



**Website:**

[www.sanbenitocountyca.gov](http://www.sanbenitocountyca.gov)

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- DISTRICT 4 - Angela Curro
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Esperanza Colio Warren

COUNTY COUNSEL:  
Gregory Priamos

CLERK OF THE BOARD:  
Vanessa Delgado

**Agenda Item**  
**Regular Meeting of the**  
**Board of Supervisors**  
**Tuesday, December 16, 2025**

**Item Number: 2.2**

**MEETING DATE:** 12/16/2025

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Abraham Prado

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY/PLANNING AND BUILDING - A. PRADO**

(To Be Heard at 9:30 a.m. or soon thereafter as the matter may be heard)

1. Receive presentation regarding ordinance to amend the County’s Code Title 23 (Subdivisions) and Title 25 (Zoning) of the County Code of Ordinances, to establish the Residential High Zone and Amend the Zoning Designation of the twelve parcels identified to be rezoned in the 2023 – 2031 Housing Element, along with an Initial Study and Mitigated Negative Declaration Under the California Environmental Quality Act (“CEQA”); and
2. Introduce and Waive the first reading of “An Ordinance of the Board of Supervisors of the County of San Benito, California, Approving Zoning Text Amendment, Adopting Amendments to Title 23 (Subdivisions) and Title 25 (Zoning) of the County Code of Ordinances, to Establish the Residential High Zone and Amend the Zoning Designation of Twelve Parcels Identified to be Rezoned in the 2023 – 2031 Housing Element, Along with an Initial Study and Mitigated Negative Declaration Under the California Environmental Quality Act (“CEQA”); and
3. Continue Ordinance to be adopted during its second reading on Consent Agenda on January 13, 2026; and
4. Direct staff to return on January 13, 2026, with the Resolution adopting the corresponding General Plan Amendment and associated CEQA documentation for Board consideration concurrent with the ordinance’s second reading.

SBC FILE NUMBER: 790

ORDINANCE NO.: 1091

RESOLUTION NO.: 2025-120

**AGENDA SECTION:**

PUBLIC HEARING

**BACKGROUND/SUMMARY:**

On May 20, 2025, at a regular meeting of the San Benito County Board of Supervisors, the Board of Supervisors unanimously approved Resolution No. 2025-27 adopting a General Plan Amendment for the 2023–2031 Housing Element 6th Cycle Update and Resolution No. 2025-28 to initiate a General Plan Amendment process to modify the densities of twelve parcels pursuant to Program 3 - 2 of the 2023 - 2031 Housing Element 6th Cycle Update, as required by the California Department of Housing and Community Development (HCD). This action was in direct response to HCD's letter to the County of San Benito dated April 1, 2025. Please see attached "HCD Letter to San Benito County April 1, 2025." Per HCD, the housing element meets the statutory requirements, however, the housing element cannot be found in substantial compliance until the County has completed Program 3-2 (Residential High Rezone and General Plan Amendment) to rezone sites to accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Government Code section 65583.2, subdivision (h) and (i).

Following the Board's approval of Resolution No. 2025-27 and 2025-28 on May 20, 2025, County staff, in coordination with Kimley-Horn, initiated the preparation of the environmental review in accordance with the California Environmental Quality Act (CEQA). The environmental document was completed in September and released for a 30-day public review period, which concluded in October. Upon the close of the public review period, a Planning Commission hearing was scheduled to consider the proposed rezones and to transmit a recommendation to the Board.

At its regular meeting on November 19, 2025, the San Benito County Planning Commission voted to recommend that the Board of Supervisors deny the proposed rezoning of 12 parcels included in the 2023 - 2031 Housing Element 6th Cycle Update. The planning commission's finding for denial was based on the determination that the County should have provided the property owners with advance notice of the zone change. The County complied fully with all noticing requirements. Pursuant to California Government Code Section 65854(b)(2), a legal notice of the proposed zoning amendments and the Planning Commission's intended recommendation to the Board of Supervisors was published in the *Hollister Free Lance* on October 31, 2025. In addition, mailed notice was provided to the owners of the 12 candidate parcel sites, as well as to all owners of properties within a 300-foot radius, at least 20 days prior to the Planning Commission public hearing, with all notices mailed by October 31, 2025.

The letter from HCD to the County of San Benito dated April 1, 2025, also indicates that several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the Caltrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation (PLHA) consider housing element compliance and/or annual reporting requirements for funding eligibility pursuant to Government Code section 65400. With a compliant housing element, the County will meet housing element requirements for these and other funding sources. A locally adopted Housing Element is essential for San Benito County because, without it, the County is ineligible for critical state funding that directly supports local housing, homelessness, and community development needs. HCD requires a certified Housing Element for access to major grant programs, including the Community Development Block Grant (CDBG), HOME, the Homeless Housing Assistance and Prevention (HAAP), and the Permanent Local Housing Allocation (PLHA), as well as other competitive funding opportunities.

