



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Dom Zanger  
District No. 1

Kollin Kosmicki  
District No. 2

Mindy Sotelo  
District No. 3  
Vice-Chair

Angela Curro  
District No. 4  
Chair

Bea Gonzales  
District No. 5

**Item Number: 1.18**

**MEETING DATE:** 11/26/2024

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Arielle Goodspeed

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, PLANNING AND BUILDING DIRECTOR**

Adopt Resolution to approve the Lee Subdivision Project appeal, and overturn the findings of the Planning Commission based on findings to be specified by the Board of Supervisors, with supporting evidence in the record.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2024-146

ORDINANCE NO.: 1072

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

Following the denial from the Board of Supervisors on February 7, 2023, the applicant revised the EIR and parts of the project description to address findings in the denial. The following is a summary of those changes.

Project or Environmental Feature	Draft EIR (August 2022)	Recirculated Draft EIR (May 2024)	Notes
Number of Affordable Housing Units	21 units	30 units	Change proposed by Applicant.
Project Site Acreage	27.45 acres	27.45 acres	No change.

CEQA Study Area	27.45 acres	33.4 acres	The County provided direction to include the 3.15-acre slope easement and 2.8-acre natural drainage easement as part of the project site described in the EIR.
Residential Lot Acreage	16.98 acres	16.43 acres	Change proposed by Design Team.
Accessory Dwelling Units	25 ADUs	30 ADUs	Change proposed by Applicant.
Public Park/Public Open Space	1.90 acres	2.13 acres	Change proposed by Design Team (additional space on Parcels E and F). Potential for tot lot on Parcels E and/or F.
Net Residential Density	8.30 dwelling units/acre	8.58 dwelling units/acre	Number of lots (141) divided by residential lot acreage only.
Gross Residential Density	5.14 dwelling units/acre	5.14 dwelling units/acre	Number of lots (141) divided by project site acreage.
Street B	33 feet (nearest lot to nearest vine)	95 feet (nearest lot to nearest vine). Homes would be located at least 103 feet from the vines when building setbacks are applied.	Moved south to increase setback from Leal Vineyards.
Stormwater Basin	Sized to retain the 95 <sup>th</sup> percentile storm event. The underground chamber capacity is sufficient to detain runoff from a 500-year storm	Sized to retain the 95 <sup>th</sup> percentile storm event. The underground chamber capacity is sufficient to detain runoff from a 500-year storm	No change (clarification requested by County decision-makers).

Wastewater Agreement Between SSCWD and City of Hollister	N/A	Added information about the wastewater agreement approved by SSCWD on October 17, 2023, and by City of Hollister on November 6, 2023, to provide service for multiple developments, including for the Project	
Wastewater Treatment Options	<p>Presented two options for wastewater treatment.</p> <p>Option #1: SSCWD would be responsible for conveying and treating wastewater generated by the project under this option.</p> <p>Option #2: SSCWD would contract with the City of Hollister for the conveyance and treatment of project generated wastewater under this option.</p>	Presented one option for wastewater treatment, the option previously known as Option #2.	
Impact NOI-1	<p>Significant and Unavoidable Construction Noise Impact</p> <p>Mitigation Measure NOI-1: Construction Noise Reductions</p>	<p>Less than Significant Construction Noise Impact</p> <p>No Mitigation Measure</p>	This impact was associated with Wastewater Option #1. Because this Option was removed in the Recirculated Draft EIR, this impact was eliminated.
Impact TRA-2	<p>Significant and Unavoidable VMT Impact</p> <p>Mitigation Measure TRA-2: VMT Reduction Strategies</p>	<p>Less than Significant VMT Impact</p> <p>No Mitigation Measure</p>	A new Appendix was added to the Recirculated Draft EIR, Appendix I, <i>Additional VMT Analysis</i> , which explains why impacts were found to be less than significant with the project changes.

On September 11, 2024 and then continued to October 23, 2024 the San Benito County Planning Commission conducted a public hearing on the Lee residential subdivision project, PLN20051. At the conclusion of the hearing the Planning Commission voted 3-2 to deny the project. The applicant appealed.

The project site is approximately 27.45-acre site contains formerly dry-farmed grassland, an existing roadway, and one existing single-family residence. The site is bordered by rural single-family residences to the north and west, and agricultural/open space to the east. The site is designated Residential Mixed (RM) under the 2035 General Plan and is zoned Rural (R). The project would involve the demolition of the existing on-site residence (constructed in the late 1980s), subdivision with subsequent development of 141 residential lots, a public park and open space, utilities infrastructure, internal public streets, and improvements to Old Ranch Road. The project includes 121 single-family detached units and 20 attached duet units. A total of 30 ADUs would be included in the project sharing lots with the other residences and will be deed-restricted as affordable to low-income households, or one of the two other affordable options presented to the Planning Commission, and the applicant will enter into an affordable housing agreement with the County. The project would require a zone change to Residential Multiple (RM) combined with a Planned Unit Development (PUD) overlay zone to expand the flexibility allowed in the development standards. Sunnyslope County Water District (SSCWD) would provide water service to the project, and SSCWD and City of Hollister executed a wastewater agreement on November 6, 2023, to serve this project.

The Draft EIR and Final EIR can be found on the County website at:  
[<https://www.sanbenitocountyca.gov/departments/resource-management-agency/planning-and-land-use-division/lands-of-lee-subdivision-file-no-pln20051/-fsiteid-1#!/>]

On November 12, 2024 the Board of Supervisors granted the appeal and approved the project with option one Affordable Housing Plan and directed staff to return to the board on November 26, 2024 with a resolution to adopt the appropriate findings. (3/2 vote, No votes - Kosmicki and Zanger)

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

Yes

**CONTRACT NEEDED FOR THIS ITEM:**

No

**RFP AND BID HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

**CONTRACT HISTORY (Describe all amendments and previous contracts):**

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff respectively recommends the Board of Supervisors:

Adopt a resolution (Draft Resolution Attachment H) to:

- 1) Certify the Final Environmental Impact Report;
- 2) Adopt the Mitigation Monitoring & Reporting Program;
- 3) Approve the Vesting Tentative Subdivision Map subject to specified conditions of approval with findings required by the Subdivision Map Act and the San Benito County Code, including waiving the Park Impact Fees as the project will build out the 2.13-acre parks and 0.50-acre open space;
- 4) Adopt Ordinance No. , for a zone change of the property to Residential Mixed (RM) and Planned Unit Development (PUD combining district (RM/PUD);
- 5) Approve the Affordable Housing Plan for the Lee Subdivision Project and direct staff to bring revised agreement with a date certain.

**ATTACHMENTS:**

Staff Report - Lee Subdivision  
Attachment A Vesting Tentative Map  
Attachment B PUD Application  
Attachment C Lee Subdivision NOP  
Attachment D Lee Subdivision Project Recirculated Draft EIR with Appendices  
Attachment E Lee Subdivision Final Recirculated EIR  
Attachment F: Planning Commission Denial Resolution 2024-19  
Attachment G: Appeal - Planning Commission PLN200051 - Lee, William  
Attachment H Board Resolution  
Exhibit A MMRP  
Exhibit B Conditions of Approval of Vesting Tentative Map  
Exhibit C PUD Zone Change Ordinance  
Bill Lee - Exhibit D Affordable Housing Agreement  
Attachment I Comments 1-34  
Attachment J: Free Lance