

SAN BENITO COUNTY CLERK - RECORDER
RECEIVED: 12/13/2018
REMOVE: 2/11/19 SCAN: 12/13

FILED
IN SAN BENITO COUNTY

DEC 13 2018

CARLOS GODINEZ
JOE PAUL GONZALEZ, COUNTY CLERK
BY: [Signature]
DEPUTY CLERK

Notice of Exemption

To: ✓ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Rm 222
Sacramento, CA 95812-3044

✓ County Clerk
San Benito County
440 5th Street
Hollister, CA 95023

From: Planning Department
City of San Juan Bautista
P.O. Box 1420
San Juan Bautista, CA 95045

Project Title: General Plan Amendment for Franklin Street

Project Location - Specific:

- 11 Franklin Street – APN 002-340-006 and 002-340-007
- 17 Franklin Street – APN 002-340-003
- 10 Franklin Street – APN 002-490-002

Project Location – City: San Juan Bautista

Project Location – County: San Benito

Description of Project: The General Plan Amendment conforms to the San Juan Bautista General Plan Land Use Diagram, adopted in 1998 showing those parcels designated as Mixed-Use (MU). The General Plan was updated in 2016. Those parcels became designated as Public Facility (PF). The purpose of this General Plan Amendment is to make a correction to the General Plan Designations on those parcels because it was identified that error took place. The error took place when the San Juan Bautista General Plan was updated and adopted in 2016. When the General Plan was updated, the above referenced parcels were amended to PF from MU. It is staff's determination that MU would be a better General Plan Designation for this area of the City.

Name of Public Agency Approving Project: San Juan Bautista City Council

Name of Person or Agency Carrying Out Project: City of San Juan Bautista

Exempt Status: *(check one)*

- o Ministerial (Sec. 21080(b)(1); 15268);
- o Declared Emergency (Sec. 21080(b)(3); 15269(a));
- o Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ✓ Categorical Exemption. State type and section number:
- o Statutory Exemptions. State code number:

Reasons why project is exempt: this zoning map amendment is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines 15378, 15061(b)(3), 15183, 15300.2, and Public Resources Code section 21083.3(e) for the following reasons:

1. Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that this General Plan Amendment may have a significant effect upon the environment.
2. Under CEQA Guidelines Section 15378, the proposed General Plan Amendment is considered a project under CEQA per Section 15378(a)(1) because the amendment has the potential of allowing development that has the potential of creating a significant impact on the environment. The parcels affected by this General Plan Amendment already have development onsite and are built out. Furthermore, they are all listed in the City's Inventory of Historic Resources. Therefore, any future physical alterations on those properties will require historic review and CEQA review.

3. Located at 10 Franklin Street, there was approval for a large Multi-Family Residential Building by Permit #2017149. It was approved and signed off by City Staff in June of 2015. At that time, the site was still zoned MU and prior to the General Plan Update in 2016 per staff findings. There are two existing cottages onsite that are indicated in the City's Inventory of Historic Properties. This General Plan Amendment is changing the General Plan Designation from PF to MU. This means any further development will require a Zone Change to the property. Further CEQA, Historic, and Archeological review may be required as well.

4. Any potential indirect secondary impacts of the proposed zoning map/general plan amendment on the physical environment are speculative and are not reasonably foreseeable, and are, therefore, not subject to review under CEQA.

5. Under CEQA Guidelines Section 15300.2, there is no finding that significant impact on the environment is identified. There is no cumulative impact on the environment identified as well. No new construction or development is proposed as part of this General Plan Amendment. This amendment is only a correction and states a General Plan Designation, which means future development to take place over time. There are no hazardous waste sites or scenic highways identified in the immediate area. There is no adverse impact on any historic resources with this General Plan amendment. At 11 Franklin Street, there is reconstruction of an accessory building to be rebuilt in its original footprint and using original material and design. No other historic resources are intended to be impacted in any way with this General Plan Amendment.

6. There is no substantiated opinion or reasonable argument to determine that the General Plan Amendment will cause impacts that are subject to review under CEQA.

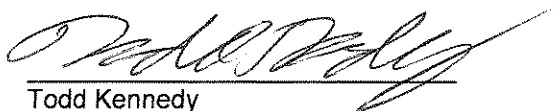
7. There are no unusual circumstances that would necessitate CEQA review.

8. Under CEQA Guidelines Section 15183 and Public Resources Code section 21083.3(e), the proposed regulations are consistent with the San Juan Bautista General Plan.

Lead Agency: City of San Juan Bautista
Contact Person: Todd Kennedy, Associate Planner
Area Code/Telephone/Extension: 831-623-4661

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
 Yes No



Todd Kennedy
Associate Planner

12-13-18
Date

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR:



State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER: 35-20181213-035
STATE CLEARING HOUSE # (If applicable)

LEAD AGENCY City of San Juan Bautista Planning Department	LEAD AGENCY EMAIL	DATE 12/13/2018
COUNTY/STATE AGENCY OF FILING San Benito	DOCUMENT NUMBER 18-035	
PROJECT TITLE General Plan Amendment for Franklin Street		
PROJECT APPLICANT NAME Todd Kennedy	PROJECT APPLICANT EMAIL	PHONE NUMBER () -
PROJECT APPLICANT ADDRESS PO Box 1420	CITY SAN JUAN BAUTISTA	STATE CA
		ZIP CODE 95045

PROJECT APPLICANT (Check appropriate box):

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|--------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,168.00 | \$ | \$0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,280.75 | \$ | \$0.00 |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | | \$ | \$0.00 |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |

- | | | | |
|---|---------|----|---------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board) only | | \$ | \$0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | \$50.00 | \$ | \$50.00 |
| <input type="checkbox"/> Other _____ | | \$ | \$0.00 |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other _____
 Total Received \$ _____ \$50.00

SIGNATURE <i>X Juan C Godinez</i>	PRINTED NAME AND TITLE Carlos Godinez - Deputy County Clerk
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State of California - Department of Fish and Wildlife

2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
 - Issue cash receipt to project applicant.
 - Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- If the project applicant presents a **No Effect Determination** signed by CDFW, also:
- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31);
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts);
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment;
- ✓ A copy of all NODs filed with the county during the preceding month; and
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies save a local copy of this form. CDFW recommends that counties track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
Accounting Services Branch
1416 9th Street, 12th Floor, Suite 1215
Sacramento, California 95814