



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
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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: 3.2

MEETING DATE: 11/12/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

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

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

Conduct a public hearing on the appeal for the Lee Subdivision Project and adopt a resolution to 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.

SBC FILE NUMBER:

RESOLUTION NO.: 2024-138

AGENDA SECTION:

PUBLIC HEARING

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 th percentile storm event. The underground chamber capacity is sufficient to detain runoff from a 500-year storm	Sized to retain the 95 th 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	Presented two options for wastewater treatment. Option #1: SSCWD would be responsible for conveying and treating wastewater generated by the project under this option. Option #2: SSCWD would contract with the City of Hollister for the conveyance and treatment of project generated wastewater under this option.	Presented one option for wastewater treatment, the option previously known as Option #2.	
Impact NOI-1	Significant and Unavoidable Construction Noise Impact Mitigation Measure NOI-1: Construction Noise Reductions	Less than Significant Construction Noise Impact No Mitigation Measure	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	Significant and Unavoidable VMT Impact Mitigation Measure TRA-2: VMT Reduction Strategies	Less than Significant VMT Impact No Mitigation Measure	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#!/>]

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:

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. Staff further recommends the Board of Supervisors hear the matter, close the public hearing, determine whether to (a) grant the appeal and approve the project, or (b) deny the appeal, thus denying the project, and (regardless of determining whether to grant or deny the appeal) direct staff to return to the Board on November 26, 2024 with a resolution to adopt the appropriate findings.

ATTACHMENTS:

- [Lee Subdivision Presentation](#)
- [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.pdf
Attachment F 2024-10-23_RESpc_2024-19_PLN200051 Lands of Lee Denial
Attachment G: Appeal - Planning Commission PLN200051 - Lee, William
Attachment H: Board Resolution
Attachment I Comments 1-34
Attachment J: Free Lance