



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1

Kollin Kosmicki
District No. 2

Mindy Sotelo
District No. 3
Chair

Angela Curro
District No. 4
Vice-Chair

Bea Gonzales
District No. 5

Item Number: 4.1

MEETING DATE: 02/07/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

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

(To Be Heard at 1:30 p.m. or soon thereafter as the matter may be heard)

The continued public hearing from December 13, 2022 and January 17, 2023 on the appeal of the denial by the San Benito County Planning Commission for the Lee Subdivision Project County file number PLN200051 to be continued to a date certain of February 7, 2023.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2023-01

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 Board of Supervisors heard the item on December 13, 2022, opened a duly noticed public hearing regarding the appeal of the Planning Commission decision of November 16, 2022, and at the hearing the Board heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given an opportunity to hear and be heard with respect to any matter related to the appeal. At the conclusion of the public testimony, the Board of Supervisors voted to continue its public hearing to January 17, 2022, for deliberation and consideration of the merits of the appeal with directions to revise the Affordable Housing Agreement to provide for ten percent (10%) moderate and five percent (5%) low income deed restricted units, and to eliminate wastewater treatment Option 1, and only allow Option two as outlined in the EIR with an agreement between the Sunnyslope County Water District and the City of

Hollister wastewater treatment plant, and to bring back revised statement of overriding considerations. On January 17, 2023 the Board of Supervisors voted to continue to a date certain of February 7, 2023.

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 and 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

Yes

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 (Draft Resolution for Denial Attachment G); or,
 - b. grant the appeal and adopt a resolution (Draft Resolution Attachment E) 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. 1051, 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 Plan for the Lee Subdivision Project and direct staff to bring revised agreement with a date certain.

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.

BOARD ACTION RESULTS:

Denied appeal and sustain findings of the Planning Commission. (3/2 Vote, Sotelo - No, Gonzales - No)

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 Resolution 2023- PLN220054 appeal PLN210051 approve TSMZCPUD](#)
[Exhibit A Resolution Findings](#)
[Exhibit B CEQA Findings](#)
[Exhibit C MMRP](#)
[Exhibit D Conditions of Approval](#)
[Attachment E Resolution_No._2023-
_____approving_Affordable_Housing_Agreement_20230207.docx](#)
[Attachment F Zoning Map Amendment Ordinance No. _____](#)
[Attachment G - RESbos_2023-___BoS_deny appeal_PLN210051__draft 1-30-23.doc](#)
[Attachment H November 16, 2022 Adopted Planning Commission Minutes](#)
[Attachment H December 13, 2022 Adopted Board of Supervisors Meeting Minutes](#)
[Attachment I Appeal Application](#)
[Attachment J Comment Letter received for 12/13/22 Board of Supervisors Meeting](#)
[Attachment J Comment Letter received for 11/16/22 Planning Commission Meeting](#)
[Attachment J Comment Letter received for 11/16/22 Planning Commission Meeting](#)
[Attachment K Freelance Publication Notice 1 of 2](#)
[Attachment K Freelance Publication Notice 2 of 2](#)
[Attachment L Staff PPT Presentation](#)
[Attachment N Bill Lee - Affordable Options \(1.4.23\) \(JM-MD edits\).pdf](#)
[Bill Lee - BOS PowerPoint Draft 2023-02-03](#)