a Mission San Juan Bautista Indian and/or Mission Santa Cruz Indian. AMTB works actively to protect its traditional tribal territory and Tribal interests. For this reason, the AMTB has a significant interest in ensuring the protection of the Project site and its many cultural, biological, and ethnobotanical resources.

The Project site is imbued with cultural significance. As documented in ethnographic literature and remembered in Mutsun oral history, the Betabel area is the location of numerous historic features including ceremonial grounds, residences of honored ancestors, sacred bluffs, and singularly important fishing and plant gathering areas. The confluence of the Pajaro River and the San Benito River, directly adjacent to the western edge of the property, is of particular importance, and serves as a key anchor in the sacred and cultural landscape known as *Juristac*. Any development in this landscape will cause cultural harm. Likewise, the site’s adjacency to this landscape feature evidences a very high likelihood of locating, and potentially damaging or

destroying, physical objects connected to the Amah Mutsun during development of the Project.

AMTB is gravely concerned about the scale and intensity of development proposed for this highly sensitive site. The EIR must give careful consideration to potential cultural resource impacts, including those recognized as “tribal cultural resources” under Public Resources Code § 21074. Specifically, the County must commit to the following:

- Engaging with Amah Mutsun in meaningful government-to-government consultation pursuant to AB 52.
- Completing a comprehensive and respectful ethnographic study of the Project site and adjacent lands, including the potential impacts of the proposed Project, in close coordination with AMTB. AMTB would prefer the County engage with Albion Environmental, given their recent preparation of an ethnography for the nearby Sargent Quarry project.
- Completing a survey of the site and preparing an archaeological report as required by General Plan Land Use Element § 7.12 and San Benito County Code, § 10.05.005(A)(1). We believe the Integrative Cultural Resource Survey currently underway by the Amah Mutsun Land Trust best meets the intent of these requirements.
- Ensuring that any discussion of cultural resources in the EIR is based on a broad definition of that term, including not only archaeological resources, but cultural landscapes, cultural districts, sacred places, viewsheds, and biological and ethnobotanical resources.
- Avoiding conflating ineligibility for the California Register of Historical Resources with a lack of significant impacts under the California Environmental Quality Act. Impacts to archaeological resources considered ineligible for listing on the CRHR—perhaps because of their lack of integrity—may nevertheless be significant for CEQA purposes.
- Evaluating and recommending alternatives and mitigation measures that avoid identified cultural resources and ensure their permanent protection and stewardship by the Amah Mutsun people.

- Ensuring a thorough and honest assessment of cumulative impacts to cultural resources. *Juristac* is under threat from multiple proposed developments, and the EIR must adequately consider and disclose the cumulative impacts these would have on cultural resources and the Amah Mutsun. This analysis must include a discussion of the history of the Tribe, the importance of the Project site and its connection to the larger *Juristac* landscape, and the impact of the loss of culture, spirituality, and connection to the physical environment that would result from this Project and others nearby.

We also ask that the EIR use the pre-2021 condition of the site as the environmental baseline. As you know, the County ministerially permitted a massive “seasonal farm stand” to be built on the site, despite the fact that no grown-on-site agricultural products are available. This approval was contrary to County Code, which requires that such stands be both seasonal, and limited to “sale of agricultural produce grown on the premises where the stand is located.” San Benito County Code § 25.07.004 As a result of the inappropriate ministerial approval, grading, trenching, and excavation occurred without environmental review, archaeological or cultural monitoring, or tribal consultation, despite Amah Mutsun’s objections about the sites culturally sensitive nature.

As predicted, the new site plans confirm that the developer *never intended to use the structure as a “seasonal farm stand.”* Now that the development is nearly complete, the latest site plans confirm that the developer wants to use it for unspecified retail sales. Given the relatively small acreage of the site’s farmland, especially after development, and the large footprint of the building, the developer is unlikely to be able to fulfill the conditions imposed on the seasonal farm stand development. The now desired change in use is contrary to the County’s communication with AMTB, in which the County stated its intent to enforce the seasonality and product restrictions. Changing those restrictions now would significantly threaten the relationship between AMTB and the County, which must be built on mutual honesty and trust. Given this fraudulent action, the County must both enforce the restrictions on which development was predicated and ensure that the entire development—including the “farm stand”—is given thorough environmental review.