In addition, there are several potential consequences of being sued or incurring fines without a certified Housing Element. In a letter provided to the County of San Benito from HCD dated September 9, 2025, it states that "jurisdictions that do not have a compliant Housing Element may face additional legal

ramifications, including referrals of the County to the Attorney General's Office for its violations of State law...Government Code Section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month, up to \$100,000 per month for jurisdictions that fail to comply with a court order to bring its Housing Element into compliance. If a jurisdiction remains noncompliant, a court may multiply those penalties by a factor of three and then six, depending on the duration of the continued non-compliance...Jurisdictions are subject to additional fines of \$10,000 and \$50,000 per month for each violation, accrued from the date of the violation until the date the violation is cured, including investigation costs, expert fees, attorney's fees, costs, and any other relief the court deems appropriate." Please see attached "HCD Letter to San Benito County September 9, 2025 RE Failure to Adopt a Compliant 6th Cycle Housing Element."

The California Department of Housing and Community Development ("HCD") issued findings that the County's 2023-2031 Housing Element met statutory requirements and would substantially comply with State Housing Element Law (Government Code Section 65580 et seq.) subject to the adoption of the Housing Element and approval of necessary zoning amendments. The County of San Benito Board of Supervisors adopted the 2023-2031 Housing Element Update on May 20th, 2025, and is now required to implement Program 3-2 (residential High Rezone and General Plan Amendment) of Chapter 6: Policy Plan of the Housing Element to achieve substantial compliance (certification).

As part of the 6th Cycle Housing Element Update process, the County has conducted extensive public outreach activities beginning in September 2022, including a series of community workshops, planning commission meetings, Board of Supervisors meetings, and joint Planning Commission and Board of Supervisors meetings. Throughout this process, notifications were distributed widely through emails, social media, the County website, along with English-Spanish flyers placed at libraries, community events, local stores, restaurants, and grocery stores. All events were also posted on the project website. A comprehensive summary of this outreach is provided in Appendix C of the approved 2023-2031 Housing Element.

This project implements Program 3-2 (Residential High Rezone and General Plan Amendment) of Chapter 6: Policy Plan of the Housing Element which is an update to the County of San Benito's General Plan Land Use Element, Land Use Element Map, Code of Ordinances Titles 23 (Subdivisions) and 25 (Zoning), and Zoning Map. The inventory of sites for regional housing needs portion of the Housing Element focuses on those opportunities available for the County to accommodate and facilitate State law. A highly important component is the sites inventory in Appendix B: Candidate Housing Sites Analysis, which examines locations available to support new housing for persons on all income categories.

The table below shows the unincorporated County of San Benito's fair-share contribution.

Income Group	% of County Area Median Income	Total Housing Units allocated	Percentage of units
Extremely Low/Very Low	0-50%	246	32.7%
Low	51-80%	198	26.2%
Moderate	81-120%	103	13.6%
Above Moderate	120% and above	207	27.5%
Total	754		

The analysis concludes that after accounting for units constructed in the 6th Cycle projection period, projects currently in the pipeline, and projected ADU construction, the County has a remaining unmet RHNA of 168 lower-income units. To accommodate the shortfall or any potential unmet need, the County

has identified a total of 12 parcels to be rezoned. Rezone sites include 12 parcels (2,044 total units) located in the unincorporated County area along Hollister's city boundaries. The methodology used by County staff for these estimations is provided in greater detail in draft Housing Element's Appendix B: Candidate Housing Sites Analysis. The amount of units that can be provided by these potential housing sites is approximate only and based on density and development standards for the rezone of Residential Multiple zone to 20-45 du/acre; actual housing unit numbers may vary depending on each project proposal. APN's of the 12 sites include: 020-170-037, 020-170-038, 020-170-039, 020-040-059, 020-280-007, 019-140-008, 019-230-032, 020-170-025, 020-080-022, 020-040-036, 020-060-014, 025-350-067.

The following actions will take place as part of Housing Element Program 3-2 (Residential High Rezone and General Plan Amendment):

**General Plan text and map amendments** for implementation of the 6th Cycle Housing Element Program 3-2 (Residential High Rezone and General Plan Amendment). Program 3-2 includes amending text within the General Plan Land Use Element to include a new Residential High (RH) land use district permitting residential density of 20 to 45 dwelling units per acre (du/ac) and amending mapping in the Land Use Element to include 12 candidate parcel sites within the RH land use district.

**Zoning text amendments** to San Benito County Code Title 25 (Zoning) Chapters 25.03 (Zoning Map and Zoning Districts), 25.05 (Planned Unit Development), 25.07 (General Development and Design Standards), and 25.08 (Standards for Specific Uses) to include a new Residential High (RH) zoning district permitting residential density of 20 to 45 du/ac. The provisions of Title 25 provide for the division of the county into districts, within each of which the uses of land and buildings and the height and bulk of buildings and the open spaces about them are regulated as specified.

