



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Betsy Dirks
District No. 1

Kollin Kosmicki
District No. 2
Vice Chair

Peter Hernandez
District No. 3
Chair

Bob Tiffany
District No. 4

Bea Gonzales
District No. 5

Item Number: 2.1

MEETING DATE: 12/13/2022

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

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

(To Be Heard at 9:00 a.m. or soon thereafter as the matter may be heard)

Conduct a public hearing on the appeal of the denial by the San Benito County Planning Commission to certify the Final Environmental Impact Report, adopt a Mitigation Monitoring & Reporting Program and Statement of Overriding Considerations to approve a Tentative Subdivision Map and recommend approval of a zone change to Residential Mixed (RM) and Planned Unit Development (PUD combining district (RM/PUD), and an Affordable Housing Agreement for the Lee Subdivision Project County file number PLN200051.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2022-148

ORDINANCE NO.: 1051

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

On November 16, 2022 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 3-1 (with Commissioner Scagliotti absent) to deny the project. The applicant appealed.

The project site is approximately 27.45 acres and encompasses most of Assessor's Parcel Number (APN) 025-320-004, excluding the northeastern corner of the parcel. The site contains a raised knoll in the central portion of the site, with elevations gradually decreasing in all directions from the knoll. The site is currently developed with a one-story residence and a barn, which cover an area of approximately

9,950 feet. The remainder of the site is farmed with oat hay. Old Ranch Road is a paved two-lane private road that provides access to adjacent rural residences and terminates at the existing residence in the project site. The proposed project would result in the demolition of the existing on-site residence, barn, septic system, and leach field, to allow for the subdivision of 141 residential lots. These lots would be developed with 121 one- and two-story single-family detached units and 20 single-family duet units. A total of 15 percent of the residences (21 units) would be designated as affordable housing, per an affordable housing agreement between the applicant and the County. It is anticipated that 25 accessory dwelling units (ADU) would also be built by developer; however, 103 of the proposed lots could accommodate a site plan that includes an ADU as an optional feature aboe the 25 that will be built by the developer. The project includes public land dedications for street rights-of-way (ROW) and a public park. Construction of internal streets and the proposed park would be undertaken by the project applicant, with the County of San Benito responsible for maintenance of these features through a community facilities district (CFD).

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

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

CONTRACT AND RFP HISTORY:

N/A

LAST CONTRACT AMOUNT OR N/A:

N/A

STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:

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 recommends the Board of Supervisors:

1. Conduct a public hearing on the appeal:
 - a. Receive staff report;
 - b. Hear applicant/appellant presentation and argument in support of appeal;
 - c. Receive public comment;
 - d. Deliberate.
2. Adopt a resolution to either:
 - a. deny the appeal and sustain the findings of the Planning Commission based on findings to be specified by the Board of Supervisors, with supporting evidence in the record; or,
 - b. grant the appeal and adopt a resolution to:
 - 1) certify the Final Environmental Impact Report;
 - 2) adopt the Mitigation Monitoring & Reporting Program;
 - 3) adopt a Statement of Overriding Considerations;
 - 4) 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;
 - c. if b, then adopt Ordinance No. _____, for a zone change of the property to Residential Mixed (RM) and Planned Unit Development (PUD combining district (RM/PUD);

d. if b, then approve the Affordable Housing Agreement for the Lee Subdivision Project.

In approving the project, the Board of Supervisors may vary the conditions of approval if the Board finds that it is in the public interest to protect the public health and safety to do so, however depending on the changes staff may need the hearing to be continued for appropriate changes to the text of the resolutions and ordinances involved to be resolved.

Adopt the zone change and PUD combining ordinance and approve the affordable housing agreement for the Lee Subdivision Project.

ATTACHMENTS:

Staff Report

Attachment A Vesting Tentative Map

Attachment B PUD Exhibit

Attachment C Notice of Preparation

Attachment D Part 1: Lee Subdivision Project DEIR and Appendices

Attachment D Part 2: Lee Subdivision Project Final EIR

Attachment E RESbos 2022-nnn pln220054 220510 BoS appeal PLN210051 approve
TSMZCPUD draft

Exhibit A Resolution Findings

Exhibit B CEQA Findings

Exhibit C MMRP

Exhibit D Conditions of Approval

Exhibit E Zone Change Ordinance

Exhibit F Affordable Housing Agreement

Attachment F Draft Planning Commission Minutes

Attachment G Appeal Application

Attachment H Comment Letter

Attachment H Comment Letter

Attachment H Comment Letter

Freelance Publication Notice 1 of 2

Freelance Publication Notice 2 of 2

Presentation Lee Subdivision