In sum, the Amah Mutsun reiterate their overall objection to the Project. If the County approves the Project as proposed, its development will be yet another part of the destruction and domination of the Mutsun cultural and spirituality. Colonization began with the Missions and continued through the establishment of Mexican and then American governments. But it has not yet ended; when we see County governments take

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discretionary actions to allow the destruction of sacred sites and cultural landscapes, it is colonization, just in a different form. Thank you for the opportunity to provide comments on the EIR. If you have any questions, please let me know.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Sara A. Clark

cc: Valentin Lopez, Amah Mutsun Tribal Band (***Via E-Mail***)

May 19, 2022

San Benito County
Attn: Abraham Prado
2301 Technology Parkway
Hollister, CA 95023

SAN BENITO COUNTY (COUNTY), PLN210054 BETABEL COMMERCIAL DEVELOPMENT
CONDITIONAL USE PERMIT PROJECT (PROJECT); SCH 2022040455

Dear Mr. Abraham Prado:

Thank you for the opportunity to provide input on the development of the Environmental Impact Report (EIR) for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. A project requires a new public water supply permit if it serves 25 or more people daily for at least 60 days out of the year or has 15 or more connections. A project requires a permit amendment if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations, Title 22, Chapter 16 et. seq).

The Project will include construction of a restaurant, barn, recreation center, information center, convenience store, gas station, farm-stand, open air classroom, raptor rehab center, public restrooms, one or two motels with 125 rooms total, accessory buildings, pool, picnic area, a monument sign, a 500-seat outdoor event center with concession stand and restrooms, a septic system, trails, and landscaping. Plans also include a new public water system to serve the development with two 92,000-100,000-gallon water storage tanks. The Project may also include the construction of a 1,000 square-foot water packaging plant. The proposed Project will serve enough individuals to meet the definition of a new public water system and will require a new water supply permit application prior to commencing construction.

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), would like to see the following things addressed in the EIR:

- Discuss if the proposed Project will create a new public water system or if a nearby public water system will extend water service to serve the new development. Discuss the feasibility of consolidating with a nearby public water system versus creating a new public water system. In accordance with the California Health and Safety Code, Section 116527(b) (1) Before a person submits an application for a permit for a proposed new public water system, the person shall first submit a preliminary technical report to the State Board at least six months before initiating construction of any water-related improvement.
- If a new water supply permit or a water supply permit amendment will be needed because of the Project, add "The State Water Resources Control Board, Division of Drinking Water" to a list of agencies whose approvals are required for the Project and

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

“water supply permit” added to the list of approvals. Please direct communication to the Division of Drinking Water, Monterey District’s email address at dwpdist05@waterboards.ca.gov.

- Provide a description of the new and existing potable water system components and ensure these components are evaluated in the EIR.
- Provide a discussion and supporting documentation on potential impacts of the Project to the Gilroy-Hollister Valley- North San Benito groundwater basin; on recharge; on the amount of water needed to serve the Project; on if sufficient water is available for normal, dry, and multi-dry years; on how the Project will influence groundwater management of the basin; and a discussion on existing nearby wells that may be influenced by the Project.
- Discuss potential upstream flooding impacts on the Project, downstream flooding impacts from the Project, related to the protection of water quality.

Central Coast Regional Water Quality Control Board (Central Coast Water Board), Waste Discharge Requirements (WDR) Unit also has the following comments regarding coordination and the EIR:

- The County of San Benito does not have an approved Local Agency Management Plan for the oversight of onsite wastewater treatment systems. As a result, the applicant shall apply for a wastewater discharge permit from the Central Coast Water Board. We encourage the applicant to reach out to the Central Coast Water Board staff at RB3-WDR@Waterboards.ca.gov for a pre-application consultation early in the project’s planning process.