**Zoning map amendments** to rezone the said 12 candidate housing sites from Rural Residential (RR) and Agricultural Productive (AP) to the new proposed Residential High (RH) zoning district. This proposed rezoning would increase allowable residential densities and establish new development standards to increase housing opportunities in the County and improve the County's ability to achieve its Regional Housing Needs Allocation (RHNA).

**Subdivision code amendments** to San Benito County Code Title 23 (Subdivision) Chapters 23.27 (Fire Design Standards) and 23.31 (Improvement Designs). The provisions of Title 23 implement and supplement provisions of the Subdivision Map Act and are intended to regulate and control the design and improvement of subdivisions, the form and content of all required maps, and the procedures to be followed in securing the official approval of the county regarding the maps.

For more background and summary information please refer to the Staff Report dated November 19th, 2025 attached to this packet as well as the entirety of the General Plan Amendment (REF250001) 2023-2031 Housing Element 6th Cycle update and (REF250003) Program 3-2 Residential High Rezone and General Plan Amendment in Current Major Planning Projects and Notices page of the County Website <https://www.sanbenitocountyca.gov/departments/resource-management-agency/planning-and-land-use-division/current-major-planning-projects> and in the Accela Citizens Portal: <https://aca-prod.accela.com/SANBENITO/Default.asp>

Additional links provided in attachments:

**HCD Statutory Compliance Letter Dated April 1, 2025:**

<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14306/638858601723300000>

**Adopted 2023-2031 Housing Element 6th Cycle:**

<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14304/638858592378200000>

**Notice of Intent to adopt a Mitigated Negative Declaration for the Housing Element Implementation Project:**

<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14826/638975182063396896>

**Final IS/MND:**

<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14907/638985493041034156>

**Errata to IS/MND:**

<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14905/638985493031481186>

**Public Comments to IS/MND:**

1. San Benito High School District dated October 10, 2025:  
<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14824/638975173167303703>
2. Monterey Bay Economic Partnership dated October 13, 2025:  
<https://www.sanbenitocountyca.gov/home/showpublisheddocument/14822/638975172995954569>

**FISCAL IMPACT:**

On May 23rd, 2023, Kimley-Horn and Associates was awarded the contract to develop the County's 2023-2031 Housing Element 6th Cycle update and the state mandated Safety Element as triggered by the Housing Element update in the amount of \$334,989.00 for the term of May 23, 2023 to June 30, 2024 after Kimley-Horn & Associates were selected by staff as the least cost of three qualified consulting firms that submitted proposals, and partly on the basis that it will also be consulting with the City of Hollister for the preparation of its 6th Cycle Housing Element Update.

On May 28, 2024, Contract Amendment No. 1 was approved for a two year extension with Kimley-Horn and Associates. The contract term was extended to June 30, 2026.

On June 10, 2025 Amendment No. 2 was approved for a one-year extension through June 30, 2027, and an increase in budget not to exceed \$510,649.00, in order to continue progress with certification of the 2023-2031 Housing Element 6th Cycle Update, to conduct zoning code amendments, Land Use Element Amendment for Housing Element Program 3-2, CEQA Initial Study and Monitoring Program, and the Safety Element General Plan Amendment.

**STAFF RECOMMENDATION:**

Staff recommends the Board of Supervisors:

1. Receive presentation regarding ordinance to amend the County's Code Title 23 (Subdivisions) and Title 25 (Zoning) of the County Code of Ordinances, to establish the Residential High Zone and Amend the Zoning Designation of the twelve parcels identified to be rezoned in the 2023 – 2031 Housing Element, along with an Initial Study and Mitigated Negative Declaration Under the California Environmental Quality Act ("CEQA"); and
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**ATTACHMENTS:**

Agenda Fact Sheet - Housing Element Rezones  
Housing Element Rezones BOS Hearing 12.16.2025 Power Point  
Staff Report 11-19-2025 FINAL (With PC Public Comments)  
Ordinance - Title23 & 25 Code Amendments (Adoption)  
Resolution - General Plan Land Use Amendment for January 13, 2026  
Resolution - General Plan Land Use Amendment (Denial)  
SB Housing Element  
San Benito County HEU ISMND Responses to Comments Final  
11-19-2025 Planning Commission Resolution 2025-19 - Denial Housing Element REF250003  
Code Implementation  
11-19-2025 Planning Commission Resolution 2025-18 Denial Housing Element REF250003  
GPLU Implementation  
Free Lance 12-5-2025 Publication of 12-16-2025 Public Hearing Notice  
HCD Letter to San Benito County April 1, 2025  
HCD Letter to San Benito County September 9, 2025 RE Failure to Adopt a Compliant 6th  
Cycle Housing Element  
Fully Executed Resolution No. 2025-27 BOS May 20, 2025 for 2023-2031 Housing Element  
GPA  
Fully Executed Resolution No. 2025-28 BOS May 20, 2025 Initiate GPA Residential High  
Rezone