Once the CEQA document is ready to be circulated for public review, please ensure that the State Water Board, DDW Monterey District Office and the Central Coast Water Board, WDR Unit is notified. The State/Regional Water Board staff will review the draft CEQA document and provide additional comments, if necessary.

Please contact Jennifer Epp of the Central Coast Water Board at (805) 594-6181 or Jennifer.Epp@waterboards.ca.gov, if you have any questions regarding the Central Coast Water Board CEQA comments.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding the State Water Board CEQA comments.

Sincerely,

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Jonathan Weininger
District Engineer
Monterey District

Jennifer Epp
Senior Water Resources Control Engineer
Central Coast Water Board, WDR unit

DEPARTMENT OF TRANSPORTATION

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Making Conservation
a California Way of Life.

May 20, 2022

SBt-101-6.274
SCH# 2022040455

San Benito County
Resource Management Agency
Attn: Abraham Prado
2301 Technology Parkway
Hollister, California 95023

Dear Mr. Prado:

COMMENTS FOR THE NOTICE OF PREPARATION (NOP) - PLN210054 BETABEL
COMMERCIAL DEVELOPMENT USE PERMIT, SAN BENITO COUNTY, CA

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Betabel Commercial Development Conditional Use Permit project which proposes to establish a range of new commercial, lodging, and recreational uses on the site. Caltrans offers the following comments in response to the NOP:

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.
2. As a result of Senate Bill (SB) 743, Caltrans replaced vehicle level of service (LOS) with vehicle miles traveled (VMT) as the primary metric for identifying transportation impacts from local development. Additionally, the Caltrans Transportation Impact Study Guide (TISG) replaces the Guide for the Preparation of Traffic Impact Studies (Caltrans, 2002) and is for use with local

land use projects. The focus now is on how projects are expected to influence the overall amount of automobile use instead of traffic congestion as a significant impact.

3. Employing VMT as the metric of transportation impact Statewide will help to promote greenhouse gas (GHG) emission reductions consistent with SB 375 and can be achieved through influencing on-the-ground development. Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting Sustainable Community Strategies developed under SB 375. In addition to any site-specific access or safety concerns with the project, it is likely that the Caltrans correspondence will focus attention on meeting overall VMT reducing goals.
4. Caltrans encourages the applicant to look into installing electric vehicle (EV) charging stations at the project location. EV charging stations can help assist in SB 743's goal of reducing GHG emissions by providing a sustainable transportation option through electric vehicles. Many local and statewide programs offer grants and incentives for EV charging stations. For more information, please contact the Monterey Bay Air Resources District.
5. As part of the VMT reduction strategies to mitigate the project's impact, Caltrans recommends the applicant consider developing a mobility hub facility combining services, amenities, and technologies that work together and make it easier for people to connect with transit and other mobility options. Much more than a park and ride lot, mobility hubs use transit, pedestrian, bicycle, motorized services, and support services as alternatives to single occupancy vehicle trips.
6. All future work in, on, under, over, or affecting State highway right-of-way is subject to a Caltrans encroachment permit. Depending on the complexity of the project improvements requiring an encroachment permit, Caltrans oversight may be the more appropriate avenue for project review and approval by Caltrans. The District Permit Engineer has been granted authority by Caltrans to make this decision. Please consult with the District Permit Engineer to determine the most appropriate Caltrans project permitting system. For more information regarding the encroachment permit process, please visit

Abraham Prado
May 20, 2022
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our Encroachment Permit Website at: <https://dot.ca.gov/caltrans-near-me/district-5/district-5-programs/d5-encroachment-permits>.

7. Since the project will be increasing impervious surface, Caltrans would like to review the drainage plans and reports, when they are available, to confirm that they include the necessary components to mitigate any increased runoff to State right-of-way. A condition of the development to have this review and concurrence with Caltrans prior to entitlement is requested.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or christopher.bjornstad@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Chris Bjornstad". The signature is written in a cursive, flowing style.

Chris Bjornstad
Associate Transportation Planner
District 5 Development Review

